



Western Australia

Health (Miscellaneous Provisions) Act 1911

**Health Act (Underground Water Supply)
Regulations 1959**

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Health Act (Underground Water Supply) Regulations 1959

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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: 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. Deleted: 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: 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: Gazette 20 Mar 1963 p. 890;
amended: 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: Gazette 20 Mar 1963 p. 890;
amended: 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: Gazette 23 Dec 1988 p. 4974.]

[Schedule A deleted: 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: Gazette 31 Aug 1962 p. 2404-5; amended: 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 (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).

- 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).