



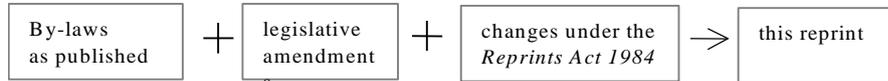
Western Australia

Health (Rottnest Island) By-laws 1989

Reprinted as at 13 September 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

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Reprinted under the
Reprints Act 1984 as at
13 September 2002

Western Australia

Health Act 1911
Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

Part 1 — Preliminary

1. Citation

These by-laws may be cited as the *Health (Rottnest Island) By-laws 1989*¹.

2. Interpretation

In these by-laws, unless the contrary intention appears —

“**Act**” means the *Health Act 1911*;

“**approved**” means approved by the Executive Director, Public Health;

“**Authority**” means the Rottnest Island Authority;

“**casual resident**” means a person who has taken up casual residence on the Island as described in regulation 9(1)(b) or (c) of the *Rottnest Island Regulations 1988*;

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“health surveyor” means a health surveyor appointed under the Act and includes any acting or assistant health surveyor;

“Island” means the Rottnest Island Reserve described in section 4 of the *Rottnest Island Authority Act 1987*;

“occupier” means, subject to by-law 3(2), any person, other than a casual resident, in occupation of premises and, in respect of premises occupied by a casual resident, means the Authority or in the case of the Rottnest Lodge Resort or the Rottnest Island Hotel, the lessee thereof;

“premises” means premises on the Island.

3. Application of certain by-laws to certain public authorities

- (1) Where premises are under the management of a public authority, the obligations and provisions expressed in by-laws 5, 6, 24(2) and 25 to be binding on, or applicable to, the Authority are binding on, and applicable to, that public authority in respect of those premises.
- (2) For the purposes of by-laws 9, 25 and 27 and by-law 28(5), (6), (7) and (8) a public authority is deemed to be the occupier of premises that are under its management, but in the case of by-law 9(2)(b) and by-law 27(1), (4), (6)(b) and (7), the liability of the actual occupier to also comply with those provisions is not affected.
- (3) In this by-law **“public authority”** means a Minister of the Crown in right of the State, Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any written law, administers or carries on for the benefit of the State a social service or public utility.

Part 2 — General sanitary provisions

4. Temporary sanitary conveniences

- (1) A person who undertakes work on a site or work place on the Island where the *Health (Construction Work) Regulations 1973* or the *Construction Camp Regulations* do not apply, shall provide and maintain in operation, for the use of persons engaged on such work, temporary sanitary conveniences in accordance with this by-law.
- (2) A temporary toilet shall be —
 - (a) a chemical closet, designed to an approved standard;
 - (b) a bore hole latrine, designed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*²;
 - (c) a water closet connected to a sewage disposal system; or
 - (d) an impervious tank system.
- (3) Where on a site the system for the disposal of sewage consists of an impervious tank system, the contents of the tank shall be regularly removed by an approved contractor.
- (4) Temporary sanitary conveniences shall be provided in accordance with the following Table —

Table

for each 20 workers or fraction of 20;	one toilet	one handbasin
and		
where there are 20 or more male workers for each 30 or fraction of 30	one urinal stall	one handbasin

- (5) The structure for housing a temporary toilet or urinal shall —
 - (a) have a minimum width of 800 mm and a floor area of not less than 1.2 square metres;

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- (b) have walls and doors that effectively screen the interior of the structure;
 - (c) be constructed of steel, fibreglass or approved impervious material; and
 - (d) have fixed ventilation to the satisfaction of a health surveyor.
- (6) Temporary sanitary conveniences shall be located —
- (a) at least 6 metres from any dwelling and 15 metres from any premises where food is handled or stored; or
 - (b) if it is not reasonably practicable to comply with paragraph (a), in a place approved by a health surveyor.
- (7) Where permanent sanitary conveniences are in close proximity and available, the Executive Director, Public Health may in writing exempt a person from all or any of the requirements of this by-law, either absolutely or subject to compliance with any condition.
- (8) In this by-law “**sanitary conveniences**” means toilets, urinals and handbasins.

[By-law 4 amended in Gazette 12 Nov 1993 p. 6144.]

5. Water closets in permanent accommodation

- (1) The Authority shall ensure that —
- (a) each residential premises under its control has such number of water closets as is required by sub-bylaws (2) and (3); and
 - (b) sub-bylaws (6), (7) and (8) are complied with in relation to such water closets.
- (2) Where it is necessary or likely to be necessary to provide for the requirements of not more than 15 persons in residential premises at least one water closet shall be installed in the premises.

- (3) Where the number of such persons is more than 15 an additional water closet for every 15, or fraction thereof, shall be installed.
- (4) The lessee of the Rottnest Lodge Resort shall ensure that —
 - (a) there is one water closet for every 15 male persons, or fraction thereof, accommodated on the premises other than in self-contained units, and one water closet for every 15 female persons, or fraction thereof, so accommodated; and
 - (b) sub-bylaws (6), (7) and (8) are complied with in relation to all water closets on the premises.
- (5) The lessee of the Rottnest Island Hotel shall ensure that each residential unit in the hotel has a water closet and that sub-bylaws (6) and (8) are complied with in relation to each water closet.
- (6) All entrances to water closets shall be so screened as to ensure privacy.
- (7) The entrance to a water closet set aside for use by one sex shall be distant not less than 3.6 metres from the entrance to a water closet set aside for use by the opposite sex.
- (8) A hand basin shall be provided in premises for each water closet installed in those premises.

6. Kitchen and kitchen fittings

- (1) Subject to sub-bylaw (3), the Authority shall ensure that each residential premises under its control has —
 - (a) a kitchen which conforms in every respect to the requirements of the Building Code of Australia as at 14 June 1993;
 - (b) at least one sink installed in the kitchen which is in accordance with Australian Standard 1756 and, unless otherwise approved, has an integral fluted drainer, not less than 300 mm in length, extending on at least one

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- side of the sink and graded to permit the surface water to drain into the sink;
- (c) a wood, gas or electric cooking appliance or any combination of those appliances, consisting of an oven and hot plates installed in accordance with the manufacturer's specifications and the Building Code of Australia, Part G2 as at 14 June 1993; and
 - (d) in the case of residential premises construction of which is completed on or after the date of commencement of the *Health (Rottnest Island) Amendment By-laws 1993*, a ventilation canopy or mechanical exhaust fan which complies with Australian Standard AS 1668.2-1991 entitled "The use of mechanical ventilation and air-ventilation for acceptable indoor-air quality" and effectively arrests all steam, effluvia, fumes, odours and moke from cooking and discharges it directly to the atmosphere at a point not more than 300 mm from the ceiling.
- (2) A sink without a drainer may be fixed adjacent to a sink with a drainer, provided the distance between the 2 sinks is not more than 50 mm, and both sinks are inserted in a bench top, in accordance with by-law 18.17.3.2 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.
 - (3) The Executive Director, Public Health may in writing exempt the Authority from all or any of the requirements of sub-by-law (1) either absolutely or subject to compliance with any condition in respect of any residential premises existing at the commencement of these by-laws.
 - (4) An exemption granted under sub-by-law (3) shall be signed by the Executive Director, Public Health and shall state —
 - (a) the residential premises to which the exemption applies;
 - (b) the requirements of sub-by-law (1) to which the exemption relates; and

- (c) the period during which the exemption shall apply.

