

Cl. 40 – Septic tank system provisions

**10th March 1988 Health (General Amendment Bill). Mr Fordham
Minister for Industry, Technology and Resources moved the Bill be Withdrawn,
Motion agreed.**

**10th March 1988 Mr Roper Minister for Planning and Environment moved that
this Bill be now read a 2nd time.**

2nd reading of Health (General Amendment) Bill No. 2

“The Bill reforms the law as it relates to public health.

**The Bill will repeal, or substantially modify, provisions which no longer serve a
useful purpose or duplicate functions of newer agencies, such as the EPA.”**

“A major underlying theme is that local government will continue to play a key role in
the delivery of public health programs.

However, the Bill will remove unnecessary controls and restraints so that councils
can determine their own priorities in response to the particular needs of their
residents.”

On the motion of **Mr Weideman (Frankston South)** the debate was adjourned.

13th April 1988 the 2nd reading resumed.

Mr Weideman (Frankston South)

“I appreciate the assistance of Alan Rassaby, who is in charge of the Health Legislation Review Unit and Office of the Health Department Victoria. The Bill is a credit to their effort.

If a function could not be slotted into local government or the department administered by the Attorney – General from 1900 onwards, it would be given to the health department to sort out because it had the expertise to overcome those problems.

It has been the approach of this government and other governments in recent times to direct the capacity and influence of local government.”

“In 1980 the name of local health inspector was changed to health surveyor. I attended a conference at that time in which it was suggested that the name change would bring about a new view of officers by the community and would increase their standing. It was suggested that these officers would use their influence to become involved in every shop and factory in every municipality in Victoria. To their credit, I have not been aware of any complaint being made about the way in which they have operated. I believe those officers have become more skilled and have received better training. They are certainly much more efficient in the local health area than they were over the past 10 years to 20 years. I do not wish to be derogatory, but they have had their hands out and have been given meat from abattoirs and pies from shops. That is how they were regarded by the community, but it is a thing of the past.

Health Surveyors believe their management skills and qualifications are adequately suited to health community matters. It is only fair and sensible that these **200** health surveyors be given the role of carrying out local community health responsibilities so that they can assist councils in setting priorities and standards. They are certainly at the coal face. If one telephones one’s local health surveyor or health department today one receives far more assistance than one did years ago.”

“I now turn to one of the complaints health surveyors have about the Bill: the provision which takes away their responsibility for septic tanks, which has been given to the EPA.

While the Bill is between here and another place, the Minister for Planning and Environment may wish to consider this important health area. There are still many areas around Melbourne that operate on a septic tank system.

In the Frankston area, which services some 160,000 people, enormous amounts of money have been spent on ensuring that septic tanks were replaced by sewerage.

As a pharmacist, I recognise the effect of septic tanks on health.

In the 1960's my colleagues would keep up to one gross of antibiotic – type mixtures for bowel and associated problems because there were not as many sewerage areas around Melbourne. Frankston had many septic tanks on properties ranging from normal sized blocks to 3 acre lots.

I am certain that the twenty or so pharmacists in Frankston would not have a dozen bottles of such mixtures between them because there is no demand for antibiotic bowel medicines. I congratulate Frankston Sewerage Authority for the work it has done over the past twenty years and for the work now being done by the Mornington Peninsula and District Water Board.”

“The Bill provides for the adoption of new water laws.”

“I request that the Minister, **while the Bill is between here and another place, considers the submission of health surveyors regarding the need for keeping septic tanks under the control of Councils.** I am sure other honourable members will speak on this subject.”

Dr Wells (Dromana)

“I refer now to clause 41 (Note: adopted as clause 40) of the Bill, which inserts into the Environment Protection Act, part IXB, that part deals with septic tank systems and **ensuring a high quality of management and efficiency of function of septic tanks. If the proposals will improve the current practice, I should be pleased to support them.** I mention also in passing another aspect of this subject that is noted in my area of the world, where there are areas virtually like urban Melbourne but which are not on full sewerage; they are on septic sewerage.

