

**LOCAL GOVERNMENT ACT 1995**



**SHIRE OF MT MARSHALL**

**HEALTH LOCAL LAW 2018**

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# LOCAL GOVERNMENT ACT 1995

## SHIRE OF MT MARSHALL

### HEALTH LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Mt Marshall resolved on 15 May 2018 to make the following local law:

#### PART 1—PRELIMINARY

##### 1.1 Citation

This local law may be cited as *Shire of Mt Marshall Health Local Law 2018*.

##### 1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

##### 1.3 Application

This local law applies throughout the entire district.

##### 1.4 Repeal

The *Shire of Mt Marshall Health Local Laws 2002* made by the Shire of Mt Marshall on 30 January 2002 and published in the *Government Gazette* on 30 April 2002 and amended from time to time is repealed.

The Shire of Mt Marshall Health Local Law 2014 made by the Shire of Mt Marshall on 21 October 2014 is repealed.

##### 1.5 Interpretation

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

**Act** means the *Health (Miscellaneous Provisions) Act 1911*;

**adequate** means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

**adequate supply of water** means a flow of water of not less than 5 litres per minute;

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

**AS or AS/NZS** means Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and in this local law includes:

- (a) *AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionization*;
- (b) *AS 2293.1:2005 Emergency escape lighting and exit signs for buildings – System design, installation and operation*;

- (c) AS 1530.2:1993 *Methods for fire tests on building materials, components and structures - Test for flammability of materials*;
- (d) AS 1530.3:1999 *Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release*;
- (e) AS 2001.5.4:2005 *Methods of test for textiles – Dimensional change – Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD)*;
- (f) AS/NZS ISO 717.1:2004 *Acoustics - Rating of sound insulation in buildings and of building elements - Airborne sound insulation*;
- (g) AS 3666.2: 2011 *Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning*;
- (h) AS 1668.2: 2012 *The use of ventilation and air conditioning in buildings - Mechanical ventilation in building*;

**Authorised Officer** means a person appointed under the provisions of the *Public Health Act 2016* and includes officers employed by the local government as an Environmental Health Officer, Assistant Environmental Health Officer, Acting Environmental Health Officer and Principal Environmental Health Officer;

**bed** means a piece of furniture on which to sleep;

**bedding** includes beds, mattresses, pillows and bed heads as well as bed linen;

**bed linen** includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

**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 local government and includes an Acting Chief Executive Officer;

**Chief Health Officer** means a person appointed to this position under the provisions of the *Public Health Act 2016*;

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

**district** means—

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

**drinking water** means drinking water as defined in the *Australian Drinking Water Guidelines*;

**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 a person appointed to this position under the provisions of the *Public Health Act 2016*;

**food premises** means any premises or vehicle used by a food business as defined by section 10 of the *Food Act 2008*;

**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 or the like; but
- (b) excludes a bathroom, laundry, toilet, 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 65 degrees Celsius;

**local government** means the Shire of Mt Marshall;

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

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

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

**sanitary convenience** includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

**sewage** means any kind of sewage, 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 toilet bowl or urinal and includes a room or cubicle in which one or more of these are located;

**townsite** means the townsites within the district which are constituted under section 26(2) of the *Land Administration Act 1997* or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*;

**urinal** may be—

- (a) an individual stall or wall-hung urinal; or
- (b) each 600 mm length of a continuous urinal trough; or
- (c) a toilet bowl used in place of a urinal

**vectors of diseases** includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;

**water** means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2011 and as amended from time to time;

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

- (2) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## PART 2 – SANITATION

### *Division 1 – Sanitary Conveniences*

#### 2.1.1 Interpretation

In this Part, unless the context otherwise requires—

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

**organiser** means a person—

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

**public sanitary conveniences** means a sanitary convenience to which the public ordinarily have access; and

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

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

#### 2.1.2 Dwelling house

- (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 electrical lighting.

#### 2.1.3 Premises other than a dwelling house

- (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 this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
  - (c) the premises have hand wash basins—
    - (i) in accordance with the Building Code;
    - (ii) for the use of persons employed or engaged on the premises;
    - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
    - (iv) separate from any trough, sink or hand wash 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 the 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 hand wash basin is provided with—
    - (i) an adequate supply of soap or other hand cleaning substances; and
    - (ii) hand-drying facilities, situated adjacent to and visible from the hand

wash basin.

#### **2.1.4 Events**

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's '*Guidelines for concerts, events and organized gatherings*'.

#### **2.1.5 Toilets**

- (1) Toilets on premises shall be maintained in accordance with the following requirements—
  - (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
  - (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
  - (c) the floor of any internal toilet shall be—
    - (i) of concrete or of other approved impervious material of an approved thickness; and
    - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
  - (d) the floor of any external toilet shall be—
    - (i) of concrete or of other approved impervious material of an approved thickness; and
    - (ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
  - (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by *AS/NZS ISO 717.1:2004*; and
  - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

#### **2.1.6 Temporary works**

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*.

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

- (1) The occupier of premises shall—
  - (a) keep clean, in good condition and repair; and
  - (b) whenever required by an Authorised 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.

### **2.1.8 Ventilation of toilets**

- (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 subclause (1) shall be maintained in good working order and condition.

### **2.1.9 Public sanitary conveniences**

- (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 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.

### **2.1.10 Lighting**

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.

### **2.1.11 Installation**

Every sanitary convenience shall be installed in accordance with the requirements of *Country Areas Water Supply Act 1947*, the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974* and the *Water Services Act 2012* and shall have an adequate supply of water.

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

### **2.2.1 Bathrooms**

- (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 a ceiling that complies with the Building Code;
  - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations* and the Building Code; and
  - (c) is equipped with—
    - (i) a hand wash basin; and
    - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

### 2.2.2 Laundries

- (1) A laundry must comply with the requirements of the *Health Act (Laundry and Bathrooms) Regulations* and 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 1,220 millimetres wide; and
  - (b) have a door which when closed shall completely fill the opening.

