



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

3555



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PERTH, MONDAY, 16 JULY 2001 No. 140 **SPECIAL**

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PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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HEALTH ACT 1911

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**CITY OF BUNBURY**

**HEALTH LOCAL LAWS**



**HEALTH ACT 1911**

## CITY OF BUNBURY

**HEALTH LOCAL LAWS**

## ARRANGEMENT

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Repeal
- 1.3 Interpretation

**PART 2—SANITATION***Division 1—Sanitary Conveniences*

- 2.1.1 Interpretation
- 2.1.2 Dwelling house
- 2.1.3 Premises other than a dwelling house
- 2.1.4 Toilets
- 2.1.5 Maintenance of sanitary conveniences and fittings
- 2.1.6 Public sanitary conveniences
- 2.1.7 Lighting
- 2.1.8 Installation

*Division 2—Bathrooms, Laundries and Kitchens*

- 2.2.1 Bathrooms
- 2.2.2 Laundries
- 2.2.3 Washing or keeping of clothes in kitchens
- 2.2.4 Kitchens

**PART 3—HOUSING AND GENERAL***Division 1—Maintenance of Houses*

- 3.1.1 Dwelling house maintenance
- 3.1.2 Maintenance of guttering and downpipes and disposal of rainwater

*Division 2—Ventilation of Houses*

- 3.2.1 Exemption for short term hostels
- 3.2.2 Overcrowding
- 3.2.3 Calculated sufficient space
- 3.2.4 Ventilation

*Division 3—Water Supply*

- 3.3.1 Water supply
- 3.3.2 Rain water tanks
- 3.3.3 Wells
- 3.3.4 Pollution

**PART 4—WASTE AND REFUSE***Division 1—Collection and Disposal of Refuse*

- 4.1.1 Interpretation
- 4.1.2 Refuse Receptacles and Collection
- 4.1.3 Receptacle Ownership
- 4.1.4 Removal and Disposal of Refuse
- 4.1.5 Removal of rubbish from building sites
- 4.1.6 Removal of Rubbish from Premises or Receptacle
- 4.1.7 Rubbish removal vehicles
- 4.1.8 Method of removal of rubbish

*Division 2—Transport of Butchers' Waste*

- 4.2.1 Interpretation
- 4.2.2 Restriction of vehicles
- 4.2.3 Transport of butchers' waste

**PART 5—NUISANCES AND GENERAL***Division 1—Nuisances*

- 5.1.1 Interpretation
- 5.1.2 Footpaths etc. to be kept clean
- 5.1.3 Escape of smoke, offensive odours, liquid waste etc.
- 5.1.4 Public vehicles to be kept clean
- 5.1.5 Prohibition against spitting
- 5.1.6 Transportation, Use and Storage of Offal, Blood or other Offensive Material
- 5.1.7 Use or storage of fertiliser
- 5.1.8 Storage and dispatch of artificial fertiliser
- 5.1.9 Storage of fertiliser in a house
- 5.1.10 Vehicles used for transporting Animals and Birds

*Division 2—Keeping of Animals*

- 5.2.1 Cleanliness
- 5.2.2 Animal enclosures
- 5.2.3 Slaughter of animals
- 5.2.4 Disposal of dead animals

*Division 3—Keeping of Large Animals*

- 5.3.1 Interpretation
- 5.3.2 Keeping of Horses
- 5.3.3 Proximity to Dwellings or Food Premises

*Division 4—Keeping of Poultry and Pigeons*

- 5.4.1 Interpretation
- 5.4.2 Limitation on numbers of poultry and pigeons
- 5.4.3 Conditions for keeping poultry
- 5.4.4 Roosters, Geese, Turkeys and Peafowls
- 5.4.5 Pigeons or Doves
- 5.4.6 Removal of non-conforming structure or enclosure
- 5.4.7 Restrictions on pigeon nesting or perching

*Division 5—Car Parks*

- 5.5.1 Interpretation
- 5.5.2 Ventilation
- 5.5.3 Exhaust air discharge points and exhaust registers

**PART 6—PEST CONTROL***Division 1—Mosquitoes*

- 6.1.1 Interpretation
- 6.1.2 Measures to be taken to prevent mosquitoes breeding
- 6.1.3 Local government may execute work and recover costs

