

A large, bold, black letter 'G' is the central element of the logo. To its left, a white silhouette of the Western Australian coastline is set against a background of horizontal black lines.

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HEALTH ACT 1911

**CITY OF GERALDTON
HEALTH LOCAL LAWS 1996**

HEALTH ACT 1911

CITY OF GERALDTON

HEALTH LOCAL LAWS 1996

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HEALTH ACT 1911

CITY OF GERALDTON

HEALTH LOCAL LAWS 1996

Pursuant to the powers under the *Health Act 1911*, the Council of the City of Geraldton makes the following local laws.

PART 1—PRELIMINARY

Citation

1. These local laws may be cited as "*The City of Geraldton Health Local Laws 1996*".

Repeal

2. (1) The *City of Geraldton Health Local Laws* as adopted by the City of Geraldton and published in the *Government Gazette* (No. 52) on the 17 day of July 1964, and amended from time to time, are repealed.

(2) The *City of Geraldton Stables Local Laws* as adopted by the City of Geraldton and published in the *Government Gazette* (No. 100) on the 31 day of October 1968 and amended from time to time, are repealed.

Interpretation

3. (1) In these Local laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;

"adequate Supply of Water" means a flow of water of not less than 0.076 litres per second;

"approved" means approved by the Manager of Health and Essential Services;

"AS" means Australian Standard published by the Standards Association of Australia;

"Building Code" means the Building Code of Australia as adopted by the *Building Regulations 1989* made under the *Local Government (Miscellaneous Provisions) Act 1960*;

"CEO" means the Chief Executive Officer of the City of Geraldton and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Geraldton

"district" means the district of the City of Geraldton and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

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

"Environmental Health Officer" means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;

"habitable room" means a room used for normal domestic activities, and

(a) Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) Excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialized nature occupied neither frequently nor for extended periods.

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

"Manager of Health and Essential Services" means an Environmental Health Officer appointed by the Council to the office of Manager of Health and Essential Services and includes an Acting Manager of Health and Essential Services;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

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

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

“sewage” means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed “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 Council;

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

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

“water” means drinking water within the meaning of the Australian Drinking Water Guidelines 1996 as published by National Health and Medical Research Council Standard; and

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

(2) Where in these Local laws, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

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

PART 2—SANITATION

Division 1—Sanitary Conveniences

Interpretation

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

“festival” includes a fair, function or event;

“organizer” means a person—

(a) To whom approval has been granted by the Council to conduct the festival; or

(b) Responsible for the conduct of the festival;

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

“temporary sanitary convenience” means a “chemical toilet”, toilet connected to Water Corporation sewerage reticulation system, or a toilet as accepted by the Executive Director of Public Health and fitted with a hand wash basin supplied with an adequate supply of water to facilitate the washing of hands, temporarily placed for the use by—

(a) Patrons in conjunction with a festival; or

(b) Employees at building sites or construction sites or the like.

Dwelling house

5. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one functioning toilet connected to an approved effluent disposal system.

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

Premises other than a dwelling house

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

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these Local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have 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 basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house 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 basin.

Outdoor festivals

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

(a) for the first 1,000 males—

(i) one water closet for each 333;

- (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500.
 - (b) for additional males—
 - (i) one water closet for each 500;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500.
 - (c) for the first 1,000 females—
 - (i) one water closet for each 77; and
 - (ii) one wash hand basin for each 500; and
 - (d) for additional females—
 - (i) one water closet for each 100; and
 - (ii) one wash hand basin for each 500.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organizer of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Manager of Health and Essential Services.

Toilets

8. (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 blanket sound;
 - (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.

Temporary works

9. A person who undertakes temporary work at any place shall—
- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and
 - (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from the Manager of Health and Essential Services, and ensure the site is left clean.

Maintenance of sanitary conveniences and fittings

10. (1) The occupier of premises shall—
- (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—
- (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

Ventilation of toilets

11. (1) A toilet in any premises shall be ventilated in accordance with *the Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code and shall be—
- (a) mechanically ventilated to external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or
 - (b) naturally ventilated to the external air by the provision of—
 - (i) fixed and permanently ventilated windows or skylights;
 - (ii) fixed glazed louvred windows; or
 - (iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed through-out,
- situated in both the room in which the toilet is located and any adjacent airlock.

- (2) A mechanical ventilation system provided under subsection 11(1)(a) shall—
- (a) be separate and distinct from any other system of mechanical ventilation in the building;
 - (b) be of an exhaust type;
 - (c) where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and
 - (d) be maintained in good working order and condition.
- (3) A natural ventilation system provided under subsection 11(1)(b) shall have—
- (a) a clear ventilation area of not less than 0.015 square metres per fixture; and
 - (b) a window of light transmitting area equivalent to not less than ten percent of the floor area.
- (4) A toilet with an entrance opening from—
- (a) a room used for the manufacture, storage or consumption of food;
 - (b) a room used for sleeping or other domestic activities; or
 - (c) a room used as a work place,

shall be mechanically ventilated as required by subsection 11(1)(a) and the entrance shall be fitted with a door having an efficient self closing device.

Public sanitary conveniences

12. (1) A person shall not—

- (a) foul;
- (b) damage or vandalize; 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.

Lighting

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

Installation

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

(2) Every temporary sanitary convenience shall be—

- (i) drained into the public sewer or treated by a method approved by the Executive Director, Public Health;
- (ii) provide with approved hand washing facilities.

Division 2—Bathroom, Laundries and Kitchens

Bathrooms

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

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

(2) The floor of the bathroom referred to in subsection 15(1) shall be—

- (a) of concrete or of other approved impervious material of an approved thickness;
- (b) properly surfaced with an even fall to a floor waste, suitably trapped and discharging to—
 - (i) the Water Corporation Sewer; or
 - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

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

Laundries

16. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—

- (a) is properly enclosed and roofed;
- (b) is adequately lined with an impervious material;
- (c) has a floor of concrete or other approved impervious material of an approved thickness;

- (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
 - (i) the Water Corporation Sewer; or
 - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
- (e) is not a room in which food is stored, prepared, served or consumed.
- (2) In the case of a single occupancy dwelling, the laundry referred to in subsection 16(1) shall have—
 - (a) either—
 - (i) two wash troughs and one copper; or
 - (ii) a washing machine and either a wash trough or a sink; and
 - (b) A clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.
- (3) All wash troughs, sinks, coppers and washing machines shall be—
 - (a) in a laundry and connected to an adequate supply of hot and cold water; and
 - (b) properly supported,
 and all wash troughs and sinks shall have a capacity of at least 36 litres.
- (4) Sole or multiple occupancy units, each being a separate dwelling, shall have—
 - (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
 - (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.
- (5) 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.
- (6) 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 810 millimeters wide; and
 - (b) have a door which when closed shall completely fill the opening.

Washing or keeping of clothes in kitchens

17. A person shall not in any kitchen or other place where food is kept—
- (a) wash or permit to be washed any clothing or bedding; or
 - (b) keep or permit to be kept any soiled clothing or bedding.

