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**LG301**

**HEALTH ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Derby/West Kimberley*  
**Health Amendment Local Law 2010**

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

**1. Citation**

This local law is the *Shire of Derby/West Kimberley Health Amendment Local Law 2010*.

**2. Commencement**

This local law comes into operation on the day in which it is published in the *Government Gazette*.

**3. Principal local law**

In this local law the *Shire of Derby/West Kimberley Health Local Laws 1998* as published in the *Government Gazette* on 21 April 1999, is referred to as the principal local law. The principal local law is amended.

**4 Correction to terminology**

Except in the definition of "Council" and "water" in section 3(1) and in section 104(b), throughout the local law delete "Council" wherever it appears and insert "local government" or "the local government" as appropriate.

**5. Section 3 amended**

In section 3(1)—

(a) Delete the definition "approved" and insert—

""approved" means approved by the local government;"

(b) In alphabetical order of the terms being defined, insert the definition—

""local government" means the local government of the Shire of Derby/West Kimberley and includes the Council of the local government;" and

(c) Delete the definition "water" and insert—

""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"

#### **6. Section 6 amended**

In section 6—

- (a) in subsection (1)(c) delete "hand wash basin" and insert "wash hand basin";
- (b) in subsection (1)(c)(iii) delete "basin" and insert "wash hand basin";
- (c) in subsection (1)(c)(iv) delete "basin" and insert "wash hand basin";
- (d) in subsection (2)(c) delete "hand wash basin" and insert "wash hand basin"; and
- (e) in subsection (2)(c)(ii) delete "hand basin" and insert "wash hand basin".

#### **7. Section 7 amended**

In section 7—

- (a) in subsection (1)(a)(iii) delete "hand wash basin" and insert "wash hand basin"; and
- (b) in subsection (1)(b)(iii) delete "hand wash basin" and insert "wash hand basin".

#### **8. Section 15 amended**

In section 15—

- (a) in subsection (1)(a) insert after the word ceiling "in accordance with the requirements of Part F2.4.1 of the Building Code"; and
- (b) in subsection (2) delete "hand basins" and insert "wash hand basins".

#### **9. Section 18 amended**

In section 18(3)(a) delete "requirements of the Office of Energy" and insert "requirements of Energy Safety".

#### **10. Section 19 amended**

In section 19(m) delete "the Office of Energy" and insert "Energy Safety".

#### **11. Section 25 amended**

In section 25—

- (a) in subsection (2)(b) delete "AS1668.2: 1991" and insert "AS 1668.2:-2002"; and
- (b) in subsection (3)(a) delete "AS3666-1989" and insert "AS/NZS 3666.2;2002".

#### **12. Part 4 amended**

In Part 4—

- (a) Delete "Division 2";
- (b) Re-designate "Division 3" as "Division 2"; and
- (c) Re-designate "sections 52 to 208" as "sections 40 to 196".

**13. Section 45 amended**

In section 45—

- (a) In subsection (1) delete "(1) Subject to subsection (2), an" and insert "An"; and
- (b) Delete subsection "(2)".

**14. Section 54 amended**

In section 54(1)(a) delete "Town Planning Scheme" and insert "Local Planning Scheme".

**15. Section 56 amended**

In sections 56(1) and 56(2) delete "immediately" and insert "as soon as possible".

**16. Section 59 amended**

In section 59—

- (a) in subsection (1)(a) delete "Town Planning Scheme" and insert "Local Planning Scheme";
- (b) at the end of subsection (4)(b) insert "and"; and
- (c) at the end of subsection (4)(c) delete "; and" and insert ".".

**17. Section 67 amended**

In section 67 (1) delete "sections 76 and 78" and insert "sections 64 and 66".

**18. Section 70 amended**

In section 70(1), delete "AS1668.2 Part 2 1991" and insert "AS 1668.2—2002".

**19. Section 71 amended**

In section 71(a)(i)(A) and (a)(i)(B) delete "AS1668.2 Part 2 1991" and insert "AS 1668.2—2002".

**20. Section 77 amended**

In section 77(1)(a), delete "section 88" and insert "section 76".

**21. Section 91 amended**

In section 91(3)(b), delete "section 99" and insert "section 87".

**22. Section 98 amended**

In section 98 in the definition "lot" delete "*Town Planning and Development Act 1928*" and insert "*Planning and Development Act 2005*".

**23. Section 116 adding a definition**

In section 116(1) in alphabetical order of the term being defined, insert the definition—

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

**24. Section 117 amended**

In section 117(b) delete "section 133" and insert "section 119".

**25. Section 119 amended**

In section 119 delete "section 132" and insert "section 118".

**26. Section 125 amended**

In section 125(3) delete "hand wash basin" and insert "wash hand basin".

**27. Section 127 amended**

In section 127(c) delete "the requirements of the *Health (Food Hygiene) Regulations 1993*" and insert "the requirements of the Food Standards Code".

**28. Section 134 amended**

In section 134—

(a) in subsection (1) delete "section 163" and insert "section 149"; and

(b) in subsection (1)(e) delete "Section 147(2)" and insert "section 135(2)".

**29. Section 135 amended**

In section 135(2), delete "sub-by-law (1)" and insert "sub-section (1)".

**30. Section 136 amended**

In section 136—

(a) sub-section (3), delete "to be Provided by subsection (1)(b)(ii)" and insert "to be provided by sub-section (1)(b)(ii)"; and

(b) sub-section (4), delete "subsection (1)(c)" and insert "sub-section (1)(c)".



**31. Section 148 amended**

In section 148—

(a) paragraph (b), delete ", obnoxious".

(b) paragraph (h), delete "section 163" and insert "section 149".

**32. Section 151 amended**

In section 151(1)(a), delete "section 166" and insert "section 152".

**33. Section 152 amended**

In section 152, delete "section 165" the two times it appears and insert "section 151".

**34. Section 153 amended**

In section 153(b) delete "*Offensive Trades (Fees) Regulations 1976*" and insert "*Health (Offensive Trades Fees) Regulations 1976*".

**35. Section 157 deleted**

(a) Delete section 157.

(b) redesignate "sections 158 to 196" as "sections 157 to 195".

**36. Section 175 amended**

In section 175(a) delete "section 178" and insert "section 163".

**37. Section 177 amended**

In section 177, delete "the *Health (Food Hygiene) Regulations 1993*" and insert "the Food Standards Code".

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Dated: 16th December, 2010.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

E. M. ARCHER, Shire President.

S. BURGE, Chief Executive Officer.

Dated: 31st March 2011.

Consented to—

TARUN WEERAMANTHRI, Executive Director,  
Public Health.

Dated: 24th May 2011

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# HEALTH ACT 1911

## SHIRE OF DERBY/WEST KIMBERLEY

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### HEALTH LOCAL LAWS 1998

*(This local law is the Health Local Law as adopted by Council on 24 February 1999 and published in the Government Gazette on 21 April 1999 with the amendments made by Council on 26 July 2001 and published in the Government Gazette on 16 November 2001, the repeal local law made by Council on 26 July 2001 and published in the Government Gazette on 2 October 2001 and the universal amendments made by the Health Department and published in the Government Gazette on 13 August 2002 and 7 September 2007.)*

*(This copy includes the proposed 2010 amendments as set out in the Amendment Local Law.)*

# HEALTH ACT 1911

## SHIRE OF DERBY/WEST KIMBERLEY

### HEALTH LOCAL LAWS 1998

#### ARRANGEMENT

#### **PART 1—PRELIMINARY**

##### Section

1. Citation
2. Repeal
3. Interpretation
4. Interpretation
5. Dwelling house

#### **PART 2—SANITATION**

##### *Division 1—Sanitary Conveniences*

6. Premises other than a dwelling house
7. Outdoor festivals
8. Toilets
9. Temporary works
10. Maintenance of sanitary conveniences and fittings
11. Ventilation of toilet
12. Public sanitary conveniences
13. Lighting
14. Installation
15. Bathrooms
16. Laundries

##### *Division 2—Bathrooms, Laundries and Kitchens*

17. Washing or keeping of clothes in kitchens
18. Kitchens

#### **PART 3—HOUSING AND GENERAL**

##### *Division 1—Maintenance of Houses*

19. Dwelling house maintenance
20. Guttering and downpipes
21. Maintenance of guttering and downpipes and disposal of rainwater

