



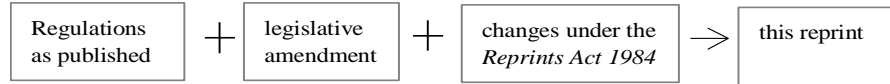
Western Australia

Health Act (Underground Water Supply) Regulations 1959

Reprint 2: The Regulations as at 7 March 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 7 March 2003

Western Australia

Health Act (Underground Water Supply) Regulations 1959

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Health Act 1911

Health Act (Underground Water Supply) Regulations 1959

1. Citation

These regulations may be cited as the *Health Act (Underground Water Supply) Regulations 1959*¹.

*[Regulation 1 amended in Gazette 20 Mar 1963 p. 890;
30 Jul 1968 p. 2204.]*

2. Districts to which regulations apply

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

[3-10. Repealed in Gazette 30 Jul 1968 p. 2204.]

11. Prior approval required for well

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.

[Regulation 11 inserted in Gazette 20 Mar 1963 p. 890.]

12. Use of well subject to conditions

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 30 metres from any soak well or any other probable source of pollution.
- (b) It is lined with impervious material to a depth of 1.8 metres below the surface of the ground and such lining is carried up to a height of not less than 300 millimetres 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 600 millimetres around the well in all directions and is graded with a fall away from the well.

[Regulation 12 inserted in Gazette 20 Mar 1963 p. 890; amended in Gazette 3 May 1974 p. 1440.]

13. Deposit of sewage, etc., near wells

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 thirty metres distant from that well or other underground source of water supply.

[Regulation 13 inserted in Gazette 20 Mar 1963 p. 890; amended in Gazette 3 May 1974 p. 1440.]

14. Offences and penalties

- (1) A person who contravenes a provision of the regulations specified in the Table to this subregulation commits an offence.

Table

Regulations 11, 12, and 13

- (2) A person who commits an offence under subregulation (1) is liable to —
- (a) a penalty which is not more than \$1 000 and not less than —
 - (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; and
 - (iii) in the case of a third or subsequent offence, \$500;

and

 - (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

[Regulation 14 inserted in Gazette 23 Dec 1988 p. 4974.]

[Schedule A deleted in Gazette 30 Jul 1968 p. 2204.]

Schedule B

Schedule B

Health districts

The local government² districts of —

- (a) the Cities of Fremantle, Nedlands, Perth³, 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, Under 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.

[Schedule B inserted in Gazette 31 Aug 1962 p. 2404-5; amended in Gazette 8 Nov 1962 p. 3651.]



Notes

¹ This reprint is a compilation as at 7 March 2003 of the *Health Act (Underground Water Supply) Regulations 1959* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Sewerage and Drainage Fixtures and Fittings Regulations 1959</i> ⁴	15 Sep 1959 p. 2321-4	15 Sep 1959
	21 Dec 1959 p. 3442	21 Dec 1959
	25 Nov 1960 p. 3820	25 Nov 1960
	16 Nov 1961 p. 3193	16 Nov 1961
	31 Aug 1962 p. 2404-5	31 Aug 1962
	8 Nov 1962 p. 3651	8 Nov 1962
	20 Mar 1963 p. 890	20 Mar 1963
	7 Nov 1963 p. 3412-13	7 Nov 1963
	20 Aug 1964 p. 2938	20 Aug 1964
	Reprint of the Health Act (Sewerage, Drainage and Underground Water Supply) Regulations 1959 authorised 25 Jan 1965, published in Gazette 2 Feb 1965 p. 409-14 (includes amendments listed above)	
	30 Jul 1968 p. 2204	1 Jan 1969
	3 May 1974 p. 1440	3 May 1974
<i>Health (Offences and Penalties) Amendment Regulations (No. 2) 1988</i> Pt. 12	23 Dec 1988 p. 4970-5	23 Dec 1988
Reprint 2: Health Act (Sewerage, Drainage and Underground Water Supply) Regulations 1959 as at 7 Mar 2003 (includes amendments listed above)		

³ Under the *Local Government Act 1995* Sch. 9.3 cl. 3(2) a reference to a district of a municipality under the *Local Government Act 1960* may, when the context requires, be read as if it had been amended to include or be a reference to a district of a local government under the *Local Government Act 1995*. This reference was changed under the *Reprints Act 1984* s. 7(5)(a).

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- ³ At the date this reprint was prepared the former municipal district of the City of Perth had been divided into 4 local government districts, namely the City of Perth, and the towns of Vincent, Cambridge and Victoria Park (formerly Shepperton).
- ⁴ Now known as the *Health Act (Underground Water Supply) Regulations 1959*; citation changed (see note under r. 1).