Kitchens

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
- (a) an electric, gas, wood or other fuel burning stove;
 - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and
 - (c) a sink which shall—
 - (i) be at least 380 millimeters long, 300 millimeters wide and 150 millimeters deep; and
 - (ii) have an adequate supply of hot and cold water.
- (2) 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.
- (3) A cooking facility shall—
- (a) be installed in accordance with the requirements of the Office of Energy; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
- (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (5) In this section, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

Dwelling House maintenance

19. The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—
- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
 - (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirting, architrave's and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

Guttering and downpipes

20. The owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—
- (a) the house is provided with adequate guttering, downpipes and drains sufficient to receive without overflow all rainwater flowing into them and for all rain water to be effectively disposed of to the satisfaction of the Manager of Health and Essential Services;
 - (b) the guttering and downpipes are fixed to the eaves of every roof of the house so that all rain water flowing from the roof shall be received by such guttering and downpipes;
 - (c) all downpipes from guttering are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water scheme;
 - (d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block; and
 - (e) any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.5 metres of any house.

Maintenance of guttering and downpipes and disposal of rainwater

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

Division 2—Ventilation of Houses

Exemption for short term hostels

22. This Division shall not apply to short term hostels referred to in Division 2 of Part 9.

Overcrowding

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

Calculate sufficient space

24. For the purpose of section 23, in calculating the space required for each person—
- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
 - (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

Ventilation

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

(2) For the purpose of subsection 25(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.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—

- (a) maintained in good working condition and in accordance with AS3666-1989; and
- (b) In use at all times the building is occupied.

(4) If, in the opinion of the Manager of Health and Essential Services, a house is not properly ventilated, the Council may by notice require the owner of the house to—

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

(5) The owner shall comply with a notice under subsection 25(4).

Sub-floor ventilation

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

*Division 3—Water Supply***Water supply**

27. (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the Water Corporation or a water supply to the satisfaction of the Council.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

Rain water tanks

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

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

Wells

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

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

Pollution

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

*Division 4—Secondhand Furniture, Bedding and Clothing***Prohibition on sale**

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

Prohibition of possession

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

*Division 5—Morgues***Licensing of morgues**

33. (1) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is prescribed in Schedule 11.

(2) A licence shall—

- (a) be in the form set out in Schedule 2; and
- (b) expire on 30 June next after the date of its issue.

(3) A licence shall not be granted in respect of any premises unless—

- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
- (b) the walls are constructed of stone or brickwork or other approved material;
- (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be nonabsorbent 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—WASTE FOOD AND REFUSE*Division 1—Liquid Refuse***Definition**

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

“Council” means the Geraldton/Greenough Regional Council;

“liquid refuse” includes all washings from windows and 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 any waste specified in the Schedule 2 of the *Environmental Protection (Liquid Waste) Regulations 1996* except waste that is—

- (a) the subject of a disposal licence issued under the Environmental Protection Act 1986, the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*, or the *Waterways Conservation Act 1976* (unless it is a condition of the licence that the disposal of the waste is to be subject to the *Environmental Protection (Liquid Waste) Regulations 1996*;
- (b) stormwater that is not contaminated with material liable to be harmful to health or the environment; or
- (c) approved for recycling under Regulation 5 of the *Environmental Protection (Liquid Waste) Regulations 1996*.

“licensed carrier” means a carrier licenced by the Council.

Deposit of liquid refuse

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

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

Disposal of liquid waste

36. (1) The owner or occupier of premises shall—

- (a) provide, by one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
- (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one of the following methods—

- (a) discharging it into the sewerage system of the Water Corporation in a manner approved by the Water Corporation;
- (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health and the City of Geraldton Council;
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

Approval for septic tank pumpouts

37. A person shall not—

- (a) unless he or she is a licensed carrier;
- (b) without the written approval of the Council; and
- (c) except in accordance with any terms and conditions imposed by the Council or the Executive Director, Public Health 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.

Application for approval

38. (1) A licensed carrier may apply in writing to the Council 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 Council may grant or refuse an application under this section subject to conditions relating to—

- (a) the time and method of collection, removal or disposal of the contents; or
- (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents.

(3) Any conditions imposed by the Council under this section shall be—

- (a) specified in the written approval of the Council; and
- (b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other law.

(4) The Council may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

Notice of intention

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

*Division 2—Disposal of Refuse***Definition**

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

“building line” has the meaning given to it in and for the purposes of the *Local Government (Miscellaneous Provisions) Act 1960*.

“collection day” means the day of the week on which rubbish and refuse is collected and removed by the Council or its contractor;

“collection time”, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

“commercial waste” means refuse and other rubbish generated by or emanated from commercial premises;

“domestic waste” means refuse and other rubbish generated by or emanated from residential premises and includes house refuse;

“other premises” means premises used for other than residential purposes;

“receptacle”, means—

- (a) in the case of residential premises a polyethylene cart fitted with wheels, a handle and a lid and a capacity of at least 120 litres supplied by the Council or its contractor, or other type of receptacle specified or approved by the Council;
- (b) in the case of other premises a rubbish receptacle approved by the Manager of Health and Essential Services.

“residential premises” means premises used for residential purposes;

“street alignment” has the meaning given to it in and for the purposed of the *Local Government (Miscellaneous Provisions) Act 1960*.

Prescribed Area

41. The whole of the municipal district of the City of Geraldton is prescribed as an area within which no person shall, unless authorised to do so by the Council, remove any house or trade refuse or any other rubbish from premises.

Receptacles

42. An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
 - (i) behind the street alignment and so as not to be visible from a street or public place; or
 - (ii) in such other position as is approved by the Manager of Health and Essential Services.
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 48 hours after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.
- (f) provide sufficient number of receptacles as determined by the Manager of Health and Essential Services and to be of an approved type.

Ownership of receptacles

43. (1) (a) The owner/occupier of a premises shall provide a receptacle of an approved type for each premises owned or occupied or in the case of multiple units, a number of receptacles as approved by the Manager of Health and Essential Services; and

(b) A receptacle which is the property of the Council or its contractor and is supplied to the owner/occupier of the premises remains the property of the Council or its contractor;

(c) Where the receptacle is of a larger capacity than the 240 litre receptacle then the receptacle is to be located as directed by the Manager of Health and Essential Services.

(d) Subject to paragraph (b) a receptacle that is lost, stolen, damaged or become defective, shall be replaced at the owner/occupier's cost.

(2) The occupier of every premises shall—

subject to paragraph (a) and (b) of subsection 45(1) cause all commercial and domestic wastes to be deposited in a receptacle.

Exemption

44. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of subsection 42(b) or (c).

(2) The Council may grant or refuse, with or without conditions, an application for exemption for compliance under this section.

(3) An exemption granted under this section shall state—

- (a) the premises to which the exemption applies;
- (b) the period during which the exemption applies; and
- (c) any conditions imposed by the Council.

(4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

(5) Elderly, handicapped and infirm persons may be exempted from subsection 42(c) by the Manager of Health and Essential Services.

Use of Receptacles

45. An owner or occupier of premises shall—

(a) not deposit or permit to be deposited in a receptacle—

- (i) more than 70 kilograms of rubbish or refuse;
- (ii) hot or burning ash;
- (iii) oil, motor spirit or other flammable liquid;
- (iv) liquid paint or other solvent;
- (v) bricks, concrete, building rubble, earth or other like substances;
- (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
- (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leakproof container;
- (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
- (ix) cytotoxics, radioactive substances and dangerous chemicals;
- (x) sewage, manure, nightsoil, faeces or urine;
- (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
- (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odor, 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.