*Division 2—Rodents*

- 6.2.1 Interpretation
- 6.2.2 Measures to be taken to eradicate rodents
- 6.2.3 Waste food etc. to be kept in rodent proof receptacles
- 6.2.4 Restrictions on the sale or keeping of rats
- 6.2.5 Premises etc. to be cleaned after use
- 6.2.6 Restrictions on materials affording harbourage for rodents

*Division 3—Cockroaches*

- 6.3.1 Interpretation
- 6.3.2 Measures to be taken to eradicate cockroaches

*Division 4—Vectors of Disease*

- 6.4.1 Interpretation
- 6.4.2 Responsibility of the owner or occupier

**PART 7—INFECTIOUS DISEASES***Division 1—General Provisions*

- 7.1.1 Requirements on owner or occupier to clean, disinfect and disinfect
- 7.1.2 Environmental Health Officer may disinfect or disinfect premises
- 7.1.3 Insanitary houses, premises and things
- 7.1.4 Medical Officer may examine persons
- 7.1.5 Medical Officer may authorise disinfecting
- 7.1.6 Persons in contact with an infectious disease sufferer
- 7.1.7 Declaration of infected house or premises
- 7.1.8 Destruction of infected animals
- 7.1.9 Disposal of a body
- 7.1.10 Local government may carry out work and recover costs

*Division 2—Disposal of Used Condoms and Needles*

- 7.2.1 Disposal of used condoms
- 7.2.2 Disposal of used needles

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

- 8.1.1 Interpretation
- 8.1.2 Lodging-house not to be kept unless registered
- 8.1.3 Application for registration
- 8.1.4 Approval of application
- 8.1.5 Renewal of registration
- 8.1.6 Notification upon sale or transfer
- 8.1.7 Revocation of registration

*Division 2—Construction and Use Requirements*

- 8.2.1 General construction requirements
- 8.2.2 Sanitary conveniences
- 8.2.3 Laundry
- 8.2.4 Kitchen
- 8.2.5 Cooking facilities
- 8.2.6 Dining room
- 8.2.7 Lounge room
- 8.2.8 Fire prevention and control
- 8.2.9 Obstruction of passages and stairways
- 8.2.10 Fitting of locks
- 8.2.11 Restriction on use of rooms for sleeping
- 8.2.12 Sleeping accommodation short term hostels and recreational campsites
- 8.2.13 Furnishing etc. of sleeping apartments
- 8.2.14 Ventilation
- 8.2.15 Numbers to be placed on doors

*Division 3—Management and Care*

- 8.3.1 Keeper or manager to reside in the lodging-house
- 8.3.2 Register of lodgers
- 8.3.3 Keeper report
- 8.3.4 Certificate in respect of sleeping accommodation
- 8.3.5 Duplicate keys and inspection
- 8.3.6 Room occupancy
- 8.3.7 Maintenance of a room by a lodger or resident
- 8.3.8 Cleaning and maintenance requirements
- 8.3.9 Responsibilities of lodgers and residents
- 8.3.10 Approval for storage of food

**PART 9—OFFENSIVE TRADES***Division 1—General*

- 9.1.1 Interpretation
- 9.1.2 Consent to offensive trade
- 9.1.3 Notice of application
- 9.1.4 Registration of premises
- 9.1.5 Certificate of registration
- 9.1.6 Change of occupier
- 9.1.7 Alterations to premises
- 9.1.8 Occupier includes employee

*Division 2—General Duties of an Occupier*

- 9.2.1 Interpretation

- 9.2.2 Cleanliness
- 9.2.3 Rats and vermin
- 9.2.4 Sanitary conveniences and wash basins
- 9.2.5 Painting of walls etc
- 9.2.6 Effluvia, vapours or gases
- 9.2.7 Offensive material
- 9.2.8 Storage of materials
- 9.2.9 Specified offensive trades
- 9.2.10 Directions
- 9.2.11 Other duties of occupier

*Division 3—Fish Premises*

- 9.3.1 Interpretation
- 9.3.2 Duties of an occupier
- 9.3.3 Disposal of Waste
- 9.3.4 Fish Containers