[By-law 6 amended in Gazette 12 Nov 1993 p. 6144 (correction 23 Nov 1993 p. 6308).]

7. Water supply

- (1) The Authority shall ensure that each residential premises has an adequate water supply by either —
- (a) connecting the premises to an established water supply and, in the case of premises under its control, reticulating the water supply to the bathroom and kitchen; or
 - (b) installing a water storage tank of not less than 4 500 litres capacity with adequate catchment facilities connected thereto, together with, in the case of premises under its control, pipes reticulating the water from the tank to the bathroom and kitchen.
- (2) In the case of —
- (a) the Rottnest Lodge Resort or the Rottnest Island Hotel, the lessee; or
 - (b) any premises referred to in by-law 3, the public authority that has the management of the premises, shall reticulate water from the water supply or tank to each bathroom and kitchen.
- (3) The Authority, a lessee or a public authority referred to in sub-by-law (2) shall not permit or suffer any residential accommodation under its control or management to be used or occupied to which an adequate water supply is not provided and maintained.

8. Public sanitary conveniences

- (1) No person shall foul any portion of a public sanitary convenience on the Island.

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- (2) No person shall stand upon any portion of a public sanitary convenience on the Island other than the floor.
- (3) The Authority shall provide every public sanitary convenience on the Island with a sufficient amount of natural light.
- (4) The Authority shall ensure that every public sanitary convenience on the Island is cleaned at least once daily or as directed by the Executive Director, Public Health.

9. Maintenance of sanitary conveniences

- (1) The occupier of premises shall ensure that every water closet and hand basin on the premises when in use has an adequate supply of water.
- (2) The occupier of premises shall —
 - (a) maintain all work and services, fixtures, fittings and mechanisms that form part of or are appurtenant to sanitary conveniences or to bathroom or laundry facilities on those premises in good condition and available for use;
 - (b) maintain all sanitary conveniences and all works, fixtures, fittings, pipes and drains on those premises in a clean condition.

Part 3 — Refuse removal

Division 1 — Premises other than building sites

10. Definitions

In this Division, unless the contrary intention appears —

“occupier” for the purposes of by-laws 12 and 13 means a person in occupation of premises, and includes —

- (a) a casual resident as described in regulation 9(1)(c) of the *Rottnest Island Regulations 1988*; and
- (b) the lessee of the Rottnest Lodge Resort and of the Rottnest Island Hotel, but does not include the Authority;

“receptacle” means a water-tight metal container not less than 0.55 millimetres thick with a capacity of not less than 70 litres and not more than 110 litres which has a tight-fitting lid with a flange overlapping the top of the container, or other approved type of refuse disposal container.

11. Keeping of receptacles

- (1) The occupier of premises used as a single residence shall keep a receptacle upon the premises located in such position as is approved by a health surveyor.
- (2) Where premises are used otherwise than for occupation as a single residence, the occupier and, in the case of Kingstown Environment Centre, the Authority shall if directed in writing by the Executive Director, Public Health —
 - (a) provide a suitable enclosure for the storage and cleaning of receptacles on the premises;
 - (b) install in the enclosure a tap connected to an adequate supply of water;
 - (c) keep the enclosure thoroughly cleansed and disinfected.

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Part 3 Refuse removal

Division 1 Premises other than building sites

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- (3) For the purposes of this by-law “**suitable enclosure**” means an enclosure —
- (a) of sufficient size to accommodate all receptacles used on such premises, but in any case having a floor area of not less than 5 square metres;
 - (b) constructed of brick, concrete or other approved material;
 - (c) having walls of not less than 1.8 metres in height and having an accessway of not less than 1 metre in width and fitted with a self closing gate;
 - (d) containing a smooth and impervious floor of not less than 75 millimetres thickness;
 - (e) having a floor which is evenly graded and adequately drained; and
 - (f) which is easily accessible to allow for the removal of the containers.

12. Refuse to be deposited in receptacles

The occupier of premises shall —

- (a) subject to paragraph (c), cause all refuse to be deposited in a receptacle;
- (b) at all times keep the lid of the receptacle tightly closed except when depositing refuse;
- (c) not deposit or permit to be deposited in a receptacle —
 - (i) hot or burning ash;
 - (ii) oil, motor spirit or other flammable liquid;
 - (iii) liquid, paint or solvent;
 - (iv) bricks, concrete, building rubble, earth or other like substances;
 - (v) drugs, dressings, bandages, swabs or blood samples, unless first wrapped in non-absorbent or

- impervious material or placed in a sealed impervious container;
- (vi) hospital, medical, veterinary, laboratory or pathological substances containing blood;
 - (vii) syringes, needles, surgical hardware, broken glass or other sharp objects, unless first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
 - (viii) sewage, manure, nightsoil or urine;
 - (ix) any object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid of a receptacle to be tightly closed; or
 - (x) rubbish or refuse which is or is likely to become offensive or a nuisance or to give off an offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container.

13. Maintenance of receptacles

- (1) The occupier of premises shall —
 - (a) not disfigure a receptacle in any manner;
 - (b) take all reasonable steps to prevent the emission of offensive and noxious odours from a receptacle;
 - (c) keep a receptacle in a clean condition and free of vermin; and
 - (d) ensure that a receptacle does not cause a nuisance to the occupiers of adjoining premises.
- (2) Every person who is liable to comply with by-law 11(2) shall whenever directed by a health surveyor to do so, thoroughly cleanse, disinfect and deodorise all receptacles on the premises.

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Part 3 Refuse removal

Division 1 Premises other than building sites

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- (3) No person other than the Authority or its contractor shall —
 - (a) damage or destroy a receptacle; or
 - (b) except as authorised by a health surveyor, remove any receptacle from any premises.

14. Collection of refuse

- (1) A person, other than the Authority or its contractor, shall not unless he is authorised by the Executive Director, Public Health to do so remove any refuse from any premises.
- (2) The Authority shall ensure that all household and food refuse and putrescible and offensive waste are removed and disposed of at least 3 times per week.
- (3) The Authority shall cause all refuse removed to be taken to and disposed of at an approved refuse disposal site.