(b) Unless authorized by the Manager of Health and Essential Services, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;

(c) At all times keep the receptacle in a clean condition;

(d) Whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect,

(e) Take all reasonable steps to prevent—

- (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
- (ii) the emission of offensive and noxious odors from the receptacle; and

(f) Ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

Damage to Receptacles

46. A person, other than the Council or its contractor, shall not—

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by this section or as authorized by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its contractor.

Use of Other Containers

47. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Manager of Health and Essential Services may authorize rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorized under this section to deposit rubbish or refuse in a container shall—

- (a) unless approved by the Manager of Health and Essential Services, not deposit or permit to be deposited in the container anything specified in subsection 43(a)(ii)—(xii);
- (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- (c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorize and apply a residual insecticide to the container;
- (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Manager of Health and Essential Services;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall—

- (a) provide a sufficient number of containers to contain all commercial swill, rubbish and refuse which accumulates or may accumulate in or from the premises or as determined by the Manager of Health and Essential Services;
- (b) ensure that each container on the premises—
 - (i) has a close fitting lid;
 - (ii) is constructed of non-absorbent and non-corrosive material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit rubbish or refuse.
- (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
- (d) place any rubbish or refuse in, and only in, a container marked for that purpose;
- (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
- (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

Suitable Enclosure

48. (1) An owner or occupier of premises—

- (a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or
 - (b) used for commercial, industrial purposes, or as an eating house or food premises;
- that have been provided with receptacles, shall—
- (c) if required by the Manager of Health and Essential Services—
 - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
 - (ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a “suitable enclosure” means an enclosure—

- (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager of Health and Essential Services;
- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager of Health and Essential Services;
- (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
- (d) containing a smooth and impervious floor—
 - (i) of not less than 75 millimeters in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
- (e) which is easily accessible to allow for the removal of the receptacles.

Deposit of Refuse

49. (1) Subject to subsection 49(3), 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.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—

- (a) at such place on the site as may be directed by the person in charge of the site; or
- (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

(3) A person depositing rubbish or refuse in or on a refuse disposal site may be subject to payment of rubbish disposal fees. Council may from time to time amend the disposal fees.

(4) No person shall deposit any filth, dirt, ashes, rubbish or offensive matter on or about a street, or crown lands or at places under the control of the Council, except upon such land as is specially set apart for the purpose of such deposit under the provisions of the Act.

Removal from Refuse Disposal Site

50. (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Council.

(2) A person who obtains approval from the Council shall comply with any conditions imposed by the Council and set out in the approval.

Removal of Rubbish from Premises or Receptacle

51. (1) A person shall not remove any rubbish or refuse from premises unless that person is—

- (a) the owner or occupier of the premises;
- (b) authorized to do so by the owner or occupier of the premises; or
- (c) authorized in writing to do so by the Council.

(2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

(3) Council or its contractor shall be required to remove rubbish or refuse from an approved receptacle, that is placed on the street, as close as practicable to the street alignment, at least once a week. Should however Council or its contractor be required to enter upon a premises for the purpose of removal of rubbish or refuse, this service will be subject to a levy as determined by Council from time to time.

(4) Elderly, handicapped and infirmed persons may be exempted from subsection 51(3) by Council upon application.

Collection and Transport of Rubbish

52. (1) A vehicle used by the Council or its contractor for the collection and transport of rubbish shall—

- (a) be provided with a compartment in which all rubbish shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of rubbish.

(2) A person engaged in the removal of rubbish from premises shall convey all rubbish from the receptacle of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold rubbish. The receptacle shall upon completion of the above, be replaced at the place where he found it, with the lid in place.

(3) (a) no person shall carry out or undertake the collection, removal or disposal of domestic, commercial or other refuse from any premises within the municipal district of the City of Geraldton without prior written approval of Council to that effect;

(b) where Council provides approval pursuant to the provisions of subsection (1) hereof such rubbish or refuse shall be disposed of at a refuse disposal site approved by the Executive Director of Public Health pursuant to the provisions of the Act;

(c) no person shall remove any rubbish or refuse from a rubbish collection vehicle, except at such place or places as shall have been set apart for that purpose.

Burning Rubbish or Refuse

53. (1) A person shall not—

- (a) without the written approval of the Manager of Health and Essential Services; and
- (b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either—

- (c) in any incinerator; or
- (d) on the ground.

(2) Subject to subsection (3), an approval of the Manager of Health and Essential Services is issued subject to the following conditions—

- (a) the material to be burnt—
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; or
 - (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service.
- (b) there is no other appropriate means of disposal;
- (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 dispersion alert, outside the hours of 10.00 am to 3.00 p.m.
- (d) an incinerator must meet the minimum standards specified in A.S.1875-1976; and
- (e) an incinerator unit used for fire must be located—
 - (i) at least 3 metres from a fence or building; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the Fire Rules of the Metropolitan Fire District for the current season issued by the Western Australian Fire Brigades Board, the Manager of Health and Essential Services may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

Verge Side Collection

54. (1) Council may advise the owner or occupier of a residential premises of a specified time, when the Council will permit the deposit of approved types of rubbish on the front verge of the property, between the building line and the street alignment, for the collection by the Council or its contractor on a date advertised to the general public.

(2) The owner/occupier of a residential premises when depositing rubbish on the verge in readiness for verge side collection, shall cause all rubbish to be sited so it will not cause an obstruction to the footpath, roads, access to dwellings or emergency services nor will it cause injury or create a public nuisance.

Division 3—“Disposal of Trade Refuse from Building Sites”

Interpretation

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

“occupier”—means a person having the charge, management or control of a Building site and where two or more persons share or jointly have the charge, management or control of a Building Site then those persons and each of them.

“building site” means premises on which the construction, structural alteration or demolition of a building or erection is being undertaken.

Occupier Obligations

56. The occupier of a building site shall—

- (a) at all times ensure the provision of containers or enclosures, approved by the Council for the deposit of trade and other refuse whether of light or heavy bulk, on the Building site.
- (b) maintain the Building site free from trade or other refuse at all times during the period it shall be a Building Site by ensuring the use of such containers and enclosures.
- (c) take such steps as are necessary to prevent loose materials present on the Building site being blown or carried onto properties adjoining the Building site.
- (d) on completion of construction, structural alteration or demolition of the building or erection on the building site, clear the same of all trade and other refuse to the satisfaction of the Council and ensure the disposal of such refuse in accordance with the requirements of the Council.

Division 4—Transport of Butchers’ Waste

Interpretation

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

“butchers’ waste” includes animal skeletons, rib cages and the products of a slaughter house or boning room.

Restriction of Vehicles

58. A person shall not use, for the transport of butchers’ waste—

- (a) a vehicle used for the transport of food or drugs; or
- (b) anything intended to be used for the packing or handling of food or drugs.