##### *Division 2—Ventilation of Houses*

22. Exemption for short term hostels and recreational campsites
23. Overcrowding
24. Calculated sufficient space
25. Ventilation
26. Sub-floor ventilation

##### *Division 3—Water Supply*

27. Water supply
28. Rain water tanks
29. Bores or wells
30. Pollution

*Division 4—Secondhand Furniture, Bedding and Clothing*

31. Prohibition on sale
32. Prohibition of possession

*Division 5—Morgues*

33. Licensing of morgues

**PART 4—WASTE FOOD AND REFUSE**

*Division 1—Liquid Refuse*

34. Interpretation
35. Deposit of liquid refuse
36. Disposal of liquid waste
37. Approval for septic tank pumpouts
38. Application for approval
39. Notice of intention

*Division 2—Disposal of Refuse*

40. Interpretation
41. Prescribed areas
42. Receptacles
43. Exemption
44. Use of receptacles
45. Damage to receptacles
46. Use of other containers
47. Suitable enclosure
48. Deposit of refuse
49. Removal from refuse disposal site
50. Removal of rubbish from premises or receptacle
51. Burning of Rubbish or Refuse

*Division 3—Transport of Butchers' Waste*

52. Interpretation
53. Restriction of vehicles
54. Transport of butchers' waste

**PART 5—NUISANCES & GENERAL**

*Division 1—Nuisances*

55. Interpretation
56. Footpaths etc. to be kept clean
57. Escape of smoke etc.
58. Public vehicles to be kept clean
59. Prohibition against spitting
60. Transportation, use and storage of offal or blood
61. Use or storage of fertiliser
62. Storage and despatch of artificial fertiliser
63. Storage of fertiliser in a house

*Division 2—Keeping of Animals*

64. Cleanliness
65. Animal enclosures
66. Cats
67. Slaughter of animals

68. Disposal of dead animals

*Division 3—Keeping of Large Animals*

69. Interpretation
70. Keeping of animals
71. Stables
72. Proximity of animals to a dwelling house
73. Manure receptacle

*Division 4—Keeping of Poultry and Pigeons*

74. Interpretation
75. Limitation on numbers of poultry and pigeons
76. Conditions of keeping poultry
77. Roosters
78. Pigeons or doves
79. Removal of non-conforming structure or enclosure
80. Restrictions on pigeon nesting or perching

*Division 5—Car Parks*

81. Interpretation
82. Ventilation
83. Exhaust air discharge points and exhaust registers
84. Car park attendant booths

**PART 6—PEST CONTROL**

*Division 1—Flies*

85. Interpretation
86. Fly breeding matter not to be left on premises unless covered or treated
87. Measures to be taken by an occupier
88. Officer may give notice directing measures to be taken
89. Local government may execute work and recover costs

*Division 2—Mosquitoes*

90. Interpretation
91. Premises to be kept free of mosquito breeding matter
92. Measures to be taken by an owner or occupier
93. Measures to be taken by occupier
94. Removal of undergrowth or vegetation
95. Filling in excavations etc.
96. Drains, channels and septic tanks
97. Drainage of land

*Division 3—Rodents*

98. Interpretation
99. Measures to be taken to eradicate rodents
100. Waste food etc. to be kept in rodent proof receptacles
101. Restrictions on materials affording harbourage for rodents
102. Food premises etc. to be cleaned after use
103. Restrictions on the sale or keeping of rats



*Division 4—Cockroaches*

- 104. Interpretation
- 105. Measures to be taken to eradicate cockroaches

*Division 5—Argentine Ants and Singapore Ants*

- 106. Interpretation
- 107. Measures to be taken to keep premises free from Argentine ants and Singapore ants

*Division 6—European Wasps*

- 108. Interpretation
- 109. Measures to be taken to keep premises free from European Wasp Nests

*Division 7—Bee Keeping*

- 110. Interpretation
- 111. Limitation on numbers of hives
- 112. Restrictions on keeping of bees in hives
- 113. Bees which cause a nuisance not to be kept

*Division 8—Arthropod Vectors of Disease*

- 114. Interpretation
- 115. Responsibility of the owner or occupier

**PART 7—INFECTIOUS DISEASES**

*Division 1—General Provisions*

- 116. Environmental Health Officer may visit, inspect and report
- 117. Requirements on owner or occupier to clean, disinfect and disinfest
- 118. Environmental Health Officer may disinfect or disinfest premises
- 119. Insanitary houses, premises and things
- 120. Medical Officer may authorise disinfecting
- 121. Persons in contact with an infectious disease sufferer
- 122. Declaration of infected house or premises
- 123. Destruction of infected animals
- 124. Disposal of a body
- 125. Local government may carry out work and recover costs

*Division 2—Disposal of Used Condoms and Needles*

- 126. Disposal of used condoms
- 127. Disposal of used needles

**PART 8—LODGING HOUSES**

*Division 1—Registration*

- 128. Interpretation
- 129. Lodging house not to be kept unless registered
- 130. Application for registration
- 131. Approval of application
- 132. Renewal of registration
- 133. Notification upon sale or transfer
- 134. Revocation of registration

*Division 2—Construction and Use Requirements*

- 135. General construction requirements

136. Insect screening
137. Sanitary conveniences
138. Laundry
139. Kitchen
140. Cooking facilities
141. Dining room
142. Lounge room
143. Fire prevention and control
144. Obstruction of passages and stairways
145. Fitting of locks
146. Restriction on use of rooms for sleeping
147. Sleeping accommodation short term hostels and recreational campsites
148. Furnishing etc. of sleeping apartments
149. Ventilation
150. Numbers to be placed on doors

*Division 3—Management and Care*

151. Keeper or manager to reside in the lodging house
152. Register of lodgers
153. Keeper report
154. Certificate in respect of sleeping accommodation
155. Duplicate keys and inspection
156. Room occupancy
157. Notifiable infectious disease
158. Maintenance of a room by a lodger or resident
159. Cleaning and maintenance requirements
160. Responsibilities of lodgers and residents
161. Approval for storage of food

**PART 9—OFFENSIVE TRADES**

*Division 1—General*

162. Interpretation
  163. Consent to establish an offensive trade
  164. Notice of application
  165. Registration of premises
  166. Certificate of registration
  167. Change of occupier
  168. Alterations to premises
- 

*Division 2—General Duties of an Occupier*

170. Interpretation
171. Cleanliness
172. Rats and other vectors of disease
173. Sanitary conveniences and wash basins
174. Painting of walls etc
175. Effluvia, vapours or gases
176. Offensive material
177. Storage of materials
178. Specified offensive trades
179. Directions
180. Other duties of occupier

*Division 3—Fat Rendering Establishments*



- 181. Interpretation
- 182. Exhaust ventilation
- 183. Covering of apparatus
- 184. Rendering of walls

*Division 4—Fish Premises*

- 185. Interpretation
- 186. Fish preparation room
- 187. Bench
- 188. Disposal of waste
- 189. Fish containers
- 190. Cooking of fish
- 191. Use of a portable box
- 192. Fish transport vehicle

*Division 5—Flock Factories*

- 193. Interpretation
- 194. New and used material
- 195. Collection and removal of dust
- 196. Building requirements
- 197. Unclean rags
- 198. Bedding and upholstery

*Division 6—Laundries, Dry Cleaning Establishments and Dye Works*

- 199. Interpretation
- 200. Receiving depot
- 201. Reception room
- 202. Walls and floors
- 203. Laundry floor
- 204. Escape of dust
- 205. Precautions against combustion
- 206. Trolleys
- 207. Sleeping on premises

**PART 10—OFFENCES AND PENALTIES**

- 208. Offences and penalties

**SCHEDULES OF FORMS AND FEES**

| Schedule Number | Description   |
|-----------------|---|
| 1.              | Application for Licence to Collect, Remove or Dispose of Liquid Waste                           |
| 2.              | Application for Registration of a Lodging House   |
| 3.              | Certificate of Registration of a Lodging House  |
| 4.              | Notice of Change of Owner of a Lodging House  |
| 5.              | Register of Lodgers   |
| 6.              | List of Lodgers   |
| 7.              | Certificate of Sleeping Accommodation   |
| 8.              | Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments |
| 9.              | Application for Licence of a Morgue   |
| 10.             | Licence of a Morgue   |
| 11.             | Application for Consent to Establish an Offensive Trade   |

12. Application for Registration of Premises for Offensive Trade
13. Certificate of Registration of Premises for Offensive Trade
14. Prescribed Fees
15. Prohibited Areas—Keeping of Pigs
16. Prescribed Areas—Section 112A

# HEALTH ACT 1911

## SHIRE OF DERBY/WEST KIMBERLEY

### HEALTH LOCAL LAWS 1998

Made by the Council of the Shire of Derby/West Kimberley.