### 2.2.3 Washing or keeping of clothes in kitchens

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

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

### 2.2.4 Kitchens

- (1) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
  - (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
  - (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
  - (a) be installed in accordance with the requirements of the Department of Commerce - Energy Safety division and the manufacturer's specifications; and
  - (b) not be installed or used in any room other than a kitchen.
- (5) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
  - (a) carried to the outside air as directly as practicable; and
  - (b) boxed throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition

## PART 3 – HOUSING AND GENERAL

### *Division 1 – Maintenance of Dwelling Houses*

#### 3.1.1 Dwelling house maintenance



The owner or occupier of a dwelling house and any appurtenant buildings for which the owner or occupier has the care and control of, shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Authorised 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 floors even in surface and free from cracks;
- (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (i) maintain all doors and windows in good working order and weatherproof condition;
- (j) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (k) 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 *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
- (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
- (m) maintain all ventilators in good order and repair.

### **3.1.2 Guttering and downpipes**

The owner or occupier of a dwelling house which has guttering and downpipes 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 from the guttering onto or over a footpath, street or other property.

### **3.1.3 Disposal of rainwater**

The owner or occupier of a dwelling house shall not use or occupy or permit to be used or occupied, a dwelling house unless all rainwater is effectively disposed of or collected in an approved manner that will not be a nuisance or injurious or dangerous to health of any person.

## *Division 2 – Ventilation of Houses*

### **3.2.1 Exemption for short term hostels and recreational campsites**

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

### **3.2.2 Overcrowding**

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;
- (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, shed or area under a veranda or patio to be used for sleeping purposes.

### **3.2.3 Calculated sufficient space**

For the purpose of clause 3.5, 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) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

### **3.2.4 Ventilation**

- (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 subclause (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 *AS1668.2:2012*.
- (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/NZS3666.2:2011*; and
  - (b) in use at all times the building is occupied if the building is without approved natural ventilation.
- (4) If, in the opinion of an Authorised Officer, a house is not properly ventilated, the Authorised Officer 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.

### **3.2.5 Sub-floor ventilation**

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*

### **3.3.1 Water supply**

- (1) The owner of every house shall provide a continuous supply of drinking water,

- reticulated for use and 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.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

### 3.3.2 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the *National Health and Medical Research Council Drinking Water Guidelines* and in particular —

- (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 rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every six months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

### 3.3.3 Bores and wells

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

- (a) at least 30 metres from any soak well, leach drain or irrigation area where effluent has been discharged from any wastewater treatment system or any other possible source of pollution unless otherwise approved by the Chief Health Officer;
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
- (c) compliant with the requirements of the *Health Act (Underground Water Supply) Regulations 1959*.

### **3.3.4 Pollution**

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—Second-hand Furniture, Bedding and Clothing*

### **3.4.1 Prohibition on sale**

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

### **3.4.2 Prohibition on possession**

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

#### *Division 5 – Morgues*

### **3.5.1 Licensing of morgues**

- (1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
- (2) An application for licence of a morgue shall be in the form set out in Schedule 8 and shall be—
  - (a) made by the applicant;
  - (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Section 344C of the Act.
- (3) A Certificate of Licence of a Morgue shall –
  - (a) be in the form set out in Schedule 9; and
  - (b) expire on 30 June next after the date of its issue.
- (4) A Certificate of Licence of a Morgue 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.

## **PART 4 – LIQUID REFUSE, LIQUID WASTE, BUTCHERS' WASTE, RUBBISH AND REFUSE**

### *Division 1 – Liquid Refuse and Liquid Waste*

#### 4.1.1 Interpretation

In this division, unless the context otherwise requires—

**apparatus for the treatment of sewage** has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

**liquid refuse** includes all washing 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;

**liquid waste** means wastewater or any other liquid waste from domestic, industrial or commercial activities and includes 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;

**receptacle for drainage** has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*;

**Approved carrier** means a carrier approved by the local government.

#### 4.1.2 Deposit of liquid refuse

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

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

#### 4.1.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and 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 sewage 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 approved by the local government; or
  - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

#### 4.1.4 Approval for septic tank pumpouts and removal of liquid waste

A person shall not—

- (a) unless he or she is an approved carrier;
- (b) without the written approval of the local government; and
- (c) except in accordance with any terms and conditions imposed by the local government or the Chief Health Officer in connection with the approval under paragraph (b),

collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

#### 4.1.5 Application for approval

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

#### 4.1.6 Provision of quarterly reports

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

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

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

#### 4.2.1 Interpretation

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 or a butcher's shop.

#### 4.2.1 Restriction of vehicles

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

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

#### 4.2.3 Transport of butchers' waste

- (1) A person shall not transport butchers' waste otherwise than in a compartment complying with the following specifications—
  - (a) the floor and four walls to be made of an approved impervious material;

- (b) all joints to be made water-tight;
  - (c) the loading doors, if any, to be water-tight and kept closed at all times except when loading or unloading;
  - (d) the top and sides are to be covered by a tarpaulin or other impervious material approved by an Authorised Officer so as to keep the load out of sight of the public; or
  - (e) in a container which is water-tight, durable and impervious and which is 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 clause 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.

### *Division 3 – Rubbish and Refuse*

#### **4.3.1 Interpretation**

In this division, unless the context otherwise requires—

***rubbish or refuse*** includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse; and

***refuse disposal site*** means land set apart by the local government under the Act as a site for the deposit of rubbish or refuse; or which is licensed or registered under the provisions of the *Environmental Protection Regulations 1987*; and any waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government.

#### **4.3.2 Deposit of refuse**

A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site defined in these local laws or a waste service or waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government or by an approved contractor.