Transport of Butchers’ Waste

59. (1) A person shall not transport butchers’ waste otherwise than in—

(a) a compartment complying with the following specifications—

- (i) the floor and 4 walls to be made of sheet metal and the walls to be not less than 910 millimeters high;
- (ii) all joints to be welded, soldered or brazed and made water-tight;
- (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
- (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Manager of Health and Essential Services, carried over, and secured to the outside of the walls at least 300 millimeters from the top so as to keep the load out of sight of the public; or

(b) a water-tight metal container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers’ waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are—

- (a) maintained in good order and condition; and
- (b) thoroughly cleaned at the conclusion of each day’s work.

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

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

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

Interpretation

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

Footpaths etc. to be kept clean

61. An owner or occupier of premises shall maintain in a clean condition a footpath, pavement, area or right of way immediately adjacent to the premises.

Escape of Smoke etc.

62. (1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

Public Vehicles to be kept clean

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

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

Prohibition against Spitting

64. A person shall not spit—

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

Transportation, Use and Storage of Offal or Blood

65. A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilized by steam and properly dried.

Use or Storage of Fertiliser

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

- (a) pig manure;
- (b) human faeces;
- (c) urine; or
- (d) material likely to cause a nuisance to other persons by virtue of offensive odour.

Storage and Dispatch of Artificial Fertiliser

67. 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 nonabsorbent 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 as to prevent any nuisance arising during transit.

Storage of Fertiliser in a House

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

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or 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 the Manager of Health and Essential Services.

*Division 2—Keeping of Animals***Cleanliness**

69. An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

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

Animal Enclosures

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

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Manager of Health and Essential Services, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

Cats

71. (1) Subject to subsection (5), a person shall not, without an exemption in writing from the Council, keep more than 2 cats over the ages of 3 months on premises on any land—

- (a) within the residential zone of the City of Geraldton City Planning Scheme; or
- (b) used for residential purposes.

(2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of subsection (1).

(3) The Council shall not grant an exemption under this section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this section shall specify—

- (a) the owner or occupier to whom the exemption applies;
- (b) the premises to which the exemption applies; and
- (c) the maximum number of cats which may be kept on the premises.

(5) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

72. (1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorized persons.

Disposal of Dead Animals

73. (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.

*Division 3—Keeping of Large Animals—Stables***Interpretation**

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

“approved animal” means a horse, cow or large animal the subject of an approval by Council ;

“cow” includes an ox, calf or bull;

“horse” means a stallion, mare, gelding, pony, colt or foal and includes an ass or mule;

“large animal” includes a pig, sheep or goat and any beast of what ever description used for burden or draught or for carrying persons;

“persons” and words applying to any person or individual includes a corporation;

“stable” means any building in which an animal is accommodated or kept and includes—

- (a) any shed, loose box, stall or shelter used for the keeping, feeding, watering, grooming, sheltering, shoeing or veterinary treatment of a horse;
- (b) any paddock or yard used in conjunction therewith and includes any areas where horses are contained by fences or rails.

Conditions

75. On and from the date of these Local laws coming into operation—

- (i) the occupier of any premises within the City of Geraldton shall not permit a stable to remain on those premises unless such stable is registered with the Council;
- (ii) no person shall keep any horse within the City of Geraldton except in a stable registered under these Local laws;
- (iii) no person shall keep in any stable a greater number of horses than the number for which the stable is registered;

- (iv) no person shall permit more than one horse to be accommodated in any loose box or stall of any stable;
- (v) no occupier of any premises on land zoned as residential pursuant to the Town Planning Scheme of the City of Geraldton shall keep or maintain upon such premises more than one horse at any one time.

Application for Registration

76. The occupier of premises required by these Local laws to register a stable shall make application to the Council in the form prescribed for that purpose in Schedule 12, and with every application for original registration shall lodge plans, drawings and particulars of the stable premises, for which registration is required.

Inspection

77. Upon receipt of such application the Council shall cause the stable premises to be inspected by the Environmental Health Officer and reported upon in respect to their compliance with the requirements of these Local laws.

Registration Certificate

78. If upon such application and report being submitted to the Council it shall appear to the Council that such application for registration should be granted it shall, upon being paid the registration fee prescribed in Schedule 11, register such premises as a stable, subject to such Local laws, orders, regulations and rules respecting stables within the City of Geraldton as shall be or become of force during the continuance of such registration and to issue to the applicant a certificate of registration in the form set out in Schedule 1.

Registration Period

79. Every certificate of registration shall remain in force only from the date of issue until the 31st day of December next ensuing, and thereafter during the period of every annual renewal and no longer, but may be sooner suspended or canceled by the Council for breach of any of the Local laws, orders, regulations or rules to which the same is subject or if the stable premises are used by any person other than the person in whose name the stable is registered.

Removal of Registration

80. Application for the renewal of any registration shall be made annually during the month of December and the certificate of registration then in force shall be lodged with the said application.

Transfer of Registration

81. If the occupier of premises in whose name a stable is registered desires to transfer the registration to any other person he and the proposed transferee shall, before such transfer has taken place, notify the Council in the form prescribed for the purpose in Schedule 13.

Construction Conditions

82. To be registered, every stable when built must conform to the following requirements—

- (1) the construction of every building, and its situation with respect to adjacent buildings shall be in accordance with the Building Code.
- (2) notwithstanding the provision of subsection (1):
 - (a) every loose box or stall shall—
 - (i) have an area of not less than 11 square metres;
 - (ii) have walls not less than 3 metres in height when measured vertically or horizontally;
 - (iii) be constructed of concrete, brick, stone, wood, galvanized iron or other materials approved by Council and constructed in a workman like manner;
 - (iv) have the roof constructed of impervious material and there shall be on all sides of the building between the walls and the roof a clear space of at least 75mm in height;
 - (v) have the upper surface of the floor raised at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic, cement, concrete, or some other approved impervious material and it shall have a fall of one in a hundred to a drain.
 - (b) a shelter provided in a yard for the protection of horses from inclement weather shall;—
 - (i) have an area of not less than 9 square metres;
 - (ii) have a height of not less than 2.4 metres;
 - (iii) not be capable of being closed; and
 - (iv) have at least one side completely open to the outside air.
 - (c) every stable shall have a properly constructed manure bin above ground level or a manure bin of an approved type acceptable to the City's Environmental Health Department. The floor and internal walls of such manure bin shall be smooth, impervious durable and be able to be easily cleaned. Every such bin shall be provided with a close fitted lid or door to render the bin fly-proof as far as practicable.
 - (d) every stable shall have approved impervious rat-proof receptacles for the storing of food stuff intended for horse feed.

- (e) every stable shall be not less than 9 metres from any dwelling house or at any less distance than 15 metres from a milking shed or milk room of any dairy. Provided that trainers or employees engaged in the care of horses stabled on the land may be housed in a building not less than 6 metres from any stable used for the housing of horses if: such building—
 - (i) complies with the minimum requirements of a room used for dwelling or sleeping purposes; and
 - (ii) is equipped with proper bathroom and sanitary facilities as required under the Building Code.

