

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC HEALTH (NIGHT-SOIL, GARBAGE, CESSPITS, WELLS AND WATER) REGULATIONS

As in force at 1 October 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 1996

PUBLIC HEALTH (NIGHT-SOIL, GARBAGE, CESSPITS, WELLS AND WATER) REGULATIONS

Regulations under the *Public Health Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations*.

2 Regulatory offences

An offence of:

- (a) contravening or failing to comply with;
- (b) failing to comply with a requirement of an order or notice under;
- (c) failing to comply with, observe or carry out a direction, instruction or requirement given or made under,

regulation 6, 7, 15, 16, 18, 20, 21, 30, 31, 39, 43(1), 44, 46, 47, 48, 49, 50(2), 57, 58, 60 or 62 is a regulatory offence.

Part II Night-soil

3 Application of Regulations and definitions

- (1) This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Gazette*.
- (2) In these Regulations, unless the contrary intention appears:

approved device includes an earth closet or cesspit.

closet means a privy-house, room, or enclosed or partly enclosed space which is used in connection with the deposit of night-soil.

contractor means a person who has an agreement with the Territory or with the Commonwealth for the removal of night-soil.

house has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

night-soil has the same meaning as in the *Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations*.

occupier has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

owner has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

pan means a pan, tank, box, or other movable receptacle used for the deposit of night-soil.

4 Persons who may remove night-soil

Subject to these Regulations, the night-soil in a closet pan shall not be removed by a person, other than the contractor, or an employee of the contractor, or other persons appointed in that behalf by a Health Surveyor.

5 Night-soil from persons suffering from infectious diseases

Night-soil excreted by a person suffering from typhoid fever, cholera, dysentery, or other contagious disease, or by a person who has suffered from any of those diseases within the previous 2 months, or by a person who is certified by a Medical Officer of Health to be the carrier of any of those diseases, shall not be placed, deposited, or spread on or upon any land under any circumstances whatsoever, unless it has first been disinfected by boiling for half an hour with a solution of washing soda in water, containing one per cent by volume of washing soda, or treated by some chemical disinfectant approved by the Chief Medical Officer, and all pans used in connection with the said disease during continuance of the disease shall be plainly marked with a red cross the arms of which measure each not less than 6 inches in length.

6 Sanction of health surveyor to empty closet pans

A person, other than a contractor, an employee of a contractor or a person authorised thereto by a Health Surveyor, shall not empty or cause to be emptied a closet pan, which is on premises, without the written authority of a Health Surveyor.

7 Time of disposal on premises

When a person receives an authority in pursuance of regulation 6, he shall empty and cleanse the pan of every closet on his premises at least twice in every week, and shall deposit the night-soil in trenches, in such places as are approved of or directed by a Health Surveyor, and shall forthwith cover it in such manner as a Health Surveyor approves or directs, and shall take all such other measures in the performance of the work as are directed by a Health Surveyor for the suppression of offensive smells and the prevention of nuisances and for the protection of water from pollution.

8 Distance from stream, dwelling, &c.

Night-soil shall not be placed or deposited upon land which is not securely enclosed with a stock-proof fence and at a less distance than:

- (a) 880 yards from a dam, reservoir, river, creek, or open channel containing or conveying water of a public domestic supply;
- (b) 440 yards from a stream or watercourse;
- (c) 440 yards from a building in which cows or goats (the milk or milk products of which are sold) are milked, or in which ice or ice cream is cooled or stored for sale; or
- (d) 220 yards from a growing edible vegetable, or from any fruit trees in bearing or in bloom.

9 Grazing not allowed

An area on which night-soil has been deposited shall not be used for the grazing of milch cows or goats within 6 months of the date of the last deposit thereon of any of the night-soil.

10 Locking of gates or obstruction of entrance

After receiving due notice by the contractor or other persons removing night-soil of the days on and the hours between which night-soil will be removed from his premises, a person shall not lock or obstruct an entrance to the premises on the days and during the hours stated in the notice until the removal has been effected, or obstruct the access to the closet pan.