#### **4.3.4 Burning of rubbish or refuse**

- (1) A person shall not set fire to rubbish, either in any incinerator or on the ground except in accordance with the conditions of the local government.
- (2) Subject to subclause (3), the burning of rubbish is subject to the following conditions –

- (a) the material to be burnt –
    - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
    - (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government refuse collection service; and
  - (b) there is no other appropriate means of disposal; and
  - (c) burning shall not take place –
    - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
    - (ii) where there is no current air dispersion alert, outside the hours of 10.00am to 6.00pm; and
  - (d) burning shall only be undertaken using an incinerator that is designed to burn efficiently in order to minimise smoke emissions and which incorporates a spark arresting device and which is located –
    - (i) at least 3 metres from a fence, building or inflammable matter; and
    - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to any requirements of a Fire Break Notice issued by the local government and any directions issued by the Department of Fire and Emergency Services, the local government may grant a permit to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

## **PART 5 – NUISANCES AND GENERAL**

### *Division 1 – Nuisances*

#### **5.1.1 Interpretation**

In this division, unless the context otherwise requires **fertiliser** includes manure.

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

An owner or occupier of premises shall take reasonable steps to keep in a clean and tidy condition any footpath, pavement area or right of way immediately adjacent to their premises which has been made unclean or untidy by any action of the owner or occupier or as a result of overhanging or overgrown vegetation.

#### **5.1.3 Escape of smoke etc.**

An owner or occupier of premises shall take reasonable measures to prevent 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.

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

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;



- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

#### **5.1.5 Prohibition against spitting**

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

#### **5.1.6 Transportation, use and storage of offal or blood**

- (1) 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 or by some other effective method approved by an Authorised Officer.
- (2) No person shall remove any offensive matter unless such offensive matter is carried in watertight barrels or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odours therefrom.
- (3) Every person using any sealed containers or vehicle in the removal of any offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

#### **5.1.7 Use or storage of fertiliser**

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

- (a) pig manure within 200 metres of townsite boundaries, or within townsites, unless it has been effectively treated to the satisfaction of an Authorised Officer;
- (b) human faeces; or
- (c) urine.

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

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 dispatched from the premises is packed in such a manner so as to prevent any nuisance arising during transit.

#### **5.1.9 Storage of fertiliser and compost**

- (1) Subject to subclause (2) fertiliser and compost is not to be stored inside a dwelling house in a habitable room, kitchen, laundry, bathroom, living area, passage way or bedroom.
- (2) Fertiliser and compost can be stored—
  - (a) in a non-habitable building such as a shed, garage or storage room which is fully enclosed, well ventilated and separated from the habitable areas

- (b) of the dwelling house; or
  - (b) in an outside area.
- (3) The owner or occupier of premises where fertiliser or compost is stored shall—
- (a) prevent the escape of odours, dust or particles which could cause a nuisance;
  - (b) treat the fertiliser or compost in such a manner so as to effectively prevent it attracting or being a breeding place for flies or other insects; and
  - (c) store only such amounts of fertiliser or compost;
    - (i) as can be readily used within a reasonable period; or
    - (ii) as may be directed by an Authorised Officer.

#### 5.1.10 Vehicles used for transporting of animals and birds

An Unless transporting a pet animal or bird, no person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

#### *Division 2 – Keeping of Animals and birds*

#### 5.2.1 Interpretation

In this division, unless the context otherwise requires—

**animal** include dogs, rabbits, and ferrets or like;

**birds** includes galahs, parrots, budgerigars, finches, pigeons and doves or the like;

**catteries** are premises registered for the breeding or caring of cats.

#### 5.2.2 Cleanliness

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

- (a) keep the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

#### 5.2.3 Animal enclosures

- (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 an Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

#### **5.2.4 Slaughter of animals**

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
  - (a) euthanasia of animals by veterinarians or other duly authorised persons;
  - (b) the 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 who are exempted under Regulation 20 (2) of the *Food Regulations 2009*; and
  - (d) slaughter of animals for the purposes of pet meat and game meat operations.

#### **5.2.5 Disposal of dead animals**

- (1) An owner or occupier of premises on which there is a dead animal shall immediately 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 immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (3) The requirements of subclauses (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.
- (4) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

## Division 3 – Keeping of Large Animals

### 5.3.1 Interpretation

In this division, unless the context otherwise requires—

**approved animal** includes a horse, cow, or other large animal the subject of an approval by the local government under clause 5.3.2;

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

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

**other large animal** includes a pig, sheep, goat, deer or camel, cow, horse, lama, emu, ostrich or the like

### 5.3.2 Conditions for keeping of an animal

- (1) An owner or occupier of premises, within a townsite shall not keep a horse, cow, other large animal, more than 3 sheep or more than 3 goats on those premises without approval of the local government.
- (2) An owner or occupier of premises shall not keep within a townsite an approved large animal or specified number of sheep or goats unless —
  - (a) the premise has an area of not less than 0.2 hectares of alienated land; and
  - (b) the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.
- (3) The owner or occupier wanting to keep more than the above number of animals, on a block of land 0.2 hectares or larger and within a townsite, can do so only by obtaining the written approval of the local government. The approval will stipulate the maximum number of animals that may be kept. The number of animals will be calculated using the following —
  - (a) 4 large animals and 2 of their offspring up to the age of twelve months; or
  - (b) 12 sheep or 12 goats per 0.2 hectares or part thereof.

