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**HEALTH**

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HE301\*

Health Act 1911

**Health (Treatment of Sewage and Disposal of  
Effluent and Liquid Waste) Amendment  
Regulations 2005**

Made by the deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 February 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974\**.

[\* Reprint 3 as at 8 August 2003.

For amendments to 8 December 2004 see Gazette 25 June, 28 June and 24 August 2004.]

**4. Regulation 3 amended**

Regulation 3 is amended as follows:

- (a) in the definition of "AS" by deleting "Association of";
- (b) at the end of the definition of "single dwelling", by deleting the full stop and inserting a semicolon instead;

- (c) by deleting the definitions of “liquid wastes”, “receptacle for drainage” and “separate system”;
- (d) by inserting the following definitions in their appropriate alphabetical positions —

“

“**adopted Code**” means a code adopted by regulation 6A(1);

“**blackwater**” means water containing faeces or urine;

“**blackwater system**” means an apparatus designed to receive blackwater;

“**greywater**” means water containing kitchen, laundry or bathroom waste other than faeces or urine;

“**greywater system**” means an apparatus for treating greywater and enabling it to be used for garden irrigation;

“**liquid wastes**” means wastewater or any other liquid waste from domestic, industrial or commercial activities, other than effluent;

“**receptacle for drainage**” means —

- (a) an evaporation drain, a soak well, French drain, leach drain or impervious sump; or
- (b) any other device or system for the disposal or re-use of effluent approved by the Executive Director, Public Health;

“**wastewater**” means greywater and blackwater.

”.

#### 5. Regulation 4 amended

Regulation 4(4) is amended by deleting “and installed” and inserting instead —

“ or installed ”.

#### 6. Regulation 6A replaced

Regulation 6A is repealed and the following regulation is inserted instead —

“

##### 6A. Adoption of codes

- (1) Under section 344A(1) of the Act, the following codes are adopted —
  - (a) “*Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs) Serving Single Dwellings*”, published by the Executive Director, Public Health in August 2001, as amended from time to time;

(b) “*Code of Practice for the Reuse of Greywater in Western Australia*” published by the Executive Director, Public Health in January 2005, as amended from time to time.

- (2) For the purposes of section 344A(3) of the Act, the prescribed place is the office of the Environmental Health Directorate of the Department of Health, Grace Vaughan House, 227 Stubbs Terrace, Shenton Park, Western Australia.

”.

**7. Regulation 7 amended**

- (1) Regulation 7(1) is amended by inserting after “construction” —  
“ and installation ”.

- (2) Regulation 7(3) is repealed and the following subregulation is inserted instead —

“

- (3) An apparatus of a kind to which an adopted Code applies must be of a design and manufacture that complies with that Code.

”.

**8. Regulation 7A replaced**

Regulation 7A is repealed and the following regulation is inserted instead —

“

**7A. Compliance with adopted Codes**

A person who constructs or installs an apparatus of a kind to which an adopted Code applies, must ensure that its construction or installation complies with that Code.

”.

**9. Regulation 8 amended**

Regulation 8(1) is amended by deleting “separate systems” and inserting instead —

“ blackwater systems ”.

**10. Regulation 9 replaced**

Regulation 9 is repealed and the following regulation is inserted instead —

“

**9. Notice of completion**

A person who constructs or installs an apparatus must forthwith after the construction or installation is completed, give to the local government a notice —

- (a) stating that construction or installation of the apparatus has been completed; and
- (b) if the apparatus is of a kind to which an adopted Code applies, certifying that the construction or installation of the apparatus complies with that Code.

”.

**11. Regulation 9A repealed**

Regulation 9A is repealed.

**12. Regulation 16A inserted**

After regulation 16 the following regulation is inserted —

“

**16A. Use to comply with adopted Codes**

The owner and the occupier of a premises on which there is installed an apparatus to which an adopted Code applies, must ensure that it is operated in compliance with that Code.

”.

**13. Regulation 18A amended**

Regulation 18A(1) is amended as follows:

- (a) by inserting after “unit” in the first place where it occurs —  
“ , greywater system ”;
- (b) in paragraph (a) by deleting “septic tank, aerobic treatment unit or drainage line” and inserting instead —  
“ apparatus ”.

**14. Regulation 20A amended**

Regulation 20A is amended as follows:

- (a) by deleting “Where” and inserting instead —  
“ (1) Subject to subregulation (2), where ”;
- (b) at the end of the regulation by inserting the following subregulation —

“

- (2) Subregulation (1) does not apply in relation to a greywater system if —
  - (a) the system is of a kind approved for use on premises connected to a sewer; and
  - (b) before the sewer is connected, the owner (having obtained permission under regulation 18A) makes any alterations to the system necessary for it to comply with the code

adopted by regulation 6A(1)(b) when the sewer is connected.

”.

**15. Regulation 21 amended**

Regulation 21(b) is deleted and the following paragraph is inserted instead —

“

- (b) in the case of a septic tank, aerobic treatment unit or greywater system — removing the apparatus or, if that is not practicable, breaking up its base;

”.

**16. Regulation 28 amended**

- (1) Regulation 28(1) is amended by deleting “or sedimentation tank”.
- (2) The Table in regulation 28 is amended by deleting the item for “Sedimentation tank”.

**17. Regulation 29 amended**

- (1) Regulation 29(1) and (2) are amended by deleting “separate system” and inserting instead —
- “ blackwater system ”.
- (2) Regulation 29(1) is amended in the heading to the Table by deleting “Separate System” and inserting instead —
- “ **Blackwater System** ”.

**18. Regulation 42B amended**

Regulation 42B is amended by deleting “ATU Code” and inserting instead —

“ code adopted under regulation 6A(1)(a) ”.

**19. Regulation 44 amended**

Regulation 44(3) is amended as follows:

- (a) by deleting the subregulation designation “(3)”;
- (b) by deleting “nightsoil” and inserting instead —
- “ blackwater ”.

**20. Part 6 heading amended**

The heading to Part 6 is amended by deleting “a septic tank, receptacle for drainage or aerobic treatment unit” and inserting instead —

“ **apparatus** ”.

**21. Regulation 46 amended**

Regulation 46 is amended by deleting “septic tank, receptacle for drainage or aerobic treatment unit” and inserting instead —  
“ tank or other waste storage component of an apparatus ”.

**22. Regulation 47 amended**

Regulation 47(2) is repealed.

**23. Regulation 48 amended**

Regulation 48 is amended by deleting “nightsoil” and inserting instead —  
“ blackwater ”.

**24. Regulation 49 amended**

Regulation 49(1)(a) is deleted and the following paragraphs are inserted instead —

“

(a) be constructed in the manner and using the materials —

(i) set out in Schedule 7; or

(ii) approved by the Executive Director, Public Health;

(aa) if they are part of an apparatus of a kind to which an adopted Code applies, be constructed in compliance with that Code;

”.

**25. Regulation 54 replaced**

Regulation 54 is repealed and the following regulation is inserted instead —

“

**54. Offence**

A person who contravenes these regulations commits an offence.

Maximum penalty: \$1 000.

Minimum penalty: for —

(a) a first offence, \$100;

(b) a second offence, \$200; and

(c) a third or subsequent offence, \$500.

Daily penalty for a continuing offence: not less than \$50 nor more than \$100.

”.

**26. Schedule 1 amended**

Schedule 1 is amended by deleting the shoulder clause and inserting the following shoulder clause instead —

“ [r. 4, 4A and 10] ”.

**27. Schedule 7 amended**

Schedule 7, Form No. 3 is amended, under the heading “DETAILS OF LEACH DRAIN.”, by deleting “SEPARATE SYSTEMS” and inserting instead —

“ BLACKWATER SYSTEMS ”.

**28. Schedule 9 replaced**

Schedule 9 is repealed and the following Schedule is inserted instead —

“

**Schedule 9 — Wastewater volume for residential premises**

[r. 49(3)]

For the purposes of the definition of “V” in the formula in regulation 49(3) the volume of wastewater is to be determined from the following Table according to the number of bedrooms on the premises.

**Table**

Number of bedrooms	Volume of wastewater (litres)	
	Blackwater system	Combined system (blackwater and greywater)
2 or less	188	564
3	254	761
4 or more	276	829

”.

By Command of the deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.