

HE304

HEALTH ACT 1911

TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT
AND LIQUID WASTE AMENDMENT REGULATIONS 1992

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations 1992*.

Commencement

2. These regulations shall come into operation on the day on which Part 3 of the *Health Amendment Act 1991* comes into operation.

Principal regulations

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

[* Reprinted in the Gazette of 6 February 1985 at pp. 469-508.
For amendments to 24 August 1992 see 1991 Index to Legislation of Western Australia, p. 359.]

Regulation 1 amended

4. Regulation 1 (1) of the principal regulations is amended by deleting "Bacteriolytic".

Regulation 2 repealed

5. Regulation 2 of the principal regulations is repealed.

Regulation 3 amended

6. Regulation 3 of the principal regulations is amended —
 - (a) by inserting in the appropriate alphabetical positions the following definitions —
 - "aerobic treatment unit" means an apparatus for treating sewage either wholly or partially by aerobic means and includes any associated effluent disposal system;
 - "AS" means Standards Association of Australia standard;
 - "authorized person", in relation to an aerobic treatment unit, means a person who is authorized under regulation 42C to carry out maintenance on that type of unit;
 - "single dwelling" means a building or a part of a building that is occupied, or is intended to be occupied, for the purpose of human habitation on a permanent basis by —
 - (a) a single person;

- (b) a single family: or
- (b) not more than 6 persons who do not
comprise a single family; ”;
- (b) in the definition of “septic tank” by deleting “bacteriolytic” in the
first place where it occurs; and
- (c) in the definitions of “apparatus”, “effluent”, and “sedimentation
tank” by deleting “bacteriolytic” wherever it occurs.

Regulation 4 amended

7. Regulation 4 of the principal regulations is amended —

- (a) in subregulation (1) by deleting “the prescribed form” and
substituting the following —
“ a form approved by the Executive Director ”;
- (b) in subregulation (2) by deleting “any septic tank or sedimentation
tank” and substituting the following —
“ the apparatus ”; and
- (c) by inserting after subregulation (2) the following subregulation —
“(3) Where the apparatus referred to in subregulation (1) 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, shall be submitted to the local authority and to the
Executive Director, Public Health with the form.”.

Regulation 5 amended

8. Regulation 5 (1) of the principal regulations is amended by deleting “shall
be in the form of Schedule 1 and”.

Regulation 7 amended

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

- “ (3) An aerobic treatment unit that is intended to service a
single dwelling must be of a standard and construction that
conforms to the standard known as the “Specifications for aerobic
treatment units serving single dwellings” issued by the Department
as at August 1992. ”.

Regulation 7A inserted

10. After regulation 7 of the principal regulations the following regulation is
inserted —

- “ Aerobic treatment units to be installed
in accordance with standard

7A. A person who installs an aerobic treatment unit that services
a single dwelling, shall ensure that the unit is installed in
accordance with the standard known as the “Standard for
Installation and Operation of Aerobic Treatment Units (ATU's)
serving single dwellings” issued by the Department as at August
1992. ”.

Regulation 8 amended

11. Regulation 8 (1) of the principal regulations is amended by inserting after "septic tanks" the following —

" , aerobic treatment units, ".

Regulation 9A inserted

12. After regulation 9 of the principal regulations the following regulation is inserted —

" **Certification that aerobic treatment unit has been properly installed**

9A. Where the notification referred to in regulation 9 is in respect of the construction of an aerobic treatment unit that services a single dwelling, the person notifying the local authority shall also provide the local authority with written certification that the unit has been installed in accordance with the standard referred to in regulation 7A. "

Regulation 18 amended

13. Regulation 18 of the principal regulations is amended —

(a) by inserting after the regulation designation "18." the subregulation designation "(1)";

(b) by deleting "No" and substituting the following —

" Except as provided in subregulation (2), no ";

and

(c) by inserting the following subregulation —

" (2) Subregulation (1) does not apply to, or in relation to, an authorized person carrying out maintenance work on an aerobic treatment unit in accordance with these regulations. "

Regulation 32 amended

14. Regulation 32 of the principal regulations is amended —

(a) in paragraph (a) by deleting "Code No. C.A.2 or A.77 or in accordance with 1379-1973 of the Standards Association of Australia" and substituting the following —

" AS 3600-1988, AS 2758.1-1985 or AS 1379-1973 ";

(b) in paragraph (f) by deleting "A.S. 1304-1973" and substituting the following —

" AS 1304-1991 ";

(c) in paragraph (k) by deleting "A.S.K. 138-1969" and substituting the following —

" AS 1260.1 to 4 (inclusive)-1984 ".

Regulation 33 amended

15. Regulation 33 (1) of the principal regulations is amended —

(a) by deleting "A.S.A. 35-1957 and A.S. No. 1012,1971,Parts 1-13" and substituting the following —

" AS 1342-1973 and AS 1012.1 to 13 (inclusive)-1981 ";

and

(b) by deleting "A.S.A. 87-1963" and substituting the following —

" AS 2733-1984 ".

Regulation 34 amended

16. Regulation 34 (6) of the principal regulations is amended by deleting "A.S. 1304-1973" and substituting the following —

" AS 1304-1991 ".

Regulation 36 amended

17. Regulation 36 (1) of the principal regulations is amended in paragraph (g) by deleting "ASF3-1962" and substituting the following —

" AS 1799.4-1985 ".

Division 4A inserted

18. After Division 4 of the principal regulations the following Division is inserted —

"DIVISION 4A — MAINTENANCE OF AEROBIC TREATMENT UNITS

Owner to ensure arrangements in place for maintenance of unit

42A. (1) The owner of any premises on which an aerobic treatment unit is installed shall ensure that at all times satisfactory arrangements are in place for the maintenance of the unit by an authorized person.

(2) Subregulation (1) applies in relation to an aerobic treatment unit whether that unit was installed before or after the commencement of this regulation.

Units to be maintained in accordance with standard

42B. An authorized person who is responsible for the maintenance of an aerobic treatment unit that services a single dwelling (whether pursuant to an arrangement with the owner or otherwise), shall ensure that the unit is maintained in accordance with the standard known as the "Standard for Installation and Operation of Aerobic Treatment Units (ATU's) serving single dwellings" issued by the Department as at August 1992.

Maintenance of units to be carried out by authorized persons

42C. (1) A person shall not carry out maintenance work on an aerobic treatment unit, and the owner of any premises on which an aerobic treatment unit is installed shall not arrange for a person to carry out maintenance work on the unit, unless the person is authorized by the Executive Director, Public Health under this regulation to carry out maintenance work on that type of aerobic treatment unit.

(2) A person may apply in writing to the Executive Director, Public Health for authorization to carry out maintenance work on aerobic treatment units.

(3) Upon application under subregulation (2), the Executive Director, Public Health may authorize the applicant to carry out maintenance work on aerobic treatment units and the Executive Director shall specify in the authorization the type or types of unit which the applicant is authorized to maintain.

(4) The Executive Director, Public Health shall not authorize a person to carry out maintenance work on any type of aerobic treatment unit unless the Executive Director is satisfied that the person is duly qualified to carry out maintenance work on that type of unit.

(5) Authorization may be given —

- (a) to a specified person or to a specified class of persons; and
- (b) subject to such conditions or restrictions as the Executive Director, Public Health thinks fit.

(6) Authorization may at any time be amended or revoked by the Executive Director, Public Health if the Executive Director is satisfied that a person —

- (a) has failed to maintain an aerobic treatment unit in accordance with these regulations; or
- (b) has contravened a condition or restriction attached to the authorization.

(7) A person who is aggrieved by a decision of the Executive Director, Public Health under this regulation may appeal in writing against that decision to the Minister who may uphold, set aside or amend the decision.

(8) An appeal under subregulation (7) shall be lodged within 28 days of the decision of the Executive Director, Public Health and shall set out the grounds for the appeal.

(9) The Minister shall determine the appeal on the material that was before the Executive Director, Public Health and on such other materials as the Minister thinks fit to consider.

Authorized person to notify new owner of maintenance requirements for unit

42D. Where an authorized person becomes aware of any change in the ownership of premises on which an aerobic treatment unit is installed, the authorized person shall, as soon as practicable after becoming aware of that change in ownership, take reasonable steps to inform the new owner of —

- (a) the general requirements for the maintenance of the unit;
- (b) the requirement for the owner to ensure that satisfactory arrangements are in place for the maintenance of the unit; and
- (c) the need to maintain the irrigation system of the unit in an unaltered form.

Regulation 50 amended

19. Regulation 50 (1) of the principal regulations is amended in paragraph (d) (iv) by deleting "Class A., A.S., A 87-1963" and substituting the following —

" AS 2733-1984 ".

Regulation 51 amended

20. Regulation 51 of the principal regulations is amended in subregulations (1) and (2) by deleting "bacteriolytic" in each place where it occurs.

Regulation 53 amended

21. Regulation 53 of the principal regulations is amended by deleting "bacteriolytic".

Regulation 54 amended

22. Regulation 54 (1) of the principal regulations is amended in the Table —

(a) by inserting after "5 (4)," the following —

" 7A, "; and

(b) by inserting after "41 (4)," the following —

" 42A, 42B, 42C (1), 42D, ".

Schedule 1 repealed

23. Schedule 1 to the principal regulations is repealed.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