### 5.3.3 Stables

- (1) An owner or occupier of premises within a townsite, who keeps an approved animal shall provide a stable which shall comply with the requirements of the Building Code, and which—
  - (c) is not situated within 30 metres of a house or other premises;
  - (d) has adequate space for each animal;
  - (e) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
  - (f) provides adequate natural ventilation; and
  - (g) subject to subclause (2), has a floor, the upper surface of which shall—
    - (i) be at least 75 millimetres above the surface of the ground;
    - (ii) be constructed of cement, concrete, or other similar impervious material approved by an Authorised Officer; and when required;
    - (iii) have a fall ratio 1:100 which effectively drains liquid wastes into a trapped gully situated outside the stable and shall discharged in a manner approved by local government.
- (2) The construction of a stable with a sand floor may be permitted, subject to the

following conditions—

- (c) 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, which may be achieved artificially;
  - (d) a 300 millimetres of thick bed of aggregate approved by an Authorised Officer, shall be laid under the sand of the stable;
  - (e) sand, whether natural or imported, it must be clean, coarse, free from dust and prevent pooling of liquids;
  - (f) footings to each stable shall be a minimum of 450 millimetres below ground level;
  - (g) the stable design must facilitate suitable access for cleaning and removal of waste materials and replenishment of clean sand; and
  - (h) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;
  - (i) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall;
  - (j) in all other respects subclause (1) shall apply to the stable.
- (3) The owner or occupier of premises on which a stable is located shall—
- (a) maintain the stable in a clean and hygienic condition at all times;
  - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
  - (c) comply with the relevant requirements of the *Biosecurity and Agriculture Management Act 2007 - Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016* (as amended from time to time by the Department of Primary Industries and Regional Development).
- (4) The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

#### 5.3.4 Manure receptacle

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 coming 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 or comply with such other arrangements as approved by an Authorised Officer.

## Division 4 – Keeping of Poultry and Pigeons

### 5.4.1 Interpretation

- (1) In this division, unless the context otherwise requires—  
**poultry** includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;  
**pigeons** are birds that are classified within the family Columbidae and includes doves.
- (2) This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.
- (3) Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

### 5.4.2 Limitation on numbers of poultry and pigeons

- (1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of the local government.
- (2) An Authorised Officer may issue a written notice to the owner or occupier of land, whether within a townsite or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.
- (3) An Authorised Officer may increase the number of poultry or pigeons kept on any one lot of land if satisfied that a health nuisance does not exist.

### 5.4.3 Conditions of keeping poultry in limited numbers

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

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (d) no poultry is able to approach within 9 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;
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Authorised Officer.

#### **5.4.4 Roosters, Geese, Turkeys, Peafowl and Gamebirds**

- (1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl —
  - (a) a rooster;
  - (b) a goose or gander;
  - (c) a turkey;
  - (d) a peacock or peahen;
  - (e) a gamebird (includes emus and ostriches)
- (2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises any one or more birds as specified in subclause (1).
- (3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.
- (4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

#### **5.4.5 Conditions of keeping pigeons or doves**

- A person who keeps, or permits to be kept, pigeons or dove shall ensure that—
- (a) none is able to approach within 9 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 registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that –
  - (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
  - (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
  - (iii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

#### **5.4.6 Removal of nonconforming structure or enclosure**

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.4.3 or 5.4.5, as applicable, the local government may direct the owner or occupier to amend it or remove it.
- (2) An owner or occupier shall comply with a direction from the local government under this clause.

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

- (1) The local government may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with a local government order made under this clause.

#### **5.25 Restrictions on feeding wild birds**

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

### *Division 5 – Feedlots*

#### **5.5.1 Interpretation**

In this division, unless the context otherwise requires—

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

**animal** includes cattle, sheep, goats, deer and the like.

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

#### **5.5.2 Premises to be approved**

- (1) No premises shall be used as a feedlot unless approved by local government.
- (2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 13.
- (3) Site unable to satisfy the separation requirements may be approved at the discretion of the local government when satisfied that approving the feedlot



will not give rise to a health nuisance.

### 5.5.3 Site conditions

The owner or occupier of an approved feedlot must ensure that –

- (a) the premises is sited in an area where the land slope is no greater than 1:20 but no less than 1:100;
- (b) the premises is sited on soils with sufficient filtration to avoid surface ponding and run-off;
- (c) the premises has a minimum groundwater clearance of 2 metres;
- (d) drainage diverts all uncontaminated stormwater from the general waste stream;
- (e) stock numbers per pen do not cause dust and effluvia to become a nuisance; and
- (f) the premises has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

### 5.5.4 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

## PART 6 – PEST CONTROL

### *Division 1 – Flies*

#### 6.1.1 Interpretation

In this division, unless the context otherwise requires –

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

#### 6.1.2 Fly breeding matter not to be left on premises unless covered or treated

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.

#### 6.1.3 Measures to be taken the owner or occupier

An owner or occupier of the 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 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.

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

Where in an opinion of an Authorised Officer flies are prevalent or are breeding on any premises, the Authorised 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 Authorised Officer are necessary to—

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

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

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

### *Division 2 – Mosquitoes*

#### **6.2.1 Interpretation**

In this division, unless the context otherwise requires—

***mosquitoes*** means any of the two-winged insects constituting the family *Diptera Clicidae* commonly known as mosquitoes.

#### **6.2.2 Measures to be taken to prevent mosquito breeding**

An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction or notice of an Authorised Officer for the purpose of—
  - (i) controlling the prevalence of mosquitoes;
  - (ii) eradication of mosquitoes; and
  - (iii) effectively preventing the breeding of mosquitoes;
- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

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

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.

### **6.3.4 Removal of undergrowth or vegetation**

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

### **6.2.5 Filling in excavations etc.**

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

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

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 Authorised 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.

### **6.2.7 Drainage of land**

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; and
- (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;
  - (ii) no water shall remain on any portion of the land other than the drains; and
  - (iii) keep all drains in good order and free from obstruction.

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

(1) Where—

- (a) that person required under this division or directed by a notice given under this division, to carry out any work; and

- (b) that persons fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

### *Division 3 – Rodents*

#### **6.3.1 Interpretation**

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 native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

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

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) 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.
- (3) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

#### **6.3.3 Food premises etc to be cleaned after use**

An owner or occupier of a 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 has been used on that day or, if the use extends after midnight, then immediately after that use.