15. Method of disposal of refuse

- (1) The Authority shall ensure that all refuse deposited at an approved refuse disposal site is —
 - (a) distributed in such a manner that no layer of refuse is deeper than 1.8 metres; and
 - (b) covered each day with a layer of earth at least 230 millimetres deep.
- (2) A person shall not in or upon a refuse disposal site —
 - (a) deposit any refuse other than at a position or within a building designated by an employee of the Authority or as indicated by signs erected on the site;
 - (b) interfere with or remove any material or thing unless that person has been authorised to do so by the Executive Director, Public Health;
 - (c) light a fire or cause to be burnt any refuse without the approval of the Executive Director, Public Health and in compliance with any condition imposed by him;

- (d) deposit any refuse or material which, or of a kind which, has been notified to him by the Executive Director, Public Health or a health surveyor, as being of a dangerous or hazardous nature or which the Executive Director, Public Health or a health surveyor directs such person not to deposit on the site.

16. Disposal of refuse from vessels

No person shall from any vessel discharge or deposit solid refuse in the waters of the Island.

17. Refuse disposal sites to be fenced

The Authority shall to the satisfaction of the Executive Director, Public Health —

- (a) fence every refuse disposal site; and
- (b) provide every such site with litter control barriers.

Division 2 — Building sites

18. Definitions

In this Division, unless the contrary intention appears —

“**builder**” means any person employed to erect or demolish any building or alter any building;

“**building site**” includes the place of erection or demolition of a building on the Island or of any alteration to any building on the Island; and

“**refuse**” includes all kinds of refuse, junk, garbage or scrap or any article or material abandoned or unwanted by the builder or the person for whom work is undertaken by the builder.

19. Responsibilities of builder

A builder shall in respect of a building site ensure that —

- (a) an adequate refuse disposal bin, approved by the Executive Director, Public Health is provided on the building site;

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Part 3 Refuse removal

Division 2 Building sites

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- (b) all refuse on the site is deposited in the bin so provided;
- (c) any loose building materials or refuse are not permitted to be blown from the building site;
- (d) on completion of work the building site is completely cleared of all refuse to the satisfaction of a health surveyor; and
- (e) on completion of work or whenever necessary, the refuse disposal bin is removed and the contents are disposed of in accordance with the requirements of the Executive Director, Public Health.

Part 4 — Waste water

20. Definitions

In this Part, unless the contrary intention appears —

“**liquid waste**” means faecal matter or urine and any waste composed wholly or in part of liquid;

“**sullage**” means liquid waste from bathrooms, laundries and kitchens, including floor wastes from those sources;

“**waste water**” means liquid waste, sullage, and any other liquid discharge from premises, vessels or any liquid waste disposal system associated with premises, but does not include surface runoff as a result of rain or hail.

21. Disposal of waste water

- (1) No person shall discharge or deposit any waste water, or cause or permit it to be discharged or deposited, on the surface of any land.
- (2) The Authority shall make adequate provision for the disposal of waste water on the Island by means of —
 - (a) a sewerage system; or
 - (b) an approved system in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*²,

and shall at all times maintain any such system in good working order.

- (3) No person shall dispose of waste water within the limits of the land of the Island otherwise than by one of the methods described in sub-by-law (2).

22. Removal of waste water

- (1) No person shall carry out or undertake the collection, removal or disposal of waste water except under the authority of, and in

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accordance with the terms and conditions of, an approval in writing of the Executive Director, Public Health to do so.

- (2) Any person to whom approval has been given by the Executive Director, Public Health shall at least 24 hours before collecting, removing or disposing of waste water notify the Authority of his intention to do so.

23. Removal of liquid waste

A person who undertakes the collection and removal of liquid waste from a septic tank apparatus for the bacteriolytic treatment of sewage shall —

- (a) remove the entire contents of the septic tanks, wash down the walls and base of such tanks and thoroughly wash out square junctions in the tanks;
- (b) where leach drains or soak wells are provided as receptacles for drainage, completely empty the leach drains or soak wells and thoroughly wash out all crevices between segments with a high pressure jet of water or by using approved methods for restoring the satisfactory function of such leach drain or soak well;
- (c) cause the bottom of soak wells or leach drains to be emptied to the level of the bottom of the first course of segments and the soil on the bottom of such wells or drains to be completely turned over;
- (d) report to the Authority any defective drain which cannot be thoroughly cleaned or any broken lids, square junctions or pipework, or any collapsed soak wells or leach drains;
- (e) replace all lids so that the inspection openings are positioned over the inlet and outlet of septic tanks and soak wells;
- (f) completely seal the lids of all septic tanks, the halving joint of soak wells, and exposed joints of standard leach

drains with a mortar mix not less than 1:6
(cement:sand);

- (g) minimize disturbance to the premises and restore them as nearly as is practicable to the original condition; and
- (h) not permit the pump out of waste water from any one tank, soak well or leach drain to the exclusion of other septic tanks, soak wells or leach drains situated on the same premises and connected to the same apparatus for bacteriolytic treatment of sewage unless permitted to do so by a health surveyor.

Part 5 — General health provisions

24. Air space in sleeping rooms

- (1) The person who is in occupation of any premises, including a casual resident, shall ensure that no sleeping room in the premises is occupied by such a number of persons that for every person over the age of 10 years there is less than 13 cubic metres of air space, and for every person under the age of 10 years, there is less than 8 cubic metres of air space.
- (2) The Authority and the lessee of the Rottnest Lodge Resort and of the Rottnest Island Hotel shall each take all reasonably practicable steps to ensure that sub-by-law (1) is not contravened in any premises under its control.

25. Premises to be kept in good repair

The occupier of premises shall maintain the premises in sound condition and fit for use and in particular shall —

- (a) maintain all roofs, and where provided, guttering and downpipes in sound weatherproof condition;
- (b) repair any foundations and walls, either external or internal, which are unsound by reason of fretting, cracking, dampness or other defect;
- (c) replace any missing, broken, decayed or ant-eaten timber in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound merchantable quality;
- (d) make good any defective brick, stone, mortar or cement work;
- (e) repair or replace any flashings or ant stops which are missing or defective;
- (f) maintain all ventilators in good order and repair;
- (g) maintain all floors even in surface and free from cracks;

- (h) maintain all ceilings, internal wall finishes, skirtings, 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 0.1 square metre of lighting to each one square metre of floor area; and
- (k) maintain all electric wiring and fittings in such state of repair and condition as shall comply in all respects with all of the requirements of the Australian Standard CC1, Part 1 SAA Wiring Rules.