*Division 4—Laundries, Dry Cleaning Establishments and Dye Works*

- 9.4.1 Interpretation
- 9.4.2 Receiving depot
- 9.4.3 Reception room
- 9.4.4 Walls and floors
- 9.4.5 Escape of dust
- 9.4.6 Precautions against combustion
- 9.4.7 Trolleys
- 9.4.8 Sleeping on premises

**PART 10—OFFENCES AND PENALTIES**

- 10.1 Penalties

**SCHEDULES OF FORMS AND FEES**

Schedule Number	Description
1.	Application for Registration of a Lodging-house
2.	Certificate of Registration of a Lodging-house.
3.	Notice of Change of Owner of a Lodging-house.
4.	Register of Lodgers.
5.	List of Lodgers.
6.	Certificate of Sleeping Accommodation for a Lodging-house.
7.	Application for Consent to Establish an Offensive Trade.
8.	Application for Registration of Premises for Offensive Trade
9.	Certificate of Registration of Premises for Offensive Trade.

**HEALTH ACT 1911**

## CITY OF BUNBURY

**HEALTH LOCAL LAWS**

Made by the Council of the City of Bunbury under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

**PART 1—PRELIMINARY****1.1 Citation**

These Local laws may be cited as "*The City of Bunbury Health Local Laws 2001*".

**1.2 Repeal**

City of Bunbury Health Local Laws 1996 made by the City of Bunbury and published in the Government Gazette on 23 August 1996, and amended from time to time, are repealed.

**1.3 Interpretation**

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

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

“**adequate supply of water**” means a flow of water of not less than 0.076 litres per second;

“**approved**” means approved by the local government of the City of Bunbury unless specified otherwise;

“**AS**” means Australian Standard published by the Standards Association of Australia;

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

“**Local government**” means the local government of the City of Bunbury;

“**district**” means the district of the City of Bunbury and includes any area placed under the jurisdiction of the local government pursuant to Section 22 of the Act;

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

“**Environmental Health Officer**” means an Environmental Health Officer appointed by the local government under the Act;

“**habitable room**” means a habitable room as defined in the Building Code of Australia;

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

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

“**public place**” includes every place to which the public ordinarily have access, irrespective of whether or not an entry fee is required;

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

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

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

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

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

“**water**” means drinking water within the meaning of the Australian Drinking Water Guidelines—1996 as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time; and

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

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

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

## **PART 2—SANITATION**

### *Division 1—Sanitary Conveniences*

#### **2.1.1 Interpretation**

In this Part, unless the context otherwise requires—

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

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

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

#### **2.1.2 Dwelling House**

A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one operable toilet.

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

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

- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins—
  - (i) in accordance with the Building Code;
  - (ii) for the use of persons employed or engaged on the premises;
  - (iii) provided with an adequate supply of water supplied by taps located over each 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- except that paragraph (2) (c) shall not apply to unattended public toilets.

#### **2.1.4 Toilets**

(1) Toilets on a premises shall conform with the requirements of the Building Code.

(2) Toilets on premises other than a dwelling house shall be constructed and maintained in accordance with the following additional requirements—

- (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a Sound Transmission Class of not less than 50 as required by AS1276; and
- (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended;

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

(1) The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an 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.

#### **2.1.6 Public Sanitary Conveniences**

- (1) A person shall not—
- (a) foul;
  - (b) damage or vandalise; or
  - (c) write on or otherwise deface, a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person shall not live or sleep within that part of a building in which toilets or ablution facilities are available for use by the public

#### **2.1.7 Lighting**

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

#### **2.1.8 Installation**

Every permanent 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.

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

#### **2.2.1 Bathrooms**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
- (a) is adequately lined with an impervious material and has an adequate ceiling;
  - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
  - (c) is equipped with a wash basin; and either a shower in a shower recess or a bath.
- (2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

#### **2.2.2 Laundries**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—
- (a) is properly enclosed and roofed;
  - (b) is adequately lined with an impervious material;
  - (c) has a minimum floor area of 3 square metres and the minimum width of the room shall be not less than 1.5 metres;
  - (d) is not a room in which food is stored, prepared, served or consumed; and
  - (e) is provided with adequate ventilation.
- (2) In the case of a single occupancy dwelling, the laundry referred to in subclause (1) shall have—
- (a) either—
    - (i) two wash troughs; or
    - (ii) a washing machine and a wash trough; and
  - (b) a clothes-drying facility comprising either a mechanical clothes drier or not less than 20 metres of clothesline erected externally.
- (3) All wash troughs, sinks and washing machines shall be—
- (a) in a laundry and connected to an adequate supply of hot and cold water; and
  - (b) installed to Manufacturers' specifications; and
  - (c) all wash troughs shall have a capacity of at least 36 litres.
- (4) Sole or multiple 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 1220 millimetres wide; and
  - (b) have a door which when closed shall completely fill the opening.