11 Nuisance to be promptly notified

If a closet pan on any premises overflows or leaks or is not properly emptied in accordance with these Regulations, or if from other

cause the contents of a pan are liable to escape, or a nuisance occurs in connection with a closet-pan, the occupier of the premises shall give notice thereof to a Health Surveyor within 24 hours of the occurrence and the occupier shall abate the nuisance.

12 Powers of entry

The Chief Medical Officer, a Health Surveyor or a person authorised in writing in that behalf by the Chief Medical Officer may at any time enter any premises or any buildings erected thereon for the purpose of ascertaining whether the provisions of these Regulations are being or have been complied with or for the purpose of carrying out the provisions of these Regulations.

13 Resisting or obstructing officers, &c.

A person shall not resist or obstruct:

- (a) the Chief Medical Officer;
- (b) a Health Surveyor;
- (c) any person authorised in writing by the Chief Medical Officer in accordance with the provisions of regulation 12;
- (d) a contractor; or
- (e) an employee of any contractor,

in the course of his duty or in the course of carrying out any work or in services to be performed for the purpose of carrying out the provisions of this Part.

14 Occupier must remove nuisance and disinfect

A Health Surveyor, on discovering the existence of a nuisance, may give notice in writing to the occupier to remove or abate the nuisance forthwith, and to purify the locality by cleansing, disinfection, or otherwise, and the occupier shall comply with the notice.

15 Construction of closets

No person shall construct or cause to be constructed an earth closet or privy:

- (a) within 20 feet of any house or water storage tank or within 50 feet of any other water supply;
- (b) within 50 feet of a milking shed, milk room or dairy;

- (c) unless walls are constructed of stone or brick or cement or other material approved by the Chief Medical Officer and the roof is constructed of corrugated iron or other impervious material;
- (d) unless there are at least 2 openings for ventilation;
- (e) unless the area of each opening is not less than 50 square inches;
- (f) unless the openings are on opposite walls and the lower edge of each opening is at least 6 feet above the level of the floor;
- (g) unless the pan stand is constructed of not less than 24 gauge galvanised iron approximately 16 inches in diameter and furnished with a seat hinged aperture cover; and
- (h) unless the inside of the seat shall be 15½ inches above the floor.

16 Removal and cleansing of pans

- (1) The sanitary contractor or other person authorised by him shall remove the pan of every closet and shall at the same time replace the pan with an empty and clean pan twice at least in every week, and as much oftener in particular cases as is deemed necessary by a Health Surveyor, and, on removing it from a closet, shall cover the pan forthwith with an air-tight lid and shall convey it with its contents so covered in a closed vehicle, or other vehicle approved by the Chief Medical Officer, to the appointed depot, between the hours of 5 a.m. and 9 a.m. or such hours as are from time to time fixed by the Chief Medical Officer and notified by advertisement in a newspaper circulating in the Northern Territory.
- (2) At the depot the contractor or person authorised by him shall empty the pans, and shall thoroughly wash and cleanse them with a steam jet, and cover the inner surface of each pan with a coating of coal tar before it is removed from the depot or supplied for use for any purpose.
- (3) Any vehicle used for conveying pans and all receptacles, utensils and apparatus used in the collection or disposal of night-soil shall be thoroughly washed by the contractor or employee of the contractor upon arrival at the depot after each day's usage and shall be maintained in a clean condition and garaged at the depot.

17 Emptying, spilling or depositing of night-soil

- (1) Any person who spills, empties or deposits any night-soil elsewhere than at the appointed depot shall be guilty of an offence.

- (2) This regulation shall not apply to such disposal of night-soil on private premises as is approved by the Chief Medical Officer.

18 Deposit of night-soil at depot

A person who brings night-soil to any depot shall empty it into trenches, not more than 24 inches or less than 10 inches deep or of such depth as is approved by the Chief Medical Officer, and 12 inches wide, and shall forthwith cover it by a covering of earth, not less than 6 inches in thickness.

19 Right of access to closet

For the purpose of removing night-soil from any pan closet, the sanitary contractor or other person authorised by him may visit each closet, and do such work as may be necessary at any time during the hours appointed.