26. Keeping of poultry

A person who keeps poultry on the Island shall —

- (a) not keep the poultry in an open yard;
- (b) not keep more than 20 birds in any one premises;
- (c) keep the poultry in a shed or house designed to permit the use of a deep litter system;
- (d) ensure that the house or shed is designed and constructed to at least the following specifications —
 - (i) the floor is of concrete 50 mm thick with smooth cement rendered finish;
 - (ii) frames are of timber (treated for termites), steel, brick or other approved materials;
 - (iii) cladding is of sheet metal, brick or weather-board or other materials approved by a health surveyor;
 - (iv) the roof is of corrugated iron, tiles, sheet metal or other materials approved by a health surveyor; and
 - (v) the roof has sufficient slope to shed storm water;

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- (e) ensure that the house or shed in which the poultry is kept —
 - (i) is designed and constructed in a sound and weatherproof manner and to a sufficient height to allow easy entry for cleaning;
 - (ii) is of a size to allow at least .3 square metres for each bird kept in the shed;
 - (iii) has adequate ventilation to the shed during hot weather;
 - (iv) is kept clean and in good condition at all times;
 - (v) is cleaned and disinfected in accordance with any direction given by a health surveyor;
 - (vi) has its floor covered by a layer of sawdust that —
 - (A) is at least 75 mm deep;
 - (B) is kept dry at all times; and
 - (C) is changed at least once every 6 months or when directed by a health surveyor;

and

- (vii) is not nearer than one metre from the boundary of land in other occupation or 10 metres from any dwelling house or 10 metres from a road upon which a side boundary abuts.

27. Mosquito eradication and reduction

- (1) The occupier of premises shall keep such premises free of stagnant water liable to breed mosquitoes.
- (2) For the purpose of sub-by-law (1) the presence of mosquito larvae in any collection of water wherever situated shall be sufficient evidence that such water is stagnant.

- (3) The occupier of premises shall —
 - (a) keep all fountains, pools, ponds, or excavations made for any purpose whatever, which contain water —
 - (i) stocked with mosquito-destroying fish; or
 - (ii) covered with a film of petroleum oil;
 - (b) carry out an effective larviciding or spraying programme designed to control mosquitoes; or
 - (c) employ such other means to control mosquitoes as are approved by the Executive Director, Public Health.
- (4) The occupier of premises, including a casual resident, shall keep the premises free of refuse likely to become the breeding place of mosquitoes.
- (5) The occupier of premises shall protect any tank, well, cistern, vat or barrel on the premises with a mosquito-proof cover, and all openings other than the delivery exit shall be screened with mosquito-proof netting to the satisfaction of a health surveyor.
- (6) The occupier of premises shall cause the eaves, gutters and downpipes of the premises to be maintained —
 - (a) in good repair; and
 - (b) free of obstruction,to prevent the accumulation of water therein and to permit the ready passage of water from the roof.
- (7) The occupier of any premises where water is kept in poultry drinking vessels, washing tubs and other receptacles shall frequently change such water and keep the vessels clean and free from vegetable matter and slime.
- (8) The occupier of premises shall when so required by a health surveyor cut down and remove any undergrowth or vegetation on the premises that is likely to harbour mosquitoes.

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- (9) The Authority shall, if required by the Executive Director, Public Health, effectively drain land upon which there is water likely to become a breeding place for mosquitoes and for that purpose shall to the satisfaction of the Executive Director, Public Health —
- (a) make such drains on the land as may be necessary for effectively draining it;
 - (b) fill up all irregularities in the surface of such land;
 - (c) adjust the surface thereof, and if necessary raise the level of the surface in such a manner —
 - (i) that the water on the land may flow into the drains without obstruction;
 - (ii) that no water shall remain on any portion of the land, other than in the drains.
- (10) All drains made under sub-bylaw (9) shall be kept by the Authority in good order and free from obstruction.

28. Rodents

- (1) The occupier of premises shall at all times take effective action to destroy any rats or mice on the premises.
- (2) The occupier of premises, including a casual resident, shall not place, throw, leave or suffer to remain on the premises any refuse, waste food, or other waste matter or thing which would have a tendency to encourage or attract rats to visit or frequent premises, or to afford shelter for rats.
- (3) The occupier of premises shall ensure that materials on the premises are stacked, stored, arranged or protected in such a way as not to afford shelter for rats.
- (4) The occupier of premises shall not keep or allow to remain on premises any refuse, waste food, edible trade waste, or food intended for birds or other animals, or similar material, unless it

is contained in rat-proof receptacles or compartments which are kept effectively covered or closed against access by rats.

- (5) The occupier of premises shall ensure that every opening from or into any covered drain or sewer within the curtilage of the premises, and every opening from or into any pipe, covered conduit, or covered channel (whether or not used for drainage) which affords or is likely to afford access or shelter for rats shall be so trapped or otherwise protected as to prevent the passage of rats.
- (6) A covered drain, covered sewer, pipe, covered conduit, or covered channel that is disused and that affords or is likely to afford access, or shelter for rats shall, upon notice to that effect being given by a health surveyor to the occupier of the premises, be taken up, repaired, blocked, or otherwise dealt with in the manner specified in such notice, as to prevent access or shelter for rats.
- (7) If in any premises the floors, skirting, wainscots, walls, partitions, ceilings or like internal fittings are so constructed or are in such a condition as to permit access or shelter for rats, the occupier of the premises shall, if directed by the Executive Director, Public Health to do so and within the time specified by him, cause the same to be removed, refitted, reconstructed, altered or repaired so as to prevent, as far as is practicable, access or shelter, for rats in, under, or about the premises.
- (8) A retaining wall, embankment, structure, improvement, or work of any kind or any formation, whether natural or artificial which provides or is likely to provide the means of access or shelter for rats shall, upon a notice to that effect being given by a health surveyor to the occupier of premises, be removed, reconstructed, repaired, or altered in the manner specified in the notice so as to prevent, as far as is practicable, access or shelter for rats.
- (9) The occupier of premises where food is manufactured, prepared, stored, packed or kept for sale, or of a merchandise store, shall,

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upon notice to do so being given by a health surveyor or to him, protect, alter, or refit the premises in accordance with the notice so as to effectively prevent rats from gaining access to or sheltering in, under, or about premises.

- (10) The occupier of premises referred to in sub-bylaw (9) shall protect all supplies or collections of water on the premises to which rats may have access so as to prevent such access.
- (11) The occupier of every premises referred to in sub-bylaw (9) shall —
 - (a) have and maintain within the premises —
 - (i) rodenticide baits of an approved type in such quantities as may be directed by a health surveyor for the destruction of all rodents on the premises; or
 - (ii) rat traps of an approved kind or pattern in such number as may be directed by a health surveyor for the destruction of all rodents on the premises;
 - (b) use and maintain such other reasonable means for the capture and destruction or for the destruction of rats as a health surveyor may direct; and
 - (c) where in the opinion of a health surveyor, the methods described in paragraphs (a) and (b) are ineffective for the destruction of all rats on the premises engage an approved pest control operator for the destruction of rats on the premises.
- (12) The occupier of premises, other than those referred to in sub-bylaw (9) shall, whenever there are indications of the presence of rats in or about the premises and while such indications continue —
 - (a) have and maintain within the premises —
 - (i) rodenticide bait of an approved type and in such quantities as are required for the destruction of all rodents on the premises;