Cleaning and Pest Eradication

83. The occupier of premises whereon a stable is registered shall with respect to such stables—

- (a) cause all manure and offensive litter therein to be carefully swept up once at least in each day and forthwith placed in the manure bin;
- (b) remove and carry away or cause to be removed and carried away from such stable, the contents of the manure bin once at least each week and more often if required by notice in writing from an Environmental Health Officer to do so and to clean thoroughly the manure bin each time that it is emptied;
- (c) employ all means and adopt such precautions as may be necessary to keep the stable in a clean and sanitary condition, in good repair, and as far as possible free from flies, rats, other vectors of disease and offensive odours;
- (d) any paddock or yard used for the keeping of any horse shall have a fence or railing at a distance of not less than 1.2 metres from the boundary of any land not in the same occupation or possession, and not less than 7.6 metres from any dwelling house or building or buildings housing trainers or employees engaged in the care of horses.

False Statement

84. Any person who makes a false statement in connection with any application under these Local laws shall be guilty of an offense.

Proximity of Animals to a Dwelling House

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

Division 4—Keeping of Poultry and Pigeons

Interpretation

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

“poultry” includes fowls, peafowl’s, turkeys, geese, ducks and other domestic fowls;

“the prohibited area” means that portion of the district bounded—

- (a) to the north by Phelps Street as far as George Road;
- (b) to the east by George Road to Durlacher Street and Sanford Street from Durlacher Street to Fitzgerald Street and Augustus Street from Fitzgerald Street to Francis Street;
- (c) to the south by Francis Street from Augustus Street to Marine Terrace;
- (d) to the west by Marine Terrace from Francis Street to Foreshore Drive, and from Foreshore Drive to Forrest Street, and Forrest Street to Chapman Road and Chapman Road to Phelps Street includes Marina development.

Limitation on Numbers of Poultry and Pigeons

87. (1) An owner or occupier of premises in the Prohibited Area shall not keep or permit to be kept on the premises any poultry or pigeons.

(2) Outside the Prohibited Area an owner or occupier of premises—

- (a) who is not an Affiliated Person, shall not keep a combined total of more than 20 poultry and pigeons; and
- (b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons and 12 poultry,

on any one lot of land.

(3) In this section, “Affiliated Person” means a person who is a member of—

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

Conditions of Keeping Poultry

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

- (a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (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;

- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance; and
- (e) the enclosure is kept in a clean condition at all times.

Roosters

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

- (a) without the written approval of the Manager of Health and Essential Services; or
- (b) except in accordance with any conditions imposed by the Manager of Health and Essential Services in connection with the approval under subsection 89(1) (a), keep or permit a rooster to be kept on the premises.

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

Pigeons or Doves

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

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that—
 - (i) does not exceed 3.6 metres in height from the ground; and
 - (ii) is in a yard having an otherwise unobstructed area of at least 30 square metres.

Removal of Non-Conforming Structure or Enclosure

91. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of section 90, the Manager of Health and Essential Services may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Manager of Health and Essential Services under this section.

Restrictions on Pigeon Nesting or Perching

92. (1) The Council may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the Council order under this section.

Division 5—Car Parks

Interpretation

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

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

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

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

Ventilation

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

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

in accordance with AS1668.2 Part 2 1991.

(2) If, in the opinion of the Manager of Health and Essential Services, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to—

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

(3) An occupier shall comply with a notice under subsection (2).

Exhaust Air Discharge Points and Exhaust Registers

95. An owner or occupier shall ensure that—

- (a) all exhaust air that is discharged from a car park shall be discharged—
 - (i) at discharge points—
 - (a) in accordance with AS1668.2 Part 2 1991; and
 - (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2 Part 2 1991.
 - (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance.

- (b) exhaust registers are located—
 - (i) as far as possible from the source of supply air; and
 - (ii) so as to draw effluent away from staff working in the attendant's booth.
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation system is—
 - (i) maintained in good working condition; and
 - (ii) in operation at all times when the car park is in use.

Car Park Attendant Booths

96. (1) An owner or occupier shall ensure that an attendant's booth—

- (a) is provided with a fresh air supply ventilation system—
 - (i) with air flow rates that give a minimum of 40 air changes per hour; and
 - (ii) which is in operation whenever the booth is occupied.
- (b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;
- (c) has a capacity of not less than 5 cubic metres;
- (d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and
- (e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If, in the opinion of the Manager of Health and Essential Services, an attendant's booth is not properly ventilated in accordance with subsection (1), the Council may by notice require the occupier to cease using the booth until it is properly ventilated.

(3) An occupier shall comply with a notice under subsection (2).

PART 6—PEST CONTROL

Division 1—Flies

Interpretation

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

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

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

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

Measures to be taken by an Occupier

99. An owner or occupier of premises shall ensure that—

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

Officer may give Notice directing measures to be Taken

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

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

of flies.

Council may Execute Work and Recover Costs

101. (1) Where—

- (a) a person is required under this Division or directed by a notice given under section 100, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

the Council may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local laws.

(2) The costs and expenses incurred by the Council in the execution of a power under subsection 101(1) may be recovered in a court of competent jurisdiction from the person referred to in subsection 101(1).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection 101(1) in relation to any action taken by the Council under this section.

*Division 2—Mosquitoes***Interpretation**

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

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

Premises to be kept free of Mosquito Breeding Matter

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

- (a) refuse; and
- (b) water located so as to be,

liable to become the breeding place of mosquitoes.

Measures to be taken by an Owner or Occupier

104. An owner or occupier of premises—

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
 - (i) stocked with mosquito destroying fish; or
 - (ii) covered with a film of petroleum oil or other larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall—
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh with openings no larger than 1.2 millimetres.

Measures to be taken by Occupier

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

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

Removal of Undergrowth or Vegetation

106. (1) Where it appears to the Manager of Health and Essential Services that there is, on any premises, undergrowth or vegetation likely to harbor mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Manager of Health and Essential Services under this section.

Filling in Excavations etc.

107. Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

Drains, Channels and Septic Tanks

108. 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 directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer.
 - (ii) provide, and keep in sound condition at all times, wire mesh with openings no larger than 1.2 millimetres covering any inlet vent to the tank.

Drainage of Land

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

- (a) make or provide drains on the land;

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

Division 3—Rodents

Interpretation

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

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

Measures to be taken to eradicate Rodents

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

(2) Without limiting the generality of subsection 111(1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

- (a) take effective measures to keep the premises free from rodents including—
 - (i) protecting food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap; and
 - (iii) preventing rodents having access to water on the premises.
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
- (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

Waste food etc. to be kept in rodent proof Receptacles

112. A person shall not place or caused to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises—

- (a) any waste food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any food intended for birds or other animals,

unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restrictions on materials affording harbourage for Rodents

113. (1) An owner or occupier of premises shall cause—

- (a) any part of the premises; or
- (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

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

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

Eating house etc. to be cleaned after Use

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

Restrictions on the Sale or Keeping of Rats

115. (1) Subject to subsection 115(2) an owner or occupier of premises shall not, on or from those premises—

- (a) keep or permit to be kept, a rat; or
- (b) sell, offer for sale, permit to be sold or offer for sale a rat.

(2) Subsection 115(1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

- (a) a university or school;
- (b) a person approved by the Council; or
- (c) a public hospital or a private hospital within the meaning of those expressions in the *Hospital and Health Services Act 1927*.

