

**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF EAST PILBARA

**HEALTH LOCAL LAW 2011**

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

SHIRE OF EAST PILBARA

**HEALTH LOCAL LAW 2011**

Under the powers conferred by section 342 of the *Health Act 1911* and in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of East Pilbara resolved on 3 February 2012 to make the following local law.

**PART 1 — PRELIMINARY**

**1.1 Citation**

This local law is the *Shire of East Pilbara Health Local Law 2011*.

**1.2 Commencement**

This local law commences on the day that it is published in the *Government Gazette*.

**1.3 Purpose and effect**

(1) The purpose of this local law is to provide for proper sanitary and health requirements for people living in the district of the local government, and to maintain appropriate public health standards.

(2) The effect of this local law is to establish the requirements for proper sanitary and health requirements, and the maintenance of public health standards, for people living and operating a business within the district.

**1.4 Application**

This local law applies throughout the district.

**1.5 Interpretation**

(1) In this local law unless the context otherwise requires—

**adequate supply of water** means a flow of water of not less than .076 litres per second;

**approved** means approved by the local government;

**AS** or **AS/NSZ** means an Australian Standard or Australian/New Zealand Standard published by Standards Australia;

**AS/NZS ISO 717.1:2004** means the standard published by Standards Australia as AS/NZS ISO 717.1:2004 and called "Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation", as amended from time to time;

**AS 1530.2:1993** means the standard published by Standards Australia as AS 1530.2:1993 and called "Methods for fire tests on building materials, components and structures—Tests for flammability of materials", as amended from time to time;

**AS/NZS 1530.3:1999** means the standard published by Standards Australia as AS/NZS 1530.3:1999 and called "Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release", as amended from time to time;

**AS 1668.2-2002** means the standard published by Standards Australia as AS 1668.2-2002 and called "The use of ventilation and air conditioners in buildings—Ventilation design for indoor air contaminant control", as amended from time to time;

**AS/NZS 3350.2.9:1999** means the standard published by Standards Australia as AS/NZS 3350.2.9:1999 and called "Safety of household and similar electrical appliances—Particular requirements—Grills, toasters and similar portable cooking appliances", as amended from time to time;

**AS/NZS 3666.2:2011** means the standard published by Standards Australia as AS/NZS 3666.2:2011 and called "Air handling and water systems of buildings—Microbial control—Operation and maintenance", as amended from time to time;

**Building Code** means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

**CEO** means the Chief Executive Officer of the local government;

**Council** means the Council of the local government;

**district** means—

- (a) the district of the local government under the Local Government Act;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Health Act; and
- (c) any river, harbour or other water deemed to be within the district of the local government under section 25 of the Health Act;

**District Planning Scheme** means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

**dwelling house** means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

**employee** means an employee of the local government;

**Environmental Health Officer** means an Environmental Health Officer appointed by the local government under the Health Act and includes an Acting or Assistant Environmental Health Officer;

**Food Standards Code** means the Australia New Zealand Food Standards Code as defined in the *Food Standards Australia New Zealand Act 1991*;

**habitable room** means a room used for normal domestic activities; and

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

**Health Act** means the *Health Act 1911*;

**hot water** means water at a temperature of at least 65 degrees Celsius;

**local government** means the Shire of East Pilbara;

**Local Government Act** means the *Local Government Act 1995*;

**Medical Officer** means a medical officer appointed by the local government under section 27 of the Health Act;

**morgue** means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

**nuisance** has the meaning given to it in section 182 of the Health Act;

**public place** includes every place to which the public ordinarily have access, whether by payment of a fee or not;

**sanitary convenience** has the meaning given to it in section 3(1) of the Health Act;

**sewage** has the meaning given to it in section 3(1) of the Health Act;

**sewer** has the meaning given to it in section 3(1) of the Health Act;

**street** has the meaning given to it in section 3(1) of the Health Act;

**toilet** means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

**townsite** means the townsites within the district which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Local Government Act;

**water** means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and

**window** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## 1.6 Repeal

The *Shire of East Pilbara Health Local Laws 1999*, published in the *Government Gazette* on 1 February 2000 is repealed.

## PART 2—SANITATION

### Division 1—Sanitary conveniences

#### 2.1 Interpretation

In this Part, unless the contrary otherwise requires—

**event** includes a fair, festival or function;

**organiser** means a person—

- (a) to whom approval has been granted by the local government to conduct the event; or
- (b) responsible for the conduct of the event;

**public sanitary convenience** means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

**temporary sanitary convenience** means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with an event; or
- (b) employees at construction sites or the like.

#### 2.2 Dwelling house

(1) A person must not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting.

#### 2.3 Premises other than a dwelling house

(1) The owner of premises, other than a dwelling house, must not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- (b) the toilets required by this local law are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins—
  - (i) in accordance with the Building Code;
  - (ii) for the use of persons employed or engaged on the premises;
  - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
  - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
  - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises, other than a dwelling house, must ensure that—

- (a) clean toilet paper is available at all times in each cubicle;
- (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
  - (i) an adequate supply of soap or other hand cleaning substances; and
  - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

#### 2.4 Outdoor event

(1) The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health Guidelines for public buildings and mass gatherings.

(2) Where, under subclause (1) the number of sanitary conveniences to be provided is not a whole number, that number shall be rounded up to the next higher whole number;

(3) The Environmental Health Officer may vary the requirements of subclause (1) upon the written request of the organiser.

#### 2.5 Toilets

(1) Each toilet on premises must be maintained in accordance with the following requirements—

- (a) the door to a toilet, other than an internal toilet, must be properly screened to a continuous height of 1.8 metres from the floors;
- (b) a toilet or its entrance which is visible from overlooking windows must be properly screened;
- (c) the floor of any internal toilet must be—
  - (i) of concrete or of other approved impervious material of an approved thickness; and
  - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
- (d) the floor of any external toilet must be—
  - (i) of concrete or of other approved impervious material of an approved thickness; and
  - (ii) graded to the door or alternatively an approved outlet.



(2) Each toilet on premises other than a dwelling house must be maintained in accordance with the following additional requirements—

- (a) a toilet for the exclusive use of males must not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and have a Sound Transmission Class of not less than 50 as required by AS/NZS ISO 717.1:2004; and
- (b) where more than one toilet is provided on the premises, the entrance to each toilet must bear a suitable sign indicating for which sex its use is intended.

## **2.6 Temporary works**

A person who undertakes temporary work at any place must—

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, temporary sanitary conveniences in accordance with the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) remove the temporary sanitary conveniences at the conclusion of the work or at an earlier time in accordance with a direction from an Environmental Health Officer and ensure the site is left clean.

## **2.7 Maintenance of sanitary conveniences and fittings**

(1) The occupier of premises must—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an Environmental Health Officer, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises must—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

## **2.8 Ventilation of toilets**

(1) A toilet in any premises shall be ventilated in accordance with the *Sewage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

(2) A mechanical ventilation system provided under subclause (1) must be maintained in good working order and condition.

## **2.9 Public sanitary conveniences**

(1) A person must not—

- (a) foul;
- (b) damage or vandalise; or
- (c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person must not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

## **2.10 Lighting**

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located must provide and maintain adequate electric lighting for persons using the convenience.

## **2.11 Installation**

(1) Each sanitary convenience must be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Country Towns Sewerage Act 1948* and must have an adequate supply of water.

(2) Each temporary sanitary convenience must be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

(3) Each toilet and plumbing fixture must be connected into the public sewer, unless otherwise approved by the local government.

### *Division 2—Bathroom, laundries and kitchens*

## **2.12 Bathrooms**

(1) A person must not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

- (a) is adequately lined with an impervious material and has a ceiling that complies with the requirements of the Building Code;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations 1971*; and
- (c) is equipped with—
  - (i) a hand wash basin; and
  - (ii) either a shower in a shower recess or a bath.

- (2) Each bath, shower, hand wash basin and similar fitting shall be provided with an adequate supply of hot and cold water.
- (3) The floor of the bathroom must be properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
  - (a) the sewer of a licensed water service operator; or
  - (b) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

### **2.13 Laundries**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—
  - (a) is properly enclosed and roofed;
  - (b) is adequately lined with an impervious material;
  - (c) has a floor of concrete or other approved impervious material of an approved thickness;
  - (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
    - (i) the sewer of a licensed water service operator; or
    - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump;
  - (e) is not a room in which food is stored, prepared, served or consumed; and
  - (f) is provided with adequate ventilation.
- (2) The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations 1971*.

### **2.14 Washing or keeping of clothes in kitchens**

A person must not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bedding; or
- (b) keep or permit to be kept any soiled clothing or bedding.