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

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

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

### **2.2.4 Kitchens**

(1) In this clause, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen 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 millimetres long, 300 millimetres wide and 150 millimetres deep; and
  - (ii) have an adequate supply of hot and cold water.

(3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(4) A cooking facility shall—

- (a) be installed in accordance with the requirements of the Office of Energy and the manufacturers instructions; and
- (b) not be installed or used in any room other than a kitchen.

(5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—

- (a) carried to the outside air as directly as practicable; and
- (b) boxed throughout.

(6) Mechanical extraction shall be maintained in good working order and condition.

## **PART 3—HOUSING AND GENERAL**

### *Division 1—Maintenance of Houses*

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

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 with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would significantly reduce the natural lighting, below the lighting provided for by the requirements of the Building Code;
- (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.

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

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

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

**3.2.2 Overcrowding**

The owner or occupier of a house shall not permit—

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

**3.2.3 Calculated Sufficient Space**

For the purpose of clause 3.2.2, 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.

**3.2.4 Ventilation**

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

(2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—

- (a) natural ventilation; or
- (b) a mechanical ventilation or air-conditioning system complying with AS1668. 2.

(3) The owner of a house provided with mechanical ventilation or an 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 except where natural ventilation is provided in accordance with the Building Code

(4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—

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

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

*Division 3—Water Supply***3.3.1 Water Supply**

The owner of a house shall ensure that every occupied house is connected to a water supply from the mains of a licensed water provider or to a water supply to the satisfaction of the local government.

**3.3.2 Rain Water Tanks**

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

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

**3.3.3 Wells**

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

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

### 3.3.4 Pollution

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

## PART 4—WASTE AND REFUSE

### Division 1—Collection and Disposal of Refuse

#### 4.1.1 Interpretation

In this division, unless the context otherwise requires—

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

“**collection time**” means the collection time from time to time notified to the occupier of the premises by the local government or its contractor;

“**kerb line**” means the point where the road carriageway adjoins the road verge;

“**receptacle**” means a polyethylene cart fitted with wheels and a handle and with a lid and of a capacity of 240 or 120 litres supplied by the local government or its contractor or other type of receptacle specified or approved by the local government;

#### 4.1.2 Refuse Receptacles and Collection

(1) Subject to sub-clause (7), the occupier of every premises in the district shall—

- (a) subject to paragraph (c), cause all refuse to be deposited in a receptacle;
- (b) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
- (c) not deposit or permit to be deposited in a receptacle—
  - (i) more than 70 kg of refuse at any one time;
  - (ii) any material being or consisting of—
    - (A) hot or burning ashes;
    - (B) oil;
    - (C) liquid;
    - (D) paint;
    - (E) solvent;
    - (F) bricks, concrete, earth or other like substances;
  - (iii) heavy material;
  - (iv) an object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
  - (v) refuse which is or is likely to become offensive or a nuisance or to give off an offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in absorbent or impervious material or placed in a sealed impervious container;
- (d) except for collection keep the receptacle on the premises located behind the building line, or other location approved by an Environmental Health Officer;
- (e) prior to collection time, place the receptacle between the kerb line and the premises 1 to 4 metres from the kerb line and such that it does not obstruct any footpath, cycleway or other carriageway. The receptacle may otherwise be placed at a position specifically approved by an Environmental Health Officer;
- (f) after the contents of the receptacle have been removed, return the receptacle to its place of storage;
- (g) at all times keep the receptacle clean and whenever directed by an Environmental Health Officer to do so place and keep in the receptacle a deodorant material approved by an Environmental Health Officer; and
- (h) notify the local government within seven days after the event if the receptacle is lost, stolen, damaged or become defective.

