



Western Australia

Health (Miscellaneous Provisions) Act 1911

**Sewerage (Lighting, Ventilation and
Construction) Regulations 1971**

Sewerage (Lighting, Ventilation and Construction) Regulations 1971

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Defined terms

Sewerage (Lighting, Ventilation and Construction) Regulations 1971

1. Citation

These regulations may be cited as the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*¹.

2. Revocation

The *Lighting, Ventilation and Construction (Sewerage) Regulations 1971*, published in the *Government Gazette* on 19 February 1971, are revoked.

3. Interpretation

In these regulations —

approved means approved by the local authority;

building means any building used as a work place, residence, place of business, place of amusement, or a place of human habitation, or used for the storage of food intended for human consumption, but does not include an outbuilding unless it is used for any of those purposes or is provided with a sanitary convenience;

dwellinghouse means a building used solely for human habitation; and also means any part of a building which is designed for use as a self-contained unit for living purposes and is used solely for human habitation;

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external water closet means a closet that is not entered from and which has no opening into any building, and which is separated from any building by an area open to the sky to the extent of not less than 0.85 square metre;

habitable room means a room in which a person sleeps, eats or carries out his usual domestic or social activities, but does not include a room that is used as a laundry, bathroom, water closet, boiler room, cellar, or other room used infrequently or for short periods;

internal water closet means any water closet that is not an external water closet;

rate of air change means the measure of volume or frequency required to effect the complete replacement of the air in the area or apartment ventilated by an equal quantity of fresh air drawn from outside the building;

sanitary convenience means a water closet, urinal or slop hopper apartment, as the case may require.

[Regulation 3 amended: Gazette 16 Nov 1973 p. 4221; 3 May 1974 p. 1438 (erratum: Gazette 14 Jun 1974 p. 1880).]

4. Water closets to be provided

- (1) Every dwellinghouse or other building shall be provided with at least one water closet of an approved type.
- (2) Every public house, restaurant, hotel, motel, boarding house, lodging house, public building or building used for public entertainment, school, shop, factory or office shall be provided with sanitary conveniences as required by or under the *Health (Miscellaneous Provisions) Act 1911*, and the *Factories and Shops Act 1963*², or, where there is no such specific requirement in relation to any building, not being a dwellinghouse, then separate water closet accommodation for males and females shall be provided at the rate of one water closet for each 10 persons.

- (3) Every water closet or urinal shall be situated so as to be easily accessible to the occupiers of the building and so screened as to ensure privacy.

[Regulation 4 amended: Gazette 10 Jan 2017 p. 307.]

5. Construction specification of sanitary conveniences

- (1) The floor of any sanitary convenience situate within a building shall be —
- (a) constructed of concrete of not less than 100 millimetres thickness, or of other approved impervious materials of an approved thickness, graded as may be directed under any provision regulating the grading of floors; or
 - (b) fitted with a safe of lead or other approved impervious material.
- (2) The floor of every external water closet shall be —
- (a) constructed of concrete of not less than 100 millimetres thickness or of other approved impervious materials of an approved thickness; and
 - (b) graded to a fall of not less than 1:48 towards the door.
- (3) Unless otherwise approved, every safe shall be drained by a separate 50 millimetre diameter pipe provided at the inlet with a brass grating and at the outlet into the open air with a flap valve of brass or other approved metal and the pipe shall not connect with any waste pipe, soil pipe, drain or sewer.
- (4)
- (a) Every cistern supplied with water shall have an overflow pipe of adequate size discharging in such a position that it will not cause damage and will act as a warning pipe.
 - (b) On ground floors where cisterns are fixed over impervious floors graded to drain outside the room, the overflow may discharge on to such floors if no damage is likely to arise therefrom.