20 Septic tank not to be constructed without permission

- (1) A person shall not install, in any area to which the provisions of these Regulations apply, a depot for the disposal of night-soil without the approval of the Chief Medical Officer.
- (2) A person shall not construct or cause to be constructed a septic tank on any premises without the permission in writing of the Chief Medical Officer having first been obtained.
- (3) A person who wishes to install a septic tank, or a device for the treatment of night-soil, may apply in writing to the Chief Medical Officer for permission so to do in accordance with regulation 27 of the *Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations*.

21 Dangerous septic tank

- (1) When the Chief Medical Officer considers that a septic tank is, or is likely to become, dangerous to health, he may:
- (a) by notice in writing served on the owner of the land on which the septic tank is situated, direct the owner to repair, cleanse, desludge, empty or remove the septic tank on or before a date specified in the notice; and
- (b) by notice in writing served on the occupier of the land on which the septic tank is situated, direct the occupier not to use or to suffer a person to use the septic tank until permission is granted by the Chief Medical Officer.

- (2) When the Chief Medical Officer considers that a septic tank is, or is likely to become, dangerous to health and that the septic tank is situated on land on which there is a dwelling-house which is leased by the Territory or the Commonwealth to a person who is an employee of the Territory or the Commonwealth, the Chief Medical Officer may by notice in writing served on that person direct that person not to use or to suffer a person to use the septic tank after a date specified in the notice and until permission in writing to use the septic tank is granted by the Chief Medical Officer.
- (3) A notice under this regulation may be served personally or by registered post.

22 Penalty

A person who contravenes or fails to comply with any provision of this Part or fails to comply with any requirement of an order or notice thereunder shall be guilty of an offence and unless some other penalty is provided shall be liable upon conviction to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

Part III Garbage and latrines

23 Application of Regulations

This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

24 Definitions

In this Part, unless the contrary intention appears:

garbage includes all waste matters except sewerage arising from or existing upon or about any premises.

occupier has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

owner includes the person for the time being receiving or entitled to receive the rents or profits of any premises or land, whether on his own account, or as agent, trustee or attorney.

25 Provision for garbage receptacles

An occupier shall provide for the use on his premises such number, not less than one, of covered, water-tight, non-absorbent

receptacles, which shall be of metal not thinner than 24 gauge, circular in shape, 20 inches or thereabouts in height and 16 inches or thereabouts in diameter, as in the opinion of the Chief Medical Officer are required for the reception of all garbage arising from or existing on the premises.

26 Garbage to be placed in garbage receptacles

An owner or occupier shall not permit or allow garbage to be on or about his premises saving in a garbage receptacle.

27 Duties of owner or occupier

An owner or occupier shall:

- (a) cause all garbage receptacles on his premises to be kept clean;
- (b) cause all garbage receptacles to be maintained in good order and condition;
- (c) not at any time allow garbage receptacles to become a nuisance; and
- (d) keep all garbage receptacles covered at all times.

28 Position of receptacles on premises

An occupier shall, before each occasion on which the garbage receptacles on his premises are emptied, place those receptacles in a convenient place inside the gate opening from his premises and, if there is no gate, then at some convenient place on the boundary of his premises.

29 Removal of garbage

The contents of all garbage receptacles shall be removed at least once in each week, or as often as the Minister by notice in writing directed to the contractor may from time to time require, in the daytime in a covered vehicle by a contractor who has an agreement with the Minister for the removal of garbage or by any other person appointed in writing by the Minister to carry out the services of removing garbage.

30 Garbage must be deposited at approved depot

A person shall not deposit garbage elsewhere than at a garbage depot approved by the Chief Medical Officer.

31 Disposal of garbage at depot

A person depositing garbage at a garbage depot approved by the Chief Medical Officer shall dispose of the garbage as directed by the Chief Medical Officer.

32 Powers of entry

The Chief Medical Officer or a person authorised in writing by the Chief Medical Officer may at any time enter a house or premises for the purpose of ascertaining whether the provisions of these Regulations are being or have been complied with, or for the purpose of carrying out the provisions of these Regulations.