(2) Any employee of the local government or its contractor collecting refuse shall return receptacles to a location as close as possible to that where they were located immediately before being emptied but not so as to obstruct any footpath, cycleway, driveway, service road or other carriageway.

(3) In the case of residential premises consisting of more than three dwellings, units or flats or premises used for commercial or industrial purposes the local government may require the use of a receptacle or receptacles other than a polyethylene cart fitted with wheels and a handle and the occupier of those premises shall comply with and observe the direction given by the local government.

(4) The occupier of every premises in the district who uses a receptacle other than a polyethylene cart fitted with wheels and a handle shall—

- (a) cause all refuse to be deposited in a receptacle in a manner which is compatible with the type of receptacle used;
- (b) take all reasonable steps to prevent fly breeding in and the emission of offensive or noxious odour from the receptacle;

- (c) cause the receptacle to be located on the premises in a position where—
    - (i) it is screened so as not to be visible from a street but be readily accessible for the purpose of collection of the contents thereof;
    - (ii) it does not obstruct any footpath, cycleway, driveway, service road, or other carriageway on those premises;
    - (iii) it does not cause a nuisance to the occupiers of adjoining premises;
  - (d) at all times keep the receptacle clean and whenever directed by an Environmental Health Officer to do so, place and keep in the receptacle a deodorant material approved by an Environmental Health Officer; and
  - (e) where the premises are used for the manufacture, preparation or sale of foods or any putrescible refuse emanates from the premises, cause the receptacle to be cleaned with a suitable detergent and treated with a disinfectant at least once per week.
- (5) An Environmental Health Officer may direct that refuse of the type referred to in paragraph (e) of subclause (4) or which emanates from premises referred to in that paragraph, be collected and removed more often than once per week.
- (6) Where refuse emanating from premises is of a nature that the Environmental Health Officer considers requires to be treated before being placed in a receptacle, he may give directions as to the manner in which it is to be so treated and the occupier of those premises shall comply with those directions.
- (7) Sub-clause (1) shall not apply to material collected for recycling or to the local governments greenwaste or bulk material collections.

#### **4.1.3 Receptacle Ownership**

- (1) A receptacle supplied by the local government or its contractor remains the property of the local government or its contractor, as the case may be.
- (2) A receptacle allocated to a premises shall not be removed from those premises except with the permission of the local government or its contractor.

#### **4.1.4 Removal and Disposal of Refuse**

- (1) A person shall not, unless he is authorised by the local government to do so, remove any house or trade refuse or other rubbish from any premises in the district.
- (2) The local government may grant or refuse an application under this clause subject to conditions relating to—
  - (a) the size and type of containers or bins provided or used;
  - (b) the time and method of collection, removal or disposal of the contents;
  - (c) the route to be followed by a vehicle used in collection, removal or disposal of the contents;
  - (d) the type and construction of vehicles used; and
  - (e) any other condition deemed appropriate by the local government.
- (3) Any conditions imposed by the local government under this clause shall be—
  - (a) specified in the written approval of the local government; and
  - (b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other statute law.
- (4) The local government may from time to time vary conditions imposed by it under this clause by giving written notice of the variation to the person to whom approval was given.
- (5) Where the local government provides approval pursuant to subclause 4.1.4(1), 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 Health Act 1911.

#### **4.1.5 Removal of rubbish from building sites**

The holder of a building licence shall in relation to the site for which the building licence is issued—

- (a) provide on each building site a receptacle or enclosure of a size and type which will properly contain all litter and waste materials;
- (b) place all litter and waste materials in such enclosure;
- (c) maintain the street verge immediately adjacent to the site free of litter and rubbish; and
- (d) on completion of the building, remove all rubbish, litter and waste materials from the site.

#### **4.1.6 Removal of Rubbish from Premises or Receptacle**

- (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) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government.
- (2) A person shall not, without the approval of the local government 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.

#### 4.1.7 Rubbish Removal Vehicles

A vehicle used by the local government 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.

#### 4.1.8 Method of Removal of Rubbish

A person engaged in the removal of rubbish from premises shall—

- (a) convey all rubbish from the receptacles of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold the rubbish; and
- (b) replace the receptacle where the person found it, with the lid in place.