- (ii) rat traps of an approved kind or pattern and in such number as are required for the destruction of all rodents on the premises;
 - (b) use and maintain such other reasonable means for the capture and destruction or for the destruction of rats as a health surveyor may direct.
- (13) The occupier of premises shall inspect daily any rat trap provided on the premises under this by-law and shall place fresh bait in the trap at least twice in each week and except when baiting or removing rats from the trap, shall at all times keep every such trap set effectively for trapping rats.
- (14) The occupier of every premises on which a rodent is destroyed by any means referred to in this by-law shall dispose of such carcasses at an approved place and in such manner as will not create a nuisance.
- (15) The Authority shall ensure that all jetties and wharves, including all sheds and other buildings thereon, are protected so as to prevent rats from gaining access thereto, at any state of the tide, from vessels moored or anchored alongside the same.
- (16) A person who keeps any goods liable to attract rats on any jetty or wharf shall protect the goods from access by rats.
- (17) The presence of rat holes, rat runs, fresh rat dung, or other signs of rat infestation in any premises, jetty, wharf, land, or place is evidence that this by-law has not been complied with.

Part 6 — Eating houses

29. Definitions

In this Part, unless the contrary intention appears —

“**eating house**” has the meaning assigned to it by section 160 of the Act;

“**licence**” means a licence to conduct an eating house under section 166 of the Act;

“**meals**” and “**proprietor**” have the respective meanings assigned to them by section 160 of the Act;

“**restaurant**” means any eating house where meals are consumed by the public but does not include a tea rooms or take-away food premises;

“**take-away food premises**” means any eating house where meals are only served or prepared for service in a state in which they may be taken away from the eating house and consumed in the state in which they are served or prepared for service, but does not include the following —

- (a) any eating house in which meals are served at tables;
- (b) any tea rooms; or
- (c) any eating house where the only meals served are confectionery;

“**tea rooms**” means any eating house where the only meals served or prepared for service are tea, coffee and similar beverages, all products of wholesale pastry cooks, sandwiches, buns and bread rolls containing fillings which do not require cooking on the premises, toast, salads, cold meats, boiled, scrambled and poached eggs, omelettes, saveloys boiled in water, beef tea, and other extracts or soups, and food supplied in tins or similar containers which need only to be heated to be prepared for service.

30. Classifications

For the purpose of this Part eating houses are classified as —

- (a) restaurants;
- (b) take-away food premises; and
- (c) tea rooms.

31. Prescribed date

- (1) For the purpose of section 163 of the Act, 30 June in each year is prescribed as the date on or before which the registration of an eating house and a licence for the proprietor of an eating house shall be applied for annually.
- (2) For the purposes of section 162(1) of the Act the prescribed date is 1 September 1989.

32. Registration of an eating house

- (1) The form of application for registration of an eating house is Form 1 in Schedule 1 and the application shall be accompanied by —
 - (a) the fee prescribed in item 1 of Schedule 2;
 - (b) a floor plan and specifications of the eating house which plan and specifications shall include the following details —
 - (i) the use of every room;
 - (ii) the structural finishes of every wall, floor and ceiling;
 - (iii) the position and type of every fitting and fixture;
 - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provision for waste disposal; and
 - (v) the number and sex of every person, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.

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- (2) Where an application is made for the registration of an eating house in respect of which a certificate of registration is in force at the date of the application, the application is not required to be accompanied by the plan and specifications referred to in sub-by-law (1)(b).
- (3) A certificate of registration granted by the Executive Director, Public Health under this Part shall be in accordance with Form 2 in Schedule 1.

33. Licence to conduct an eating house

- (1) The form of application by the proprietor of an eating house for a licence is Form 3 in Schedule 1 and the application shall be accompanied by the fee prescribed in item 2 of Schedule 2.
- (2) Where there are 2 or more proprietors of an eating house —
 - (a) Form 3 is required to be completed by each proprietor; and
 - (b) the licence shall be issued in the joint names of the applicants.
- (3) The form of licence is Form 4 in Schedule 1.
- (4) The form of application for the transfer of a licence is Form 5 in Schedule 1 and the application shall be accompanied by the fee prescribed in item 3 of Schedule 2.

34. Licence conditions

A licence shall be issued upon and subject to the following conditions —

- (a) the holder of the licence shall display the licence and the certificate of registration of the eating house in a conspicuous place in the eating house and shall, upon the request of a health surveyor to do so, produce to him the licence and the certificate of registration;

- (b) if the holder of the licence changes his place of residence he shall within 14 days thereafter give notice in writing to the Executive Director, Public Health specifying in such notice his new place of residence;
- (c) the holder of the licence shall not make or permit to be made any structural alteration in or addition to the premises without the prior written approval of the Executive Director, Public Health, nor make or permit to be made any other alterations in or addition to the premises of any furniture, fixtures, counters and major food preparation equipment without the prior written consent of the Executive Director, Public Health; and
- (d) the holder of the licence shall notify the Executive Director, Public Health of any circumstances existing in the eating house which give rise to the possibility that food may be, or has been contaminated on part of the eating house used for the storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food, forthwith upon such circumstances arising.

35. Kitchen floor area

- (1) The proprietor of an eating house shall ensure that the kitchen or room where food is prepared, manufactured, processed or cooked has a floor area of not less than 16 square metres or not less than 25% of the floor area of the room or rooms and any outside area where meals are served to or consumed by the public, whichever floor area is the greater.
- (2) The proprietor of premises on which the business of an eating house was being carried on immediately prior to the commencement of these by-laws may apply in writing to the Executive Director, Public Health for an exemption from compliance with the whole or any part of the requirements of sub-by-law (1) and the Executive Director, Public Health may grant or refuse any such application.

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- (3) An exemption granted under sub-by-law (2) shall be signed by the Executive Director, Public Health and shall state —
- (a) the eating house to which the exemption applies;
 - (b) the requirements of sub-by-law (1) to which the exemption relates; and
 - (c) the period during which the exemption applies.

36. Sanitary conveniences — public

- (1) The proprietor of a restaurant shall provide for use by the public, sanitary conveniences in accordance with the following Table —

Table

Floor area of the room or rooms and any outside area where meals are consumed by the public	Number of Sanitary Conveniences				
	Male			Female	
	Number of water closets	Number of wash hand basins	Number of urinal stalls or minimum	Number of water closets	Number of wash hand basins
1m ² -40m ²	1	1	1 stall or 610 mm	1	1
41m ² -80m ²	1	1	2 stalls or 1.2 metres	2	2
81m ² -120m ²	2	2	3 stalls or 1.8 metres	3	3
121m ² -160m ²	2	2	4 stalls or 2.4 metres	4	4
161m ² -200m ²	3	3	5 stalls or 3.0 metres	5	5
201m ² -240m ²	3	3	6 stalls or 3.6 metres	6	6
241m ² -280m ²	4	4	7 stalls or 4.2 metres	7	7
281m ² -320m ²	4	4	8 stalls or 4.8 metres	8	8
321m ² -or more	5	5	9 stalls or 5.4 metres	9	9

- (2) The proprietor of a restaurant shall not permit or suffer access by the public to any sanitary convenience through a kitchen or room where meals are prepared, manufactured, processed, cooked or stored.