#### PART 1—PRELIMINARY

##### Citation

1. These local laws may be cited as the "*Shire of Derby/West Kimberley Health Local Laws 1998*".

##### Repeal

2. (1) The Health Local Laws adopted by the West Kimberley Road Board and published in the *Government Gazette* on the 15 July 1910 and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the West Kimberley Road Board and published in the *Government Gazette* on the 22 December 1939 and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the West Kimberley Road Board on 28 April 1954 and published in the *Government Gazette* on the 23 July 1954 and amended from time to time, are repealed;
- (4) The Health Local Laws adopted by the West Kimberley District Road Board on 19 November 1956 and published in the *Government Gazette* on the 13 February 1957 and amended from time to time, are repealed; and
- (5) The Health Local Laws adopted by the Shire of West Kimberley on 11 September 1963 and published in the *Government Gazette* on the 3 December 1963 and amended from time to time, are repealed.

##### Interpretation

3. (1) In these local laws, unless the context otherwise requires—
- "Act" means the *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;
- "adequate supply of water" means a flow of water of not less than 0.076 litres per second;
- "approved" means approved by the local government;
- "AS" means Australian Standard published by the Standards Association of Australia;
- "Building Code" means the latest edition of the Building Code of Australia published from time to time 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;
- "Chief Executive Officer" means the Chief Executive Officer of the Shire of Derby/West Kimberley and includes an Acting Chief Executive Officer;
- "Council" means the Council of the Shire of Derby/West Kimberley;
- "district" means the district of the Shire of Derby/West Kimberley and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;
- "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;



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

“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;

“hot water” means water at a temperature of at least 75 degrees Celsius;

“local government” means the local government of the Shire of Derby/West Kimberley and includes the Council of the local government;

“Medical Officer” means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;

“Principal Environmental Health Officer” means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

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

“sanitary convenience” includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

“sewage” means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

“sewer” includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

“street” includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“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;

“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 these local laws, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under these local laws 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.

## **PART 2—SANITATION**

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

4. In this Part, unless the context otherwise requires—

“festival” includes a fair, function or event;

“organiser” means a person—

(a) to whom approval has been granted by the local government to conduct the festival; or

(b) responsible for the conduct of the festival;

“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 a festival; or

(b) employees at construction sites or the like.

### **Dwelling House**

5. (1) A person shall 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.

### **Premises other than a Dwelling House**

6. (1) The owner of premises other than a dwelling house shall 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 these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have wash hand 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 wash hand basin;

(iv) separate from any trough, sink or wash hand 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 shall 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 wash hand 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 wash hand basin.

### **Outdoor Festivals**

7. (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—

(a) for the first 1,000 males—

(i) one water closet for each 200;

(ii) one urinal stall for each 75; and

(iii) one wash hand basin for each 300;

(b) for additional males—



- (i) one water closet for each 500;
- (ii) one urinal stall for each 100; and
- (iii) one wash hand basin for each 500;
- (c) for the first 1,000 females—
  - (i) one water closet for each 75; and
  - (ii) one wash hand basin for each 300; and
- (d) for additional females—
  - (i) one water closet for each 100; and
  - (ii) one wash hand basin for each 500.

(2) Where, under sub-section (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

### **Toilets**

8. (1) Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended.

### **Temporary Works**

9. A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

### **Maintenance of Sanitary Conveniences and Fittings**

10. (1) The occupier of premises shall—

- (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 shall—

- (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.

### **Ventilation of Toilet**

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

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

### **Public Sanitary Conveniences**

12. (1) A person shall 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 using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay

that charge.

(3) A person shall 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.

### **Lighting**

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

### **Installation**

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate supply of water.

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

## *Division 2—Bathroom, Laundries and Kitchens*

### **Bathrooms**

15. (1) A person shall 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 an adequate ceiling in accordance with the requirements of Part F2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and

(c) is equipped with.

(i) a wash hand basin; and

(ii) either a shower in a shower recess or a bath.

(2) All baths, showers, wash hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

### **Laundries**

16. (1) A laundry must conform to the provisions of the Building Code.

(2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall –

(a) not be more than 1220 millimetres wide; and

(b) have a door which when closed shall completely fill the opening.

### **Washing or Keeping of Clothes in Kitchens**

17. A person shall 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.

### **Kitchens**

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

(a) a cooking facility; and

(b) a sink which shall—

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and



- (ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the cooking facilities and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
  - (a) be installed in accordance with the requirements of Energy Safety; and
  - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen and the exhaust air shall be—
  - (a) carried to the outside air as directly as practicable; and
  - (b) boxed throughout.
- (5) In this section, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

### **PART 3—HOUSING AND GENERAL**

#### *Division 1—Maintenance of Houses*

##### **Dwelling House Maintenance**

19. The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—
- (a) maintain all roofs and where required to be provided, 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 verandah, 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 in surface and free from cracks;
  - (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% 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 *Metropolitan Water Supply, Sewerage and Drainage Act 1909* 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.

##### **Guttering and Downpipes**

20. When required by the local government a house shall be provided with gutters, downpipes and drains, and when so required, the owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—
- (a) the house is provided with adequate guttering, downpipes and drains sufficient to receive without overflow all rainwater flowing into them and for all rain water to be effectively disposed of to the satisfaction of the Principal Environmental Health Officer;
  - (b) the guttering and downpipes are fixed to the eaves of every roof of the house so



that all rain water flowing from the roof shall be received by such guttering and downpipes;

- (c) all downpipes from guttering are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water scheme;
- (d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block; and
- (e) any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.5 metres of any house.

### **Maintenance of Guttering and Downpipes and Disposal of Rainwater**

**21.** The owner or occupier of a house shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

### *Division 2—Ventilation of Houses*

### **Exemption for Short Term Hostels and Recreational Campsites**

**22.** This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

### **Overcrowding**

**23.** The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
- (b) a habitable room in the 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.

### **Calculated Sufficient Space**

**24.** For the purpose of section 23, in calculating the space required for each person—

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

### **Ventilation**

**25.** (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of sub-section (1) a house shall 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 house provided with a mechanical ventilation or air-conditioning system as its only or prime means of ventilation shall ensure that the system is—

- (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2002; and

- (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.
- (4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—
  - (a) provide a different, or additional method of ventilation; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under sub-section (4).

### **Sub-Floor Ventilation**

**26.** The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

## *Division 3—Water Supply*

### **Water Supply**

**27.** (1) The owner of every house shall provide a continuous supply of drinking water obtained from—

- (a) a licensed water service operator;
- (b) an underground bore; or
- (c) a rainwater storage system with a minimum capacity of 120,000 litres,

and such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.

### **Rain Water Tanks**

**28.** The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- (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 shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) at least once in each year, thoroughly clean any tank the water from which is used for human consumption; and
- (d) ~~when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.~~

### **Bores or wells**

**29.** The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well, leach drain or other possible source of pollution unless otherwise approved by the Executive Director 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.

### **Pollution**

**30.** A person shall not deposit on or under 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—Secondhand Furniture, Bedding and Clothing*

##### **Prohibition on Sale**

31. A person shall not offer for sale or sell any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

##### **Prohibition of Possession**

32. A dealer in secondhand furniture, bedding or clothing shall not have on any premises used for the operation of the business any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

#### *Division 5—Morgues*

##### **Licensing of Morgues**

33. (1) An application for a licence for a morgue shall be—
- (a) made by the applicant;
  - (b) made in the form prescribed in Schedule 9; and
  - (c) forwarded to the Chief Executive Officer along with the fee as fixed from time to time by the local government under Section 344C of the Act.
- (2) A licence shall—
- (a) be in the form set out in Schedule 10; and
  - (b) expire on 30 June next after the date of its issue.
- (3) A licence shall not be granted in respect of any premises unless—
- (a) provision has been made for the keeping of the 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; and
  - (e) the premises are adequately ventilated by direct communication with the outside air.
- (4) All morgues, other than those of any public hospital or any local government or police morgue, shall be licensed annually in accordance with the requirements of this Division.