(3) A person or body specified in subsection 115(2) which keeps rats for the purpose of scientific or medical research shall—

- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- (b) if a rat escapes, forthwith comply with the requirements of section 111 and ensure that all reasonable steps are taken to destroy the rat.

Division 4—Cockroaches

Interpretation

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

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

Measures to be taken to eradicate Cockroaches

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

(2) Without limiting the generality of subsection 117(1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

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

Division 5—Argentine Ants

Interpretation

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

“argentine ant” means an ant belonging to the species *Irdomyrmex humilis*.

Measures to be taken to keep premises free from Argentine Ants

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

- (a) immediately notify the Council of any ant nest located on the premises suspected to be an Argentine Ant nest;
- (b) take all steps to locate any nests if Argentine Ants are noticed in on or about the premises;
- (c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- (d) whenever required by an Environmental Health Officer—
 - (i) treat any area or infestation with an insecticide referred to in paragraph (c); and
 - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6—European Wasps

Interpretation

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

“european wasp” means a wasp *Vespula germanica*.

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

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

- (a) immediately notify the Council of any wasp nest in on or about the premises that is suspected to be a European Wasp nest;
- (b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasp and nest; and
- (c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

Interpretation

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

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

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

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

“lot” has the meaning given to it in the *Town Planning and Development Act 1928*; and

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

Limitation on numbers of Hives

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

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

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

(4) A person shall comply with any conditions imposed by the Council under subsection (3).

Restrictions on keeping of Bees in Hives

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

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

Bees which cause a nuisance not to be kept

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

(2) The Council may direct any person to remove any bees or beehives which in the opinion of the Manager of Health and Essential Services are causing a nuisance.

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

Division 8—Vectors of Disease

Interpretation

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

“arthropod vectors of disease” includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab louse (*Phthirus pubis*);
- (d) body louse (*Pediculus humanus var. corporis*);
- (e) head louse (*Pediculus humanus var. capitis*); and
- (f) any other insect prescribed by the Council.

Responsibility of the Owner or Occupier

127. The owner or occupier of premises shall—

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

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

Environmental Health Officer may visit, inspect and report

128. An Environmental Health Officer—

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

Requirements on owner or occupier to clean, disinfect and disinfect

129. (1) The Council or the Manager of Health and Essential Services may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or

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

(2) An owner or occupier shall comply with a notice given under subsection (1).

Environmental Health Officer may disinfect or disinfest premises

130. (1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other Council 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 Environmental Health Officer, other Council officer or other person to carry out the direction given under subsection (1).

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

(4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this section.

Insanitary houses, premises and things

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

(3) Where an Environmental Health Officer considers that—

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

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

- (i) the owner or occupier of the house or premises to amend any insanitary condition; or
- (ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

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

Medical Officer may authorize disinfecting

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

(2) A person shall comply with any direction of the Medical Officer under this section.

Persons in contact with an infectious disease sufferer

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

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

Declaration of infected house or premises

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

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

Destruction of infected animals

135. (1) The Manager of Health and Essential Services, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

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

Disposal of a body

136. (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 subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

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

Council may carry out work and recover costs

137. (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 offense and the Council may carry out the work or arrange for the work to be carried out by another.

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

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1)(a) in relation to any action taken by the Council under this section.

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

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

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by the Manager of Health and Essential Services.

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

Disposal of used needles

139. 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.

*Division 3—Tattooing Establishments***Interpretation**

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

- “instrument” means any appliance, implement, needle or tool which may come into contact with the area of skin on which a tattooing procedure is being or is to be carried out; and
- “tattooing establishment” means premises within which a procedure involving skin penetration by tattooing is or is intended to be carried on.

Health (Skin Penetration) Regulations 1987

141. A person shall not carry on the business of, or any process or procedure involved in the business of, a tattooing establishment other than in accordance with the *Health (Skin Penetration) Regulations 1987*.

Duties on owner or occupier

142. An owner or occupier of a tattooing establishment shall ensure that—

- (a) each shelf, bench or table on which instruments, tools or utensils are or may be placed are finished with a durable, smooth and impervious material;
- (b) a sufficient number of cupboards, cabinets, shelves or similar fittings, finished with durable, smooth and impervious materials are provided for the storage of clean articles;
- (c) there is at all times on the premises a sufficient number of suitable receptacles—
 - (i) constructed of durable, smooth and impervious materials;
 - (ii) with tight fitting lids;
 - (iii) marked in permanent and prominent letters of not less than 50 millimetres in height either—
 - (a) “SOILED LINEN”; or
 - (b) “WASTE”.
- (d) all soiled linen, towels, clothes and cloths are deposited in, and only in, the receptacle or receptacles marked “SOILED LINEN”;
- (e) all hair, paper and other trade wastes are deposited in, and only in, the receptacle or receptacles marked “WASTE”;
- (f) one hand wash basin is provided for each customer’s cubicle; and
- (g) each hand wash basin is provided with an adequate supply of hot and cold water.

PART 8—LODGING HOUSES*Division 1—Registration***Interpretation**

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

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

- “bunk” means a sleeping berth comprising one of two arranged vertically;
- “dormitory” means a building or room utilized for sleeping purposes at a short term hostel;
- “keeper” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;
- “lodger” means a person who obtains, for hire or reward, board or lodging in a lodging house;
- “lodging house” means any, or any part of any, building or structure, permanent or otherwise, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper or manager, for hire or reward; and the term includes a serviced apartment and a short term hostel, but does not include—
- (a) premises licensed under the *Liquor Licensing Act 1988*;
 - (b) premises used as a boarding school approved under the *Education Act 1928*; or
 - (c) any building comprising residential flats;
- “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;
- “register of lodgers” means the register kept in accordance with Section 157 of the Act and this Part;
- “resident” means a person, other than a lodger, who resides in a lodging house;
- “serviced apartment” means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities; and
- “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.
- “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, body lice and head lice.

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

Lodging House not to be kept unless registered

144. 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 Council under section 145;
 - (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
 - (d) either—
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of the CEO, 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.

Application for registration

145. An application for registration of a lodging house shall be—
- (a) in the form prescribed in Schedule 3;
 - (b) duly completed and signed by the proposed keeper; and
 - (c) accompanied by—
 - (i) the fee prescribed in Schedule 11; and
 - (ii) detailed plans and specifications of the lodging house.

Approval of application

146. The Council may approve, with or without conditions, an application under section 145 by issuing to the applicant a certificate in the form of Schedule 1.

Renewal of registration

147. A person who keeps a lodging house which is registered under this Part shall—
- (a) during the month of December in each year apply to the Council for the renewal of the registration of the lodging house; and
 - (b) pay the fee prescribed in Schedule 11 at the time of making each application for renewal.

Notification upon sale or transfer

148. 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 CEO, in the form of Schedule 4 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

Revocation of registration

149. (1) Subject to subsection 149(3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection 149(1), the Council may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
 - (i) been convicted of an offence against these Local laws in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration.
- (c) that the Council, having regard to a report from the Police Department, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Manager of Health and Essential Services, unfit to remain registered.