### *Division 4 – Cockroaches*

#### **6.4.1 Interpretation**

This this division, unless the context otherwise requires—

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

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

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

#### *Division 5 – Argentine Ants*

##### **6.5.1 Interpretation**

In this division, unless the context otherwise requires –

**Argentine ant** means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humilis*).

##### **6.5.2 Measures to be taken to keep premises free from Argentine ants**

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

#### *Division 6 – European Wasps*

##### **6.6.1 Interpretation**

In this division, unless the context otherwise requires—

**European wasp** means a wasp *Vespula germanica*.

##### **6.6.2 Measures to be taken to keep premises free from European wasp nest**

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

#### *Division 7 – Bee Keeping*

##### **6.7.1 Interpretation**

In this division, unless the context otherwise requires—

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

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

##### **6.7.2 Limitation on numbers of hives**

- (1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
- (2) Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
- (4) A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

### 6.7.3 Restrictions on keeping of bees in hives

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—
  - (a) outside, and at least 10 metres from, any building other than a fence;
  - (b) at least 10 metres from any footpath, street, private street or public place; and
  - (c) 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.

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

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

## *Division 8 – Arthropod Vectors of Disease*

### 6.8.1 Interpretation

In this division, unless the context otherwise requires—

**arthropod vectors of disease** includes—

- (i) fleas (*Siphonaptera*)
- (ii) bedbugs (*Cimex lectularious*)
- (iii) crab lice (*Phthirus pubis*)
- (iv) body lice (*Pediculus humanus var. corporis*); and
- (v) head lice (*Pediculus humanus var. capitis*).

### 6.8.2 Responsibility of the owner or occupier

The owner or occupier of the premises shall—

- (i) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (j) comply with the direction of an Authorised 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*

### **7.1.1 Purpose of exercise of powers**

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

### **7.1.2 Authorised Officer may visit, inspect and report**

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, out-buildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

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

- (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 Authorised Officer considers that—
  - (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) anything 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 who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

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

An Authorised 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 disinfest—

- (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 Authorised Officer.

### **7.1.5 Local government may disinfect or disinfest the premises**

- (1) Where the local government is satisfied that any case of infectious disease has occurred on any premises, the local government may direct an Authorised Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
- (4) The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this clause, 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.

### **7.1.6 Authorised Officer may authorise disinfecting**

Where an Authorised Officer believes that a person is or may be infected by an infectious disease, the Authorised 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 Authorised Officer.



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

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—

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

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

- (1) To prevent or check the spread of infectious disease, the local government 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 an Authorised Officer.

### **7.1.9 Destruction of infected animals**

An Authorised 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 of 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.

### **7.1.10 Disposal of a body**

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by an Authorised Officer.
- (2) A body shall not be removed from the premises where death occurred except to a cemetery or a morgue.

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

- (1) Where—
  - (c) a person is required under this division or by a notice given under this division, to carry out any work; and
  - (d) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for

loss or damage suffered because the local government acted negligently or in breach of duty.

## *Division 2 – Disposal of Used Condoms and Needles*

### **7.2.1 Disposal of used condoms**

- (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 an Authorised Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

### **7.2.1 Disposal of used needles**

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*

#### **8.1.1 Interpretation**

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

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

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

***Certificate of Registration of a Lodging House*** means a certificate issued under clause 8.4 in the form of Schedule 2;

***Certificate of Sleeping Accommodation*** means a certificate issued under clause 8.27 in the form of Schedule 6;

***Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments*** means a certificate issued under clause 8.27 in the form of Schedule 7;

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

***Food Standards Code*** means the Australia 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 and who is the person responsible for the care and management of the lodging house;

**laundry unit** means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
  - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
  - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specification;

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

**lodging house** includes a recreational campsite, a serviced apartment and a short term hostel and has the same meaning as defined in Section 3 of the Act;

**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;

but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

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

**register of keepers** means a register kept in accordance with Section 146 of the Act by the local government in which is registered the names and residences of the keepers of all lodging houses within its district and the situation of every such house and the number of persons authorised by the local government to be resident therein;

**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;

***sleeping apartment*** means a room used for lodgers to sleep in; 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.

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

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 clause 8.4;
- (c) the name of the person keeping the lodging house is entered in the register of keepers; and
- (d) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of an Authorised Officer, has been appointed by the keeper to have the care and management of the lodging house;

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

### **8.1.3 Application for registration**

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 1;
- (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.

### **8.1.4 Certificate of Registration of a Lodging House**

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of a Lodging House in the form of Schedule 2.

### **8.1.5 Renewal of registration**

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 for renewal.

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

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, 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 3 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.

### **8.1.7 Revocation of registration**

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—
  - (a) that the lodging house has not, to the satisfaction of an Authorised Officer, 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; or
    - (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 or renovate, the condition of the lodging house is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, 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*

### **8.2.1 General construction requirements**

The general construction requirements of a lodging house shall comply with the Building Code.

### **8.2.2 Insect screening**

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

### **8.2.3 Sanitary conveniences**

- (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 shower or bath (or both) and hand wash basin, in accordance with the requirements of the Building Code.
- (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 subclause (1).
- (3) Each bath, shower and hand wash 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 minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall—
  - (a) be so situated, separated and screened so as to ensure privacy;
  - (b) be apportioned to each sex;
  - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
  - (d) be provided with adequate electric lighting.
- (6) Subclauses (5) (a), (b) and (c) do not apply to a serviced apartment.

#### **8.2.4 Laundry unit**

- (1) A keeper shall subject to subclause (2) –
  - (a) provide on the premises a laundry unit for each 15 lodgers;
  - (b) at all times maintain each laundry unit in a proper sanitary condition and in good repair;
  - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
  - (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.
- (2) An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

#### **8.2.5 Kitchen**

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008*, *Food Regulations 2009* and *Standards 3.1.1, 3.2.2, and 3.2.3* of the *Food Standards Code* as determined by an Authorised Officer.