### **2.15 Kitchens**

- (1) In this section, **a cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person must not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with cooking facilities and a sink supplied with hot and cold water, which are adequate in the opinion of an Environmental Health Officer.
- (3) The occupier of a dwelling house must ensure that the cooking facilities and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility must—
  - (a) be installed in accordance with AS/NZS 3350.2.9:1999 and the manufacturers specifications; and
  - (b) not be installed or used in any room other than a kitchen.
- (5) Where mechanical extraction is provided in a kitchen, the exhaust air must be—
  - (a) carried to the outside air as directly as practicable; and
  - (b) ducted throughout.
- (6) Mechanical ventilation must be maintained in good working order and condition.

## **PART 3—HOUSING AND GENERAL**

### *Division 1—Maintenance of houses*

#### **3.1 Dwelling house maintenance**

The owner or occupier of a dwelling house must maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, must—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10 per cent of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Country Areas Water Supply Act 1947* and *Country Towns Sewerage Act 1948* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of Energy Safety.

### **3.2 Maintenance of guttering and downpipes and disposal of rainwater**

The owner or occupier of a dwelling house must—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstructions; and
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property, and ensure stormwater is disposed of directly into an appropriate water tank, drain or soak-well or directly onto a paved surface provided the surface has an adequate fall away from any building structure.

#### *Division 2—Ventilation of dwelling houses*

### **3.3 Exemption for a short term hostel or recreational campsite**

This Division does not apply to a short term hostel or recreational campsite referred to in Part 9.

### **3.4 Overcrowding**

The owner or occupier of a dwelling house must not permit—

- (a) a room in the dwelling house that is not a habitable room to be used for sleeping purposes; or
- (b) a habitable room in the dwelling house to be used for sleeping purposes unless—
  - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
  - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

### **3.5 Calculating sufficient space**

For the purposes of clause 3.4, in calculating the space required for each person—

- (a) each room is to be considered separately and sufficient space is to be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction is to be made for the space occupied by furniture, fittings and projections of the walls into a room.

### **3.6 Ventilation**

- (1) A person must not use or occupy, or permit to be used or occupied, a dwelling house unless the house is properly ventilated.
- (2) For the purposes of subclause (1) a dwelling house is to be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
  - (a) natural ventilation; or
  - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2-2002.
- (3) The owner of a dwelling house provided with a mechanical ventilation or an air-conditioning system must ensure that the system is—
  - (a) maintained in good working condition and in accordance with AS/NZS 3666:2002; and
  - (b) in use at all times the dwelling house is occupied, if it is a dwelling house without approved natural ventilation.
- (4) If, in the opinion of an Environmental Health Officer, a dwelling house is not properly ventilated, the Environmental Health Officer may by notice require the owner of the dwelling house to—
  - (a) provide a different, or additional method of ventilation; or
  - (b) cease using the dwelling house until it is properly ventilated.
- (5) The owner must comply with a notice made under subclause (4).

#### *Division 3—Water supply*

### **3.7 Water supply**

- (1) The owner of a dwelling house must ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the Environmental Health Officer.
- (2) The water supply must at all times deliver an adequate supply of drinking water to each tap in the dwelling house or on the site on which the dwelling house is located.
- (3) The water supply to toilets, or for garden use may be from an alternative source, not necessarily drinking water.

### **3.8 Rain water tanks**

The owner or occupier of a dwelling house for which part of the water supply is drawn from a rain water tank must—

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which must not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) annually clean any tank which is used to store water for human consumption; and
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

### **3.9 Wells**

The owner or occupier of any premises must not use or permit for human consumption the use of the water from any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

### **3.10 Pollution**

A person must not deposit on any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

#### *Division 4—Second-hand furniture, bedding and clothing*

### **3.11 Prohibition of sale**

A person must not offer for sale or sell any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

### **3.12 Prohibition of possession**

A dealer in second-hand furniture, bedding or clothing must not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

#### *Division 5—Morgues*

### **3.13 Requirement for licence**

A person other than the State, must not own or operate a morgue unless it is licensed by the local government under this Division.

### **3.14 Application for licence**

(1) A person who is required to obtain a licence under this Division must apply for the licence in accordance with subclause (2).

(2) An application for a licence must be—

- (a) made in writing in the form prescribed in Schedule 11; and
- (b) forwarded to the CEO together with—
  - (i) the fee as fixed from time to time by resolution of the local government under section 344C of the Health Act; and
  - (ii) a floor plan and specifications of the morgue which must include the following details—
    - the use of each room;
    - the structural finish of each wall, floor and ceiling;
    - the position and type of each fitting and fixture; and
    - all ventilation inlets and outlets.

(3) Before determining an application for a licence, the local government may require an applicant—

- (a) to provide additional information reasonably related to the application; and
- (b) to give local public notice of the application.

(4) The local government may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) have not been satisfied.

### **3.15 Decision on application for licence**

(1) The local government may—

- (a) approve an application for a licence unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a licence.

(2) A licence is not to be granted by the local government in respect of any premises unless—

- (a) provision has been made for the keeping of bodies of the dead at a temperature not exceeding zero degrees Celsius;

- (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
  - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully;
  - (e) the premises are adequately ventilated by direct communication with the outside air; and
  - (f) the premises comply with the zoning and development provisions of the District Planning Scheme.
- (3) If the local government approves an application for a licence, it is to issue to the applicant a Certificate of Licence in the form prescribed in Schedule 12.
- (4) If the local government refuses to approve an application for a licence, it is to give written notice of that refusal to the applicant.
- (5) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licence holder.

### **3.16 Inspection of morgues**

An Environmental Health Officer may conduct an annual inspection of a morgue.

### **3.17 Cancellation of a licence**

- (1) Subject to subclause (3), the local government may, at any time, cancel the licence of a morgue for any reason which, in the opinion of the local government, justifies the cancellation.
- (2) Without limiting the generality of subclause (1), the local government may cancel a licence on any one or more of the following grounds—
- (a) that the morgue has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
  - (b) that the owner or occupier of the morgue has—
    - (i) been convicted of an offence against this local law, or any other written law, in respect of a morgue;
    - (ii) not complied with a requirement of this Part; or
    - (iii) not complied with a condition of the licence;
  - (c) that the local government, having regard to a report from the Police Service, is satisfied that the owner or occupier is not a fit and proper person; or
  - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the morgue is such as to render it, in the opinion of the local government, unfit to remain licensed.
- (3) Before cancelling the licence for a morgue under this clause, the local government must give notice to the owner or occupier requiring him or her, within a time specified in the notice, to show cause why the licence should not be cancelled.
- (4) If the local government cancels the licence for a morgue, it must give the owner or occupier notice of the cancellation and the licence is to be revoked as from the date on which the notice is served on the owner or occupier.

## **PART 4—WASTE FOOD AND REFUSE**

### *Division 1—Liquid refuse*

#### **4.1 Interpretation**

In this Division, unless the context otherwise requires—

**approved carrier** means a carrier approved by the local government;

**carrier** means a provider of services for the removal of liquid waste from septic tanks;

**liquid refuse** includes swimming pool discharges, all washings from windows, vehicles and carpet cleaning, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes; and

**liquid waste** means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

#### **4.2 Deposit of liquid refuse**

A person must not deposit or cause or permit to be deposited liquid refuse or liquid waste—

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

#### **4.3 Disposal of liquid waste**

(1) The owner or occupier of premises must—

- (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and

- (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste must be disposed of by one of the following methods—
  - (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
  - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director of Public Health or the local government; or
  - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

#### **4.4 Approval for septic tank pumpouts and removal of liquid waste**

A person must not collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes unless he or she is an approved carrier.

#### **4.5 Application for approval**

- (1) A carrier may apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.
- (2) The local government may grant or refuse an application under this section subject to conditions relating to—
  - (a) the time and method of collection, removal or disposal of the contents; or
  - (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents; or
  - (c) the type of liquid waste that can be collected.
- (3) Any conditions imposed by the local government under this section must be—
  - (a) specified in the written approval of the local government; and
  - (b) in addition to any conditions imposed by the Executive Director of Public Health or conditions applying under any other law.
- (4) The local government may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

#### **4.6 Provision of quarterly reports**

The approved carrier may be required to provide quarterly reports to the local government containing accurate details of—

- (a) the date of servicing the liquid waste system;
- (b) the address or location of the involved property; and
- (c) the type of system serviced.

### *Division 2—Transport of butchers' waste*

#### **4.7 Interpretation**

In this Division, unless the context otherwise requires, **butchers' waste** includes animal skeletons, rib cages from a boning room and the inedible products of an abattoir.

