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HEALTH ACT 1911

**TREATMENT OF SEWAGE AND
DISPOSAL OF EFFLUENT AND
LIQUID WASTE AMENDMENT
REGULATIONS (No. 2) 1997**

HEALTH ACT 1911

**TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND
LIQUID WASTE AMENDMENT REGULATIONS (No. 2) 1997**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997*.

Commencement

2. These regulations come into operation —

- (a) on the day that sections 7 and 13 of the *Health Amendment Act 1996* come into operation; or
- (b) on the day on which these regulations are published in the *Gazette*,

whichever is the later day.

Principal regulations

3. In these regulations the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations** are referred to as the principal regulations.

[* *Reprinted as at 6 February 1985.*
For amendments to 15 July 1997 see 1996 Index to Legislation of Western Australia, Table 4, p. 143-4 and Gazette 1 July 1997.]

Division 1 amended

4. Division 1 of the principal regulations is amended by deleting the heading "DIVISION 1. — PRELIMINARY." and substituting the following heading —

" **PART 1 — PRELIMINARY** ".

Regulation 1 amended

5. Regulation 1 (1) of the principal regulations is amended by deleting "*Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations*" and substituting the following —

"
Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
".

Regulation 3 amended

6. Regulation 3 of the principal regulations is amended —

- (a) by deleting "In these regulations —" and substituting the following —

"
In these regulations, unless the contrary intention appears —
";

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- (b) by deleting the definitions of “approved”, “approved application” and “single dwelling”;
- (c) by deleting the full stop at the end of the definition of “septic tank” and substituting a semicolon; and
- (d) by inserting in the appropriate alphabetical positions the following definitions —

“

“approval” means an approval under regulation 4 or 4A;

“approved” means —

- (a) in the case of an apparatus to which regulation 4 applies, approved by the relevant local government; and
- (b) in the case of an apparatus to which regulation 4A applies, approved by the Executive Director, Public Health;

“approving body” means —

- (a) in the case of an application for an approval under regulation 4, the relevant local government; or
- (b) in the case of an application for an approval under regulation 4A, the Executive Director, Public Health;

“dwelling” means a building or part of a building that is occupied or intended to be occupied for the purpose of human habitation;

“owner”, in relation to an apparatus, means the owner of the premises on which the apparatus is constructed or installed;

“relevant local government” means —

- (a) in relation to an application for an approval, the local government of the district where it is proposed the apparatus will be constructed or installed; or
- (b) in relation to an existing apparatus, the local government of the district where the apparatus is situated;

“single dwelling” means a dwelling —

- (a) that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;
- (b) standing on a lot within the meaning of the *Town Planning and Development Act 1928*; and
- (c) that is the only dwelling standing on that lot.

”.

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Division 2 amended

7. Division 2 of the principal regulations is amended by deleting the heading "DIVISION 2. — APPLICATION AND INSTALLATION." and substituting the following Part and Division headings —

“

PART 2 — GENERAL

Division 1 — Construction and installation of an apparatus

”

Regulation 4 repealed and regulations substituted

8. Regulation 4 of the principal regulations is repealed and the following regulations are substituted —

“

Approval of the construction or installation of an apparatus by local government

4. (1) For the purposes of section 107 (2) (a) of the Act, an apparatus is to be approved by a local government if it is intended to serve —

- (a) a single dwelling; or
- (b) any other building that produces not more than 540 litres of sewage per day.

(2) A person may apply for an approval under this regulation by —

- (a) completing an application in a form approved by the Executive Director, Public Health; and
- (b) forwarding the application to the relevant local government together with —
 - (i) any documents required under regulation 5; and
 - (ii) the fee specified in item 1 of Schedule 1.

(3) Upon an application under subregulation (2), a local government shall, as soon as practicable after receiving the application —

- (a) subject to these regulations, grant the approval —
 - (i) in a form approved by the local government; and
 - (ii) subject to such conditions as the local government thinks fit;

or

- (b) refuse to grant the approval.

(4) A local government may grant an approval under this regulation only if, under the application, the apparatus is to be constructed and installed in accordance with these regulations.

(5) Where a local government refuses to grant an approval under this regulation, it shall, as soon as practicable, provide to the person applying for the approval a written notice —

- (a) advising the person of the refusal; and

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- (b) setting out the reasons for the refusal.