#### **8.2.6 Cooking facilities**

The keeper of a lodging house where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

#### **8.2.7 Dining room**

The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—

- (a) 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
- (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.

### 8.2.8 Lounge room

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 the number of lodgers; and
  - (ii) provided with a suitable floor covering.

### 8.2.9 Fire prevention and control

- (1) A keeper shall—
  - (a) ensure smoke alarms complying with *AS 3786:2014* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
  - (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
  - (c) ensure that evacuation lighting is kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
  - (e) ensure that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1:2005* and which are maintained in good working order at all times; and
  - (f) provide firefighting equipment in accordance with the requirements of the Building Code and that the equipment 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 required by the Building Code.
- (3) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.
- (4) A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.
- (5) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that—
  - (a) materials used in bedrooms and dormitory area comply with *AS1530.2:1993* and *AS1530.3:1995* as follows—

- (i) drapes, curtains and blinds—
  - i. a maximum flammability index of 6;
- (ii) flammable furniture, upholstery and beds—
  - i. a maximum spread of flame index of 6; and
  - ii. a maximum smoke developed index of 5; and
- (iii) floor coverings—
  - i. a maximum spread of flame index of 7; and
  - ii. a maximum smoke developed index of 5; and
- (b) Fire retardant coatings used to make a material comply with these indices must be—
  - (i) certified by the manufacturer as approved for used 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 2001.5.4-2005*; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.

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

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.

### **8.2.11 Fitting of locks**

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

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

- (1) Subject to subclause (3) and clause 8.34, 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 square metres of clear space for each lodger occupying the room;
  - (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
  - (g) which is not ventilated in accordance with the requirements of the Building Code;
  - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;



- (i) which is not free from internal dampness;
  - (j) of which any part of the floor is below the level of the adjoining ground; or
  - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Authorised Officer.
- (2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

### **8.2.12 Sleeping accommodation short term hostels and recreational campsites**

- (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; or
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
  - (b) each dormitory 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; or
  - (c) mechanical ventilation in lieu of fixed ventilation.
- (6) 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; or
    - (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.
- (7) The keeper of any short term hostel or recreational campsite shall—
- (a) ensure at all times there is a distance of 750 millimetres between beds and a 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 and the passageway is kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free from obstruction.

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

A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
  - (i) has a bed head, mattress and pillow;
  - (ii) is provided with a pillow case, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
  - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) 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.

#### **8.2.14 Ventilation**

If, in the opinion of an Authorised 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.

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

- (1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an Authorised Officer.
- (2) The numbering system or alternative means of room identification is to be legible and easily identified.

### *Division 3 – Management and Care*

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

Whenever there are 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 unless he or she arranges for a reputable person to have the care and management of the lodging house.

#### **8.3.2 Register of lodgers**

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be—
  - (a) kept in the lodging house; and
  - (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

#### **8.3.3 Keeper report**

A keeper shall, whenever required by the local government, provide, in the form of Schedule 5, the name of each lodger who lodges in the lodging house during the preceding day or night.

#### **8.3.4 Certificate of Sleeping Accommodation**

- (1) An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in the form of Schedule 6 or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in the form of Schedule 7.
- (2) The certificate issued under subclause (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 an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

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

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 Authorised Officer, open the door of any room for the purpose of inspection by the Officer.

### **8.3.6 Room occupancy**

- (1) A keeper of a lodging house shall not—
  - (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of a 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) allow to be used for sleeping purposes, a room that—
    - (i) has not been certified for that purpose; and
    - (ii) the local government has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

### **8.3.7 Infectious disease**

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

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

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper 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.

### 8.3.9 Cleaning and maintenance requirements

- (1) In this clause –  
**bed linen** includes sheets, pillowcases, mattress protectors and mattress covers.
- (2) 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 toilets, including toilet seats, cisterns and associated plumbing; and
  - (b) maintain in a clean and in good working order—
    - (i) all fixtures and fittings; and
    - (ii) all windows, doors and door furniture;
  - (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
  - (d) ensure that all floors are kept clean at all times;
  - (e) ensure that—
    - (i) all bed linen, towels, and house linen in use is washed at least once a week;
    - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
    - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
    - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
    - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
    - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
  - (f) when so directed by an Authorised 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 that is infested is removed from the lodging house and properly disposed of;
  - (g) ensure that the yard is kept clean at all times;
  - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
  - (i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

### 8.3.10 Responsibilities of lodgers and residents

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 hand wash 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 or 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 bed linen; or
  - (ii) keep or permit to be kept any soiled clothing or bed linen;
- (h) subject to clause 8.34—
  - (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, bed linen or furniture, that is infested with vermin or 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.

### 8.3.11 Approval for the storage of food

- (1) An Authorised 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 any nuisance, vector of disease, vermin or 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*

#### 9.1.1 Interpretation

In this part, unless the context otherwise requires—

***Certificate of Registration of Premises for Offensive Trade*** means a certificate issued under clause 9.5 in the form of Schedule 12;

***occupier*** in relation to premises includes the person registered as the occupier

of the premises in the Schedule 12 Certificate of Registration of Premises for Offensive Trade;

**offensive trade** means any trade as defined by section 186 of the Act; and  
**premises** includes houses.

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

- (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 clause 9.3; and
  - (b) lodge with the Chief Executive Officer an application in the form of Schedule 10.
- (2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

### **9.1.3 Notice of application**

A notice required under subclause 9.2(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 clause 9.2 (1) (b) is lodged with the Chief Executive Officer.

### **9.1.4 Registration of premises**

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

- (a) in the form of Schedule 11;
- (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.

### **9.1.5 Certificate of Registration of Premises for Offensive Trade**

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in the form of Schedule 12.

### **9.1.6 Change of occupier**

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.