37. Sanitary conveniences — take-away food premises

- (1) In this by-law “**premises**” means any premises or part of any premises which adjoin 2 or more take-away food premises and which are designed, adapted or intended for use by the public for the consumption of meals taken away from such take-away food premises.
- (2) The occupier and any person having the management or control of any premises shall —
 - (a) provide for use by the public, sanitary conveniences in accordance with the table set out in by-law 36;
 - (b) provide and maintain at all times an adequate supply of water, soap and clean disposable towels or other approved means of hygienically drying hands for the use of persons using sanitary conveniences;
 - (c) cleanse daily and at all times keep and maintain all sanitary conveniences in a clean and sanitary condition; and
 - (d) provide and maintain at all times at the entrance to each sanitary convenience a sign to indicate for which sex its use is intended.

[38. *Repealed in Gazette 12 Nov 1993 p. 6144.*]

39. Sanitary conveniences — general

The proprietor of an eating house shall —

- (a) provide an adequate supply of water, soap and clean disposable towels or other approved means of hygienically drying hands (which shall not include a towel supplied for common use) for the use of persons using sanitary conveniences and an adequate supply of hot water and nail brushes for the use of employees;
- (b) provide sanitary napkin disposal units in female toilets;

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- (c) cleanse daily and at all times keep and maintain all sanitary conveniences and sanitary fittings in a clean and sanitary condition;
- (d) not permit, suffer or cause any kitchen or room where meals are prepared, manufactured, processed or cooked to communicate directly by means of a door, window or other opening with a sanitary convenience; and
- (e) provide and maintain at all times at the entrance to each sanitary convenience a sign to indicate for which sex its use is intended.

40. Wash hand basins

The proprietor of an eating house shall —

- (a) in every kitchen and room where food is prepared, manufactured, processed or cooked for service provide —
 - (i) a wash hand basin; and
 - (ii) an adequate supply of hot and cold water, soap, nail brushes and clean disposable towels or other approved means of hygienically drying hands (which shall not include a towel supplied for common use);
- (b) not cause, suffer or permit any wash hand basin to be used for any purpose other than personal ablutions; and
- (c) not install any wash hand basin under a counter, table, cabinet, console or console table.

41. Change rooms

- (1) The proprietor of an eating house shall —
 - (a) provide a separate change room for the use of each sex of persons engaged in the preparation, manufacture, processing, cooking or serving of meals; and

- (b) ensure that every such room has a floor area of at least 3 m² with an additional 0.75 m² for each male or female person, as the case may be, in excess of 4.
- (2) The proprietor of an eating house in which the business of an eating house was being carried on before the commencement of the *Health (Rottnest Island) Amendment By-laws 1993* may apply in writing to the Executive Director, Public Health for an exemption from compliance with the whole or any part of the requirements of sub-bylaw (1) and the Executive Director, Public Health may grant or refuse the application.
- (3) An exemption granted under sub-bylaw (2) must be signed by the Executive Director, Public Health and specify —
 - (a) the eating house for which the exemption is granted;
 - (b) the specific requirement or requirements, in sub-bylaw (1) in relation to which the exemption is granted; and
 - (c) the period for which the exemption is granted.
- (4) The proprietor of an eating house must provide separate locker storage facilities, for the storage of clothing, footwear and other personal effects, for the use of persons of each sex engaged in the preparation, manufacturer, processing, cooking or serving of meals.

[By-law 41 amended in Gazette 12 Nov 1993 p. 6144-5.]

42. Refuse storage and receptacles

- (1) In this by-law, “**receptacle**” means a water-tight metal container not less than 0.55 millimetres thick with a capacity of not less than 70 litres and not more than 110 litres which has a tight-fitting lid with a flange overlapping the top of the container or other approved type of refuse disposal container.

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- (2) The proprietor of an eating house shall —
- (a) provide an area for the storage of receptacles and ensure that such an area —
 - (i) is of sufficient size to store all receptacles used in connection with the eating house; and
 - (ii) has a concrete floor;
 - (b) provide receptacles of sufficient number to contain all waste food and refuse which accumulates or may accumulate in the eating house;
 - (c) not deposit any waste food or refuse in any place other than a receptacle;
 - (d) not cause, suffer or permit any receptacle to be uncovered at any time except when the lid of the receptacle is removed for depositing any waste food or refuse and cause every such lid to be replaced immediately following the deposit of such waste food or refuse.
- (3) The proprietor of an eating house shall —
- (a) provide an area for the cleaning of receptacles and ensure that such an area —
 - (i) has a floor area of dimensions not less than 2 m x 3 m;
 - (ii) has a floor constructed of concrete and graded evenly to a trapped gully properly connected to an approved drainage system;
 - (iii) is enclosed by walls to a minimum height of 1.2 m with the internal finish being of an approved impervious material; and
 - (iv) has a hose cock and a length of hose;
 - (b) cleanse all receptacles only in an area provided in accordance with paragraph (a);

- (c) keep or cause to be kept all receptacles thoroughly clean; and
- (d) ensure that every receptacle is kept free of vermin at all times.

43. Storage facilities

The proprietor of an eating house shall not cause, suffer or permit any food contained in a package, tin or container or any cooking, eating or drinking utensil to be stored in any place other than a cabinet, cupboard or shelf.

44. Exhaust ventilation

The proprietor of an eating house shall —

- (a) provide a hood for the exhaust ventilation of every stove, oven, cooking fire, cooking apparatus and similar appliance to the satisfaction of the Executive Director, Public Health; and
- (b) maintain in good order and a clean condition at all times every exhaust ventilation hood.

45. Outside area — paving

The proprietor of an eating house shall not use any outside area for serving meals to the public unless the area concerned is paved to the satisfaction of the Executive Director, Public Health.

46. Cleanliness

The proprietor of an eating house shall —

- (a) at all times keep or cause to be kept clean and in good condition and repair the floors, walls, ceiling and other parts of the eating house and all fixtures, fittings, furniture, vessels, utensils, implements, drains, grease traps, and other things used in the eating house or in connection with the preparation or storage of food in the eating house;

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- (b) keep all parts of the eating house free from any unwholesome or offensive odour arising from the eating house or the operations carried on in the eating house;
- (c) maintain in a clean and tidy condition all yards, footpaths, passageways, paved areas, stores or outbuildings used in connection with the eating house;
- (d) cleanse daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings on the premises in a clean and sanitary condition.