**Approval of the construction or installation of an apparatus by
the Executive Director, Public Health**

- 4A. (1) In this regulation —

“local government report”, in relation to an application for an approval under this regulation, means a report of the relevant local government setting out recommendations as to —

- (a) whether or not the approval should be granted; and
(b) if an approval is recommended, the conditions, if any, to which the approval should be subject.

(2) For the purposes of section 107 (2) (b) of the Act, an apparatus is to be approved by the Executive Director, Public Health if it is intended to serve a building that —

- (a) is not a single dwelling; and
(b) produces more than 540 litres of sewage per day.

(3) A person may apply for an approval under this regulation by —

- (a) completing an application in a form approved by the Executive Director, Public Health; and
(b) forwarding the application to the Executive Director, Public Health together with —
(i) any documents required under regulation 5;
(ii) the relevant fee specified in item 2 of Schedule 1; and
(iii) except where subregulation (4) applies, a local government report in relation to the application.

(4) Where —

- (a) a person makes a request to the relevant local government for it to provide a local government report in relation to an application for an approval under this regulation; and
(b) the local government does not provide the report to the person within 28 days of the request,

the person may make an application under subregulation (3) without forwarding to the Executive Director, Public Health a local government report.

(5) Upon an application under subregulation (3), the Executive Director, Public Health shall, as soon as practicable after receiving the application and after considering any local government report —

- (a) subject to these regulations, grant the approval —
(i) in a form approved by the Executive Director, Public Health; and
(ii) subject to such conditions as the Executive Director, Public Health thinks fit;

or

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(b) refuse to grant the approval.

(6) The Executive Director, Public Health may grant an approval under this regulation only if, under the application, the apparatus is to be constructed and installed in accordance with these regulations.

(7) Where the Executive Director, Public Health refuses to grant an approval under this regulation, the Executive Director, Public Health shall, as soon as practicable, provide to the person applying for the approval a written notice —

(a) advising the person of the refusal; and

(b) setting out the reasons for the refusal.

”.

Regulation 5 amended

9. (1) Regulation 5 (1) of the principal regulations is amended —

(a) by deleting “pursuant to regulation 4” and substituting the following —

“ under regulation 4 or 4A ”;

(b) in paragraph (b) —

(i) by deleting “block” and substituting the following —

“ site ”;

(ii) by deleting subparagraph (ii) and substituting the following subparagraph —

“

(ii) the position, type and proposed use of all fixtures intended to discharge into the apparatus;

”;

and

(iii) by deleting “Class I or Class IA occupancy under the Uniform Building By-laws” and substituting the following —

“ Class 1a under the Building Code ”;

(c) by deleting “and” at the end of paragraph (b); and

(d) by deleting paragraph (c) and substituting the following paragraphs —

“

(c) if so requested by the approving body —

(i) a detailed architectural drawing of the proposed apparatus;

(ii) a certificate from an independent technical expert that the apparatus —

(I) complies with these regulations or any relevant code or standard;

(II) is capable of performing its proposed functions; and

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(III) is reliable and durable;

and

(iii) any other information or documents relevant to the application;

and

(d) in the case where the proposed apparatus is an aerobic treatment unit, details of arrangements that have been made for the future maintenance of the unit by an authorized person, including a copy of any agreement entered into for that purpose.

”.

(2) Regulation 5 of the principal regulations is amended by repealing subregulations (2), (3) and (4) and substituting the following subregulations —

“

(2) Where an application for an approval is made, the approving body shall, for the duration of the life of the apparatus, retain a copy of —

- (a) the application;
- (b) every document forwarded with the application; and
- (c) the approval.

(3) An approving body shall make any documents retained under subregulation (2) available for inspection by members of the public.

(4) A person shall not provide false or misleading information in an application for an approval.

(5) In subregulation (1) (b) —

“**Building Code**” means the Building Code of Australia 1996, as from time to time amended and for the time being in force, issued by the Australian Building Codes Board.

”.

Regulation 6 repealed and a regulation substituted

10. Regulation 6 of the principal regulations is repealed and the following regulation is substituted —

“

Construction or installation under an approval to be completed within a certain time

6. (1) An approval shall be subject to a condition that the construction or installation to which the approval relates is completed prior to the expiration of —

- (a) a period of 2 years; or
- (b) any lesser period specified in the approval.