### **9.1.7 Alterations to premises**

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 to the premises other than minor repairs, installations or interior refurbishment.

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

#### **9.2.1 Interpretation**

In this Division, unless the context otherwise requires—

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

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

#### **9.2.2 Cleanliness**

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.

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

The occupier shall—

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

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

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

#### **9.2.5 Painting of walls etc.**

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 Authorised Officer.

### **9.2.6 Effluvia, vapours or gases**

- (1) The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust 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.
- (2) The occupier shall manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

### **9.2.7 Offensive material**

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 other interval as may be directed by an Authorised Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

### **9.2.8 Storage of materials**

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

### **9.2.9. Specified offensive trades**

- (1) For the purposes of this clause, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises -
  - (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and
  - (b) 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 covered 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 into any drain outlet from any part of the premises; and
    - (ii) directed through such screening or purifying treatment as an Authorised Officer may from time to time direct.

### 9.2.10 Directions

- (1) An Authorised 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 clause.

### 9.2.11. Other duties of occupier

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 conducted on the premises.

## *Division 3 – Fat Rendering Establishments*

### 9.3.1 Interpretation

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

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

### 9.3.2 Ventilation

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.

### 9.3.3 Covering of apparatus

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.

### 9.3.4 Rendering of walls

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*

### 9.4.1 Interpretation

In this Division, unless the context otherwise requires—

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

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

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

**fish premises** includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include retail fish shops in which no significant fish processing occurs;

**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.

### 9.4.2 Fish preparation room

- (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 hand wash basin connected to a piped

- supply of hot and cold water; and
  - (e) the room shall be fly-proofed and provided with adequate 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.

#### **9.4.3 Bench**

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

#### **9.4.4 Disposal of waste**

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 clause 9.14 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

#### **9.4.5 Fish containers**

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.

#### **9.4.6 Cooking of fish**

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

- (a) a hood, which shall be of an approved design and construction in accordance with the requirements of *AS 1668.2:2012* and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking;
- (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.

#### **9.4.7 Use of an approved portable box**

An Authorised Officer may permit an approved portable box to be used for the transport or storage of fish.

#### 9.4.8 Fish transport vehicle

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 clause, 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, fibreglass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

#### *Division 5 – Laundries, Dry Cleaning Establishments and Dye Works*

##### 9.5.1 Interpretation

In this Division, unless the context otherwise requires—

***dry cleaning establishment***—

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

### **9.5.2 Receiving depot**

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 Authorised Officer who may at any time by written notice withdraw such permission.

### **9.5.3 Reception room**

- (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 Authorised Officer to be thoroughly disinfected.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

### **9.5.4 Walls and floors**

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 or other material approved by an Authorised Officer 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.

### **9.5.5 Laundry floor**

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.

### **9.5.6 Escape of dust**

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.

### **9.5.7 Precautions against combustion**

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 Authorised Officer for that purpose.

### 9.5.8 Trolleys

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.

### 9.5.9 Sleeping on premises

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

#### *Division 6 – Abattoirs*

### 9.6.1 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

#### *Division 7 – Piggeries*

### 9.7.1 Interpretation

In this Division, unless the context otherwise requires:

***piggery*** means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened for purposes of trade, and shall include any portion of the premises to which pigs have access.

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

### 9.7.2 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Part 11, Schedule 14; or if it is an intensive piggery, the minimum separation distances listed in Part 11, Schedule 15.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government when satisfied that approving the piggery will not give rise to a health nuisance.

### 9.7.3 Site conditions

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

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

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

#### **9.7.4 Conditions of registration**

Any person intending to establish a piggery within the district shall ensure the application made in the form of Schedule 10 is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and
- (c) details of the method by which cleanliness of the piggery shall be maintained.

#### **9.7.5 Sties, enclosures or sheds**

- (1) The occupier of every piggery shall provide either—
  - (a) sties and enclosures; or
  - (b) enclosures; or
  - (c) sheds;within which pigs shall be kept.
- (2) Where sties and enclosures are provided—
  - (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
    - (i) be constructed of similar materials;
    - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
    - (iii) extend the whole length of the sty; and
    - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
  - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then—
  - (a) the fences of such enclosures shall be movable; and
  - (b) the fences shall be moved and re-erected to enclose a new site whenever—
    - (i) the ground within a site is becoming offensive; or
    - (ii) the occupier is directed to do so by an Authorised Officer.
- (4) Where one or more sheds are provided, then—
  - (a) the floor of every shed shall comply with subclause 2(a);
  - (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
  - (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

#### **9.7.6 Slaughtering**

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

### **9.7.7 Feed**

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

### **9.7.8 Fencing**

Every piggery occupier shall securely fence all the enclosures.

### **9.7.9 Water supply**

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

### **9.7.10 Feeding troughs**

- (1) Every such occupier shall:
  - (a) where sties and enclosures are provided under the provisions of clause 9.7.5(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
  - (b) where enclosures are provided under the provisions of clause 9.7.5(3), provide feeding troughs in every such enclosure;
  - (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
  - (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.
- (2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

## **PART 10 – OFFENCES AND PENALTIES**

### *Division 1 - General*

#### **10.1.1 Offences and penalties**

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under subclause (1) is liable to—
  - (a) a penalty which is not more than \$2,500 and not less than—
    - (i) in the case of a first such offence, \$250; and
    - (ii) in the case of a second such offence, \$500; and



- (iii) in the case of a third or subsequent such offence, \$1,250 and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

#### **10.1.2 Other enforcement actions**

- (1) In addition to a penalty imposed under clause 10.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.
  - (2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.
- 

## **PART 11 – SCHEDULES OF FORMS**

### **SCHEDULE 1 - Application for Registration of a Lodging House**

To: Chief Executive Officer  
Shire of Mt Marshall

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

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

apply for the registration of premises situated (or to be situated) at  
.....  
as a lodging house to be classified as:

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

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys.....