47. Vermin etc.

- (1) The proprietor of an eating house shall at all times provide effective means —
 - (a) for the eradication and prevention of rodents, cockroaches, flies, spiders, insects, ants, moths and other vermin in the eating house; and
 - (b) for the exclusion of quokkas, birds or any other animal from the eating house and any refuse enclosure provided under by-law 11(2).
- (2) In sub-by-law (1), “**eating house**” includes any adjoining area where seating is provided for use by persons who patronise the eating house.

48. Contamination

- (1) The proprietor of an eating house shall —
 - (a) not cause, suffer or permit —
 - (i) any person to sleep in any kitchen or room where food is prepared, manufactured, processed, cooked or stored; or
 - (ii) any bed or bedding to be kept, housed, stored or accommodated, in any kitchen or room where food is prepared, manufactured, processed, cooked or stored;

- (b) not cause, suffer or permit any food, which is unsound, unwholesome, contaminated, putrescent or weeviled to be used for or in the preparation of any meal;
 - (c) cause any food which is unsound, unwholesome, contaminated, putrescent or weeviled to be immediately withdrawn from sale, stock or use and to be disposed of in a refuse receptacle;
 - (d) cause all drinking straws to be protected from contamination of flies, dust or other sources;
 - (e) cause all food to be at all times protected from the direct rays of the sun;
 - (f) cause any brine or pickle used for pickling of meat to be removed as often as is necessary to prevent it from becoming offensive;
 - (g) ensure that any person whilst engaged in the manufacture, preparation, processing, cooking or serving of meals is properly clothed with clean clothing and that the clothing is maintained in a clean condition; and
 - (h) not cause, suffer or permit any food to be prepared, manufactured, processed, cooked or stored in any room wherein any water closet or urinal or any hand wash basin for use in connection with the same is situated.
- (2) No person shall prepare, manufacture, process, cook, store, pack or serve any food in any eating house in which any work is carried on that may or is likely to contaminate such food or affect its wholesomeness or cleanliness.

49. Tableware

The proprietor of an eating house shall —

- (a) cause all table linen, place-mats and other table coverings to be kept in a clean and sanitary condition; and

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- (b) not place or suffer or permit to be placed upon a table or before a person, any table napkin or serviette which is unclean or which has been used by another person unless it has been laundered since the last occasion of use.

50. Fuel storage

The proprietor of an eating house shall —

- (a) store and keep all wood, coal and coke used as fuel in a store separated from the eating house and constructed of brick walls and concrete floor; and
- (b) not use, keep or store or permit to be used, kept or stored any petrol, bottles or containers or liquified petroleum gas, kerosene, benzine, naptha, alcohol, mineralized or methylated spirit or any volatile liquid (not being an article of food) in any kitchen or room where food is prepared, manufactured, processed, cooked or stored.

51. Accommodation of public

The proprietor of an eating house shall not cause, suffer or permit a greater number of persons to be accommodated in any room or rooms wherein meals are consumed by the public than will allow of a ratio of one person to every one square metre of the floor area of such room or rooms.

Part 7 — Itinerant vendors and vending machines

52. Sale of food by itinerant vendors

- (1) In addition to the requirements of any other written law, a person shall not engage in trade as an itinerant vendor of food except under and in accordance with a licence issued to him by the Executive Director, Public Health for that purpose.
- (2) The Executive Director, Public Health may grant such a licence subject to compliance with any condition.
- (3) The form for an application to engage in trade as an itinerant vendor of food is Form 6 in Schedule 1 and the application shall be accompanied by a fee of \$100.
- (4) A licence granted under this by-law shall operate only during the period ending on the 31 December next succeeding the date of issue.
- (5) Every person engaged in the trade of an itinerant vendor of food —
 - (a) shall cause all food to be protected from contamination by flies and dust, and all meat, fish or other food that is subject to putrefaction to be protected by refrigeration to the satisfaction of a health surveyor;
 - (b) shall not permit any other person to handle or touch any food on his vehicle;
 - (c) shall maintain his clothing and his person at all times in a clean condition;
 - (d) shall, while plying his trade, have his name legibly and conspicuously displayed on some part of his vehicle, barrow, bag or tray;
 - (e) shall, while plying his trade, carry with him his licence and produce the same to a health surveyor on demand; and

bl. 53

- (f) shall provide a refuse container at all times and dispose of the contents of the container at an approved refuse site.
- (6) Upon the granting of an application under this by-law, a licence shall be issued to the applicant in accordance with Form 7 in Schedule 1.

[By-law 52 amended in Gazette 25 Jan 1991 p. 279.]

53. Food vending machines

- (1) In addition to the requirements of any other written law, an occupier of premises shall not install a machine for vending food unless the machine and the location of the machine are approved in writing by the Executive Director, Public Health.
- (2) The Executive Director, Public Health may grant such an approval subject to compliance with any condition.
- (3) The occupier of premises on which a machine for vending food is located shall ensure that the machine is not operated when —
 - (a) the drip cans or containers become full to within one-half of the liquid capacity of such can or container; or
 - (b) the supply of single service cups or containers is exhausted.
- (4) The Executive Director, Public Health may revoke an approval under sub-by-law (1) if any condition of the approval is not observed or if in his opinion the equipment is not installed, maintained, or operated in such a way as to minimize the risk of contamination of food.

Part 8 — Laundries and laundry depots

54. Laundries

- (1) The occupier of laundry premises shall —
 - (a) cause all the liquid wastes produced upon the premises to be collected and conducted by impervious channels or drains to a trapped drain inlet or some other approved receptacle, or to be disposed of as a health surveyor may direct;
 - (b) cause every floor or pavement, and every wall of any building upon the premises to be kept at all times in good order and repair so as to prevent the absorption of any liquid which may be splashed or spilled, or may fall or be deposited on the floor or pavement;
 - (c) provide a reception room in which all articles brought to the premises for laundering shall be received, and not use that room or permit it to be used for the storage, temporarily or otherwise, of any food;
 - (d) not use any of the workrooms of the premises for sleeping purposes or permit them to be so used;
 - (e) provide a separate area for soiled and clean articles; and
 - (f) cause such articles as may be directed by a health surveyor to be thoroughly disinfected to the satisfaction of that officer.
- (2) In sub-bylaw (1) **“laundry premises”** means any premises where a laundry business is carried on.

55. Laundry depots

- (1) The occupier of any premises shall not use or permit to be used such premises as a receiving depot for a laundry or a dry cleaning establishment except with the approval in writing of the Executive Director, Public Health.

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- (2) The Executive Director, Public Health may grant such an approval subject to compliance with any condition.
- (3) The Executive Director, Public Health may revoke an approval under sub-bylaw (1) if any condition of the approval is not observed or if in his opinion the use, or the manner of use, of the premises as a receiving depot constitutes a risk to health.