### **PART 4—WASTE FOOD AND REFUSE**

#### *Division 1—Liquid Refuse*

##### **Definition**

34. In this division, unless the context otherwise requires—

“liquid refuse” includes all washings from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges; and

“liquid waste” means bathroom, kitchen, scullery and laundry wastes, 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.

##### **Deposit of Liquid Refuse**

35. A person shall 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.

### **Disposal of Liquid Waste**

36. (1) The owner or occupier of premises shall—
- (a) provide, by one of the methods prescribed in this section, 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 shall 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, Public Health or the local government; or
  - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

### **Approval for Septic Tank Pumpouts**

37. A person shall not—
- (a) without a licence from the local government; and
  - (b) except in accordance with any terms and conditions imposed by the local government or the Executive Director, Public Health in connection with the licence under paragraph (a), collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

### **Application for Licence**

38. (1) A person may apply in writing to the local government in the form of Schedule 1 together with the fee as fixed from time to time by the local government under Section 344C of the Act, for a licence 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.
- (3) Any conditions imposed by the local government under this section shall be—
- (a) specified in the licence from the local government; and
  - (b) in addition to any conditions imposed by the Executive Director 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 the licence was given.

### **Notice of Intention**

39. A person to whom a licence has been given under section 38 shall, at least 24 hours before collecting, removing or disposing of the contents of a septic tank or an apparatus for the treatment of sewage, notify the Principal Environmental Health Officer of his or her intention to do so.

## *Division 2—Transport of Butchers' Waste*

### **Interpretation**

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

### **Restriction of Vehicles**

**41.** A person shall not use, for the transport of butchers’ waste—  
(a) a vehicle used for the transport of food or drugs; or  
(b) anything intended to be used for the packing or handling of food or drugs.

### **Transport of Butchers’ Waste**

**42.** (1) A person shall not transport butchers’ waste otherwise than in—  
(a) a compartment complying with the following specifications—  
(i) the floor and 4 walls to be made of an approved impervious material and the walls to be not less than 900 millimetres high;  
(ii) all joints to be sealed, welded, soldered or brazed 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 sheet material approved by the Principal Environmental Health Officer, 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 water-tight, durable and impervious container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers’ waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are—  
(a) maintained in good order and condition; and  
(b) thoroughly cleaned at the conclusion of each day’s work.

(3) A person shall not load, transport, or unload butchers’ waste in a manner that is or may be 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.

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## **PART 5—NUISANCES AND GENERAL**

### *Division 1—Nuisances*

### **Interpretation**

**43.** In this Division, unless the context otherwise requires—  
“fertiliser” includes manure.

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

**44.** An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clear of any rubbish, matter or things coming from or belonging to the premises.

### **Escape of Smoke etc.**

**45.** (1) An owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in



such quantity or of such a nature as to cause or to be a nuisance.

#### **Public Vehicles to be kept clean**

46. The owner or person in control of a public vehicle shall—

- (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.

#### **Prohibition against Spitting**

47. A person shall not spit—

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

#### **Transportation, Use and Storage of Offal or Blood**

48. A person shall 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.

#### **Use or Storage of Fertiliser**

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

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

#### **Storage and Despatch of Artificial Fertiliser**

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

- (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 proper precautions to prevent the emission of dust or offensive effluvia from the building; and
  - (c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.
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#### **Storage of Fertiliser in a House**

51. The owner or occupier of a house where fertiliser or compost is stored or used shall—

- (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 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 the Principal Environmental Health Officer.

### *Division 2—Keeping of Animals*

#### **Cleanliness**

52. An owner or occupier of premises in or on which a dog, cat or other animal or bird is

kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and
- (c) 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.

### **Animal Enclosures**

**53.** (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal 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.

### **Cats**

**54.** (1) Subject to sub-section (5), a person shall not, without an exemption in writing from the local government, keep more than 3 cats over the ages of 3 months on premises on any land—

- (a) within the residential zones of the Shire of Derby/West Kimberley Local Planning Schemes; or
- (b) used for residential purposes.

(2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of sub-section (1).

(3) The local government shall not grant an exemption under this section 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 section shall 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 may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

### **Slaughter of Animals**

**55.** (1) Subject to sub-section (2), a person shall not slaughter any animal within the district.

(2) Sub-section (1) does not apply to—

- (a) euthanasia of animals by veterinarians or other duly authorised persons;
- (b) slaughter of animals for human consumption in abattoirs approved by the local government;
- (c) farmers, pastoralists and the like who slaughter stock for their own consumption; and
- (d) slaughter of animals for the purposes of pet meat and game meat operations.

### **Disposal of Dead Animals**

**56.** (1) An owner or occupier of premises on which there is a dead animal shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or



private place shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.

(3) The requirements of sub-sections (1) and (2) shall not limit the practice by farmers, pastoralists and the like of disposing of 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*

#### **Interpretation**

**57.** In this Division, unless the context otherwise requires—

“approved animal” means a camel, horse, cow, sheep or goat;

“cow” includes an ox, calf or bull; and

“horse” includes an ass, mule, donkey or pony.

#### **Keeping of Animals**

**58.** A pig may not be kept on any land in areas prescribed as prohibited areas in Schedule 15.

#### **Stables**

**59.** (1) An owner or occupier of premises within a townsite shall—

(a) not keep a horse or cow on any premises other than that which the current Local Planning Scheme allows;

(b) not keep a horse or cow on those premises without the written approval of the local government and such approval notice shall prescribe the number of horses or cows permitted to be kept;

(c) keep approved animals in a manner so as not to create a nuisance and in this respect the Principal Environmental Health Officer may limit or vary the number of approved animals that may be kept on an allotment;

(d) not keep an approved animal on an allotment of less than 2,000m<sup>2</sup> save that the local government may, at its discretion, waive strict compliance with this requirement with respect to any stable in existence prior to the day of the section coming into force; and

(e) not keep a camel other than on an allotment zoned for rural purposes.

(2) An owner or occupier of premises who has approval to keep a horse or cow shall provide for its use a stable which shall—

(a) not be situated within 15 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 shall be a minimum of 11 square metres;

(c) have each wall and roof constructed of an 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) Except as provided in subsection (3) have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of approved material; and when required; and

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The construction of any stable with a sand floor may be permitted by local government, subject to the following conditions—

(a) the site must be well drained with the highest known water table no closer than



- 1.5 metres below the ground or sand floor level. This may be achieved artificially;
- (b) whether natural or imported sand, it must be clean, coarse and free from dust;
  - (c) footings to each stable shall be a minimum of 450mm below ground level;
  - (d) the stable design must allow for the access of small machinery, such as a skid steer loader, into each individual stall to maintain the correct floor height;
  - (e) each stall shall have—
    - (i) a minimum floor area of at least 28 square metres;
    - (ii) each wall with dimensions of not less than 3 metres vertically and 4 metres horizontally;
    - (iii) a roof not less than 50% of the floor area; and
  - (f) in all other respects sub-section (3) shall apply to the stable building.
- (4) The owner or occupier of premises on which a stable is located shall—
- (a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;
  - (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 the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.
- (5) In areas other than residential areas an Environmental Health Officer may vary the requirements of sub-sections (2) and (3).

#### **Proximity of Animals to a Dwelling House**

**60.** The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

#### **Manure Receptacle**

- 61.** An owner or occupier of premises on which a stable is constructed shall—
- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight-fitting hinged cover, and with no part of the floor 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 daily and placed in the receptacle.

### *Division 4—Keeping of Poultry and Pigeons*

#### **Interpretation**

**62.** In this Division, unless the context otherwise requires—  
“poultry” includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls; and  
“prescribed area” means those areas within a townsite zoned other than rural or special rural.

#### **Limitation on Numbers of Poultry and Pigeons**

- 63.** (1) An owner or occupier of premises in prescribed areas—
- (a) who is not an Affiliated Person, shall not keep a combined total of more than 20

poultry and pigeons; and

- (b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons and 20 poultry, on any one lot of land.

(2) In this section, "Affiliated Person" means a person who is a member of—

- (a) the Pigeon Racing Federation of Western Australia;
- (b) the Fancy Utility Pigeon Club of Western Australia; or
- (c) any other properly constituted Pigeon Club, Bantam Club and the like.