#### **4.8 Restriction of vehicles**

A person must not use, for the transport of butchers' waste—

- (a) a vehicle or container not approved by the local government; or
- (b) a vehicle used for the transport of food or drugs; or
- (c) anything intended to be used for the packing or handling of food or drugs.

#### **4.9 Transport of butchers' waste**

- (1) A person must not transport butchers' waste other than in—
  - (a) a compartment complying with the following specifications—
    - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
    - (ii) all joints to be sealed and made water-tight;
    - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
    - (iv) the top to be completely covered by a tarpaulin or other impervious material approved by the local government, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
  - (b) a sealed container fitted with a lid which can be tightly closed.
- (2) A person must not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are—
  - (a) maintained in good order and condition; and
  - (b) thoroughly cleaned at the conclusion of each day's work.

(3) A person must not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to—

- (a) the sight of animal skeletons, bones, offal or waste matter;
- (b) the odour of putrefaction, offal or waste matter; or
- (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

## **PART 5—NUISANCES**

### **5.1 Interpretation**

In this Part, unless the context otherwise requires—

**fertiliser** includes manure; and

**public vehicle** means a vehicle used by a public or private corporation that provides a service to the public.

### **5.2 Footpaths etc. to be kept clean**

An owner or occupier of premises must keep any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from refuse and other obstacles which—

- (a) are or have been in the possession or control of the owner or occupier; and
- (b) the owner or occupier has caused or allowed to be on the footpath, pavement, area or right of way.

### **5.3 Escape of smoke etc.**

An owner or occupier of premises must not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in a quantity or of a nature as to cause or to be a nuisance.

### **5.4 Public vehicles to be kept clean**

The owner or person in control of a public vehicle must—

- (a) maintain the vehicle at all times—
  - (i) in a clean condition; and
  - (ii) free from vectors of disease; and
- (b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

### **5.5 Prohibition against spitting**

A person must not spit—

- (a) on a footpath, street or public place; or
- (b) in a train, bus or other public transport.

### **5.6 Transportation, use and storage of offal, blood, or other offensive matter**

(1) A person must not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

(2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents, or the emission of any offensive odour.

(3) Every person using any sealed containers or vehicle for the removal of offensive matter must keep such container or vehicle in a thoroughly clean condition and in good repair.

### **5.7 Use or storage of fertiliser**

An owner or occupier of premises must not use, or keep for the purpose of use as fertiliser, any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

### **5.8 Storage and dispatch of artificial fertiliser**

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale must—

- (a) keep all artificial fertiliser in a building—
  - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and
  - (ii) free from damp and properly ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

### **5.9 Storage of fertiliser in a dwelling house**

The owner or occupier of a dwelling house where fertiliser or compost is stored or used must—

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;

- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by an Environmental Health Officer.

## **PART 6—KEEPING ANIMALS**

### *Division 1—General provisions*

#### **6.1 Interpretation**

In this Division, unless the context otherwise requires—

**animal** includes cats, dogs, rabbits, and ferrets or the like; and

**bird** includes galahs, parrots, budgerigars, finches, pigeons and doves or the like.

#### **6.2 Cleanliness**

An owner or occupier of premises in or on which an animal or bird is kept must—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is, or is likely to become, a nuisance, injurious or dangerous to health or to attract rats or other vectors of disease;
- (b) dispose of excrement, filth, food waste or other matter in an approved manner;
- (c) when so directed by an Environmental Health Officer, clean and disinfect the premises; and
- (d) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

#### **6.3 Vehicles used for transporting of animals and birds**

No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such a vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

### *Division 2—Limit on number of animals kept*

#### **6.4 Limit on numbers**

A person must not keep animals, or permit animals to remain on any property in such numbers that they are, or are likely to be, a nuisance, injurious or dangerous to health.

#### **6.5 Animal enclosures**

- (1) A person must not keep or cause or permit to be kept any animals or birds in an enclosure that is not effectively drained or where the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept must, when directed by the Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds
- (3) The owner or occupier of premises where a rabbit is kept must ensure that each rabbit is kept in a suitable enclosure that effectively prevents it from escaping.

#### **6.6 Cats**

- (1) Subject to subclause (6), a person must not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land within the district.
- (2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subclause (1).
- (3) The local government must not grant an exemption from subclause (1) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this clause must specify—
  - (a) the owner or occupier to whom the exemption applies;
  - (b) the premises to which the exemption applies; and
  - (c) the maximum number of cats which may be kept on the premises.
- (5) A person who is granted an exemption under subclause (3) may be required by the local government to—
  - (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—
    - (i) each shelter must have a floor area of not less than .5 square metres for each cat over the age of 3 months kept or to be kept therein; and
    - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;
  - (b) ensure every shelter and enclosure is situated at a distance of not less than—
    - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept; and
    - (ii) 10 metres from any dwelling, church, school room, hall or premises in which food is manufactured, packed or prepared for human consumption; and



- (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise as directed by an Environmental Health Officer from time to time.
- (6) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

### **6.7 Slaughter of animals**

- (1) Subject to subclause (2), a person must not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
  - (a) euthanasia of animals by veterinarians or other duly authorised persons;
  - (b) slaughter of animals for the purposes of pet meat and game meat operations;
  - (c) slaughter of animals for human consumption in abattoirs approved by the local government;
  - (d) farming or grazing property occupiers preparing meat for their own consumption; and
  - (e) slaughter of animals at a knackery approved and licensed by the local government.

### **6.8 Disposal of dead animals**

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, must refrigerate the carcass prior to its removal and disposal, at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal must immediately remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place must immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (4) The requirements of subclauses (2) and (3) shall not limit the practice of farmers, pastoralists and the like of disposing carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.

## *Division 3—Keeping of large animals*

### **6.9 Interpretation**

In this Division, unless the context otherwise requires—

**approved animal** includes a horse, cow or large animal the subject of an approval by the local government under clause 6.10;

**cow** includes an ox, calf, or bull;

**horse** includes an ass, mule, donkey or pony;

**large animal** includes a sheep, cow, alpaca, horse, deer, camel, llama, emu, ostrich, kangaroo, including miniature species of the same animal, but does not include a pig; and

**stable** means any building in which a horse is stabled or kept and includes any shed, loose box, stall, or shelter used for the keeping, stabling, feeding, watering, grooming, sheltering, shoeing or veterinary treatment of horses.

### **6.10 Conditions for keeping of an animal**

- (1) An owner or occupier of premises, within a townsite must not keep a horse, cow or large animal on those premises without approval of the local government.
- (2) An owner or occupier of premises who has an approved animal must ensure—
  - (a) the premises has an area of not less than .2 hectares for the exclusive use of the approved animal; and
  - (b) the approved animal does not approach within 30 metres of a dwelling.

### **6.11 Stables**

- (1) The owner or occupier of premises within a townsite, who has an approved animal may provide for its use a stable which must—
  - (a) not be situated within 30 metres of a house or other premises;
  - (b) have a proper separate stall—
    - (i) for each horse or cow; and
    - (ii) the floor area of which must be a minimum of 6 square metres;
  - (c) have each wall and roof constructed of an approved impervious material;
  - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and
  - (e) have a floor, the surface of which must—
    - (i) be at least 75 millimetres above the surface of the ground;
    - (ii) be constructed of cement, concrete or other similar impervious materials; and
    - (iii) have a fall of 1 in 100 to a drain which must empty into a trapped gully situated outside the stable and must discharge in a manner approved by the local government.
- (2) The owner or occupier of any premises on which a stable is located must—
  - (a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;

- (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.

#### **6.12 Manure receptacle**

An owner or occupier of premises on which an approved animal is kept must—

- (a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected, stored or removed so as not to cause a nuisance or present a hazard to health.

#### *Division 4—Keeping of poultry and pigeons and miscellaneous birds*

#### **6.13 Interpretation**

In this Division, unless the context otherwise requires, **poultry** includes bantams, ducks and other domestic fowls.

#### **6.14 Limitation on numbers of poultry and pigeons**

An owner or occupier of premises within a townsite must not keep a combined total of more than 12 poultry and pigeons without the approval of the local government, on any one lot of land.

#### **6.15 Conditions on keeping poultry**

A person who keeps poultry, or permits poultry to be kept, must ensure that—

- (a) no poultry is able to approach within 15 metres of a habitable room of a dwelling house, a public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance; and
- (e) all enclosures or cages within which poultry are kept must be maintained at all times in a clean condition.

#### **6.16 Roosters, geese, turkeys, peafowl's and gamebirds**

(1) An occupier of premises within a townsite must not, without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen; or
- (e) a gamebird (includes emus and ostriches).

(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subclause (1).

(3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he or she is the occupier thereof.