33 Obstruction of officers

A person shall not, by act or omission, hinder or obstruct the Chief Medical Officer or person appointed under the provisions of the *Public Health Act* or a contractor or person authorised to remove garbage or the servant or agent of any department authorised to remove garbage.

34 Penalties

A person who contravenes or fails to comply with any provision of this Part of these Regulations shall be guilty of an offence, and unless some other penalty is provided, shall be liable on conviction to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

35 Disposal of night-soil

No occupier or owner shall deposit night-soil except in an approved closet, or shall dispose of night-soil except as is provided in these Regulations.

36 Health Surveyors

The Minister may appoint such Health Surveyors and such other officers as are required to enforce compliance with the Regulations.

37 Incinerator latrines

The occupier of any premises or where the premises are unoccupied then the owner or lessee where an incinerator latrine is installed shall cause the latrine to be effectively burned out so that faeces and contents are reduced to a dry, harmless and innocuous ash at intervals not exceeding 3 days between the burnings.

38 Inspection

A Health Surveyor or other officer appointed under these Regulations may visit and inspect any premises at any time between the hours of 6 a.m. and 6 p.m., and no person shall prevent or obstruct such Inspector or officer in the performance of his duties or in the exercise of his powers.

39 Scale of latrines

- (1) The owner or the occupier or lessee of premises shall provide for the premises:
 - (a) for every dwelling at least one water closet or other approved closet;
 - (b) for every warehouse, hotel, factory, shop, store, work-room, building used as offices, or other places where numbers of people may ordinarily be present during part or the whole of any day, separate water closets or other approved closets for the sexes at the rate of one water closet or other approved closet for from one to 12 persons of each sex and one additional water closet or other approved closet for persons above the number of 12 and not exceeding 24 and so on for every additional 12 persons of each sex or part of 12;
 - (c) for any place of amusement, recreation or public resort, such number of water closets or other approved closets for each sex as the Chief Medical Officer from time to time by notice in writing directs; and
 - (d) for any premises such number of urinals as the Chief Medical Officer from time to time by notice in writing directs; the urinals being constructed and placed as the Chief Medical Officer by notice in writing directs.
- (2) Water closets or other approved closets constructed by an owner or occupier shall be housed in closets constructed to conform to the specifications of the *Building Regulations* for the time being in force in the Northern Territory of Australia.

40 Night-soil and garbage charges

- (1) The Minister may:
 - (a) make arrangements for the regular collection of night-soil, or garbage, or both, from premises, being premises not within the Municipality of Darwin; and

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- (b) by notice in the *Gazette* and in at least 2 newspapers published in the Northern Territory declare:
- (i) a sanitary charge in respect of the collection of night-soil;
 - (ii) a garbage charge in respect of the collection of garbage; or
 - (iii) a sanitary and garbage charge in respect of the collection of night-soil and garbage,
- from such premises.
- (2) The Minister or an officer authorised in that behalf by the Minister may make arrangements for collection, additional to the collection referred to in subregulation (1), of night-soil or garbage, or both, from such premises and on such terms and conditions as he thinks fit, and may charge a fee for this additional collection.
- (3) A charge or fee declared under this regulation is due and payable by the occupier of the premises in respect of which the charge or fee is declared after notice in writing is served on the occupier by or on behalf of the Minister.
- (4) If the notice states:
- (a) that the charge or fee is payable in full on or before a date specified in the notice; or
 - (b) that the charge or fee is payable by monthly, quarterly or half yearly instalments on or before the respective dates specified in the notice,
- the occupier is liable for payment of the amount of the charge or fee in full on that date, or by monthly, quarterly or half-yearly instalments on those respective dates, as the case may be.
- (5) Where a charge or fee, or an instalment of a charge or fee, that is due and payable under subregulation (4) by an occupier of premises is not paid on or before the date on which it is payable, the Minister may at any time, in his absolute discretion, sue for and recover from the owner of the premises the amount of that charge, fee or instalment.
- (6) The Minister or an officer authorised in that behalf by the Minister may, whenever in the circumstances he thinks fit, in respect of any premises:
- (a) remit the whole or a part of a charge or fee declared under this regulation which is unpaid; or

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- (b) allow a rebate in respect of the whole or a part of a charge or fee declared under this regulation which has been paid.
- (7) For the purpose of this regulation **Minister** means the minister responsible for Local Government.
- (8) Charges or fees payable under this regulation shall be paid into the Northern Territory Government Account.

Part IV Cesspits

41 Application of Regulations

This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

42 Definitions

In this Part, unless the contrary intention appears:

approved site means a site approved by a health officer for use as a cesspit site.

cesspit means any pit, whether constructed or not, under or connected with any closet which is used for the deposit of night-soil.

closet means any privy-house, room or enclosed or partly enclosed space which is used in connection with the deposit of night-soil.

health officer means any officer of health appointed under the provisions of the *Public Health Act* and includes the Chief Medical Officer or any legally qualified medical practitioner in the employment of the Territory.

house means any dwelling, whether temporary or otherwise, and includes any caravan, tent, van or lean-to of any description or any place of worship, school, factory, work-room, shop, lodging-house, hotel and any public house or other premises of a licensed victualler.

night-soil means human faeces, human urine and matters mixed with them or either of them.

occupier has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

premises means any house, building, structure, yard and any mine, paddock, field, road or place.

43 Cesspit not to be used until approved by health officer

- (1) A person shall not use any cesspit until a health officer has given approval in writing for the use of such cesspit.
- (2) The occupier of any premises on which there is a cesspit shall not permit any person to use the cesspit, until a health officer has given approval in writing for the use of such cesspit.

44 Construction of cesspit to be approved by health officer

A person shall not construct a cesspit on any premises until a health officer has given approval in writing for the construction of the cesspit on an approved site.

45 Demolition of cesspits

- (1) A health officer may, by notice in writing, require the occupier of any premises on which there is a cesspit to demolish such cesspit, within the time specified in the notice, to a depth of one foot below the natural surface of the surrounding ground, to place in the cesspit sufficient fresh lime to the satisfaction of the health officer and, after placing in the lime, to fill in the cesspit with earth banked to a height of at least one foot and 6 inches above the natural surface of the surrounding ground.
- (2) If the occupier of any premises on which there is a cesspit receives a notice in writing such as is referred to in subregulation (1) he shall, within 30 days of the receipt of the notice, comply with the requirements in the notice and complete the work required by the notice to be performed.

46 Cesspit not to be used when contents reach within 2 feet of ground level

The occupier of any premises on which there is any closet or cesspit shall not use the closet or cesspit nor permit the closet or cesspit to be used when the contents of the cesspit have reached within 2 feet of the natural level of the surrounding land.

47 Closets to be provided with receptacles containing covering material

The occupier of any premises on which there is a cesspit closet shall provide and keep provided in the closet a suitable receptacle for dry earth or other covering material, and shall also provide and keep provided in the closet a scoop or other appliance for the application of dry earth or other covering material to cover deposits of night-soil.

48 Night-soil deposited in cesspit to be immediately covered with covering material

The occupier of any premises on which there is a cesspit shall cause all night-soil deposited in the cesspit to be immediately covered with a quantity of suitable covering material.

49 Specifications of closet with cesspit

A person who constructs a closet or cesspit, or the occupier of any premises who constructs or causes to be constructed a closet with cesspit on the premises, shall ensure that:

- (a) the cesspit is constructed on an approved site;
- (b) no cesspit shall be constructed or maintained where it could pollute any well or other drinking water;
- (c) a cesspit for use under one seat shall not be less than 2 feet 6 inches square, and not less than 8 feet deep, and, where there is more than one seat, the size of the pit shall be increased as directed by a health officer;
- (d) a margin of 9 inches of undisturbed ground shall be left between the pit and the ground plates of the closet building, which shall be set level on the ground over the cesspit;
- (e) the earth dug from the pit shall be placed around the closet for a distance of not less than 3 feet in the form of a mound, having a slight fall away from the building;
- (f) where a cesspit closet is built on land having a fall, a level site shall be excavated on which to erect the closet building and the earth dug from the pit used to form a parapet at least one foot high on the slope above the closet in order to divert stormwater past the structure and prevent flooding of the cesspit;
- (g) the parapet shall be banked in such manner as to prevent the earth being washed away;
- (h) the cabinet shall be constructed of flat iron, wood, or other approved material, and the walls of the cabinet shall be 15 and one-half inches high;
- (i) the internal measurements of the cabinet shall be 16 inches by 15 inches;

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- (j) there shall be a seat and flap cover, and the orifice in the closet seat shall not be less than 4 and one-half inches from the front edge of the seat;
 - (k) the whole cabinet unit including sides, seat and flap cover shall be so constructed as to render the space beneath the seat flyproof;
 - (l) the cabinet shall be so placed that deposit will fall clear of the walls of the cesspit;
 - (m) the floor and cabinet shall be so constructed that rodents and flies are excluded from the cesspit;
 - (n) every closet used as a cesspit shall have internal dimensions of not less than 4 feet wide, 5 feet long and 7 feet high;
 - (o) the closet shall have an entrance of not less than 2 feet 6 inches wide and shall be fitted with a door or effectively screened to the satisfaction of a health officer;
 - (p) the closet shall be securely roofed, and a ventilation opening of not less than 100 square inches shall be provided in the upper part of the wall opposite the entrance and the cabinet shall have a fly trap opening to the exterior; and
 - (q) the door shall be capable of being fastened on the inside.

50 Health officer may direct occupier to construct closet with cesspit

- (1) A health officer may, by notice in writing, direct the occupier of any premises to construct or cause to be constructed a closet with cesspit or a specified number of closets with cesspits on the premises.
- (2) Any occupier who fails to comply with any direction given by a health officer by notice in accordance with subregulation (1) shall be guilty of an offence.

51 Powers of entry

The Chief Medical Officer or a person authorised in writing by the Chief Medical Officer may at any time enter upon premises for the purpose of ascertaining whether the provisions of these Regulations are being or have been complied with, or for the purpose of carrying out the provisions of these Regulations.

52 Obstruction of officers

A person shall not resist or obstruct the Chief Medical Officer or any person authorised in writing by the Chief Medical Officer in accordance with these Regulations in the course of his duty under this Part of these Regulations.

53 Penalty for offences

Every person who contravenes or fails to comply with any provision of this Part or who fails to observe or carry out any direction, instruction or requirement given or made thereunder, shall be guilty of an offence against these Regulations and shall be liable, upon conviction, to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

Part V Wells and water**54 Definitions**

In this Part, unless the contrary intention appears:

occupier has the same meaning as in the *Public Health (Infectious and Notifiable Diseases) Regulations*.

well includes any underground water storage, tank or reservoir.

55 Application of Part V

This Part shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

56 Occupiers to give notice of wells on their premises

An occupier of premises on which a well is situated shall give particulars in writing to the Chief Medical Officer of the site, dimensions, equipment, material and capacity of the well.

57 Application for approval to construct or alter wells

A person who proposes to construct a well or alter or add to a well shall, before commencing so to do, make application in writing to the Chief Medical Officer for his approval and shall with the application deliver particulars of the site, anticipated dimensions, equipment and material of the intended well and the purpose for which the water from the well is required or to be used.

58 Conditions for construction of wells for domestic purposes

A person shall not construct or cause to be constructed a well for the purpose of obtaining a supply of water for domestic purposes unless the well:

- (a) is surmounted with at least an 18 inch coping of impermeable material;
- (b) is lined with impermeable lining to a level of not less than 12 feet below the surface;
- (c) is surmounted by an impermeable covering provided with a movable trap door not more than 8 feet in circumference; and
- (d) is constructed to the satisfaction of a Health Surveyor, or is surrounded with a fence at least 15 feet from the outer edge of the well and capable of resisting the trespass of all livestock and poultry.

59 Method of pumping water for domestic purpose

An owner or occupier shall not erect a windlass on a well the water from which is intended for human consumption or domestic use and the water, if not raised wholly by mechanical power, shall be pumped from a stand outside the well fence.

60 Approval of construction or use of new wells

A person shall not construct a well or use the water from a new well without first obtaining from a Health Surveyor his approval in writing.

61 Drains in precincts of wells

An occupier of land shall not permit live-stock, poultry or offensive matter to have access to, or a drain to discharge upon, the precincts of a well.

62 Powers of Chief Medical Officer where wells cause danger to health

If the Chief Medical Officer is satisfied that danger to health exists or is likely to exist owing to the use of water from a well, he may by notice in writing to the occupier of the premises on which that well is situated:

- (a) prohibit the use of the water from the well for any purpose indicated in the notice for such a period as he deems necessary;

- (b) order the well to be closed in the manner indicated in the notice either permanently or until a date afterwards specified; and
- (c) order such work to be done to, or within the precincts of, the well as he deems necessary for health purposes.

63 Powers of entry and inspection

A Health Surveyor may at any time enter on any land or premises on which a well is situated and inspect and take samples of water from the well.

64 Interference with Health Surveyor

A person shall not hinder, obstruct or in any way interfere with a Health Surveyor in the carrying out of his powers or duties under this Part of these Regulations.

65 Penalty

Every person who contravenes or fails to comply with any provision of this Part or who fails to observe or carry out any direction, instruction or requirement given or made thereunder shall be guilty of an offence against this Part of these Regulations and unless some other penalty is provided shall be liable upon conviction to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations (SL No. 14, 1960)***

Notified	14 December 1960
Commenced	31 December 1960 (Cth Gaz, 31 December 1960)

Amendment of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations (SL No. 24, 1961)

Notified	20 December 1961
Commenced	20 December 1961

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 2)

Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations (SL No. 48, 1978)

Notified	29 December 1978
Commenced	1 January 1979 (r 1)

Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations (SL No. 6, 1982)

Notified	12 March 1982
Commenced	1 May 1982 (r 1, s 2 <i>Public Health Amendment Act 1981 (Act No. 103, 1981)</i> and <i>Gaz G17, 30 April 1982, p 10</i>)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

Amendments of Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations (SL No. 45, 1996)

Notified	1 October 1996
Commenced	1 October 1996

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 7 *Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations* (SL No. 48, 1978)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by s 11 of the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: rr 5, 7, 9, 11, 13, 15, 18, 22, 25, 33, 34, 35, 37, 38, 39, 40, 42, 45, 46, 49, 50, 53, 64, 65

5 LIST OF AMENDMENTS

r 2	sub Act No. 68, 1983, s 34
r 3	amd No. 48, 1978, rr 2 and 3
r 4	amd No. 6, 1982, r 2
rr 6 – 7	amd No. 6, 1982, r 2
rr 11 – 14	amd No. 6, 1982, r 2
r 16	amd No. 6, 1982, r 2
r 21	amd No. 48, 1978, r 4
rr 22 – 23	amd No. 48, 1978, r 2
r 29	amd No. 48, 1978, r 5
r 34	amd No. 45, 1996, r 3
r 35	amd No. 45, 1996, r 4
r 36	amd No. 6, 1982, r 2
r 37	amd No. 45, 1996, r 5
r 38	amd No. 6, 1982, r 2; No. 45, 1996, r 6
r 39	amd No. 45, 1996, r 7
r 40	sub No. 24, 1961, r 1 amd Act No. 54, 1978, s 6
r 41	amd No. 48, 1978, r 2
r 42	amd No. 48, 1978, r 6
r 53	amd No. 45, 1996, r 8
r 55	amd No. 48, 1978, r 2
r 58	amd No. 6, 1982, r 2
r 60	amd No. 6, 1982, r 2
r 63	amd No. 6, 1982, r 2
r 64	amd No. 6, 1982, r 2; No. 45, 1996, r 9
r 65	amd No. 45, 1996, r 10