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

#### 4.2.1 Interpretation

In this Division, unless the context otherwise requires—

“**butchers' waste**” includes animal skeletons, rib cages from a boning room and inedible products from an abattoir.

#### 4.2.2 Restriction of Vehicles

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

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

#### 4.2.3 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste other than in—

- (a) a compartment complying with the following specifications—
  - (i) all internal surfaces to be constructed of smooth, impervious material;
  - (ii) of sufficient height to contain all waste placed therein;
  - (iii) all joints to be sealed and made watertight;
  - (iv) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
  - (v) the top to be completely covered by an approved impervious material in a manner approved by an Environmental Health Officer; or
- (b) a sealed, leak proof container.

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

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

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

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

## **PART 5—NUISANCES AND GENERAL**

### *Division 1—Nuisances*

#### 5.1.1 Interpretation

In this Division, unless the context otherwise requires—

“**fertiliser**” includes manure.

#### 5.1.2 Footpaths etc, to be kept clean

An owner or occupier of a premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises free from debris, staining, rubbish, matter or things.

#### 5.1.3 Escape of smoke, offensive odours, liquid waste etc.

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

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

**5.1.4 Public Vehicles to be kept clean**

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

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

**5.1.5 Prohibition against Spitting**

A person shall not spit—

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

**5.1.6 Transportation, Use and Storage of Offal, Blood, or other Offensive Material**

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

(2) No person shall remove any offensive matter unless such offensive matter is carried in watertight compartments or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.

(3) Every person using any tank or compartments or vehicle in the removal of any offensive matter shall keep such tank, compartments or vehicle and every vehicle used for the carriage or removal of any such matter as aforesaid in a thoroughly clean condition and in good repair.

**5.1.7 Use or Storage of Fertiliser**

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

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

unless treated by a method approved by the Executive Director Public Health.

**5.1.8 Storage and Dispatch of Artificial Fertiliser**

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

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

**5.1.9 Storage of Fertiliser in a House**

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 vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by an Environmental Health Officer.

**5.1.10 Vehicles Used for Transporting of Animals and Birds**

No person having the control or management of any vehicle emitting offensive odours or causing a nuisance shall allow such a vehicle to be parked on any street.

*Division 2—Keeping of Animals***5.2.1 Cleanliness**

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

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

**5.2.2 Animal Enclosures**

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.

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

### 5.2.3 Slaughter of Animals

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
- euthanasia of animals by veterinarians or other duly authorised persons;
  - slaughter of animals for the purposes of pet meat and game meat operations; or
  - slaughter of animals for human consumption in abattoirs approved by the local government.

### 5.2.4 Disposal of Dead Animals

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall immediately remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

## Division 3—Keeping of Large Animals

### 5.3.1 Interpretation

In this Division, unless the context otherwise requires—

- “**cow**” includes an ox, calf or bull;
- “**horse**” includes an ass, mule, donkey or pony; and
- “**large animal**” includes a horse, cow, pig, sheep, goat, deer or camel.

### 5.3.2 Keeping of Horses

- (1) The occupier of a premises, other than undeveloped land zoned R2.5 or Rural land under the provisions of the current City of Bunbury Town Planning Scheme, whereon a horse is kept shall provide and maintain a stable.
- (2) A person shall not erect a stable unless plans, specifications and the site of the proposed stable have been approved by the local government.
- (3) The occupier of any premises whereon a stable is provided shall maintain that stable in compliance with paragraphs (a) to (i) of this sub-clause—
- No stable shall be closer than 21 metres to any dwelling house.
  - Stables constructed so as to be enclosed or partially enclosed on four sides shall be provided with an approved impervious floor.
  - Stables constructed so as to have at least one side completely open shall have an impervious floor or alternatively a floor of sand or approved bedding material. The design of the stable should be such that unrestricted access is available to machinery to facilitate the removal and placement of sand and bedding material.
  - Where bedding material is used in a stable it shall be maintained so as not to create a nuisance or provide an attraction for flies.
  - A fly-proof manure bin shall be provided and maintained in a serviceable condition at all times. The design, location and structure shall be approved.
  - All manure shall be removed from the stable and associated yards at least once every day and placed in a manure bin.
  - The manure bin shall be kept closed except at times when manure is being deposited or removed.
  - The contents of the manure bin shall be treated with an approved insecticide as often as is necessary to prevent the breeding of flies.
  - The occupier of a stable shall maintain such stable and surrounds in a clean condition and shall clean and sanitise such premises when so directed by an Environmental Health Officer.