Part 9 — Offences

56. Offences and penalties

- (1) A person who is required by a provision of Part 6 to do anything or refrain from doing anything and who fails to comply with that provision commits an offence and is liable to —
 - (a) a fine that is not more than \$2 500 and not less than —
 - (i) in the case of a first offence, \$250;
 - (ii) in the case of a second offence, \$500; and
 - (iii) in the case of a third or subsequent offence, \$1 250;and
 - (b) if that offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.
- (2) A person who is required by any provision of these by-laws, other than a provision of Part 6, to do anything or refrain from doing anything and who fails to comply with that provision commits an offence and is liable to —
 - (a) a fine that is not more than \$1 000 and not less than —
 - (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; and
 - (iii) in the case of a third or subsequent offence, \$500;and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

Schedule 1

Schedule 1

[By-laws 32, 33 and 52]

Form 1

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

APPLICATION FOR REGISTRATION OF AN EATING HOUSE

To: Executive Director, Public Health

I,
(Full name in block letters)

of
(Full residential address)

hereby make application for registration of the premises described below as a —

- *(a) restaurant;
- *(b) take-away food premises;
- *(c) tea rooms.

Address of premises

Name of premises

Dated this day of 20.....

.....
(Signature of Applicant)

* Delete where inapplicable

Form 2

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

CERTIFICATE OF REGISTRATION OF AN EATING HOUSE

This is to certify that the following premises are registered as a —

- *(a) restaurant;
- *(b) take-away food premises;
- *(c) tea rooms,

from 20..... until 30 June 20..... unless this certificate is previously cancelled.

Address of premises

Name of premises

This certificate is issued subject to the *Health Act 1911* and the *Health (Rottnest Island) By-laws 1989*.

Dated this day of 20.....

The maximum number of patrons to be accommodated in the premises at any time is —

.....
Executive Director, Public Health

* Delete where inapplicable

Schedule 1

Form 3

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

**APPLICATION FOR A LICENCE TO CONDUCT AN EATING
HOUSE**

To: Executive Director, Public Health

I,
(Full name in block letters)

of
(Full residential address)

being the proprietor of the following eating house —

Address of premises

hereby apply for a licence to conduct a —

- *(a) restaurant;
- *(b) take-away food premises;
- *(c) tea rooms.

Dated this day of 20.....

.....
(Signature of Applicant)

* Delete where inapplicable

Form 4

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

LICENCE TO CONDUCT AN EATING HOUSE

This is to certify that
of
is licensed to conduct a —

- *(a) restaurant;
- *(b) take-away food premises;
- *(c) tea rooms,

on the following premises from 20.....
until 30 June 20..... unless this licence is previously cancelled.

Address of premises

Name of premises

Dated this day of 20.....

.....
Executive Director, Public Health.

* Delete where inapplicable

NOTE: Conditions are set out on the reverse.

This licence is issued subject to the following conditions —

- (1) The holder of a licence shall display this licence and the certificate of registration of the eating house in a conspicuous place in the eating house and shall, upon request of a health surveyor to do so, produce to him this licence and the certificate of registration.
- (2) If the holder of a licence changes his place of residence he shall within 14 days thereafter give notice in writing to the Executive Director, Public Health specifying in such notice his new place of residence.
- (3) The holder of the licence shall not make or permit to be made any structural alteration in or addition to the premises without the prior written approval of the Executive Director, Public Health nor make or

Schedule 1

permit to be made any other alteration in or addition to the premises or any furniture, fixtures, counters and major food preparation equipment without the prior written consent of the Executive Director, Public Health.

- (4) The holder of a licence shall notify the Executive Director, Public Health of any circumstances existing in the eating house which give rise to the possibility that food may be or has been contaminated on any part of the eating house used for the storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food, forthwith upon such circumstances arising.

Transfer Endorsement

This licence is hereby transferred to
..... of
from and including the date of this endorsement.

Dated the day of 20.....

.....
Executive Director, Public Health.

Form 5

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

APPLICATION FOR TRANSFER OF A LICENCE TO CONDUCT AN
EATING HOUSE

To: Executive Director, Public Health

I,
(Full name in block letters)

of
(Full residential address)

hereby make application for transfer of the Eating House Licence which was
issued to
residing at
by the on 20..... for
such period as is still unexpired and I attach the licence issued.

Dated the day of 20.....

.....
(Signature of Applicant)

I consent to the transfer of the above Eating House Licence.

.....
(Signature of Licence Holder)

Schedule 1

Form 6

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

**APPLICATION FOR LICENCE AS ITINERANT VENDOR
OF FOOD — ROTTNEST ISLAND**

To: Executive Director, Public Health.

Name (in full) of Applicant:

Place of Residence:

Place where vehicle and trade utensils are stored

Place where stocks of food for sale are stored

Details of vehicle or means of carriage

.....

(Signature of Applicant)

Telephone:

Dated:

Form 7

Health Act 1911

Rottnest Island Authority Act 1987

Health (Rottnest Island) By-laws 1989

LICENCE AS ITINERANT VENDOR OF FOOD

This is to certify that
of
is hereby licensed as an itinerant vendor of food within the Health District of
Rottnest Island.

Dated this day of 20.....

.....
Executive Director, Public Health.

[Schedule 1 amended in Gazette 25 Jan 1991 p. 279-80]

Schedule 2
Scale of fees

[By-laws 32 and 33]

Item	Fee
1. Annual registration of an eating house	\$270
2. Annual registration of a proprietor	\$30
3. Transfer of a licence	\$20

[Schedule 2 inserted in Gazette 27 Jun 1995 p. 2556.]



Notes

¹ This reprint is a compilation as at 13 September 2002 of the *Health (Rottnest Island) By-laws 1989* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Rottnest Island) By-laws 1989</i>	11 Aug 1989 p. 2587-619	11 Aug 1989
	25 Jan 1991 p. 279-80	25 Jan 1991
<i>Health (Rottnest Island) Amendment By-laws 1993</i>	12 Nov 1993 p. 6143-5 (correction 23 Nov 1993 p. 6308)	12 Nov 1993
<i>Health (Rottnest Island) Amendment By-laws 1995</i>	27 Jun 1995 p. 2555-6	1 Jul 1995 (see bl. 2)

² Formerly referred to the *Bacteriolytic Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* the citation of which was changed to the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* by the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations 1992* r. 4 and then to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* by the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997* r. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Act.....	2
approved.....	2
Authority.....	2
builder.....	18
building site.....	18
casual resident.....	2
eating house.....	29, 47(2)
health surveyor.....	2
Island.....	2
laundry premises.....	54(2)
licence.....	29
liquid waste.....	20
meals.....	29
occupier.....	2, 10
premises.....	2, 37(1)
proprietor.....	29
public authority.....	3(3)
receptacle.....	10, 42(1)
refuse.....	18
restaurant.....	29
sanitary conveniences.....	4(8)
suitable enclosure.....	11(3)
sullage.....	20
take-away food premises.....	29
tea rooms.....	29
waste water.....	20