There appears to be a movement of subterranean water from septic tanks, after treatment, across to land in rural areas where trees are being killed and other associated problems occur. This water contains high levels of nitrates and other soluble materials, and it is those sorts of materials that appear to be causing the trouble.

I flag this subject for the attention of the government because, if that is occurring in the electorate that I represent, it may be that it is occurring or is likely to happen in other areas. It would be one of a number of indications to the government to proceed with providing full sewerage as soon as possible in areas that approach normal urbanised densities of human living.

I realise the practical problem of money will rear its head in this matter and, of course, that has to be accommodated with equity for the citizens involved.

Nevertheless, in areas that are approaching full urbanisation, it seems there is an obligation as soon as possible to move to full sewerage of the rather small housing lots. It is quite possible that subterranean seepage may cause major difficulty in Dromana in the years ahead.”

“If the National Party’s case is sufficiently strong to require a slowing down of the Bill – I am never against the slowing down of Bills through Parliament because we need

to get them right before we bring them into law – I support it. It should not be rushed; we should get it right and bring it into law as soon as possible.”

Mrs Setches (Ringwood)

“The Bill is a competent and complete attempt at a rewriting of the Health Act 1958 that has been necessary for some time.”

“Tonight we are dealing with proposed provisions relating to the Health Act 1958. A range of provisions that were in the old Act have been **overtaken by new legislation that vest in other government departments responsibilities that should be administered and overseen within those departments.**”

ADJOURNED

Debate resumed 19th April 1988

Mr Fordham (Minister for Industry, Technology and Resources)

(Note: on additional burden to Local Government functions and Municipal Public Health Plans) “AND I look forward to its passage through Parliament and to a continuing flowering of development between the State and Local Government in the delivery of health services.”

Clause 40 was adopted.

The Bill was reported to the House, and passed through its remaining steps.

6th May 1988

No amendments for clauses 40 taken into consideration by the Legislative Council.

Comment:

The only provisions in the Bill which affected the EPA were:

A copy of a Secretary DHS ORDER to close a water supply being sent to the Minister administering the Environment Protection Act 1970; **AND**

Under clause 40(1):

The insertion of Part 1XB – **SEPTIC TANK SYSTEMS** into the Environment Protection Act 1970.

Under Clause 40 (2):

The addition of a definition of a permit to construct, instal or alter a septic tank system issued under Part 1XB into Section 4 (1) of the Environment Protection Act 1970 to enable the EPA to serve pollution abatement notices where the use of a septic tank system causes or is likely to cause a failure to comply with any permit condition ; and

The insertion of Section 71 (le) into the Environment Protection Act 1970 enabling the EPA to recommend regulations for prescribing maximum fees for the issue of septic tank system permits.

Under clause 40 (3):

Saving provisions for approvals of septic tank systems given **and in force** under the Health Act 1958 to be deemed a permit issued under the Environment Protection Act 1970.

COMMENTS IN CONCLUSION:

Which means the ability for Councils to serve notices as a first enforcement step to remedy conditions if a system was or appeared to be attended with conditions causing nuisance, injury to health or offensiveness; or where a person used, suffered or permitted to be used any septic tank system without complying with any conditions imposed by the Council as afforded in the Septic Tank regulations since 1924 were withdrawn from Councils and transferred to the EPA under Section 31A (1) (b) (iv

) of the Environment Protection Act 1970 and that additional powers were granted to the EPA under Section 31A (1) (a) of the Environment Protection Act 1970 to serve pollution abatement notices for septic tank systems which are causing or are likely to cause pollution, to be administered and overseen by the EPA “ **to ensure a high quality of management and efficiency of function of septic tanks** “ (with full enforcement cost recoveries without conviction in a Court) was a deliberate and intentional act of the Parliament.

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Dated

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