**Rooms for private use**

	Number	Area
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify)	.....	.....

**Rooms for lodgers**

	Number	Area
Bedroom	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify)	.....	.....

**Sanitary Conveniences for male lodgers**

	Number
Toilets	.....
Urinals	.....
Baths	.....
Showers	.....
Hand wash basins	.....

**Sanitary Conveniences for female lodgers**

	Number
Toilets	.....
Baths	.....
Showers	.....
Hand wash basins	.....

**Laundry Facilities**

	Number
Wash troughs	.....
Washing machines	.....
Drying cabinets or clothes lines	.....

**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 proposed manager if keeper resides elsewhere:  
.....
- (d) There will be.....family members residing on the premises with the keeper/manager.

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

.....  
(Signature of Applicant/s)

.....  
(Date)



**SCHEDULE 2 - Certificate of Registration of a Lodging House**

[clause 8.1.4]

This is to certify that the premises situated at

.....

..... are registered as Lodging House and classified as:

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

until 30 June 20....., on the following conditions:

1. that ....., whose name is entered on the register of keepers of the Shire of Mt Marshall, 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 of a Lodging House is not sooner cancelled or revoked;

That the maximum number of rooms to be used as sleeping apartments for lodgers is:

4. ....; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed.....

This Certificate of Registration of a Lodging House is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Mt Marshall Amendment Health Local Law 2018* and is not transferable.

Dated ..... 20.....

Fee received: \$.....

.....  
 Signature  
 Authorised Officer  
 Shire of Mt Marshall

\_\_\_\_\_

**SCHEDULE 3 - Notice of Change of Owner of a Lodging House**

[clause 8.1.6]

To: Chief Executive Officer  
Shire of Mt Marshall

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 4 - Register of Lodgers**

[*clause 8.3.2*]

**Location of Lodging House:**

.....  
.....

Date of Arrival .....

Name .....

Previous  
Address.....

Signature .....

Room No. ....

Date of Departure .....

.....  
Signature of Keeper

.....  
Date

---

**SCHEDULE 5 - List of Lodgers**

[*clause 8.3.3*]

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

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

on the ..... day of .....  
20.....

.....  
Signature of Keeper

.....  
Date



**SCHEDULE 6 - Certificate of Sleeping Accommodation**

[*clause 8.3.4*]

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.

.....  
Signature of Authorised Officer

.....  
Date

\_\_\_\_\_



**SCHEDULE 7 - Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments**

[clause 8.3.4]

To.....  
(Name of Keeper)

of.....  
(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**

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

.....  
Signature of Authorised Officer

.....  
Date



**SCHEDULE 8 - Application for Licence of a Morgue**

[*clause 3.5.1 (2)*]

To: Chief Executive Officer  
Shire of Mt Marshall

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..... 20.....

.....  
Signature of Applicant

\_\_\_\_\_

**SCHEDULE 9 - Certificate of Licence of a Morgue**

[clause 3.5.1(3) (a)]

This is to certify the following premises is licensed as a morgue from:

.....day of.....20.....  
until 30th day of June 20.....

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

Name of premises .....  
.....

.....  
Signature of Authorised Officer

.....  
Date

---

**SCHEDULE 10 - Application for Consent to Establish an Offensive Trade**

[clause 9.1.2(1)(b)]

To: Chief Executive Officer  
Shire of Mt Marshall

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 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.

.....  
Signature of Applicant/s

.....  
Date

\_\_\_\_\_

**SCHEDULE 11 - Application for Registration of Premises for Offensive Trade**

[clause 9.1.4 (a)]

To: Chief Executive Officer  
Shire of Mt Marshall

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 Applicant/s

.....  
Date

\_\_\_\_\_

**SCHEDULE 12 - Certificate of Registration of Premises for Offensive Trade**

[clause 9.1.5]

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 ..... day of..... 20.....

Dated this..... day of ..... 20.....

.....  
Signature of Authorised Officer Date

**SCHEDULE 13 - Required Buffer Distances for Feedlots**

[Clause 5.5.2(2)]

Required buffer distances for feedlots

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

## SCHEDULE 14 - Required Buffer Distances for Piggeries

[Clause 9.7.2(2)]

### Required Buffer Distances for Piggeries

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

## SCHEDULE 15 - Required buffer distances for intensive piggeries

[Clause 9.7.2(2)]

Buffer	Code
Townsite boundaries.....	A
Isolated rural dwellings, dairies & industries.....	B
Public roads and recreation areas.....	C
Neighbouring rural property boundaries.....	D
Surface water supply catchments.....	E
Water courses/rural water impoundments.....	F
Bores/wells/soaks drinking water supply.....	G
Stock irrigation supply.....	H

Piggeries & land use	A	B	C	D	E	F	G	H
Piggeries & facilities Catering for more than 5000 pigs	5000m	1000m	200m	50m	not permitted	800m	300m	100 m
500 to 5000 pigs	3500m	1000m	150m	50m	not permitted	800m	300m	100 m
50 to 499 pigs	2000m	1000m	100m	50m	not permitted	800m	300m	100 m
Less than 50 pigs	500m	1000m	50m	30m	not permitted	800m	300m	100 m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	50m	not permitted	300m	300m	300 m

Land used to dispose of effectively treated wastes	200m	1000m	20m	20m	not permitted	100m	100m	100m
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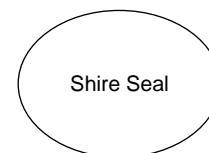
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Passed at an ordinary Meeting of the Shire of Mt Marshall held on this 15th day of May 2018.

The Common Seal of the Shire of Mt Marshall was affixed by authority of a resolution of the Council in the presence of —

\_\_\_\_\_  
CR. TONY SACHSE

\_\_\_\_\_  
SHIRE PRESIDENT



\_\_\_\_\_  
JOHN NUTTALL

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER