

Crown Law Department,
Perth, 25th January, 1965.

THE undermentioned regulations made under the provisions of the Health Act, 1911 and amended from time to time prior to 17th November, 1964, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

HEALTH ACT, 1911.

**HEALTH ACT (SEWERAGE, DRAINAGE AND
UNDERGROUND WATER SUPPLY)
REGULATIONS, 1959**

Published in the *Government Gazette* on the 15th September, 1959, and incorporating the amendments thereto published in the *Government Gazette* on the 21st December, 1959, the 25th November, 1960, the 16th November, 1961, the 31st August, 1962, the 8th November, 1962, the 20th March, 1963, the 7th November, 1963, and the 20th August, 1964; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954
by authority of the Minister for Justice, dated 25th January, 1965.

HEALTH ACT, 1911.

Regulations.

Amended by
G.G. 20/3/63,
p. 890.

1. These regulations may be cited as the Health Act (Sewerage,
Drainage and Underground Water Supply) Regulations, 1959.

2. These regulations apply and have effect in the districts
specified in Schedule "B" of these regulations.

Sub. by
G.G. 21/12/59,
p. 3442;

3. (1) in this regulation, except where this subregulation
provides otherwise—

G.G. 31/8/62,
p. 2404.

"fixtures" means all apparatus, together with their neces-
sary appurtenances, that may be attached to the
plumbing or drainage system of a property and are
intended for the collection or retention of any wastes
or waste waters for ultimate discharge into a drain or
sewer;

Amended by
G.G. 7/11/63,
p. 3412.

Amended by
G.G. 20/8/64,
p. 2938.

"fittings" means all pipes, meters or other apparatus used
for or in connection with the supply of water, and
all pipes, cisterns, traps, syphons, manholes, ventilators,
and all other apparatus connected with and requisite
to secure the safe and proper working of any sewer,
drain or water supply fixtures,

but neither of those terms includes a closet pan or flushing cistern
installed or used in the construction of a water closet that is or is
to be connected to an apparatus for the bacteriolytic treatment of
sewage, or an asbestos cement educt vent pipe that complies with
the provisions of regulation 10B of these regulations.

(2) A person shall not install or use in the construction of any
water supply, sewerage or drainage works, or any sanitary con-
veniences, any fixture or fitting unless that fixture or fitting—

(a) is

(i) of such standard; and

(ii) so installed with regard to the method of in-
stallation and quality of workmanship;

as to comply with the requirements of the Metropoli-
tan Water Supply, Sewerage and Drainage Act, 1909
(as amended), the Country Areas Water Supply Act
1947 (as amended) or the Country Towns Sewerage
Act, 1948 (as amended) and the by-laws made under
those Acts, or the requirements of these regulations;
and

(b) bears a mark indicating that it has been inspected
by a person authorised under one of those Acts or these
regulations, and passed as fit for use.

Added by
G.G. 31/8/62,
p. 2404.

3A. A person shall not install or use in the construction of
any water closet that is or is to be connected to an apparatus for
the bacteriolytic treatment of sewage any closet pan or flushing
cistern unless that pan or cistern—

(a) is of a type in respect of which a certificate of registra-
tion has been issued by the Commissioner under these
regulations and has been tested and branded as fit for
use in accordance with these regulations; or

(b) has been tested and branded as fit for use in accor-
dance with the provisions of the Metropolitan Water
Supply, Sewerage and Drainage Act, 1909 (as amended)
and the by-laws made thereunder or the Country
Towns Sewerage Act, 1948 (as amended) and the
by-laws made thereunder.

Amended by
G.G. 25/11/60,
p. 3820.

4. (1) No type of closet pan shall be considered by the Com-
missioner for registration unless—

(a) each pan is constructed of suitable non-absorbent
materials and is of good workmanship and free from
defects;

(b) each pan, when flushed, is completely washed over the
interior surface;

- (c) the water seal retained in each pan after each flushing is not less than one inch;
 - (d) each pan is branded with the volume of the flush by means of which it is designed to operate; and
 - (e) the volume of flush by means of which the pan is designed to operate is not more than eight pints.
- (2) No type of flushing cistern shall be considered by the Commissioner for registration unless—
- (a) at each operation of each cistern the volume of water flushed is not more than eight pints;
 - (b) each cistern is so constructed that when filled to operating capacity an air gap is left between the surface of the water and the outlet of the ball cock; and
 - (c) the volume of the water flushed by each operation of each cistern is painted or otherwise displayed by a durable medium on the exterior of the cistern.

Amended by
G.G. 31/8/62,
p. 2405.

5. (1) An application for a certificate of registration referred to in paragraph (a) of regulation 3A of these regulations must be made in writing and addressed to the Commissioner and must be accompanied—
- (a) by full scale drawings and specifications relating to the type of pan or cistern in question; and
 - (b) by a registration fee calculated at the rate of one pound for each type of pan or cistern in respect of which the certificate is sought.

(2) The Commissioner may require an applicant to furnish him with a specimen or working model of the type of pan or cistern in respect of which the certificate is sought and with such further particulars relating to that type as he may deem necessary.

(3) Upon receipt of the application the Commissioner shall cause to be examined and inspected the drawings and specifications and the specimen or model and the further particulars furnished, if any, and if he approves of the type, he shall cause the same to be registered and a certificate of registration in the form of Form No. 1 in Schedule "A" of these regulations to be issued to the applicant.

Amended by
G.G. 20/3/64,
p. 2938.

6. (1) Upon application to the Commissioner in the form of Form No. 2 in Schedule "A" by a person to have a closet pan or flushing cistern tested, the Commissioner shall cause the pan or cistern to be tested by an inspector who is, in the Commissioner's opinion, qualified to test such apparatus.

(2) If the closet pan or flushing cistern is found fit for use, the inspector shall affix a brand thereto consisting of the letters "DPH," which shall be one-quarter of an inch in height.

(3) Before a brand is affixed to any closet pan or flushing cistern, the applicant shall upon demand pay to the Commissioner a charge for the registration of the application calculated as follows:—

	s. d.
For each closet pan tested	2 0
For each asbestos cement educt vent pipe tested	1 0
For each flushing cistern tested	2 0
And for each application	10 0

7. [Deleted by G.G. 21/12/59, p. 3442.]

8. No person other than an inspector referred to in regulation 6 of these regulations shall affix a brand of such description as is referred to in that regulation or any mark resembling that brand to a closet pan or flushing cistern.

9. [Deleted by G.G. 21/12/59, p. 3442.]

Added by
G.G. 16/11/61,
p. 3193.

10. (1) Every apparatus for the bacteriolytic treatment of sewage, soak well, or leach drain shall be fitted with a cover made of concrete.

(2) A cover mentioned in subregulation (1) of this regulation shall be not less than two inches thick, and shall be reinforced in accordance with Standards Association of Australia Standard A 84 (1st Edition 1958), Table No. 2—No. 606 steel mesh.

(3) A person who manufactures for sale any article intended for use as a cover for an apparatus for the bacteriolytic treatment of sewage, soak well or leach drain shall, before the article is sold, mark the article with his name, or a distinguishing brand.

(4) A person shall not mark any article to which this regulation refers with a distinguishing brand, unless that brand shall first have been approved by, and recorded at the office of, the Commissioner.

Added by
G.G. 7/11/83,
p. 3412.

10A. (1) A person shall not install or use in connection with any bore-hole type privy any closet pan unless it is of a type in respect of which a certificate of registration has been issued by the Commissioner under this regulation.

(2) An application for a certificate of registration referred to in subregulation (1) of this regulation must be made to the Commissioner in writing and be accompanied by—

- (a) full scale plans and specifications of materials used in the construction of the closet pan the subject of the application; and
- (b) a registration fee of one pound for each type of closet pan in respect of which a certificate of registration is sought.

(3) Upon receipt of the application the Commissioner shall cause to be examined the plans and specifications submitted by the applicant and if he approves of the type shall cause the same to be registered and a certificate of registration in the form of Form No. 1 in Schedule "A" to these regulations to be issued to the applicant.

(4) The provisions of paragraphs (b), (c), (d) and (e) of subregulation (1) of regulation 4 of these regulations do not apply to a closet pan referred to in this regulation.

Added by
G.G. 20/8/64,
p. 2938.

10B. (1) A person shall not install or use in connection with any water supply, sewerage or drainage works any asbestos cement educt vent pipe unless of a type in respect of which a certificate of registration has been issued by the Commissioner under this regulation.

(2) An application for a certificate of registration referred to in subregulation (1) of this regulation shall be made to the Commissioner, in writing, and be accompanied by specifications as to materials of which the asbestos cement educt vent pipe is composed, the manner of its manufacture, and the method proposed to be adopted in the installation and fixing thereof.

(3) An application being made under this regulation and upon payment of the fees prescribed by these regulations, the Commissioner shall cause the asbestos cement educt vent pipe to be tested by an *inspector appointed by him for that purpose* and such inspector, if satisfied that the pipe is suitable for use in connection with any water supply, sewerage or drainage works and is in accordance with the specifications lodged with the application, may brand or mark the pipe with the letters D.P.H., and thereupon the Commissioner shall register the pipe subject to such conditions (if any) regarding the use thereof as he may consider advisable to impose and cause a certificate of registration to be issued to the applicant endorsed with such conditions.

Added by
G.G. 20/8/64,
p. 2938.

10C. A person, other than an inspector referred to in regulation 10B of these regulations, who brands or marks an asbestos cement educt vent pipe in the manner referred to in that regulation or with any brand or mark resembling the same commits an offence against these regulations.

Added by
G.G. 20/3/63,
p. 800.

11. A person shall not construct or cause to be constructed on any land a well or other underground source of water supply, or any works for disposal of offensive matter, unless he has obtained the prior approval of the local authority to the position on the land where that well, water supply or works may be constructed and the well, water supply or works is or are constructed in that position on the land.

Added by
G.G. 20/3/63.
p. 890.