### **Conditions of Keeping Poultry**

**64.** (1) A person who keeps poultry or permits poultry to be kept in prescribed areas shall ensure that—

- (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (c) no poultry is able to approach within 18 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.

(2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 10 metres of a dwelling house, public building, or premises where people are employed or within 20 metres of premises where food is stored, prepared, manufactured or sold.

### **Roosters**

**65.** (1) An owner or occupier of premises shall not—

- (a) without the written approval of the local government; or
- (b) except in accordance with any conditions imposed by the local government in connection with the approval under paragraph (a),

keep or permit a rooster to be kept on the premises.

(2) The local government may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.

### **Pigeons or Doves**

**66.** A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where in a prescribed area registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that is in a yard having an otherwise unobstructed area of at least 30 square metres.

### **Removal of Non-Conforming Structure or Enclosure**

**67.** (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of sections 64 and 66, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this section.

### **Restrictions on Pigeon Nesting or Perching**

**68.** (1) The local government may order an owner or occupier of a house in or on which

pigeons 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 shall comply with the local government order under this section.

#### *Division 5—Car Parks*

#### **Interpretation**

**69.** In this Division, unless the context otherwise requires—

“attendant’s booth” means a booth which is positioned inside a car park for the containment of a parking attendant;

“car park” means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

“occupier” means a person having the charge, management or control of a car park.

#### **Ventilation**

**70.** (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

- (a) natural ventilation; or
- (b) mechanical means,

in accordance with AS1668.2 - 2002.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the occupier within a specified time to—

- (a) provide a different or additional method of ventilation; and
- (b) cease using the car park until it is properly ventilated.

(3) An occupier shall comply with a notice under sub-section (2).

#### **Exhaust Air Discharge Points and Exhaust Registers**

**71.** An owner or occupier shall ensure that—

- (a) all exhaust air that is discharged from a car park shall be discharged—
  - (i) at discharge points—
    - (A) in accordance with AS1668.2 - 2002; and
    - (B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2 - 2002; and
  - (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;
- (b) exhaust registers are located—
  - (i) as far as possible from the source of supply air; and
  - (ii) so as to draw effluent away from staff working in the attendant’s booth;
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation system is—
  - (i) maintained in good working condition; and
  - (ii) in operation at all times when the car park is in use.

#### **Car Park Attendant Booths**

**72.** (1) An owner or occupier shall ensure that an attendant’s booth—

- (a) is provided with a fresh air supply ventilation system—
  - (i) with air flow rates that give a minimum of 40 air changes per hour; and
  - (ii) which is in operation whenever the booth is occupied;
- (b) has intakes for fresh air located and arranged so that under all conditions of



normal operation adjacent sources of pollution do not reduce the quality of fresh air;

- (c) has a capacity of not less than 5 cubic metres;
- (d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and
- (e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If, in the opinion of the Principal Environmental Health Officer, an attendant's booth is not properly ventilated in accordance with sub-section (1), the local government may by notice require the occupier to cease using the booth until it is properly ventilated.

(3) An occupier shall comply with a notice under sub-section (2).

## **PART 6—PEST CONTROL**

### *Division 1—Flies*

#### **Interpretation**

73. In this Division, unless the context otherwise requires—

“flies” means any of the two-winged insects constituting the order Diptera commonly known as flies.

#### **Fly breeding matter not to be left on Premises unless Covered or Treated**

74. An owner or occupier of premises shall 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.

#### **Measures to be taken by an Occupier**

75. An owner or occupier of premises shall 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.

#### **Officer may give Notice directing measures to be Taken**

76. Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the 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 Officer are necessary to—

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

#### **Local government may Execute Work and Recover Costs**

77. (1) Where—

(a) a person is required under this Division or directed by a notice given under section 76, 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 these Local Laws.

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

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

### *Division 2—Mosquitoes*

#### **Interpretation**

78. 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.

#### **Premises to be kept free of Mosquito Breeding Matter**

79. An owner or occupier of premises shall keep the premises free of—

(a) refuse; and

(b) water located so as to be,

liable to become the breeding place of mosquitoes.

#### **Measures to be taken by an Owner or Occupier**

80. An owner or occupier of premises—

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water -

(i) stocked with mosquito destroying fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall—

(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.

#### **Measures to be taken by Occupier**

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

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

#### **Removal of Undergrowth or Vegetation**

82. (1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she 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 shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.



### **Filling in Excavations etc.**

83. 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 shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

### **Drains, Channels and Septic Tanks**

84. An owner or occupier of land shall—

- (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 direction 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.

### **Drainage of Land**

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

- (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 shall remain 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*

### **Interpretation**

86. In this Division, unless the context otherwise requires—

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

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### **Measures to be taken to eradicate Rodents**

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

(2) Without limiting the generality of sub-section (1), 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, shall—

- (a) take effective measures to keep the premises free from rodents including—
  - (i) protecting food stuffs;
  - (ii) using a rodenticide bait or a properly baited trap; and
  - (iii) preventing rodents having access to water on the premises;
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
  - (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 as an Environmental Health Officer may from time to time direct.

#### **Waste food etc. to be kept in rodent proof Receptacles**

88. A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

#### **Restrictions on materials affording harbourage for Rodents**

89. (1) An owner or occupier of premises shall 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 Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

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

#### **Food Premises etc. to be cleaned after Use**

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

#### **Restrictions on the Sale or Keeping of Rats**

91. (1) Subject to sub-section (2) an owner or occupier of premises shall not, on or from those premises—

(a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Sub-section (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

(a) a university or school;

(b) a person approved by the local government; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in sub-section (2) which keeps rats for the purpose of scientific or medical research shall—

(a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of section 87 and ensure that all reasonable steps are taken to destroy the rat.

#### *Division 4—Cockroaches*

#### **Interpretation**

92. In this Division, unless the context otherwise requires—

“cockroach” means any of the various orthopterous insects commonly known as cockroaches.



### Measures to be taken to eradicate Cockroaches

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

(2) Without limiting the generality of sub-section (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

- (a) washing and storing, immediately after use, cooking and eating utensils;
- (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;
- (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

### Division 5—Argentine Ants and Singapore Ants

#### Interpretation

94. In this Division, unless the context otherwise requires—

“Argentine Ant” means an ant belonging to the species *Linepithema humile*; and

“Singapore Ant” means an ant belonging to the species *Monomorium destructor*.

### Measures to be taken to keep premises free from Argentine Ants and Singapore Ants

95. An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant and Singapore Ant colonies and shall—

- (a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant or Singapore Ant nest;
- (b) take all steps to locate any nests if Argentine Ants or Singapore Ants are noticed in, on or about the premises;
- (c) properly treat all nests and/or infested areas of Argentine Ants or Singapore Ants with the use of a bait or other approved residual based insecticide; and
- (d) whenever required by an Environmental Health Officer—
  - (i) treat any area or infestation with an insecticide referred to in paragraph (c);
  - (ii) remove from ground level any accumulations of refuse, timber, compost, pot plants or other material or thing whatsoever which harbours or may provide harbourage for ants; and
  - (iii) take appropriate measures with respect to the removal of matter referred to in subclause (ii) to prevent the transportation of ants in infested products.

### Division 6—European Wasps

#### Interpretation

96. In this Division, unless the context otherwise requires—

“European Wasp” means a wasp *Vespula germanica*.

### Measures to be taken to keep premises free from European Wasp Nest

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

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;



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

#### *Division 7—Bee Keeping*

##### **Interpretation**

**98.** In this Division, unless the context otherwise requires—

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

“footpath” includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

“hive” means a moveable or fixed structure, container or object in which a colony of bees is kept;

“lot” has the meaning given to it in the *Planning and Development Act 2005*; and

“private street” has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

##### **Limitation on numbers of Hives**

**99.** (1) A person shall not keep or permit the keeping of bees within a Townsite except on a lot in accordance with this Division.

(2) Subject to sub-sections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(4) A person shall comply with any conditions imposed by the local government under sub-section (3).

##### **Restrictions on keeping of Bees in Hives**

**100.** A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept—
  - (i) outside, and at least 10 metres from, any building other than a fence;
  - (ii) at least 10 metres from any footpath, street, private street or public place; and
  - (iii) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

##### **Bees which cause a nuisance not to be kept**

**101.** (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives which in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction within the time specified.

#### *Division 8—Arthropod Vectors of Disease*

##### **Interpretation**

**102.** 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*);
- (e) head lice (*Pediculus humanus var. capitis*).

### **Responsibility of the Owner or Occupier**

**103.** The owner or occupier of premises shall—

- (a) keep the premises and any person residing in or on the premises free from any 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 vectors of disease.

## **PART 7—INFECTIOUS DISEASES**

### *Division 1—General Provisions*

#### **Environmental Health Officer may visit, inspect and report**

**104.** An Environmental Health Officer—

- (a) may visit and inspect any house, its occupants, fixtures and fittings; and
- (b) who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these local laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Council.

#### **Requirements on owner or occupier to clean, disinfect and disinfect**

**105.** (1) The local government or the Principal 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 shall comply with a notice given under sub-section (1).

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

**106.** (1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfect the premises or any part of the premises and anything in or on the premises.

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

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

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

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

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

(2) Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer considers that—

- (a) a house or premises is not being maintained in a sanitary condition; or
- (b) any thing is insanitary,

the officer may, by notice in writing, direct, as the case may be—

- (i) the owner or occupier of the house or premises to amend any insanitary condition; or
- (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under sub-sections (2) or (3) shall comply with the terms of the notice.

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

108. (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the 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 shall comply with any direction of the Medical Officer under this section.

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

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

- (a) shall obey such instructions or directions as the local government or the Medical Officer may issue;
- (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
- (c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

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

110. (1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.

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

### **Destruction of infected animals**

111. (1) The Principal Environmental Health Officer, upon being 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 all steps 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 which is the subject of a notice under sub-section (1) shall comply with the



terms of the notice.

### **Disposal of a body**

**112.** (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to sub-section (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 shall not be removed from premises where death occurred except to a cemetery or morgue.

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

**113.** (1) Where—

(a) a person is required under this Division or by a notice given under this Division, 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 section may be recovered in a court of competent jurisdiction from the person referred to in sub-section (1).

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

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

### **Disposal of used condoms**

**114.** (1) An occupier of premises on or from which used condoms are produced shall 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 Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with sub-section (1).

### **Disposal of used needles**

**115.** A person shall 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 8—LODGING HOUSES**

### *Division 1—Registration*

### **Interpretation**

**116.** (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 arranged vertically;

“dormitory” means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

“Food Standards Code” means the Australian New Zealand Food Standards Code as

defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

“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” includes a serviced apartment, a short term hostel and a recreational campsite;

“manager” means a person duly 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 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, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab 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.

### **Lodging House not to be kept unless registered**

**117.** A person shall not keep or cause, suffer or permit 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 section 119;
- (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 the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house whenever there is one or more lodgers in this lodging house,

resides or intends to reside continuously in the lodging house.

### **Application for registration**

**118.** An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 2;
- (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 Act; and
  - (ii) detailed plans and specifications of the lodging house.

### **Approval of application**

**119.** The local government may approve, with or without conditions, an application under section 118 by issuing to the applicant a certificate in the form of Schedule 3.

### **Renewal of registration**

**120.** A person who keeps a lodging house which is registered under this Part shall—

- (a) during the month of June in 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 Act at the time of making each application or renewal.

### **Notification upon sale or transfer**

**121.** If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 4 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

### **Revocation of registration**

**122.** (1) Subject to sub-section (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of sub-section (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 these local laws 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 report from the Police Service, 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 Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall 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) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

## *Division 2—Construction and Use Requirements*

### **General Construction Requirements**

**123.** The general construction requirements of a lodging house shall comply with the



Building Code.

### **Insect Screening**

**124.** The keeper shall provide and maintain in good working order and condition windows and external doors that are screened with wire mesh having openings no larger than 1.2 millimetres.

### **Sanitary conveniences**

**125.** (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

(a) toilets; and

(b) bathrooms, each fitted with a wash hand basin and a shower or a bath.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of sub-sections (1).

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

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

(5) Each toilet and bathroom shall—

(a) be so situated, separated and screened as to ensure privacy;

(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.

(6) Paragraphs (5)(b) and (5)(c) do not apply to a serviced apartment.

### **Laundry**

**126.** (1) A keeper shall—

(a) subject to sub-section (2)—

(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, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) ~~The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.~~

(3) In this section—

“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 35 litres capacity, 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 C for each washing machine provided with the communal facilities; and

(e) has a delivery rate of not less than 18 litres per minute to each washing machine.

### **Kitchen**

**127.** The keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
  - (i) where lodgers prepare their own meals—0.65 square metres per person;
  - (ii) where meals are provided by the keeper or manager—0.35 square metres per person; or
  - (iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- (b) 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;
- (c) complies with the requirements of the Food Standards Code;
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water; and
- (e) the supply of hot and cold water to the wash hand basin shall be through a common outlet.

### Cooking Facilities

128. (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table—

| Number of Lodgers | Ovens | 4 Burner Stoves  |
|-------------------|-------|--|
| 1 – 15            | 1     | 1  |
| 16 – 30           | 1     | 2  |
| 31 – 45           | 2     | 3  |
| 46 – 60           | 2     | 4  |
| Over 60           | 2     | 4 + 1 for each additional 15 lodgers (or part thereof) over 60 |

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

### Dining Room

129. The keeper of a lodging house shall 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 shall be not less than the greater of—
  - (i) 0.5 square metres per person; or
  - (ii) 10 square metres; and
- (c) which shall be—
  - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

### Lounge Room

130. The keeper of a lodging house shall 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 0.6 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 shall be—

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

### **Fire prevention and control**

**131.** (1) A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and
  - (ii) which shall 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; and
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Fire and Emergency Service Authority of Western Australia.

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

**132.** A keeper shall not cause, suffer or permit 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.

### **Fitting of locks**

**133.** A person shall 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.

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

**134.** (1) Subject to sub-section (3) and section 149, a keeper shall 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 or 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 floor space as defined in section 135(2), for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
- (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 the Principal Environmental Health Officer.
- (2) For the purposes of this section, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of sub-section (1) shall not apply to a serviced apartment.

### **Sleeping Accommodation—Short Term Hostels and Recreational Campsites**

**135.** (1) A keeper of a short term hostel or recreational campsite shall 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) The calculation of clear floor space in sub-section (1) excludes the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

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

(4) The keeper of any short term hostel or recreational campsite shall provide—

- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be 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 is practicable; and
- (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(5) The keeper of any short term hostel or recreational campsite shall provide—

- (a) beds with a minimum size of—
  - (i) in short term hostels—800 millimetres x 1.9 metres;
  - (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.

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

- (a) arrange at all times a 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. The passageway shall be kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

(7) The keeper of a short term hostel or recreational campsite shall ensure that—

- (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—
  - drapes, curtains, blinds and bed covers—
    - a maximum Flammability Index of 6;
  - upholstery & bedding—
    - a maximum Spread of Flame Index of 6;
    - a maximum Smoke Developed Index of 5;
  - floor coverings—
    - a maximum Spread of Flame Index of 7;

—a maximum Smoke Developed Index of 5.

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 retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
- (b) emergency lighting is provided in accordance with the Building Code;
  - (c) 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
  - (d) all mattresses are fitted with mattress protectors.

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

**136.** (1) A keeper shall—

- (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) is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

(3) The sheets and blankets required to be provided by sub-section (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

(4) In a short term hostel or recreational campsite, the storage facilities required by sub-section (1)(c) may be located in a separate secure storage room or locker room.

### **Ventilation**

**137.** (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 shall comply with any direction given under sub-section (1) within such time as directed.

### **Numbers to be placed on Doors**

**138.** (1) A keeper shall 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 one) of the lodging house.

(2) The numbers to be placed on the doors under sub-section (1) shall 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 shown by other legible means.

### *Division 3—Management and Care*

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

**139.** Whenever there is one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house.

#### **Register of lodgers**

**140.** (1) A keeper shall keep a register of lodgers in the form of Schedule 5.

(2) The register of lodgers shall be—

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

#### **Keeper report**

**141.** A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 6, the name of each lodger who lodged in the lodging house during the preceding day or night.

#### **Certificate in respect of sleeping accommodation**

**142.** (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 7 or 8.

(2) The certificate issued under sub-section (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

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

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

#### **Duplicate keys and inspection**

**143.** Each keeper and manager of a lodging house shall—

- (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 purposes of inspection by the Officer.

#### **Room occupancy**

**144.** (1) A keeper shall not—

- (a) cause, suffer or permit 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, suffer or permit 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, suffer or permit to be used for sleeping purposes a room that—

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a  
sleeping apartment.

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

### **Notifiable infectious disease**

**145.** A keeper shall, immediately after becoming aware that a lodger or resident is  
suffering from a notifiable infectious disease, notify an Environmental Health Officer.

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

**146.** (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 sub-section (1), the keeper  
shall—

(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 condition.

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

### **Cleaning and maintenance requirements**

**147.** (1) A keeper of a lodging house shall—

(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 door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to  
maintain a smooth impervious washable surface;

(d) whenever there is one 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 the Principal 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 the Principal Environmental Health Officer or an Environmental Health Officer.
- (2) In this section—  
 “bed linen” includes sheets and pillow cases and in the case of a short term hostel or a recreational campsite, mattress protectors.

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

148. A lodger or resident shall 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 wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting 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 section 149—
  - (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.

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

149. (1) The Principal 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 9—OFFENSIVE TRADES**

### *Division 1—General*

#### **Interpretation**

**150.** In this Part, unless the context otherwise requires—  
“occupier” in relation to premises includes the person registered as the occupier of the premises in the Schedule 13 Certificate of Registration;  
“offensive trade” means any trades as defined by section 186 of the Act; and  
“premises” includes houses.

#### **Consent to Establish an Offensive Trade**

**151.** (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

(a) advertise notice of his intention to apply for consent in accordance with section 152; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 11.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

#### **Notice of Application**

**152.** A notice required under section 151(1)(a) shall—

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a local newspaper at least two weeks but not more than one month before the application under 151 (1)(b) is lodged with the Chief Executive Officer.

#### **Registration of Premises**

**153.** An application for the registration of premises pursuant to section 191 of the Act shall be—

(a) in the form of Schedule 12;

(b) accompanied by—

(i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*;  
and

(ii) a comprehensive management plan; and

(c) lodged with the Chief Executive Officer.

#### **Certificate of Registration**

**154.** Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 13.

#### **Change of Occupier**

**155.** Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

#### **Alterations to Premises**



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

### *Division 2—General Duties of an Occupier*

#### **Interpretation**

157. 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 those premises in or upon which an offensive trade is carried on.

#### **Cleanliness**

158. The occupier shall—

- (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.

#### **Rats and Other Vectors of Disease**

159. The occupier shall—

- (a) 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.

#### **Sanitary Conveniences and Wash Basins**

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

#### **Painting of Walls etc.**

161. The occupier shall 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.

#### **Effluvia, Vapours or Gases**

162. The occupier shall 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 or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

### **Offensive Material**

**163.** The occupier shall—

- (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 airtight 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 or at such other intervals as may be approved or directed by the Principal Environmental Health Officer or whenever so directed by an Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

### **Storage of Materials**

**164.** The occupier shall 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.

### **Specified Offensive Trades**

**165.** (1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises—

- (a) fat rendering premises;
- (b) fish premises; and
- (c) laundries, dry cleaning premises and dye works.

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

- (a) cause the floor of the premises to—
  - (i) be properly paved and drained with impervious materials;
  - (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 shall be 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;
- (c) cause all liquid refuse to be—
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Bylaws 1981* before being discharged into any drain outlet from any part of the premises; and
  - (ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

### **Directions**

**166.** (1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

### **Other Duties of Occupier**



167. In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on by him.

### *Division 3—Fat Rendering Establishments*

#### **Interpretation**

168. In this Division, unless the context otherwise requires—

“fat rendering establishments” means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and  
“the occupier” means the occupier of any premises on which the trade of fat rendering is carried on.

#### **Exhaust Ventilation**

169. The occupier shall provide and maintain—

- (a) a hood which shall—
  - (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) 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 shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
  - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

#### **Covering of Apparatus**

170. External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

#### **Rendering of Walls**

171. The occupier shall 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 4—Fish Premises*

#### **Interpretation**

172. 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 premises” includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include a premises where cleaning or filleting of fish is not carried out or premises where significant quantities



of potentially offensive wastes are not generated;

“fish transport vehicle” includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and
- (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

“portable box” means a box for the transport or storage of fish and includes a fish transport vehicle.

### **Fish Preparation Room**

**173.** (1) The occupier of a fish premises which requires a fish processing or preparation room shall ensure that this room complies with the following requirements—

- (a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks and crevices;
- (b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;
- (c) the minimum floor area shall be 9 square metres;
- (d) the room shall be furnished with a wash hand basin connected to a piped supply of hot and cold water; and
- (e) the room shall be flyproofed and provided with ample light and ventilation.

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

(3) The occupier of a fish premises shall provide in, or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

### **Bench**

**174.** The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

### **Disposal of Waste**

**175.** The occupier of a fish premises shall 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 section 163 and disposed of in accordance with that section; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

### **Fish Containers**

**176.** The occupier of a fish premises shall 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.

### **Cooking of Fish**

**177.** Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain—

- (a) an exhaust hood as set out in the Food Standards Code, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

- (b) an exhaust ventilation system—
  - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and
  - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

### **Use of an Approved Portable Box**

**178.** An Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

### **Fish Transport Vehicle**

**179.** A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

- (a) the frame is made of metal or other approved material;
- (b) all internal surfaces—
  - (i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
  - (ii) are smoothly finished;
  - (iii) are rigidly secured with a solid backing; and
  - (iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius, but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
  - (i) continuously welded; or
  - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this section, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

## *Division 5—Flock Factories*

### **Interpretation**

**180.** In this Division, unless the context otherwise requires—

“flock factory” means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, 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

“the occupier” means the occupier of a flock factory.

### **New and Used Material**

**181.** (1) Subject to sub-section (2), the occupier shall 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 at least 20 minutes.

### **Collection and Removal of Dust**

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

### **Building Requirements**

**183.** The occupier shall cause each building on the premises to comply with the following requirements—

- (a) the floor shall be of concrete;
- (b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and
- (c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

### **Unclean Rags**

**184.** A person shall 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.

### **Bedding and Upholstery**

**185.** A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, 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 6—Laundries, Dry Cleaning Establishments And Dye Works*

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### **Interpretation**

**186.** In this Division, unless the context otherwise requires—

“dry cleaning establishment”—

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

“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 therefrom 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 establishments;
- (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 therefrom 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.

### **Receiving Depot**

**187.** An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

### **Reception Room**

**188.** (1) The occupier of a laundry, dry cleaning establishment or dye works shall—

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall 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 officer.

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

### **Walls and Floors**

**189.** The occupier of a laundry, dry cleaning establishment or dye works shall 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, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to 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 and be deposited on it.

### **Laundry Floor**

**190.** The occupier of a laundry shall 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.

### **Escape of Dust**

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

### **Precautions against Combustion**

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

### **Trolleys**

**193.** The occupier of a dry cleaning establishment shall—

(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.

### **Sleeping on Premises**

**194.** A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

## **PART 10—OFFENCES AND PENALTIES**

### **Offences and Penalties**

**195.** (1) A person who contravenes a provision of these local laws commits an offence.

(2) A person who commits an offence under sub-section (1) is liable to—

- (a) a penalty which is not more than \$1,000 and not less than—
    - (i) in the case of a first such offence, \$100;
    - (ii) in the case of a second such offence, \$200; and
    - (iii) in the case of a third or subsequent such offence, \$500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.
- 
-

**Schedule 1**  
 Shire of Derby/West Kimberley  
 Health Act 1911

**APPLICATION FOR LICENCE TO COLLECT, REMOVE OR DISPOSE OF LIQUID WASTE**

(Section 38)

To: Chief Executive Officer  
 Shire of Derby/West Kimberley  
 Applicant's Name

.....  
 (Full name of Applicant)  
 Applicant's Address

.....  
 (Residential & postal address of applicant)  
 Company Name .....,  
 Contact Phone Number Home ..... Mobile .....,  
 Work ..... Fax .....

| Registration Number<br>Litres | Make  | Carrying Capacity | Address at which<br>normally garaged |
|-------------------------------|-------|-------------------|--------------------------------------|
| .....                         | ..... | .....             | .....                                |
| .....                         | ..... | .....             | .....                                |
| .....                         | ..... | .....             | .....                                |

I confirm that I understand the types of waste that will be accepted into the liquid waste disposal area at the Derby Rubbish Tip/Fitzroy Crossing Rubbish Tip, and agree to pay all gazetted fees and charges applicable to a Licence and for the dumping of the liquid waste at a site, and that the fees are liable to change at local government's discretion. I understand that should any conditions associated with the issue of the licence not be met, then the Shire of Derby/West Kimberley reserves the right to revoke the licence issued. I confirm that should any of the above details change, that I will advise the Shire of Derby/West Kimberley within seven days of those changes occurring so that my licence may remain valid.

Please find enclosed the prescribed license fee of \$\_\_.00 (see below)

|   |             |
|---|-------------|
| Carrying capacity greater than 10,000 Litres .....                          | \$ _____.00 |
| Carrying capacity greater than 5,000 Litres but less than 10,000 Litres ... | \$ _____.00 |
| Carrying capacity less than 5,000 Litres .....                              | \$ _____.00 |

---

SIGNATURE OF APPLICANT: ..... DATE: .....





Number of Storeys ..... ROOMS FOR PRIVATE USE  
 DESCRIPTION OF LODGING-HOUSE

|                             | NUMBER | AREA  |
|-----------------------------|--------|-------|
| Laundries/toilets/bathrooms | .....  | ..... |
| Bedrooms                    | .....  | ..... |
| Dining Rooms                | .....  | ..... |
| Kitchens                    | .....  | ..... |
| Sitting Rooms               | .....  | ..... |
| Other (specify)             | .....  | ..... |

ROOMS FOR LODGERS

|                             | NUMBER | AREA  |
|-----------------------------|--------|-------|
| Bedroom (with ensuites)     | .....  | ..... |
| Bedrooms (without ensuites) | .....  | ..... |
| Dining Rooms                | .....  | ..... |
| Kitchens                    | .....  | ..... |
| Sitting Rooms               | .....  | ..... |
| Other (specify)             | .....  | ..... |

SANITARY CONVENIENCE FOR FEMALE LODGERS

|                  |       |
|------------------|-------|
| Toilets          | ..... |
| Baths            | ..... |
| Showers          | ..... |
| Wash hand basins | ..... |

SANITARY CONVENIENCE FOR MALE LODGERS

|                  |       |
|------------------|-------|
| Toilets          | ..... |
| Urinals          | ..... |
| Baths            | ..... |
| Showers          | ..... |
| Wash hand basins | ..... |

LAUNDRY FACILITIES

|                    |       |
|--------------------|-------|
| Coppers            | ..... |
| Washtroughs        | ..... |
| Washing Machines   | ..... |
| Drying cabinets or | ..... |

Clothes Lines (Specify total line length) .....

ADDITIONAL DETAILS

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

Application Fee of \$ \_\_\_\_\_ .00 is attached.

SIGNATURE OF APPLICANT: .....

DATE: .....

\_\_\_\_\_

**Schedule 3**

Shire of Derby/West Kimberley

*Health Act 1911*

**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

(Section 133)

THIS is to certify that the premises situated at

.....  
.....  
..... are

registered as a Lodging House and classified as—

- a lodging-house;
- serviced apartments;
- a short term hostel;
- a recreational campsite; or
- other (specify)

until 30 June ....., on the following conditions—

1. that ....., whose name is entered on the register of keepers of the Shire of Derby/West Kimberley, continues to be the keeper of the lodging house;
2. that ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is—  
.....; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed  
.....

This Certificate of Registration is issued subject to the Health Act and Health Local Laws of the Shire of Derby/West Kimberley and is not transferable.

Dated .....

Fee received: \$.....

.....  
Principal Environmental Health Officer  
Shire of Derby/West Kimberley





**Schedule 4**  
Shire of Derby/West Kimberley  
*Health Act 1911*  
**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

(Section 135)

To: Chief Executive Officer  
Shire of Derby/West Kimberley

I/We,

.....  
(Full Name of Applicant/s)  
of

.....  
..... (Residential Address of Applicant/s)

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 5**

Shire of Derby/West Kimberley  
*Health Act 1911 (Section 157)*  
**REGISTER OF LODGERS**

(Section 154)

Location of Lodging House:

.....  
.....  
.....

| Date of Arrival | Name | Previous Address | Signature | Room No. | Date of Departure |
|-----------------|------|------------------|-----------|----------|-------------------|
|-----------------|------|------------------|-----------|----------|-------------------|

.....  
.....  
.....  
.....

**Schedule 6**  
Shire of Derby/West Kimberley  
*Health Act 1911*  
**LIST OF LODGERS**

(Section 155)

To: Chief Executive Officer  
Shire of Derby/West Kimberley

The following is the name of every person who resided in the lodging house at .....

.....

.....

..... on the ..... day of .....

Date: .....  
(Signed) ..... (Keeper)

---

**Schedule 7**  
Shire of Derby/West Kimberley  
*Health Act 1911*  
**CERTIFICATE OF SLEEPING ACCOMMODATION**

(Section 156)

To: .....

(Name of Keeper)

of .....

(Address of Keeper)

For the registered lodging house situated at: .....

This room, No. ...., can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than ..... persons at any one time.

---

Date .....  
..... Principal Environmental Health Officer

---

**Schedule 8**  
Shire of Derby/West Kimberley  
*Health Act 1911*

(Section 156)

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH  
MORE THAN 20 SLEEPING APARTMENTS**

To:

.....  
(Name of Keeper)

.....  
(Address of Keeper)

for the registered lodging house situated at .....

.....  
The rooms listed below are not to be occupied by more than the number of  
lodgers or residents indicated below.

ROOM NUMBER:

MAXIMUM OCCUPANCY:

Date .....

..... Principal Environmental Health Officer

---

**Schedule 9**  
Shire of Derby/West Kimberley  
*Health Act 1911*  
**APPLICATION FOR LICENCE OF A MORGUE**

To: Chief Executive Officer  
Shire of Derby/West Kimberley

(Section 33)

I .....  
(full name in block letters)

of .....  
(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises:  
.....  
.....

Name of premises:  
.....

Dated this ..... day of .....

..... (Signature of Applicant)



**Schedule 10**  
Shire of Derby/West Kimberley  
*Health Act 1911*  
**CERTIFICATE OF LICENCE OF A MORGUE**

(Section 33)

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

Address of premises:  
.....  
.....

Name of premises:  
.....

..... Dated this ..... day of .....  
..... Principal Environmental Health Officer  
Shire of Derby/West Kimberley

**Schedule 11**  
Shire of Derby/West Kimberley  
*Health Act 1911*

(Section 165)

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

To: Chief Executive Officer  
Shire of Derby/West Kimberley

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  
.....

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.

..... (Date)

.....  
(Signature of Applicants/s)

**Schedule 12**  
Shire of Derby/West Kimberley  
*Health Act 1911*

(Section 167)

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

To: Chief Executive Officer  
Shire of Derby/West Kimberley

I/We, .....  
(Full Name of Applicant/s)  
of .....

.....  
(Residential Address of Applicant/s)  
apply for registration, for the year ended .....  
of .....  
(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 of \$..... is attached.  
..... (Signature of Applicants/s)

.....  
(Date)

.....  
(Signature of Applicants/s)

**Schedule 13**  
Shire of Derby/West Kimberley  
*Health Act 1911*

(Section 168)

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

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 the .....  
Dated this ..... day of .....

..... Principal Environmental Health Officer  
Shire of Derby/West Kimberley

**Schedule 15**  
Shire of Derby/West Kimberley  
*Health Act 1911*

**PRESCRIBED PROHIBITED AREAS—KEEPING OF PIGS**

All that land within and within 10 kilometres of—

- townsite of Derby;
- townsite of Fitzroy Crossing;
- townsite of Camballin.

---

**Schedule 16**  
Shire of Derby/West Kimberley  
*Health Act 1911*

**PRESCRIBED AREAS—SECTION 112A**

The townsites of Derby and Fitzroy Crossing.

---

Passed at a meeting of the Council of the Shire of Derby/West Kimberley held on 24th February 1999.

The Common Seal of the Shire of Derby/West Kimberley was hereunto affixed in the presence of—

On this 3rd day of March 1999.

P. J. McCUMSTIE, Shire President.  
P. D. ANDREW, Chief Executive Officer.

Consented to—

---

Dr C. F. QUADROS, delegate of Executive Director,  
Public Health.

Dated this 23rd day of March 1999.