(4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

#### **6.17 Pigeons or doves**

A person who keeps, or permits to be kept, pigeons or doves must ensure that—

- (a) none is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that—
  - (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
  - (ii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

### **6.18 Removal of non-conforming structure or enclosure**

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to clause 6.15, 6.16 or 6.17, an Environmental Health Officer may direct the owner or occupier to remove it.
- (2) An owner or occupier must comply with a direction from the Environmental Health Officer under this clause.

### **6.19 Restrictions on pigeon nesting or perching**

- (1) An Environmental Health Officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with an order under this clause.

### **6.20 Restrictions on feeding wild birds**

A person must not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.

## *Division 5—Feedlots*

### **6.21 Interpretation**

In this Division, unless the context otherwise requires—

**animal** includes sheep, lambs, goats, deer, cattle and buffalo;

**birds** includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches; and

**feedlot** means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain.

### **6.22 Premises to be approved**

- (1) No premises shall be used as a feedlot unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 1.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

### **6.23 Site conditions**

- (1) The owner or occupier of the approved feedlot must ensure the premises—
  - (a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
  - (b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;
  - (c) has a minimum groundwater clearance of 3 metres;
  - (d) drainage diverts all uncontaminated stormwater from the general waste stream; and
  - (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.
- (2) The owner or occupier of the approved feedlot must take effective measures to prevent the discharge of dust which may involve—
  - (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust;
  - (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
  - (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

## *Division 6—Piggeries*

### **6.24 Interpretation**

In this Division, unless the context otherwise requires—

**intensive piggery** means pigs are housed, fed and watered in breeding and growing pens in sheds; and

**piggery** in relation to premises shall include any portion of premises to which the pigs have access.

### **6.25 Premises to be approved**

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Schedule 2; or if it is an intensive piggery, the minimum separation distances listed in Schedule 3.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

### **6.26 Site conditions**

The owner or occupier of premises must take effective measures to prevent the discharge of dust which may involve—

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust;

- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

### **6.27 Prevention of nuisances**

In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery must comply with the minimum separation distances listed in Schedule 3.

## **PART 7—PEST CONTROL**

### *Division 1—Flies*

#### **7.1 Interpretation**

In this Division, unless the context otherwise requires, **flies** means any of the two-winged insects constituting the order Diptera commonly known as flies.

#### **7.2 Fly breeding matter**

An owner or occupier of premises must not place, throw or leave, or permit or cause to be placed, thrown or left, in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

#### **7.3 Measures to be taken**

An owner or occupier of premises must ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

#### **7.4 Environmental Health Officer may give notice directing measures to be taken**

If, in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, the Environmental Health Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Environmental Health Officer are necessary to—

- (a) control the prevalence of flies;
- (b) effect the eradication of flies; or
- (c) effectively prevent the breeding of flies;

#### **7.5 Local government may execute work and recover costs**

(1) Where—

- (a) a person is required under this Division, or directed by a notice given under clause 7.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under this local law.

(2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

### *Division 2—Mosquitoes*

#### **7.6 Interpretation**

In this Division, unless the context otherwise requires, **mosquitoes** means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

#### **7.7 Premises to be kept free of mosquito breeding matter**

An owner or occupier of premises must keep the premises free of—

- (a) refuse; and
- (b) water located so as to be, liable to become the breeding place of mosquitoes.

### **7.8 Measures to be taken by an owner or occupier**

An owner or occupier of premises—

- (a) where there is a fountain, artificial pool, artificial pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, must take adequate and reasonable measures to prevent mosquitoes breeding; and
- (b) where there is a water tank, well, cistern, vat or barrel, must—
  - (i) keep it protected with a mosquito-proof cover; and
  - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

### **7.9 Measures to be taken by occupier**

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle must—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

### **7.10 Removal of undergrowth or vegetation**

(1) Where it appears to an Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the Environmental Health Officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises must comply with a direction from, and within the time allowed by, the Environmental Health Officer under this clause.

### **7.11 Filling in excavations etc.**

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land must ensure that each excavation is filled in with clean sound material and made level with the surrounding surface so as not to retain water.

### **7.12 Drains, channels and septic tanks**

An owner or occupier of land must—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
  - (i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer; and
  - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

### **7.13 Drainage of land**

An owner or occupier of land on which there is water liable to become a breeding place for mosquitoes must, when required by the local government, effectively drain the land and, for that purpose, must—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
  - (i) the water on the land may flow into the drains without obstruction; and
  - (ii) no water remains on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

## *Division 3—Rodents*

### **7.14 Interpretation**

In this Division, unless the context otherwise requires—

**contemporary rodenticide bait** means the exclusion of Warfain baits due to resistance and inclusion of Bromadiolone or Coumatetraltyl or any future Department of Health approved rodenticide; and

**rodents** means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

### **7.15 Measures to be taken to eradicate rodents**

(1) An owner or occupier of premises must at all times take effective measures to eradicate any rodents in or on the premises.

(2) An owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, must—

- (a) take effective measures to keep the premises free from rodents including—
  - (i) protecting stored food stuffs;

- (ii) removing accumulated refuse or a potential rodent food source;
- (iii) using a rodenticide bait or a properly baited trap if found to be effective; and
- (iv) minimizing rodent access to water on the premises;
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, must—
  - (i) if it is not already dead, kill it immediately; and
  - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
- (c) take whatever measures for the eradication of rodents.

(3) An owner or occupier must within the time specified comply with any direction given by an Environmental Health Officer under this clause.

#### **7.16 Food and wastes to be kept in rodent proof receptacles**

A person must not store or allowed to be stored, on any premises, any food, refuse or waste matter unless it is contained in a rodent proof receptacle or compartment, which is kept effectively protected against access by rodents.

#### **7.17 Restrictions on the keeping of rodents**

A person or body which keeps rodents must—

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, forthwith comply with the requirements of clause 7.15 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

#### **7.18 Food premises etc. to be cleaned after use**

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, must cause the premises to be cleaned immediately after the last occasion on which the premises has been used on that day or, if the use extends after midnight, then immediately after that use.

#### **7.19 Restrictions on materials affording harbourage for rodents**

(1) An owner or occupier of premises must cause—

- (a) any part of the premises; or
- (b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier must, within the time specified, comply with a direction given by an Environmental Health Officer under this clause.

### *Division 4—Cockroaches*

#### **7.20 Interpretation**

In this Division, unless the context otherwise requires, **cockroach** means any of the various orthopterous insects commonly known as cockroaches.

#### **7.21 Measures to be taken to eradicate cockroaches**

(1) An owner or occupier of premises must take effective measures to eradicate any cockroaches in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.

(3) An owner or occupier must, within the time specified, comply with any direction given by an Environmental Health Officer under this clause.

### *Division 5—Argentine ants*

#### **7.22 Interpretation**

In this Division, unless the context otherwise requires, **Argentine Ant** means an ant belonging to the species *Irdomyrmex humilis*, and commonly known as an Argentine Ant.

#### **7.23 Measures to be taken to keep premises free from Argentine Ants**

An owner or occupier of premises must ensure that the premises are kept free from Argentine Ant colonies and must—

- (a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- (c) whenever required by an Environmental Health Officer—
  - (i) treat any area or infestation with an insecticide referred to in subclause (b); and

- (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

*Division 6—European wasps*

**7.24 Interpretation**

In this Division, unless the context otherwise requires, **European Wasp** means a wasp *Vespula germanica* and commonly known as a European Wasp.

**7.25 Measures to be taken to keep premises free from European Wasp nests**

An owner or occupier of premises must ensure that the premises are kept free from European Wasp nests and must—

- (a) follow any direction of an Environmental Health Officer for the purpose of destroying the European Wasps and their nest; and
- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

*Division 7—Bee keeping*

**7.26 Interpretation**

In this Division, unless the context otherwise requires—

**bee hive** means a moveable or fixed structure, container or object in which a colony of bees is kept; and

**bees** means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

**7.27 Restrictions on keeping of bees in hives**

- (1) A person must not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the local government.
- (2) If, in the opinion of an Environmental Health Officer, the approved bee hives are causing a nuisance, the Environmental Health Officer may direct any bees or approved bee hives to be removed.
- (3) A person must comply with a direction by an Environmental Health Officer within the time specified.

*Division 8—Arthropod vectors of disease*

**7.28 Interpretation**

In this Division, unless the context otherwise requires, **arthropod vectors of disease** includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).

**7.29 Responsibility of the owner or occupier**

The owner or occupier of premises must—

- (a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and
- (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

**PART 8—INFECTIOUS DISEASES**

*Division 1—General provisions*

**8.1 Purpose of exercise of powers**

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

**8.2 Environmental Health Officer may visit and inspect**

An Environmental Health Officer may visit and inspect any house, its occupants, fixtures and fittings—

- (a) for the purpose of preventing or controlling the spread of an infectious disease; or
- (b) where the Environmental Health Officer has reason to believe that there has been a breach of the Health Act, any regulation made under the Health Act or this local law relating to infectious diseases.

**8.3 Requirements on owner or occupier to clean, disinfect and/or disinfect**

(1) An Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or

(b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier must comply with a notice given under subclause (1).

#### **8.4 Environmental Health Officer may disinfect or disinfest premises**

(1) If an Environmental Health Officer or a Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Environmental Health Officer or the Medical Officer may direct an employee or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises must permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subclause (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.

(4) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff or employees under this clause, other than compensation or damages for loss or damage because the local government or any of its staff acted negligently or in breach of duty.

#### **8.5 Insanitary dwelling houses, premises and things**

(1) An owner or occupier of any house or premises must maintain the dwelling house or premises free from any insanitary condition or thing.

(2) If an Environmental Health Officer considers that a dwelling house, building or thing is insanitary, he or she may, by notice in writing—

(a) direct an owner of the dwelling house, building or thing, within the time and in the manner specified in the notice, to demolish or otherwise destroy the dwelling house, building or thing; or

(b) direct an owner or occupier of the dwelling house, building or thing, within the time and in the manner specified in the notice, to amend, clean or secure the dwelling house, building or thing.

(3) A person to whom a notice has been given under subclause (2) must comply with the terms of the notice.

#### **8.6 Medical Officer may authorise disinfecting**

(1) Where a Medical Officer believes that a person is or may be infected by an infectious disease, the Medical Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person must comply with a direction of the Medical Officer under this clause.

#### **8.7 Persons in contact with an infectious disease sufferer**

If a person in a dwelling house is, or is suspected of, suffering from an infectious disease, any occupant of the dwelling house or any person who enters or leaves the dwelling house—

(a) must obey such instructions or directions as an Environmental Health Officer or the Medical Officer may issue;

(b) may be removed, at the direction of an Environmental Health Officer or a Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, must remain in that place until a Medical Officer otherwise directs.

#### **8.8 Declaration of infected dwelling house or premises**

(1) To prevent or check the spread of infectious disease, an Environmental Health Officer or a Medical Officer may, from time to time, declare any dwelling house or premises to be infected.

(2) A person must not enter or leave any dwelling house or premises declared to be infected without the written consent of a Medical Officer or an Environmental Health Officer.

#### **8.9 Destruction of infected animals**

(1) An Environmental Health Officer, if satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and that all steps be taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession, or upon premises occupied by him or her, an animal that is the subject of a notice under subclause (1) must comply with the terms of the notice.

#### **8.10 Disposal of a body**



(1) An occupier of premises in or on which is located the body of a person who has died of any infectious disease must, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body must not be removed from premises where death occurred, except to a cemetery or a morgue.

### **8.11 Local government may carry out work and recover costs**

(1) Where—

(a) a person is required under this Part or by a notice given under this Part, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered in a court of competent jurisdiction from the person referred to in subclause (1)(a).

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of its duty.

#### *Division 2—Disposal of used condoms and needles*

### **8.12 Disposal of used condoms**

(1) An occupier of premises on or from which used condoms are produced must ensure that the condoms are—

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the local government.

(2) A person must not dispose of a used condom in a public place except in accordance with subclause (1).

### **8.13 Disposal of used needles**

A person must not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

## **PART 9—LODGING HOUSES**

### *Division 1—Registration*

#### **9.1 Interpretation**

(1) In this Part, unless the context otherwise requires—

**bed** means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

**bunk** means a sleeping berth comprising one of two beds arranged vertically;

**Certificate of Registration** means a certificate of registration of a lodging house issued under clause 9.4;

**dormitory** means a building or room used for sleeping purposes at a short term hostel or recreational campsite;

**keeper** means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

**lodger** means a person who obtains, for hire or reward, board or lodging in a lodging house;

**lodging house** has the same meaning as is given to that expression in the Health Act;

**manager** means a person appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

**recreational campsite** means a lodging-house—

(a) situated on a campsite principally used for—

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days,

and includes youth camps, youth education camps, church camps and riding schools;

**register of lodgers** means the register kept in accordance with section 157 of the Health Act and this Part;

**resident** means a person, other than a lodger, who resides in a lodging house;

**serviced apartment** means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

**short term hostel** means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

**vector of disease** means an arthropod or rodent that transmits, or may transmit, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## **9.2 Lodging house not to be kept unless registered**

A person must not keep or cause or allow to be kept, a lodging house unless—

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 9.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of an Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

## **9.3 Application for registration**

An application for registration of a lodging house must be—

- (a) in the form prescribed in Schedule 4;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee as fixed from time to time by the local government under Section 344C of the Health Act; and
  - (ii) detailed plans and specifications of the lodging house.

## **9.4 Approval of application**

The CEO or an Environmental Health Officer may approve, with or without conditions, an application under clause 9.3 by issuing to the applicant, a certificate in the form prescribed in Schedule 5.

## **9.5 Renewal of registration**

A person who keeps a lodging house which is registered under this Part must—

- (a) before the 30th of June each year, apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the fee as fixed from time to time by the local government under Section 344C of the Health Act at the time of making each application for renewal.

## **9.6 Notification on sale or transfer**

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, the owner must, within 14 days of the date of sale, transfer or by agreement, give to the local government written notice, in the form prescribed in Schedule 6, of the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

## **9.7 Revocation of registration**

(1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason that, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
  - (i) been convicted of an offence against this local law in respect of the lodging house;
  - (ii) not complied with a requirement of this Part; or
  - (iii) not complied with a condition of registration;
- (c) that the local government, having regard to a Police report, is satisfied that the keeper or manager is not a fit and proper person; and

- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the local government, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, the local government must give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) If the local government revokes the registration of a lodging house, the local government must give the keeper notice of the revocation and the registration is to be revoked as from the date on which the notice is served on the keeper.

*Division 2—Construction and use requirements*

**9.8 General construction requirements**

A lodging house must comply with the general construction requirements of the Building Code.

**9.9 Kitchen**

The keeper of a lodging house must provide in that lodging house a kitchen which—

- (a) has adequate—
- (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (b) complies with any of the requirements of Standard 3.2.3 of the Food Standards Code; and
- (c) has a hand wash basin and a double bowl sink or dish washing facility, each provided with an adequate supply of hot and cold water.

**9.10 Cooking facilities**

(1) The keeper of a lodging house where lodgers prepare their own meals, must provide a kitchen with electrical, gas or other stoves and ovens approved by an Environmental Health Officer in accordance with Schedule 7.

(2) The keeper of a lodging house where meals are provided by the keeper or manager must provide a kitchen with cooking appliances of a number and type approved by an Environmental Health Officer.

**9.11 Dining room**

The keeper of a lodging house must provide in that lodging house a dining room—

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which must be not less than the greater of—
- (i) .5 square metres per person; or
  - (ii) 10 square metres; and
- (c) which must be—
- (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**9.12 Lounge room**

The keeper of a lodging house must provide in that lodging house a lounge room—

- (a) with a floor area of—
- (i) where the lounge is not combined with the dining room—not less than .6 square metres per person; or
  - (ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

- (b) which must be—
- (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**9.13 Sanitary conveniences**

(1) In this clause, unless the context otherwise requires—

**communal bathroom** means a room which has more than 1 shower or more than 1 bath or any combination of more than 1 shower and 1 bath, whether or not they are divided by cubicles, designed with the intention that the bathroom may be used by more than 1 person at any particular time;

**communal toilet** means a room which has more than 1 toilet with each toilet being divided from the other toilets with a cubicle surrounding it, whether or not the walls of that cubicle extend to the floor or the ceiling or both of the room;

**individual bathroom** means a room which has only 1 shower, or only 1 bath, or only 1 shower and 1 bath, and is designed to be used by only 1 person at any particular time; and

**individual toilet** means a room that has walls extending from the floor to the ceiling and contains a single toilet.

(2) A keeper must maintain in good working order and condition and in convenient positions on the premises—

- (a) one or more communal toilets, or 1 or more individual toilets, or both; and
- (b) one or more communal bathrooms, or 1 or more individual bathrooms, or both, each fitted with a hand wash basin and either a shower or a bath,

in accordance with the requirements of the Building Code.

(3) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents is not to be counted for the purposes of subclause (2).

(4) Each bath, shower and hand wash basin must be provided with an adequate supply of hot and cold water.

(5) The walls of each shower and bath must be of an impervious material to a minimum height of 1.8 metres above the floor level.