(2) Where —

- (a) an approval is granted for the construction or installation of an apparatus;
- (b) the construction or installation is commenced but is not completed within the period referred to in subregulation (1); and

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- (c) a fresh approval to continue the construction or installation has not been granted,

the owner of the premises on which the apparatus was being constructed or installed shall, as soon as practicable after the expiration of that period, ensure that the apparatus is decommissioned in accordance with regulation 21.

”.

Regulation 7 amended

11. (1) Regulation 7 (2) of the principal regulations is amended by deleting “and shall be installed in accordance with the by-laws and practices of the Metropolitan Water Supply, Sewerage and Drainage Board, or the Country Towns Sewerage By-laws, as the case requires and these regulations.” and substituting the following —

“

and the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*, and the *Country Towns Sewerage By-laws 1952* apply to them in addition to these regulations.

”.

(2) Regulation 7 of the principal regulations is amended by inserting after subregulation (3) the following subregulation —

“

(4) An apparatus shall be constructed and installed to a trade finish.

”.

Regulation 8 amended

12. (1) Regulation 8 (1) of the principal regulations is amended by deleting “him” and substituting the following —

“ the owner ”.

(2) Regulation 8 (2) of the principal regulations is amended —

- (a) by deleting “but cannot be connected to the educt vent by means of a saddle piece, the back vent shall also be fitted” and substituting the following —

“ it shall also be fitted, by the owner, ”; and

- (b) by deleting “to be so maintained” and substituting the following —

“ and be so maintained by the owner ”.

Regulation 8A inserted

13. After regulation 8 of the principal regulations, the following regulation is inserted —

“

Construction and installation of a septic tank

8A. (1) A person shall not cause or permit the construction of a septic tank closer than 1.2 m to the foundations of any building, or the boundary of any lot, unless otherwise approved.

(2) A person shall not cause or permit the construction of foundations of any building closer than 1.2 m to any existing septic tank, unless otherwise approved.

”.

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Division heading inserted

14. Before regulation 9 of the principal regulations, the following Division heading is inserted —

“
Division 2 — Use of an apparatus
”.

Regulation 9 amended

15. Regulation 9 of the principal regulations is amended —

- (a) by deleting “constructs” and substituting the following —
“ constructs or installs ”; and
- (b) by deleting “approved application” and substituting the following —
“ approval ”.

Regulation 10 repealed and a regulation substituted

16. Regulation 10 of the principal regulations is repealed and the following regulation is substituted —

“
Permit to use an apparatus

10. (1) Where a local government receives a notification under regulation 9, the local government shall, as soon as practicable after receiving that notification, arrange for the apparatus to be inspected by an environmental health officer to ensure that the apparatus conforms with —

- (a) these regulations; and
- (b) the approval granted in respect of the apparatus.

(2) Where —

- (a) an environmental health officer inspects an apparatus under this regulation and is satisfied that it conforms to these regulations and the approval; and
- (b) the owner pays the fee or fees required by regulation 14,

the local government shall grant to the owner, in a form approved by the Executive Director, Public Health, a permit to use the apparatus.

(3) Where an environmental health officer inspects an apparatus under this regulation and is not satisfied that the apparatus conforms with these regulations or the approval, the environmental health officer shall —

- (a) advise the owner as to what corrective works are necessary to ensure that the apparatus does so conform; and
- (b) arrange for a further inspection of the apparatus by an environmental health officer within a period that allows the owner to undertake practicably the corrective works.

(4) Where an environmental health officer inspects an apparatus under subregulation (3) (b) and is not satisfied that the necessary corrective works have been undertaken —

- (a) the environmental health officer shall notify the local government of the failure to undertake the corrective works; and

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- (b) the local government may, upon receiving the notification under paragraph (a), forward to the owner a written notice requiring the owner to undertake those works or decommission the apparatus in accordance with regulation 21.

(5) Where a local government requires an owner to undertake corrective works or decommission the apparatus under subregulation (4), the owner shall do so within the prescribed time.

- (6) In subregulation (5) —

“prescribed time” means —

- (a) in the case where the owner has not, within 14 days of receiving notice of the requirement —
- (i) made an application under regulation 22 for a review of the requirement; or
 - (ii) brought an appeal under section 37 of the Act against the requirement,
- as soon as practicable after the owner receives notice of the requirement;
- (b) in the case where the owner has, within 14 days of the requirement, made an application under regulation 22 for a review of the requirement, as soon as practicable after the local government has —
- (i) determined that application; and
 - (ii) provided to the owner written notification of that determination; or
- (c) in the case where the owner has brought an appeal under section 37 of the Act against the requirement, as soon as practicable after the Executive Director, Public Health has —
- (i) determined that appeal; and
 - (ii) provided to the owner written notification of that determination.