12. The occupier of any premises shall not use the water of any well for human consumption, unless that well complies with the following conditions:—

- (a) It is situated not less than one hundred (100) feet from any soak well or any other probable source of pollution.
- (b) It is lined with impervious material to a depth of six (6) feet below the surface of the ground and such lining is carried up to a height of not less than twelve (12) inches above the surface of the ground adjacent to the well.
- (c) It is covered with a tight-fitting cover that has no opening other than that essential for the insertion of a pump.
- (d) The surface of the ground immediately adjacent to the well is covered with impervious material for a distance of not less than two (2) feet around the well in all directions and is graded with a fall away from the well.

Added by
G.G. 20/3/63.
p. 890.

13. A person shall not deposit on, in or under any land any sewage or offensive matter, or any other substance or thing, that may pollute or render unfit for human consumption the water in any well or other underground source of water supply, which water is used or intended or likely to be used for human consumption, unless the place where that sewage, offensive matter or other substance or thing is deposited is situated not less than one hundred (100) feet distant from that well or other underground source of water supply.

Schedule "A."

Regs. 5 (3) and 10A (3)

Amended by
G.G. 7/11/63,
p. 3413.

Form No. 1.

Health Act, 1911-1957.

Health Act (Sewerage, Drainage and Underground Water Supply) Regulations, 1959.

CERTIFICATE OF REGISTRATION.

This Certificate of Registration is granted in respect of the type of article described hereunder in accordance with the Health Act (Sewerage, Drainage and Underground Water Supply) Regulations, 1959.

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Issued at Perth this day of, 19.....

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Commissioner of Public Health.

Reg. 6 (1).

Amended by
G.G. 7/11/63,
p. 3414.

Form No. 2.

Health Act, 1911-1957.

Health Act (Sewerage, Drainage and Underground Water Supply) Regulations, 1959.

APPLICATION FOR TESTING OF SANITARY FIXTURES AND FITTINGS.

Part I.

To the Commissioner of Public Health:

It is requested that you arrange for the articles specified hereunder to be tested in accordance with the Health Act (Sewerage, Drainage and Underground Water Supply) Regulations, 1959. I undertake to pay the prescribed fee for the service on demand.

Articles:

Description:

Number:

Location:

Signature of Applicant.....

Date.....

Part II.

To the Accountant:

I certify that

..... were tested by me in response to this application.

Please debitwith the following charges:—
£ s. d.

Registration charge .....	.....	.....	.....
Application .....	.....	.....	.....
Closet pans tested..... @ .....	.....	.....	.....
Flushing cisterns tested..... @ .....	.....	.....	.....
Total .....	.....	.....	.....

Date

.....
Inspector.

Schedule "B."

HEALTH DISTRICTS.

The municipal districts of—

- (a) the Cities of Fremantle, Nedlands, Perth, South Perth and Subiaco;
- (b) the Towns of Albany, Boulder, Bunbury, Carnarvon, Claremont, Cottesloe, East Fremantle, Geraldton, Kalgoorlie, Melville, Midland, Mosman Park, Narrogin, Northam and York;
- (c) The Shires of Albany, Armadale-Kelmscott, Ashburton, Augusta-Margaret River, Balingup, Bassendean, Bayswater, Belmont, Beverley, Boddington, Bridgetown, Brookton, Broome, Broomehill, Bruce Rock, Busselton, Canning, Capel, Carnamah, Chapman Valley, Chittering, Cockburn, Collie, Coolgardie, Coorow, Corrigin, Cranbrook, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dardanup, Denmark, Donnybrook, Dowerin, Dumbleyung, Dundas, Esperance, Gascoyne-Minilya, Geraldton-Greenough, Gingin, Gnowangerup, Goomalling, Gosnells, Greenbushes, Hall's Creek, Harvey, Irwin, Kalamunda, Kalgoorlie, Katanning, Kellerberrin, Kojonup, Kondinin, Koorda, Kulin, Kwinana, Lake Grace, Laverton, Leonora, Mt. Marshall, Mt. Magnet, Mandurah, Manjimup, Marble Bar, Meekatharra, Menzies, Merredin, Mingenew, Moora, Morawa, Mukinbudin, Mullewa, Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Northam, Northampton, Nullagine, Nungarin, Nyabing-Pingrup, Peppermint Grove, Perenjori, Perth, Pingelly, Plantagenet, Port Hedland, Quairading, Ravensthorpe, Rockingham, Roebourne, Sandstone, Serpentine-Jarrahdale, Shark Bay, Swan-Guildford, Tableland, Tambellup, Tammin, Three Springs, Toodyay, Trayning-Kununoppin-Yelbeni, Upper Blackwood, Upper Gascoyne, Victoria Plains, Wagin, Wandering, Wanneroo, Waroona, West Arthur, West Kimberley, Westonia, Wickepin, Wiluna, Williams, Woodanilling, Wongan-Ballidu, Wyalkatchem, Wyndham-East Kimberley, Yalgoo, Yilgarn and York.

Sub. by
G.G. 31/9/62,
p. 2404-5.
Amended by
G.G. 8/11/62,
p. 3651.