(6) Subject to subclause (8), each communal toilet and communal bathroom must—

- (a) be situated, separated and screened as to ensure privacy;
- (b) be apportioned to each sex;
- (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (d) be provided with adequate electric lighting.

(7) Subject to subclause (8), each individual toilet and individual bathroom must—

- (a) be situated, separated and screened so as to ensure privacy;
- (b) be fitted with a mechanism by which the door may be locked from inside the individual toilet or individual bathroom as approved by an Environmental Health Officer; and
- (c) be provided with adequate electric lighting.

(8) Subclauses (6)(a), (b) and (c) and (7)(a) and (b) do not apply to a serviced apartment.

#### **9.14 Laundry**

(1) In this clause, unless the context otherwise requires—

**laundry unit** means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that—

- (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and
- (e) has a delivery rate of not less than 18 litres per minute for each washing machine.

(2) A keeper must—

- (a) subject to subclause (3)—
  - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
  - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an impervious material with an even fall to a floor waste.

(3) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

#### **9.15 Fire prevention and control**

(1) A keeper of a lodging house must—

- (a) in each passage of the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as approved by an Environmental Health Officer; and
  - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times; and
- (d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) A keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

#### **9.16 Obstruction of passages and stairways**

A keeper must not cause or allow furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

#### **9.17 Fitting of locks**

A person must not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

#### **9.18 Restriction on use of rooms for sleeping**

(1) Subject to subclause (3) and clause 9.32 and unless otherwise approved by the Environmental Health Officer, a keeper must not use, or permit to be used as a sleeping apartment, a room in a lodging house—

- (a) which contains food;
- (b) which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows, which have an area of less than 10 per cent of the floor area of the room;
- (g) which has an unobstructed ventilating area, which is less than 5 per cent of the floor area of the room;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Environmental Health Officer.

(2) For the purpose of this clause, 2 children under the age of 10 years shall be counted as 1 lodger.

(3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

#### **9.19 Sleeping accommodation, short term hostels and recreational campsites**

(1) A keeper of a short term hostel or recreational campsite must provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory utilising beds; and
- (b) 2.5 square metres per person in dormitories utilising bunks.

(2) For the avoidance of doubt, a double bed provided for the use of a couple is to have the same floor space requirements as 2 single beds.

(3) The calculation of floor space in subclause (1) is to exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(4) The minimum height of any ceiling in a short term hostel or recreational campsite is to be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(5) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(6) The keeper of any short term hostel or recreational campsite must provide—

- (a) fixed outlet ventilation at a ratio of .15 square metres to each 10 square metres of floor area of the dormitories, and must ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as practicable; or
- (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(7) The keeper of any short term hostel or recreational campsite must provide—

- (a) beds with a minimum size of—
  - (i) in short term hostels—800 millimetres x 1.9 metres; and
  - (ii) in recreational campsites—750 millimetres x 1.85 metres; and

- (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (8) The keeper of any short term hostel or recreational campsite must—
- (a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;
  - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks;
  - (c) ensure that the passageway is kept clear of obstructions at all times; and
  - (d) ensure all doors, windows and ventilators are kept free of obstruction at all times.
- (9) The keeper of any short term hostel or recreational campsite must ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2:1993 and AS 1530.3:1999 as follows—
    - (i) drapes, curtains, blinds and bed covers— a maximum Flammability Index of 6;
    - (ii) upholstery and bedding— a maximum Spread of Flame Index of 6 and a maximum Smoke Developed Index of 5; and
    - (iii) floor coverings—a maximum Spread of Flame Index of 7 and a maximum Smoke Developed Index of 5;
  - (b) fire retardant coatings used to make a material comply with these indices must be—
    - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
    - (ii) certified by the manufacturer to retain its fire retardant effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987; and
    - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
  - (c) emergency lighting is provided in accordance with the Building Code;
  - (d) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite; and
  - (e) all mattresses are fitted with a mattress protector.

### **9.20 Furnishing etc. of sleeping apartments**

The keeper must—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed—
    - (i) has a bed head, mattress and pillow; and
    - (ii) except in the case of short term hostels and recreational campsites, is provided with a pillow case, 2 sheets, a blanket or rug and, from 1 May to 30 September, not less than 1 additional blanket or rug;
  - (c) in the case of a short term hostel or recreational campsite, ensure that there is for each bed a pillow case, 2 sheets and 2 blankets available for the use of lodgers either free of charge or on payment of a fee;
  - (d) in the case of a short term hostel or recreational campsite, ensure that lodgers use some form of bedding to cover the pillow and mattress;
  - (e) except in the case of a short term hostel or recreational campsite, furnish each bedroom so that there are adequate storage facilities for lodgers' belongings within the room; and
  - (f) in the case of short term hostels and recreational campsites, ensure that there is a room or rooms provided for the secure storage of lodgers' luggage.
- (2) The keeper shall not cause or allow a bunk to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

### **9.21 Ventilation**

- (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper must comply with any direction given under subclause (1) within such time as directed.

### **9.22 Numbers to be placed on doors**

- (1) A keeper must place, or cause to be placed, on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
  - (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the numbers continue in sequence throughout each floor (if there is more than 1) of the lodging house.
- (2) The numbers to be placed on the doors under subclause (1) must be—

- (a) not less than 40 millimetres in height;
- (b) 1.5 metres from the floor; and
- (c) permanently fixed either by being painted on the doors or by other legible means.

*Division 3—Management and care*

**9.23 Keeper or manager to reside in the lodging house**

Whenever there is 1 or more lodgers in a lodging house, a keeper or manager must—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

**9.24 Register of lodgers**

(1) A keeper must keep a register of lodgers in the form prescribed in Schedule 8.

(2) The register of lodgers must—

- (a) include the details required by the local government;
- (b) be kept in the lodging house; and
- (c) be open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

**9.25 Keeper report**

A keeper must, whenever required by an Environmental Health Officer, report to the local government in the form prescribed in Schedule 9, the name of each lodger who lodged in the lodging house during the preceding day or night.

**9.26 Certificate in respect of sleeping accommodation**

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 10.

(2) The certificate issued under subclause (1) must specify the maximum number of persons who are permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by an Environmental Health Officer, a keeper must exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause or allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

**9.27 Duplicate keys and inspection**

Each keeper and manager of a lodging house must—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Environmental Health Officer, open the door of any room for the purpose of inspection by the Environmental Health Officer.

**9.28 Room occupancy**

(1) A keeper must not—

- (a) cause or allow more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause or allow to be placed or kept in any sleeping apartments—
  - (i) a larger number of beds; or
  - (ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

- (c) use or cause or allow to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; and
  - (ii) an Environmental Health Officer or Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this clause, 2 children under 10 years of age shall be counted as 1 lodger.

**9.29 Maintenance of a room by a lodger or resident**

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subclause (1), the keeper must—

- (a) inspect each room the subject of the permission or agreement at least once a week; and
- (b) ensure that each room is being maintained in a clean and sanitary condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, must maintain the room in a clean and sanitary condition.

**9.30 Cleaning and maintenance requirements**

(1) In this clause, unless the context otherwise requires—

**bed linen** includes sheets and pillow cases and, in the case of a short term hostel or recreational campsite, mattress protectors.

(2) A keeper of a lodging house must—

- (a) maintain in a clean, sound and undamaged condition—
  - (i) the floor, walls, ceilings, woodwork and painted surfaces;
  - (ii) the floor coverings and window treatments; and
  - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order—
  - (i) all fixtures and fittings; and
  - (ii) windows, doors and furniture;
- (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
- (d) whenever there is 1 or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
- (e) ensure that—
  - (i) all bed linen, towels, and house linen in use is washed at least once a week;
  - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
  - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
  - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
  - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
  - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by an Environmental Health Officer, ensure that—
  - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

### **9.31 Responsibilities of lodgers and residents**

A lodger or resident must not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fixture for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 9.32—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;



- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

### **9.32 Approval for storage of food**

- (1) An Environmental Health Officer may—
  - (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
  - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## **PART 10—OFFENSIVE TRADES**

### *Division 1—General*

#### **10.1 Interpretation**

In this Part, unless the context otherwise requires—

**dry cleaning premises** means premises on which is carried out the process of dry cleaning using only arklone as the dry cleaning fluid, in a machine operating on a full cycle fully enclosed basis; and

**offensive trade** means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments—

- (a) fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared;
- (b) shellfish and crustacean establishments, not including retail fish shops;
- (c) fish curing premises;
- (d) flock factories;
- (e) laundries, dry cleaning premises and dye works; and
- (f) any offensive trade as defined by section 186 of the Health Act.