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

Division 2—Construction and Use Requirements

General Construction Requirements

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

Sanitary conveniences

151. (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, bath and 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 subsection 151(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 a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

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

Laundry

152. (1) A keeper shall—

- (a) subject to subsection (2), provide on the premises for the use of each 15 lodgers, a laundry in accordance with the requirements of subsection 16(2) of these Local laws;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Manager of Health and Essential Services may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

Kitchen

153. (1) The keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
 - (i) where lodgers prepare their own meals—0.65 square metres per person;
 - (ii) where meals are provided by the keeper or manager—0.125 square metres per person; or
 - (iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- (b) has adequate—
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods.

- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*;
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water; and

Cooking Facilities

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

NO. OF LODGERS	OVENS	4 BURNER STOVES
1—15	1	1
16—30	1	2
31—45	2	3
46—60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof over 60)

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

(3) The keeper of a lodging house which has or has approval to have 15 or more lodgers shall provide, maintain and clean, a hood or mechanical exhaust system, in accordance with the *Health (Food Hygiene) Regulations 1993*, over each stove, oven and cooking appliance.

Dining Room

155. The keeper of a lodging house shall provide in that lodging house a dining room—

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be not less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres; and
- (c) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

Lounge Room

156. The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area—
 - (i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person,
 but in either case having a minimum of 13 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

Fire prevention and control

157. A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
 - (i) in such a position and of such a pattern, as shall be approved by the Manager of Health and Essential Services; and
 - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness.
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

Obstruction of passages and stairways

158. A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

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

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

Fitting of locks

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

Restriction on use of rooms for sleeping

160. (1) Subject to subsection (3) and section 174, 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, contains less than 55 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metres of unobstructed ventilating area to every 10 square metres of floor area;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Manager of Health and Essential Services.

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

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

Sleeping Accommodation Short Term Hostel

161. A keeper of a short term hostel shall provide—

- (1) clear floor space of not less than—
 - (a) 4 square metres per person in each dormitory utilizing beds;
 - (b) 2.5 square metres per person in dormitories utilizing bunks.
- (2) The calculation of floor space in (1) above 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 shall be 2.4 metres in any dormitory utilizing beds and 2.7 metres in any dormitory utilizing bunks.
- (4) The minimum floor area requirements in (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 shall provide—
 - (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the Council's approval.
- (6) The keeper of any short term hostel shall provide—
 - (a) beds with a minimum size of 800 millimetres x 1.9 metres;
 - (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 shall—
 - (a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) where bed or bunk heads are placed against the wall on either side of a dormitory, there shall be a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper shall ensure that—
 - (a) materials used in dormitory areas must comply with AS 1530.2 and AS 1530.3 as follows—
 - drapes, curtains, blinds and bed covers — a maximum Flammability Index of 6;

- upholstery & bedding
 - floor coverings
 - a maximum Spread of Flame Index of 6;
 - a maximum Smoke Developed Index of 5;
 - a maximum Spread of Flame Index of 7.
 - a maximum Smoke Developed Index of 5;
- fire retardant coatings used to make a material comply with these indices must be—
- (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
- (b) all buildings are fitted with fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the Council;
 - (c) emergency lighting is provided in accordance with the Building Code;
 - (d) no person shall smoke in any dormitory, kitchen, or dining room, within a short term hostel. The keeper may permit smoking in a meeting or assembly hall area, within a short term hostel;
 - (e) the keeper of any short term hostel shall ensure all mattresses are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

162. (1) A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of April to the 30th day of September, not less than one additional blanket or rug; and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

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

Ventilation

163. (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

Numbers to be placed on Doors

164. (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house serial numbers so that—

- (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
- (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be—

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

Division 3—Management and Care

Keeper or Manager to reside in the lodging house

165. A keeper or manager shall—

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

Register of lodgers

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

- (2) The register of lodgers shall be—
- (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police Force or by an Environmental Health Officer.

Keeper report

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

Certificate in respect of sleeping accommodation

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

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

(3) When required by the Manager of Health and Essential Services, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

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

Duplicate keys and inspection

169. Each keeper and manager of a lodging house shall—

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

Room occupancy

170. (1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the Council or the Medical Officer has forbidden to be used as a sleeping apartment.

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

Maintenance of a room by a lodger or resident

171. (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 subsection 171(1), the keeper shall—

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

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

Cleaning and maintenance requirements

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

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats.
- (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) Windows, doors and door furniture.
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) ensure that the laundry floor is cleaned daily;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;

- (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, that immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease and insects is not used as a sleeping apartment.
 - (f) when so directed by the Manager of Health and Essential Services, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of.
 - (g) ensure that the yard is kept clean at all times;
 - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
 - (i) comply with any direction, whether orally or in writing, given by the Manager of Health and Essential Services or an Environmental Health Officer.
- (2) In this section—
 “bed linen” includes sheets and pillow cases.

Responsibilities of lodgers and residents

173. 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, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding.
- (h) subject to section 174—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes.
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part.
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

Approval for storage of food

174. (1) The Manager of Health and Essential Services may—

- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
- (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

Interpretation

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

“occupier” in relation to premises includes the person registered as the occupier of the premises in the Schedule 1 Certificate of Registration;

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

- (a) slaughterhouses;
- (b) piggeries;
- (c) artificial manure depot;
- (d) bone mills;
- (e) places for storing, drying or preserving dried bones;
- (f) fat melting, fat extracting or tallow melting establishments;
- (g) blood drying;
- (h) gut scraping, preparation of sausage skins;
- (i) fellmongeries;
- (j) manure works;
- (k) fish curing establishments;
- (l) laundries, dry-cleaning establishments;
- (m) bone merchant premises;
- (n) flock factories;
- (o) knackeries;
- (p) poultry processing establishments;
- (q) poultry farming (using the caged system);
- (r) fish processing establishments in which whole fish are cleaned and prepared (not including retail fish shops);
- (s) shellfish and crustacean processing establishments (not including retail fish shops);
- (t) rabbit farming (using the caged system);
- (u) Any other trade proclaimed to be offensive by the Governor from time to time.

“premises” includes houses.

Consent to Offensive Trade

176. (1) A person seeking the consent of the Council under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his intention to apply for consent in accordance with section 177; and
- (b) lodge with the CEO an application in the form of Schedule 9.

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

Notice of Application

177. A notice required under subsection 176(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 Geraldton newspaper at least two weeks but not more than one month before the application under subsection 176(1)(b) is lodged with the CEO.

Registration of Premises

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

- (a) in the form of Schedule 10;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976*; and
- (c) lodged with the CEO.

Certificate of Registration

179. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 1.

Change of Occupier

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

Alterations to Premises

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

Occupier Includes Employee

182. Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

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

183. 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 offensive trade is carried on; and

“the premises” means those premises in or upon which an offensive trade is carried on.

Cleanliness

184. The occupier shall—

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

Rats and other vectors of disease

185. The occupier shall—

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

Sanitary Conveniences and Wash Basins

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

Painting of Walls etc.

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

Effluvia, Vapors or Gases

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

Offensive Material

189. The occupier shall—

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

Storage of Materials

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

Specified Offensive Trades

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

- (a) fat rendering premises;
- (b) fish processing establishments in which whole fish are cleaned and prepared, and shellfish and crustacean processing establishments;
- (c) laundries, dry cleaning premises and dye works.

- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—
- (a) cause the floor of the premises to—
 - (i) be properly paved and drained with impervious materials;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
 - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 9.5 millimetres.
 - (c) cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as the Manager of Health and Essential Services may from time to time direct.

Directions

192. (1) The Manager of Health and Essential Services may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

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

Other Duties of Occupier

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

Division 3—Fat Rendering Establishments

Interpretation

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

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

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

Exhaust Ventilation

195. 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) shall extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

Covering of Apparatus

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

Rendering of Walls

197. 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, crevices.

Division 4—Flock Factories

Interpretation

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

“flock factory” means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, lintens, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packing material or the manufacture of underfelt; and

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

New and Used Material

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

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

Collection and Removal of Dust

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

Building Requirements

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

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

Unclean Rags

202. A person shall not—

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

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

Bedding and Upholstery

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

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

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

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

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

Division 5—Laundries, Dry Cleaning Establishments And Dye Works

Interpretation

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

“dry cleaning establishment”—

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on 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 an approved waste water treatment apparatus, or 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, or an approved waste water treatment apparatus.

“exempt laundry” means a laundry in respect of which Council has certified in writing to be exempt from the provisions of this Part;

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

“laundry” means any place where articles are laundered by commercial grade machinery but does not include an exempt laundry or an exempt Laundromat.

Receiving Depot

205. 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 Manager of Health and Essential Services who may at any time by written notice withdraw such permission.

Reception Room

206. (1) The occupier of a dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

- (b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

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

Walls and Floors

207. 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, crevices;
- (b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

Laundry Floor

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

Escape of Dust

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

Precautions Against Combustion

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

Trolleys

211. The occupier of a dry cleaning establishment shall—

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

Sleeping on Premises

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

PART 10—OFFENCES AND PENALTIES

Penalties

213. (1) A person who contravenes a provision of these Local laws commits an offence.

(2) A person who commits an offence under subsection (1) is liable to—

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

Schedule 1

CITY OF GERALDTON

Health Act 1911 (as amended)

CERTIFICATE OF REGISTRATION OF A
(multiform)

This is to certify that the following premises is registered as a
 in which the trade of
 is carried out until the 31st day of December 19.....
 Name of premises
 Address of premises

This certificate is issued subject to the *Health Act 1911* (as amended) and the *City of Geraldton Health Local laws 1996*.

Dated the day of 19.....

Accommodation Number

Chief Executive Officer / Manager Health and Essential Services

CONDITIONS
.....

Schedule 2

CITY OF GERALDTON

Health Act 1911 (as amended)

LICENCE TO CONDUCT A MORGUE

This is to certify that
of
is licensed to conduct a Morgue from the following premises.

Name of premise

Address of premises

THIS LICENCE EXPIRES ON THE 31ST DAY OF DECEMBER 19.....

Schedule 3

CITY OF GERALDTON

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Geraldton

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

(Specify which is to apply)

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
Kitchens
Sitting Rooms
Other (Specify)

Rooms for lodgers

Bedrooms	.....	.....
Dining Rooms	.....	.....
Kitchens	.....	.....
Sitting Rooms	.....	.....
Other (Specify)	.....	.....

Sanitary Conveniences for male lodgers

	Number
Toilets
Urinals
Baths
Showers
Wash hand basins

Sanitary Conveniences for female lodgers

Toilets	.....
Baths	.....
Showers	.....
Wash hand basins	.....

Laundry Facilities

Coppers	.....
Washtroughs	.....
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 4

CITY OF GERALDTON

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
City of Geraldton

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

of
(Residential Address of Applicant/s)

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

which are registered in the name of

for the carrying on of the lodging house business.

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

.....
(Date)

Schedule 5
 CITY OF GERALDTON
Health Act 1911
 REGISTER OF LODGERS

Location of Lodging House:

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

Schedule 6
 CITY OF GERALDTON
Health Act 1911
 LIST OF LODGERS

To The Chief Executive Officer
City of Geraldton

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

on the day of 19.....

(Signed).....

(Keeper).

Date:

Schedule 7
 CITY OF GERALDTON
Health Act 1911
 CERTIFICATE OF SLEEPING ACCOMMODATION

To:
(Name of Keeper)

of
(Address of Keeper)

For the registered lodging house situated at:

This room, Number, can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than persons at any one time.

Date

.....
Environmental Health Officer

Schedule 8

CITY OF GERALDTON

Health Act 1911

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

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:

Date

.....
Environmental Health Officer

Receipt No.....

G K SIMPSON
CEO

Schedule 9

CITY OF GERALDTON

Health Act 1911 (as amended)

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
City of Geraldton

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

of
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being
(Description of Offensive Trade)

in or upon
(Location of the House or Premises)

Notice of my/our intention to make this application was
advertised in
(Date of Advertisement)

.....
on

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

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

(Date)

Schedule 10
CITY OF GERALDTON
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Geraldton

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

of (Residential Address of Applicant/s)

apply for registration, for the year ended

of (Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely (Description of Offensive Trade)

under the business name of

The prescribed registration fee of \$ is attached.

(Signature of Applicants/s)

(Date)

RECEIPT NO.
G K SIMPSON
CEO

Schedule 11
CITY OF GERALDTON
Health Act 1911
PRESCRIBED FEES

Table with 3 columns: Schedule, Description, Prescribed Fee. Rows include Registration of Lodging House, Licence to conduct a Morgue, Registration of Offensive Trade, and Registration of Stable with sub-items for loose box/stall and maximum fee.

Schedule 12
CITY OF GERALDTON
Health Act 1911

APPLICATION FOR REGISTRATION/RENEWAL OF A STABLE

I, the undersigned, hereby apply to have the premises mentioned below registered as a stable—

NAME IN FULL

ADDRESS

SITUATION OF STABLE

OWNERS NAME AND ADDRESS IF PROPERTY IS LEASED

DISTANCE OF STABLE FROM NEAREST ADJACENT BUILDING

NUMBER OF STABLES

NUMBER OF HORSES INTENDED TO BE STABLED

AREA OF LAND IN SQUARE METRES

DATE

SIGNED

RECEIPT NO.
G K SIMPSON
CEO

Schedule 13
CITY OF GERALDTON
Health Act 1911

APPLICATION FOR TRANSFER OF REGISTRATION OF A STABLE

I/We
of
hereby make application for the transfer of a Stable Registration which was issued to—
NAME IN FULL
ADDRESS
SITUATION OF STABLE
OWNERS NAME AND ADDRESS IF PROPERTY IS LEASED
.....
DISTANCE OF STABLE FROM NEAREST ADJACENT BUILDING
NUMBER OF STABLES
NUMBER OF HORSES INTENDED TO BE STABLED
DATE/...../.....

.....
SIGNED

Passed by resolution at a meeting of the City of Geraldton Council held on 12 February 1997.
Dated this 19th day of February 1997.

P. G. COOPER, Mayor.
G. K. SIMPSON, Chief Executive Officer.

Consented to—

F. QUADROS, Executive Director, Public Health.

Dated this 21st day of March 1997.