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- (c) If required by the local authority every existing floor under a fixture shall be regraded, and a proper discharge pipe with flap valve fixed.
- (5)
 - (a) The door of every external water closet or urinal shall be properly screened to a continuous height of at least 1.8 metres from the ground and where necessary a screen shall be fixed to prevent the water closet or urinal being visible from overlooking windows.
 - (b) Any water closet for use of females shall have a separate entrance behind such screen and that entrance shall not be within 3.6 metres from the entrance of any water closet intended for the use of males.
- (6) Water closets for different sexes shall not adjoin each other unless separated by a wall of sufficient density to blanket a sound of 37 decibels.
- (7) In wooden water closets the bottom plates and plinths shall be of approved hardwood and the frame shall be securely fastened to the floor and made rigid.

[Regulation 5 errata: Gazette 27 Aug 1971 p. 3148; amended: Gazette 3 May 1974 p. 1438-9.]

6. Location of entrances to sanitary conveniences

- (1) Subject to this regulation, a sanitary convenience shall not have an entrance opening from —
 - (a) an habitable room;
 - (b) a room used for the manufacture or storage of food for human consumption; or
 - (c) a room used as a factory workshop or work place,except through an airlock that conforms to the requirements of regulation 7(2).
- (2) Where a sanitary convenience in a building —
 - (a) consists of a water closet apartment;

- (b) is intended to be used by not more than 2 persons;
- (c) opens off a bedroom or dressing room normally occupied only by those 2 persons;
- (d) has its ventilation so arranged that the supply of air circulating through the sanitary convenience is not discharged into the room on which it opens; and
- (e) unless the local authority otherwise authorises, is fitted with a door that has an approved self-closing device,

the sanitary convenience may have an entrance opening directly from the bedroom or dressing room.

- (3) A sanitary convenience in a private residence is not required to have an airlock if the sanitary convenience opens on to a hall, passage, lobby or staircase that —
 - (a) has a floor area of not less than 1.85 square metres;
 - (b) is provided with ceiling ventilation that in the opinion of the local authority provides sufficient ventilation; and
 - (c) otherwise conforms to these regulations.
- (4) A sanitary convenience that is ventilated by mechanical ventilation that conforms to these regulations is not required to have an airlock.

[Regulation 6 inserted: Gazette 16 Nov 1973 p. 4221-2.]

7. Airlocks

- (1) A water closet apartment to which regulation 6(2) applies, and every airlock, shall be —
 - (a) separately lighted by electricity and provided with a switch within that apartment or airlock; or
 - (b) provided with a window on an external wall, having a clear area of not less than 0.2 square metre for each 10 square metres or part thereof of floor area.
- (2) Every airlock shall have a floor area of at least 1.85 square metres and shall be provided with direct ventilation to the open

air from a point near ceiling level through a vent, or vents, carried as direct to the open air as is practicable, and boxed throughout, and having a minimum clear area at any point of not less than 0.015 square metre for every 10 square metres or part thereof.

- (3) For the purposes of these regulations an external wall shall be considered as such where an open verandah, porch or similar structure does not extend beyond 2.4 metres from the external wall.

[Regulation 7 amended: Gazette 16 Nov 1973 p. 4222; 3 May 1974 p. 1439; 21 Jun 1974 p. 2060.]

8. Ventilation requirements

- (1) Except where mechanical ventilation complying with the requirements of these regulations is provided, every water closet apartment within a building, not being an apartment to which regulation 6(2) applies, shall comply with the following conditions: —

One of its sides shall be an external wall of the building, abutting onto a street or lane or on an open space within the property, having a width of not less than 1.2 metres and an area of not less than the following —

For first storey above floor level of open space — 3.3 square metres.

For second storey above floor level of open space — 6.6 square metres.

For all other storeys above floor level of open space — 9.3 square metres.

- (2) Each water closet apartment shall be provided with a window in the external wall, having a clear light area of not less than 0.2 square metre per closet pan.
- (3) Each water closet apartment shall be provided with direct ventilation to the open air from a point near the ceiling level

through a vent or vents, carried as direct to the open air as is practicable and boxed throughout, and having a minimum clear area at any point of not less than 0.015 square metre per closet pan.

[Regulation 8 errata: Gazette 27 Aug 1971 p. 3148; amended: Gazette 16 Nov 1973 p. 4222; 3 May 1974 p. 1439.]

9. Louvres

- (1) Glazed louvres may be used in lieu of a window or ventilator subject to their providing a clear light area of not less than 0.2 square metre per closet pan and a clear ventilation area of not less than 0.015 square metre per closet pan.
- (2) The construction of a louvre shall be as laid down in regulation 8(3) and in no instance is the top of the fixed louvre to be lower than 230 millimetres from the ceiling.

[Regulation 9 amended: Gazette 3 May 1974 p. 1439.]

10. Requirements for similar facilities

The position, approaches, arrangement of lighting and ventilation for internal urinal and slop hopper apartments shall comply as nearly as possible with the requirements of this regulation as to internal water closets except that the ventilation for internal urinals shall be such that at least a 0.032 square metre clear opening for each stall shall be provided.

[Regulation 10 amended: Gazette 3 May 1974 p. 1439.]

11. Ventilation, etc., when multistorey building

- (1) Subject to the approval in writing of the local authority first being obtained, water closets and airlocks in buildings, other than hospitals and similar institutions, may be ventilated by one of the following methods —
 - (a) in buildings up to 4 storeys in height (measured from the floor of the lowest water closet to be so ventilated) the

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water closet apartment and airlocks may abut onto a ventilation shaft, open to the sky and carried to such height as may be necessary to prevent the deflection of wind currents down the shaft by neighbouring structures;

- (b) no rooms, other than water closets, airlocks, bathrooms, urinals and slop hopper apartments may open onto such shaft;
- (c) the area of such ventilating shafts and the maximum number of water closets, urinals, or slop hoppers to be served by any one such shaft, shall be in accordance with the following table —

Height of Ventilating shaft in storeys	Minimum area of ventilating shaft	Maximum permissible number of closet pans or urinals on any vent shaft								
1 or 2	1.5 square metres	4								
3 or 4	<table style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: right;">m²</td> </tr> <tr> <td>1st or 2nd storey</td> <td style="text-align: right;">1.5</td> </tr> <tr> <td>3rd storey</td> <td style="text-align: right;">1.85</td> </tr> <tr> <td>Top storey</td> <td style="text-align: right;">2.2</td> </tr> </table>		m ²	1st or 2nd storey	1.5	3rd storey	1.85	Top storey	2.2	10
	m ²									
1st or 2nd storey	1.5									
3rd storey	1.85									
Top storey	2.2									

- (d) no dimension of a ventilating shaft shall be less than 1.2 metres;
- (e) in buildings in which the ventilating shaft is 3 or 4 storeys in height, a ventilating duct, having a clear area of not less than 0.2 square metre shall be carried from the bottom of the ventilating shaft to an external wall and shall be boxed throughout;
- (f) every water closet or airlock which abuts a ventilating shaft shall have a window, capable of being opened to the shaft, with an effective glass area at least equal to one-fifth of the floor area of the apartment with a minimum of 0.35 square metre and in addition shall be provided with ventilating openings to the ventilating

shaft, having a total clear area at any point of not less than 0.033 square metre per closet pan;

- (g) where water closets are situated in a basement or cellar then, in addition to the other requirements of this subregulation, there shall be provided a ventilating duct carried through the roof, fitted with an approved cowl designed either to give a positive up draught or down draught in the duct at the option of the owner, and capable of changing the air in each water closet or airlock served by it at least 10 times per hour when subject to a wind velocity of 7 kilometres per hour, the inside and outside temperatures being equal; the area of the ventilating duct being not less than 0.015 square metre for each closet pan served by the duct.
- (2) A water closet apartment containing not more than one water closet or slop sink may be constructed other than on an external wall if a horizontal duct, communicating directly with the external air at the ceiling level of the apartment, is constructed of the following dimensions —
- Length not exceeding 1.37 metres measured from the inside face of the external wall to the inside face of the apartment wall, width and height not less than 900 millimetres and 610 millimetres respectively, measured internally.
- (3) The water closet may be ventilated by a mechanical system of exhaust ventilation in compliance with the requirements of regulation 12.
- (4) Every water closet permitted by the local authority to be ventilated in accordance with this regulation shall be separately lighted by electricity and provided with a separate switch within the compartment.

[Regulation 11 amended: Gazette 3 May 1974 p. 1439.]

12. Mechanical ventilation

- (1) Every system of mechanical ventilation shall be approved by the local authority and the minimum rate of air change for airlocks and water closet, slop hopper or urinal apartments shall be 25 litres per second per fixture but in no case less than 10 air changes per hour.
- (2) In every case the ventilating fan and the power unit operating it shall be in duplicate, except that single units may, with the approval of the local authority, be permitted in private dwellings where the main shaft is designed to act as an efficient natural vent in the event of the mechanical equipment failing.
- (3) The system of mechanical ventilating provided shall be separate and distinct from any other system of mechanical ventilation in the building and shall be of the exhaust type.
- (4) Upon completion, the owner or his representative shall carry out such tests of the ventilating system as the local authority requires.
- (5) The mechanical system shall be operated continuously and maintained in good working order and condition, under the direction of a properly qualified person.
- (6) Any such mechanical system shall be open to inspection by the officers of the local authority at all reasonable times and shall be subject to such tests as the local authority requires.
- (7) An offence is committed whenever —
 - (a) there is any failure to comply with any of the requirements of this regulation; or
 - (b) the ventilating system fails, for a period longer than 48 hours, to operate continuously and efficiently.

[Regulation 12 amended: Gazette 3 May 1974 p. 1439.]

13. Air for ventilation to be pure

The air from which any system of ventilation is supplied shall, so far as is practicable, be free from contamination and impurity.

13A. Walls, etc., in showers

- (1) Any area of a wall in a shower compartment or shower that —
- (a) is within a horizontal distance of 915 mm from the shower rose; or
 - (b) is directly below any point that is within a horizontal distance of 915 mm from the shower rose,

shall have an impervious surface.

- (2) A window within a distance of 915 mm of a shower rose shall have —
- (a) a fixed glass;
 - (b) a sill that is splayed to an angle of 45 degrees from the horizontal; and
 - (c) a sill and frame that have an impervious surface.

[Regulation 13A inserted: Gazette 16 Nov 1973 p. 4222.]

14. Offences

- (1) Where by these regulations an act is required to be done, or forbidden to be done in relation to any building the occupier of the building has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.
- (2) A person who contravenes a provision of the regulations specified in the Table to this subregulation commits an offence.

Table

Regulations 4, 5, 6(1), 7(1) and (2), 8, 9, 10, 11, 13 and 13A.

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- (3) A person who commits an offence under subregulation (2) or under regulation 12(7) 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 amended: Gazette 23 Dec 1988 p. 4976.]

Notes

- ¹ This is a compilation of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Sewerage (Lighting, Ventilation and Construction) Regulations 1971</i>	18 Aug 1971 p. 3033-7 (Errata 27 Aug 1971 p. 3148)	18 Aug 1971
	16 Nov 1973 p. 4221-2 (Erratum 1 Feb 1974 p. 273)	16 Nov 1973
	3 May 1974 p. 1438-9 (Erratum 14 Jun 1974 p. 1880)	3 May 1974
	21 Jun 1974 p. 2060	21 Jun 1974
<i>Health (Offences and Penalties) Amendment Regulations (No. 3) 1988</i> Pt. 5	23 Dec 1988 p. 4975-6	23 Dec 1988
Reprinted as at 4 May 2001		
<i>Health Regulations Amendment (Public Health) Regulations 2016</i> Pt. 33	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

- ² Repealed by the *Industrial Relations Legislation Amendment and Repeal Act 1995* (No. 79 of 1995).

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
approved	3
building	3
dwellinghouse	3
external water closet	3
habitable room	3
internal water closet	3
rate of air change.....	3
sanitary convenience.....	3