### *Division 2—Consent and registration*

#### **10.2 Interpretation**

In this Division, unless the context otherwise requires—

**Certificate of Registration** means the certificate of registration of premises for offensive trade, issued under clause 10.6; and

**occupier** in relation to premises includes the person registered as the occupier of the premises in the Certificate of Registration.

#### **10.3 Consent to establish an offensive trade**

- (1) A person seeking the consent of the local government under section 187 of the Health Act to establish an offensive trade must—
  - (a) advertise notice of his or her intention to apply for consent in accordance with clause 10.4;
  - (b) give the CEO copies of the notice advertised under clause 10.3(1)(a), and the details of its advertising under clause 10.4(2); and
  - (c) make application in the form prescribed in Schedule 13 and in accordance with District Planning Scheme.
- (2) A person who makes a false statement in an application under this clause is guilty of an offence.

#### **10.4 Notice of intention to apply**

- (1) A notice required under subclause 10.3(1)(a) must—
  - (a) contain the name, address and telephone contact details of the person who intends to make the application;
  - (b) contain a description of the nature of the offensive trade; and
  - (c) contain details of the premises on or on which it is proposed to carry on the proposed trade.
- (2) Copies of the notice must be—
  - (a) given to each adjacent property owner and tenant, displayed on the premises in or on which it is proposed to carry out the proposed trade and advertised in a newspaper circulating in the district; or
  - (b) otherwise advertised as required by the Chief Executive Officer.

#### **10.5 Decision on application for consent**

- (1) The local government may—
  - (a) approve an application for consent unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for consent.
- (2) If the local government approves an application for consent, it is to give the applicant written notice of its consent.

(3) If the local government refuses to approve an application for consent, it is to give the applicant written notice of that refusal.

(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the owner or occupier of the premises on which the offensive trade is being, or is proposed to be, carried on.

#### **10.6 Registration of premises**

An application for the registration, or for the renewal of the registration, of premises pursuant to section 191 of the Health Act must be—

- (a) in the form prescribed in Schedule 14;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with the Chief Executive Officer.

#### **10.7 Decision on application for registration**

(1) The local government may—

- (a) approve an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade unconditionally or subject to any conditions; or
- (b) refuse to approve an application for the registration of premises for the carrying on of an offensive trade.

(2) If the local government approves an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade, it is to issue to the applicant a Certificate of Registration which must—

- (a) be in the form prescribed in Schedule 15; and
- (b) include the conditions (if any) on which the application is approved.

(3) If the local government refuses to approve an application for the registration, or for the renewal of the registration, of premises for the carrying on of an offensive trade, it is to give written notice of that refusal to the applicant.

(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the owner or occupier of the premises.

#### **10.8 Change of occupier**

If there is a change of occupier of the premises registered pursuant to this Division, the new occupier must forthwith notify the CEO in writing of such change.

#### **10.9 Alterations to premises**

While any premises remain registered under this Division, a person must not, without the written permission of the local government, make or permit any change or alteration to the premises.

### *Division 3—General duties of an occupier*

#### **10.10 Interpretation**

In this Division, unless the context otherwise requires—

**occupier** means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

**the premises** means the premises in or upon which an offensive trade is carried on.

#### **10.11 Cleanliness**

The occupier must—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

#### **10.12 Rats and other vectors of disease**

The occupier must—

- (a) take all reasonably practicable measures to ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

#### **10.13 Sanitary conveniences and hand wash basins**

The occupier must provide on the premises, in an approved position, sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

#### **10.14 Painting of walls etc.**

The occupier must cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

#### **10.15 Effluvia, vapours, gases or dust**

The occupier must provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises.

#### **10.16 Offensive material**

The occupier must—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep air-tight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day and at such more frequent intervals as may be directed by the local government or an Environmental Health Officer; and
- (e) cause all receptacles, after being emptied, to be cleaned immediately with an efficient and approved disinfectant.

#### **10.17 Storage of materials**

The occupier must cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.

#### **10.18 Specified offensive trades**

(1) In this clause, *specified offensive trade* means 1 or more of the offensive trades carried on, in or connected with the following works or premises—

- (a) fat rendering premises;
- (b) fish processing, shellfish and crustacean processing premises (not including retail fish shops);
- (c) fish curing premises (not including retail fish shops); and
- (d) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier must—

- (a) cause the floor of the premises to—
  - (i) be properly drained and paved with impervious material;
  - (ii) have a smooth surface; and
  - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor are conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
- (c) cause all liquid refuse to be—
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and be in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
  - (ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

#### **10.19 Directions by an Environmental Health Officer**

(1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a specified offensive trade or to safeguard the public health.

(2) The occupier must comply with a direction given under this clause.

#### **10.20 Other duties of occupier**

In addition to the requirements of this Division, the occupier must comply with all other requirements of this Part that apply to the particular specified offensive trade or trades conducted on the premises.

#### *Division 4—Fat rendering establishments*

#### **10.21 Interpretation**

In this Division, unless the context otherwise requires—

*fat rendering establishment* means premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

**occupier** means the occupier of any premises on which the trade of fat rendering is carried on.

### 10.22 Exhaust ventilation

The occupier must provide and maintain—

- (a) a hood which must—
  - (i) be of an approved design and construction;
  - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
  - (iii) must extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
  - (i) the point of discharge of which must be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and must not be located within 6 metres of an adjoining property or any fresh air intake; and
  - (ii) which must discharge in such manner and in such a position that no nuisance is created.

### 10.23 Covering of apparatus

External parts of the fat rendering apparatus must be constructed or covered with a non-corrosive impervious material.

### 10.24 Rendering of walls

The occupier must cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

## *Division 5—Fish premises*

### 10.25 Interpretation

In this Division, unless the context otherwise requires—

**appliance** includes a utensil, an instrument, a cover, a container or apparatus;

**fish** means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include—

- (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
- (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

**fish curing premises** means a place where, for the purpose of sale, fish may be partly cleaned, scaled or cut up for preservation by salting, drying, smoking or other means;

**fish processing premises** means a place where, for the purpose of trade, fish is cleaned, partly cleaned, scaled or cut up; and;

**occupier** means the occupier of fish processing premises or fish curing premises.

### 10.26 Fish preparation room

(1) The fish preparation room of a fish processing premises or fish curing premises must have a self-closing door.

(2) The occupier must ensure that all fish is prepared in the fish preparation room and that room is to be used solely for that purpose.

### 10.27 Disposal of waste

The occupier must cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in 10.17 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

### 10.28 Fish containers

The occupier must not allow any box, basket or other container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

## *Division 6—Flock factories*

### 10.29 Interpretation

In this Division, unless the context otherwise requires—

**flock factory** includes any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, lintens, fibre, or other material used or likely to

be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and  
**occupier** means the occupier of a flock factory.

### 10.30 New and used material

(1) Subject to subclause (2), the occupier must not use, for the manufacture of flock, any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for a least 20 minutes.

### 10.31 Collection and removal of dust

The occupier must provide effective means to prevent the escape into the open air of all dust or other material from the premises.

### 10.32 Unclean rags

A person must not—

- (a) collect, deliver, offer for sale or sell for the manufacture of flock;
- (b) receive, store or deliver for the manufacture of flock; or
- (c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

### 10.33 Bedding and upholstery

A person must not, for the purpose of sale or in the course of any business, remake, renovate, tease, retease, fill, refill or repair any—

- (a) used bedding; or
- (b) upholstery,

which is unclean, offensive or infested with vectors of disease, unless the—

- (c) material of which the bedding is made; or
- (d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

## *Division 7—Laundries, dry cleaning establishments and dye works*

### 10.34 Interpretation

In this Division, unless the context otherwise requires—

**dry cleaning** premises—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

**dye works** means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste there from, into a public sewer;

**exempt laundromat** means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those premises;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste from those premises into a public sewer;

**laundromat** means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

**laundry** means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

### 10.35 Receiving depot

An owner or occupier of premises must not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning premises or dye works except with the written permission of the local government who may at any time by written notice withdraw such permission.

### 10.36 Reception room

(1) The occupier of a laundry or dry cleaning premises or dye works must—

- (a) provide a reception room in which all articles brought to the premises for treatment must be received and must not receive or permit to be received any such articles except in that room; and
- (b) cause such articles, as may be directed by an Environmental Health Officer, to be thoroughly disinfected to the satisfaction of the Environmental Health Officer.

(2) A person must not bring or permit food to be brought into the reception room referred to in this clause.

#### **10.37 Walls and floors**

The occupier of a laundry, dry cleaning premises or dye works must cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes and crevices;
- (b) the floor to be impervious, constructed of concrete and finished with a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

#### **10.38 Laundry floor**

The occupier of a laundry must provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

#### **10.39 Escape of dust**

The occupier of a dry cleaning premises must provide effective means to prevent the escape into the open air of all dust or other material from the premises.

#### **10.40 Precautions against combustion**

The occupier of a dry cleaning premises where volatile liquids are used must take all proper precautions against combustion and must comply with all directions given by an Environmental Health Officer for that purpose.

#### **10.41 Trolleys**

The occupier of a dry cleaning premises must—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
  - (i) clearly designated to indicate the use for which it is intended;
  - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
  - (iii) thoroughly cleaned and disinfected on a regular basis.

#### **10.42 Sleeping on premises**

A person must not use or permit any room in a laundry, dry cleaning premises or dye works to be used for sleeping purposes.

### **PART 11 — OFFENCES AND PENALTIES**

#### **11.1 Offences**

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

#### **11.2 Penalties**

A person who commits an offence under clause 11.1 is liable to—

- (a) a penalty which is not more than \$2,500 and not less than—
  - (i) in the case of a first such offence, \$250;
  - (ii) in the case of a second such offence, \$500; and
  - (iii) in the case of a third and subsequent such offence, \$1,250; and
- (b) if the offence is a continuing offence, to a daily penalty which is not more than \$250 and not less than \$125 for each day during which the offence continues.

#### **11.3 Other enforcement actions**

(1) In addition to a penalty imposed under clause 11.2, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.

(2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.

**Schedule 1**  
**REQUIRED BUFFER DISTANCES FOR FEEDLOTS**

[clause 6.22(2)]

<b>Buffer</b>	<b>Distances</b>
Townsite boundaries	5,000m
Isolated rural dwellings, dairies and industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

**Schedule 2**  
**REQUIRED BUFFER DISTANCES FOR PIGGERIES**

[clause 6.25(2)]

<b>Buffer</b>	<b>Distances</b>
Townsite boundaries	5,000m
Isolated rural dwellings, dairies and industries	1,000m
Public road and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water courses and water impoundment	300m
Bores, wells or soak wells used for drinking, stock or irrigation	300m
Minor water courses	100m

**Schedule 3**  
**REQUIRED BUFFER DISTANCES FOR INTENSIVE PIGGERIES**

[clause 6.25(2) and 6.27]

	Townsite Boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water-courses/ rural water impoundments	Bores/wells soaks Drinking water supply	Stock irrigation supply
Piggeries and facilities for more than 5,000 pigs	5,000m	300m	200m	50m	Not permitted	300m	300m	100m
500-5000 pigs	3,500m	300m	150m	50m	Not permitted	300m	300m	100m
50-499 pigs	2,000m	300m	100m	50m	Not permitted	300m	300m	100m
Less than 50 pigs	500m	300m	50m	50m	Not permitted	200m	300m	100m
Land used for disposing of raw wastes or partly treated wastes	1,000m	300m	100m	300m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100m

**Schedule 4**  
**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

[clause 9.3(a)]

I/We, \_\_\_\_\_

(Full name of applicant/s)

Of \_\_\_\_\_

(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at:—

\_\_\_\_\_ as a lodging house to be classified as—

- ♣ a lodging house;
- ♣ a short term hostel
- ♣ recreational campsite
- ♣ serviced apartments

and for my name to be entered in the Register as the keeper of a lodging house.

DESCRIPTION OF LODGING HOUSE

Number of stories \_\_\_\_\_

<b>Rooms for private use</b>	Number	Area
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other Rooms (Specify)	.....	.....
<b>Rooms for lodgers</b>	Number	Area
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other Rooms (Specify)	.....	.....
<b>Sanitary conveniences for male lodgers</b>	Number	
Toilets	.....	
Urinals	.....	
Baths	.....	
Showers	.....	
Hand Wash basins	.....	
<b>Sanitary conveniences for female lodgers</b>	Number	
Toilets	.....	
Baths	.....	
Showers	.....	
Hand Wash basins	.....	
<b>Laundry facilities</b>	Number	
Washtroughs	.....	
Washing machines	.....	
Drying cabinets or clothes lines	.....	

**Additional details**

- (a) Lodgers meals will/will not be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere—

\_\_\_\_\_ (d) There will be \_\_\_\_\_ family members residing on the premises with the manager/keeper.

Application fee of \$ \_\_\_\_\_ is attached.

\_\_\_\_\_ (Signature of Applicant/s)

\_\_\_\_\_ (Date)



[clause 9.4]

This is to certify that the premises situated at \_\_\_\_\_

\_\_\_\_\_ are registered as a lodging house and classified as—

- ♣ a lodging house;
- ♣ a short term hostel
- ♣ recreational campsite
- ♣ serviced apartments

until 30 June \_\_\_\_\_, on the following conditions—

- (a) That \_\_\_\_\_, whose name is entered on the register of keepers of the Shire of East Pilbara, continues to be the keeper of the lodging house;
- (b) That \_\_\_\_\_ appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
- (c) That the Certificate of Registration is not cancelled or revoked;
- (d) That the maximum number of rooms to be used as sleeping apartments for lodgers is \_\_\_\_\_; and
- (e) That the maximum number of lodgers on the premises shall not exceed \_\_\_\_\_.

This Certificate of Registration is issued subject to the *Health Act 1911* and the *Shire of East Pilbara Health Local Law 2011* and is not transferable.

Dated \_\_\_\_\_

\_\_\_\_\_  
Environmental Health Officer

Fee Received: \$ \_\_\_\_\_

**Schedule 6**  
**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

[clause 9.6]

I/We, \_\_\_\_\_  
(Full name of applicant)

Of \_\_\_\_\_  
(Residential address of applicant)

am/are the new owner/s of premises situated at \_\_\_\_\_  
\_\_\_\_\_

which are registered in the name of

for the carrying on of the lodging house business.

\_\_\_\_\_  
(Signature of Applicant/s)

\_\_\_\_\_  
(Date)

**Schedule 7**  
**REQUIRED COOKING FACILITIES**

[clause 9.10(1)]






\_\_\_\_\_  
Environmental Health Officer

\_\_\_\_\_  
Date

**Schedule 11**  
**APPLICATION FOR LICENCE OF A MORGUE**

[clause 3.14(2)(a)]

I/We \_\_\_\_\_  
(Full name in block letters)

Of \_\_\_\_\_  
(Residential Address)

apply to licence the premises listed below as a Morgue  
Address of premises—

\_\_\_\_\_  
\_\_\_\_\_

Name of premises—

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Schedule 12**  
**CERTIFICATE OF LICENCE OF A MORGUE**

[clause 3.15(3)]

This is to certify the following premises is licensed as a Morgue from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ until 30 June\_\_\_\_\_.

Address of premises—

\_\_\_\_\_  
\_\_\_\_\_

Name of Premises—

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Environmental Health Officer

**Schedule 13**  
**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

[clause 10.3(1)(c)]

I/We \_\_\_\_\_  
(Full Name of Applicant/s)

Of \_\_\_\_\_  
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being

\_\_\_\_\_  
\_\_\_\_\_  
(Description of Offensive Trade)

in or upon

\_\_\_\_\_  
(Location of the House or Premises)  
Notice of my/our intention to make this application was advertised in—

\_\_\_\_\_  
(Name of Newspaper)  
On \_\_\_\_\_  
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are **attached**.

\_\_\_\_\_  
Signature of Applicant/s

\_\_\_\_\_  
Date

**Schedule 14**

**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

[clause 10.6(a)]

I/We \_\_\_\_\_  
(Full Name of Applicant/s)

Of \_\_\_\_\_  
(Residential Address of Applicant/s)

apply for registration, for the year ended \_\_\_\_\_

on \_\_\_\_\_  
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely:—

\_\_\_\_\_  
\_\_\_\_\_  
(Description of Offensive Trade)

under the business name of

The prescribed registration fee \$ \_\_\_\_\_ is attached.

\_\_\_\_\_  
Signature of Applicant/s

\_\_\_\_\_  
Date

**Schedule 15**

**CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

[clause 10.7(2)(a)]

This is to certify that the premises situated at

\_\_\_\_\_  
of which \_\_\_\_\_ is the occupier;  
are registered for the carrying on of the trade of

\_\_\_\_\_  
\_\_\_\_\_

Trade Name \_\_\_\_\_

This registration expires on \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Environmental Health Officer  
Shire of East Pilbara

\_\_\_\_\_

Dated: 3 February 2012.

The Common Seal of the Shire of East Pilbara was affixed by the authority of a resolution of the local government in the presence of—

LYNNE CRAIGIE, Shire President.  
ALLEN COOPER, Chief Executive Officer.

Consented to—

Dated:

\_\_\_\_\_

ANDREW ROBERTSON, A/Executive Director, Public Health.