”.

Regulation 11 amended

17. Regulation 11 of the principal regulations is amended —

- (a) by deleting “for inspection” and substituting the following —
“ for an inspection under regulation 10 ”;
- (b) by deleting “its officer” and substituting the following —
“ an environmental health officer ”.

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Regulation 12 repealed and a regulation substituted

18. Regulation 12 of the principal regulations is repealed and the following regulation is substituted —

“

Testing an apparatus

12. Where an environmental health officer inspects an apparatus under subregulation 10, the environmental health officer may submit the apparatus to —

- (a) a hydrostatic test; and
- (b) such other tests as the environmental health officer or the local government thinks fit.

”.

Regulation 13 amended

19. Regulation 13 of the principal regulations is amended —

- (a) by deleting “necessary for the inspection and tests” and substituting the following —

“

required by an environmental health officer for an inspection under regulation 10 and any tests under regulation 12

”;

and

- (b) by deleting “the person installing the apparatus.” and substituting the following —

“ the owner. ”.

Regulation 14 repealed and a regulation substituted

20. Regulation 14 of the principal regulations is repealed and the following regulation is substituted —

“

Fees for inspecting an apparatus

14. (1) In this regulation —

“major fixture” means a water closet, urinal outlet, slop hopper, pan washer or industrial waste outlet.

(2) Where an environmental health officer inspects an apparatus under regulation 10 the owner shall pay the following fees, namely —

- (a) for an inspection under regulation 10 (1) —
 - (i) of one or 2 major fixtures, the fee specified in item 3 (a) of Schedule 1; and
 - (ii) of each additional fixture, the fee specified in item 3 (b) of Schedule 1;

and

- (b) for an inspection under regulation 10 (3), the fee specified in item 4 of Schedule 1.

”.

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Regulation 15 amended

21. Regulation 15 of the principal regulations is amended —

- (a) by deleting “The occupier of any premises whereon there is an apparatus,” and substituting the following —
“ A person ”;
- (b) by deleting “the apparatus” and substituting the following —
“ an apparatus ”; and
- (c) by deleting “ the approval of the Executive Director, Public Health.” and substituting the following —
“ written permission of the relevant local government. ”.

Regulation 16 amended

22. Regulation 16 of the principal regulations is amended —

- (a) by deleting “The Executive Director, Public Health may forbid” and substituting the following —
“ A person shall not cause or permit ”;
- (b) by deleting “a septic tank” and substituting the following —
“ an apparatus ”;
- (c) by deleting “bacterial”; and
- (d) by deleting “the septic tank” and substituting the following —
“ the apparatus ”.

Regulation 17 amended

23. Regulation 17 of the principal regulations is amended —

- (a) by deleting “No person shall turn into, or cause or suffer to enter,” and substituting the following —
“
Without limiting regulation 16, a person shall not cause or permit the discharge into
and
”;
- (b) in paragraph (d) by deleting “militate against” and substituting the following —
“ affect ”.

Regulation 18 repealed and regulations substituted

24. Regulation 18 of the principal regulations is repealed and the following regulations are substituted —

“

Interfering with an apparatus

18. (1) In this regulation —

“**interfere**”, in relation to an apparatus, means —

- (a) to dismantle the apparatus;

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- (b) to remove the apparatus wholly or in any part; or
 - (c) to alter or change the mode of operating the apparatus.
- (2) Except as provided in subregulation (3) and regulation 20, a person shall not interfere with an apparatus without first obtaining the written permission of —
- (a) in the case of an apparatus to which regulation 4 applies, the local government; or
 - (b) in the case of an apparatus to which regulation 4A applies, the Executive Director, Public Health.
- (3) Subregulation (2) does not apply to, or in relation to —
- (a) an authorized person carrying out maintenance work on an aerobic treatment unit in accordance with these regulations; or
 - (b) a person emptying an apparatus in accordance with —
 - (i) the *Environmental Protection (Liquid Waste) Regulations 1996*; or
 - (ii) regulation 46, as the case requires.

Structures not to be erected above an apparatus

18A. (1) A person shall not cause or permit any structure to be erected above any septic tank, aerobic treatment unit or drainage line if that structure —

- (a) obstructs free access to the septic tank, aerobic treatment unit or drainage line; or
- (b) has walls on more than three sides.

(2) A person shall not, without the permission of the relevant local government, cause or permit a receptacle for drainage —

- (a) to have any structure erected above it;
- (b) to be subject to vehicular traffic or be located less than 1.2 m from an area that is subject to vehicular traffic; or
- (c) to be paved or covered with a surface treatment.

(3) Where, as permitted by a local government under subregulation (2), a receptacle for drainage is covered by paving or a surface treatment, the owner shall ensure that access points are provided —

- (a) that are suitable for the inspection or service of the receptacle for drainage; and
- (b) that do not require the removal of the paving or surface treatment.

”.

Regulation 19 amended

25. (1) Regulation 19 (1) of the principal regulations is amended by deleting “a septic tank” and substituting the following —

“ an apparatus ”.

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(2) Regulation 19 (2) of the principal regulations is amended by deleting “any septic tank” and substituting the following —

“ any apparatus ”.

Regulations 20 and 21 repealed and a Division substituted

26. Regulations 20 and 21 of the principal regulations are repealed and the following Division is substituted —

“

Division 3 — Decommissioning of an apparatus

Apparatus to be decommissioned if premises is connected to a sewer

20. Where a premises is connected to a sewer, the owner of those premises shall, as soon as practicable after the connection, decommission any apparatus on the premises in accordance with regulation 21.

Decommissioning an apparatus

21. Where an apparatus is required to be decommissioned under these regulations or as a condition of an approval of another apparatus on the same premises, the apparatus shall be decommissioned by —

- (a) emptying the apparatus in accordance with —
 - (i) the *Environmental Protection (Liquid Waste) Regulations 1996*; or
 - (ii) regulation 46,as the case requires;
- (b) in the case of a septic tank or aerobic treatment unit —
 - (i) the removal of the tank or unit; or
 - (ii) where it is not practicable to remove the tank or unit, the breaking up of the base of the tank or unit;
- (c) the backfilling of the apparatus with clean fill; and
- (d) in the case where the decommissioning is a condition of an approval, the carrying out of such other works as may be specified in writing by the approving body.

”.

Regulation 22 and 23 repealed and a Division substituted

27. Regulations 22 and 23 of the principal regulations are repealed and the following Division is substituted —

“

Division 4 — Review

Review of a decision of a local government

22. (1) A person who is aggrieved by a decision of a local government under these regulations may apply in writing to the local government for it to review the decision.

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(2) Where a local government has received an application under subregulation (1), the local government shall, as soon as practicable after receiving the application —

- (a) make a determination in respect of the application; and
- (b) provide to the person making the application a written notice —
 - (i) advising the person of the determination; and
 - (ii) setting out the reasons for that determination.

Review of a decision of the Executive Director, Public Health

23. (1) A person who is aggrieved by a decision of the Executive Director, Public Health under these regulations may apply in writing to the Executive Director, Public Health for him or her to review the decision.

(2) Where the Executive Director, Public Health has received an application under subregulation (1), the Executive Director, Public Health shall, as soon as practicable after receiving the application —

- (a) make a determination in respect of the application; and
- (b) provide to the person making the application a written notice —
 - (i) advising the person of that determination; and
 - (ii) setting out the reasons for that determination.

”.

Division 3 amended

28. Division 3 of the principal regulations is amended by deleting the heading “DIVISION 3. — CONSTRUCTION AND SIZES OF SEPTIC TANKS AND SEDIMENTATION TANKS.” and substituting the following heading —

“

**PART 3 — CONSTRUCTION AND SIZES OF SEPTIC TANKS
AND SEDIMENTATION TANKS**

”.

Regulation 27 amended

29. Regulation 27 of the principal regulations is amended by deleting “approved material.” and substituting the following —

“ material approved by the Executive Director, Public Health. ”.

Regulation 28 amended

30. Regulation 28 (2) of the principal regulations is amended by deleting “as approved.” and substituting the following —

“ as approved by the Executive Director, Public Health. ”.

Division 4 amended

31. Division 4 of the principal regulations is amended by deleting the heading “DIVISION 4. — RESTRICTED FLUSH FIXTURES.” and substituting the following heading —

“ **PART 4 — RESTRICTED FLUSH FIXTURES** ”.

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Regulation 39 amended

32. (1) Regulation 39 (2) of the principal regulations is amended by deleting "approved under this regulation" and substituting the following —

" approved by the Executive Director, Public Health under this regulation ".

(2) Regulation 39 (4) (a) of the principal regulations is amended by deleting "the approved depth" and substituting the following —

" the depth approved by the Executive Director, Public Health ".

Regulation 42 amended

33. Regulation 42 of the principal regulations is amended by deleting "Divisions" and substituting the following —

" Parts ".

Division 4A amended

34. Division 4A of the principal regulations is amended by deleting the heading "*DIVISION 4A — MAINTENANCE OF AEROBIC TREATMENT UNITS*" and substituting the following heading —

" **PART 4A — MAINTENANCE OF AEROBIC TREATMENT UNITS** ".

Division 5 amended

35. Division 5 of the principal regulations is amended by deleting the heading "DIVISION 5. — DRY TYPE SEPTIC TANK." and substituting the following heading —

" **PART 5 — DRY TYPE SEPTIC TANK** ".

Regulation 43 amended

36. Regulation 43 of the principal regulations is amended —

(a) by deleting "Divisions" and substituting the following —

" Parts "; and

(b) in paragraph (i) by deleting "an approved mosquito proof cowl." and substituting the following —

"
a mosquito proof cowl approved by the Executive Director,
Public Health.

".

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Division 6 repealed and Part substituted

37. Division 6 of the principal regulations is repealed and the following Part is substituted —

“

**PART 6 — EMPTYING A SEPTIC TANK, RECEPTACLE FOR
DRAINAGE OR AEROBIC TREATMENT UNIT**

**Emptying a septic tank, receptacle for drainage or aerobic
treatment unit**

46. Where the *Environmental Protection (Liquid Waste) Regulations 1996* do not apply, a septic tank, receptacle for drainage or aerobic treatment unit shall be emptied —

- (a) in a manner; and
- (b) by a person,

approved by the relevant local government.

”.

Division 7 amended

38. Division 7 of the principal regulations is amended by deleting the heading “DIVISION 7. — DISPOSAL OF EFFLUENT AND LIQUID WASTES.” and substituting the following heading —

“ **PART 7 — DISPOSAL OF EFFLUENT AND LIQUID WASTES** ”.

Regulation 48 amended

39. Regulation 48 of the principal regulations is amended by deleting “an approved receptacle for drainage for the efficient disposal of liquid wastes.” and substituting the following —

“

a receptacle for drainage approved by the Executive Director, Public Health.

”.

Regulation 49 amended

40. (1) Regulation 49 (1) of the principal regulations is amended —

- (a) in paragraph (a) by deleting “the approved application” and substituting the following —
 - “ an approval ”;
- (b) in paragraph (b) —
 - (i) by deleting “or available”; and
 - (ii) by deleting “or animals
- (c) in paragraph (d) by deleting “by the Executive Director, Public Health after considering the recommendations of the local authority”.

(2) Regulation 49 (4) of the principal regulations is amended by deleting “The Executive Director, Public Health, after considering the recommendations of the local authority” and substituting the following —

“ An approving body ”.

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(3) Regulation 49 (5) of the principal regulations is amended by deleting "The Executive Director, Public Health" and substituting the following —

" An approving body ".

Regulation 50 amended

41. (1) Regulation 50 (1) of the principal regulations is amended —

(a) by deleting "other approved material" and substituting the following —

"
other material approved by the Executive Director, Public Health and
";

(b) in paragraph (b) by deleting "an approved ventilated impervious receptacle fitted with a gas-tight cover," and substituting the following —

"
a ventilated, impervious receptacle fitted with a gas-tight cover that is approved by the Executive Director, Public Health and
";

(c) in paragraph (b) (iv) by deleting "by the Executive Director, Public Health";

(d) in paragraph (b) (v) by deleting "as directed by the local authority;" and substituting the following —

" as approved; "; and

(e) in each paragraph listed in the Table to this paragraph by deleting "by the Executive Director, Public Health, after considering the recommendations of the local authority".

Table

(a) (i)	(c) (iii)
(a) (ii)	(d) (i)
(a) (v)	(d) (x)
(c) (i)	(e) (ii)

(2) Regulation 50 (2) of the principal regulations is amended by deleting "approved fitting," and substituting the following —

" fitting approved by the Executive Director, Public Health, ".

Division 8 amended

42. Division 8 of the principal regulations is amended by deleting the heading "DIVISION 8. — MANUFACTURING." and substituting the following heading —

" **PART 8 — MANUFACTURING** ".

Division 9 amended

43. Division 9 of the principal regulations is amended by deleting the heading "Division 9 — Offences and Penalties" and substituting the following heading —

" **PART 9 — OFFENCES AND PENALTIES** ".

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Regulation 54 amended

44. Regulation 54 of the principal regulations is amended in the Table to subregulation (1) —

- (a) by inserting after “5 (4),” the following —
“ 6 (2), ”;
- (b) by inserting after “8,” the following —
“ 8A, ”;
- (c) by inserting after “9,” the following —
“ 10 (5), ”;
- (d) by inserting after “15,” the following —
“ 16, ”;
- (e) by deleting “18,” and substituting the following —
“ 18 (2), 18A, ”;
- (f) by deleting “21, 22,” and substituting the following —
“ 20 ”; and
- (g) by inserting after “45,” the following —
“ 46, ”.

Various references to “local authority” changed to “local government”

45. The principal regulations are amended in each regulation listed in the Table to this regulation by deleting “local authority” wherever it occurs and substituting in each case the following —

“ local government ”.

Table

9	33 (9)
9A (2 places)	33 (10)
11 (2 places)	44 (3)
32 (j)	

Various headings deleted

46. The principal regulations are amended by deleting each heading immediately preceding the regulations listed in the Table to this regulation.

Table

12	32
15	34
18	35
19	38
20	44
23	45

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Various references to “health surveyor” changed to “environmental health officer”

47. The principal regulations are amended in each regulation listed in the Table to this regulation by deleting “health surveyor” wherever it occurs and substituting in each case the following —

“ environmental health officer ”.

Table

33 (2)	50 (1) (b) (i)
33 (4)	50 (1) (b) (iii)
36 (4)	50 (1) (d) (xi)
43 (a)	50 (2) (2 places)

Various references to “Division” changed to “Part”

48. The principal regulations are amended in each regulation listed in the Table to this regulation by deleting “Division” wherever it occurs and substituting in each case the following —

“ Part ”.

Table

37 (1)	40 (1)
38 (1)	42
39 (3) (3 places)	43 (h)

Schedule 1 inserted

49. After regulation 54 of the principal regulations the following Schedule is inserted —

“

SCHEDULE 1

[Regs. 4, 4A and 14]

FEES

<i>Item</i>	<i>Description</i>	<i>Fee</i>
		\$
1.	Application for the approval of an apparatus by local government under regulation 4	75.00
2.	Application for the approval of an apparatus by the Executive Director, Public Health under regulation 4A —	
	(a) with a local government report	35.00
	(b) without a local government report (regulation 4A (4))	110.00
3.	Fee for an inspection of an apparatus under regulation 10 (1) —	
	(a) for one or 2 major fixtures	50.00
	(b) for each additional major fixture	12.00
4.	Fee for an inspection of an apparatus under regulation 10 (3)	25.00

”.

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Schedule 2 repealed

50. Schedule 2 to the principal regulations is repealed.

Schedule 7 amended

51. Schedule 7 to the principal regulations is amended —

- (a) in Form 1 by deleting “Local Authority” wherever it occurs and substituting the following —
“ Local Government ”;
- (b) in Form 2 by deleting “Local Authority” and substituting the following —
“ Local Government ”; and
- (c) in Form 3 by deleting “LOCAL AUTHORITY” and substituting the following —
“ LOCAL GOVERNMENT ”.

Transitional and savings

52. (1) In this regulation —

“**amended regulations**” means the principal regulations as amended by these regulations.

(2) An approval to construct or install an apparatus granted by the Executive Director, Public Health under the principal regulations is to be treated as if it were an approval granted under the amended regulations.

(3) A certificate for the use of an apparatus granted by a local government under the principal regulations is to be treated as a permit for the use of the apparatus granted under regulation 10 (2) of the amended regulations.

(4) Where —

- (a) an application for approval to construct or install an apparatus has been —
 - (i) made under regulation 4 (1) of the principal regulations; or
 - (ii) submitted to a local government under regulation 4 (1a) of the principal regulations; and
- (b) the application has not been determined before the commencement of these regulations,

the application is to be dealt with under the principal regulations as if these regulations had not come into operation.

(5) Nothing in this regulation limits the operation of the *Interpretation Act 1984*.

By Command of the Governor,

J. PRITCHARD, Clerk of the Executive Council.