### 5.3.3 Proximity to Dwellings or Food Premises

The owner or occupier of any premises shall not allow any large animal to be loose in any paddock yard or other place unless provision is made to prevent such an animal approaching within 21 metres of any dwelling or food handling premises (as defined by the *Health Act, (Food Hygiene) Regulations 1993*).

## Division 4—Keeping of Poultry and Pigeons

### 5.4.1 Interpretation

In this Division, unless the context otherwise requires—

- “**Affiliated Person**” means a person who is a member of—
- the Pigeon Racing Federation of Western Australia;



- (b) the Fancy Utility Pigeon Club of Western Australia;
- (c) the Bunbury Pigeon Racing Club; or
- (d) any other properly constituted Pigeon or Poultry Club.

“poultry” includes fowls, ducks and other domestic fowls;

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

(1) Subject to the provisions of clause 5.4.4, an occupier of premises shall not, without the written approval of the local government, keep or permit to be kept on those premises poultry or pigeons in excess of—

- (a) more than 6 poultry and more than 12 pigeons; or
  - (b) if the occupier is an Affiliated Person, more than 12 poultry and more than 100 pigeons
- (2) The local government may approve, with or without conditions, an application to keep more birds than the number specified in subclause (1).
- (3) Any approval granted under this clause shall not be transferable between persons or premises.
- (4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

#### **5.4.3 Conditions for Keeping Poultry**

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

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or 15 metres from where food for sale is stored, prepared, or manufactured;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure which is provided with a concrete floor trowelled to a smooth finish and laid with a fall of 1 in 50 to the front;
- (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, the local government has approved a lesser distance; and
- (e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

#### **5.4.4 Roosters, Geese, Turkeys and Peafowls**

(1) An occupier of premises shall not without the written approval of the local government keep or permit to be kept on those premises any one or more of the following—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen.

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

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

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

#### **5.4.5 Pigeons or Doves**

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) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
  - (ii) is provided with a concrete floor trowelled to a smooth finish and laid with a fall of 1 in 50 to the front.

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

(1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of clauses 5.4.3 and 5.4.5, an Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from an Environmental Health Officer under this clause.

#### 5.4.7 Restrictions on Pigeon Nesting or Perching

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

#### *Division 5—Car Parks*

##### 5.5.1 Interpretation

In this Division, unless the context otherwise requires—

“**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.

##### 5.5.2 Ventilation

(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 an Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the occupier within a specified time to—

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

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

##### 5.5.3 Exhaust Air Discharge Points and Exhaust Registers

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 as far as possible from the source of supply air;

(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.

## PART 6—PEST CONTROL

#### *Division 1—Mosquitoes*

##### 6.1.1 Interpretation

In this Division, unless the context otherwise requires—

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

##### 6.1.2 Measures to be taken to prevent mosquitoes breeding

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

(a) follow any direction of an Environmental Health Officer for the purpose of

(i) controlling the prevalence of mosquitoes;

(ii) eradication; or

(iii) effectively preventing the breeding of mosquitoes.

(b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that maybe present in, or about the premises.

(2) An owner or 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.

(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.

(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

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

(1) Where—

- (a) a person is required under this division or directed by a notice given under clause 6.1.2. to execute any work; and
- (b) that person fails or neglects to comply with the requirement, the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

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

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government.

## *Division 2—Rodents*

### **6.2.1 Interpretation**

In this Division, unless the context otherwise requires—

“**rodents**” means those animals belonging to the order Rodentia and includes rats, mice and rabbits 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.

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

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

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

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

### **6.2.3 Food and Wastes to be kept in rodent proof Receptacles**

A person shall not place or cause 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 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.

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

(1) Subject to subclause (2) an owner or occupier of premises shall not, on or from those premises

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

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

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

(3) A person or body specified in subclause (2), which keeps rats, 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 clause 6.2.2 and ensure that all reasonable steps are taken to destroy or recapture the rat.

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

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

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

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

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

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

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

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

#### *Division 3—Cockroaches*

##### **6.3.1 Interpretation**

In this Division, unless the context otherwise requires—

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

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

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

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

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under subclause (2).

#### *Division 4—Vectors of Disease*

##### **6.4.1 Interpretation**

In this Division, unless the context otherwise requires—

“**vectors of disease**” includes—

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

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

The owner or occupier of premises shall—

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

## **PART 7—INFECTIOUS DISEASES**

### *Division 1—General Provisions*

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

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

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

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

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

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

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

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

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

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

(2) Where an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to 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—

- (a) the owner or occupier of the house or premises to amend any insanitary condition; or
- (b) 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 subclause (2) or (3) shall comply with the terms of the notice.

#### **7.1.4 Medical Officer may Examine Persons**

The medical officer may enter any house and examine bacteriologically or otherwise any inmate of the house, or any person found thereon at the time, for the purpose of ascertaining whether the inmate or person is suffering from an infectious disease or is a medium for the transmission of an infectious disease, and the person shall submit to an examination and shall permit the medical officer to remove whatever specimens are considered necessary for proper examination.

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

(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 Clause.

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

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

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

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

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

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

#### **7.1.8 Destruction of infected animals**

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

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

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

#### **7.1.9 Disposal of a body**

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

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

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

(1) Where—

- (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
- (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out.

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

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

*Division 2—Disposal of used condoms and needles***7.2.1 Disposal of used condoms**

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

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by an Environmental Health Officer.

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

**7.2.2 Disposal of used needles**

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

**PART 8—LODGING -HOUSES***Division 1—Registration***8.1.1 Interpretation**

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

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

“**bunk**” means one of two or more beds, one above the other, forming a unit;

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

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

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

“**lodging-house**” includes a recreational campsite, a serviced apartment and a short term hostel;

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

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

- (a) situated on a campsite principally used for—
  - (i) recreational, sporting, religious, ethnic or educational pursuits; or
  - (ii) conferences or conventions;

and

- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

“**vectors 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.

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

A person shall not keep or cause, suffer or permit to be kept a lodging-house unless—

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

**8.1.3 Application for registration**

An application for registration of a lodging-house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging-house.

**8.1.4 Approval of application**

The local government may approve, with or without conditions, an application under clause 8.1.3 by issuing to the applicant a certificate in the form of Schedule 2.

**8.1.5 Renewal of registration**

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

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

**8.1.6 Notification upon sale or transfer**

If the owner of a lodging-house sells or transfers or agrees to sell or transfer the lodging-house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to an Environmental Health Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging-house has been, or is to be, sold or transferred.

**8.1.7 Revocation of registration**

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

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

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

(3) Before revoking the registration of a lodging-house under this Clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the local government revokes the registration of a lodging-house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

*Division 2—Construction and Use Requirements*

**8.2.1 General Construction Requirements**

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

**8.2.2 Sanitary conveniences**

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

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

in accordance with the requirements of the Building Code.

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

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

(4) The walls of each shower and bath shall be of an impervious material to 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) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (c) be provided with adequate electric lighting.

### 8.2.3 Laundry

(1) A keeper shall—

- (a) subject to subclause (2) —
  - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
  - (ii) in any other case, provide on the premises a laundry unit for of each 15 lodgers;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The provisions of subclause (1) shall not apply to a serviced apartment.

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

(4) In this clause—

“laundry unit” means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms weight of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that—
  - (a) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees C for each washing machine provided with the communal facilities; and
  - (b) has a delivery rate of not less than 18 litres per minute to each washing machine.

### 8.2.4 Kitchen

A keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (b) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*.

### 8.2.5 Cooking Facilities

(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 an Environmental Health Officer 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 an Environmental Health Officer.

### 8.2.6 Dining Room

(1) Unless otherwise approved by an Environmental Health Officer, 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 0.5 square metres per person or not less than 10 square metres whichever is the greater; 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.

(2) The provisions of subclause (1) shall not apply to a serviced apartment.



**8.2.7 Lounge Room**

(1) The keeper of a lodging-house shall provide in that lodging-house a lounge room—

- (a) with a floor area of—
  - (i) where the lounge room 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.

(2) The provisions of subclause (1) shall not apply to a serviced apartment.

**8.2.8 Fire prevention and control**

(1) A keeper shall—

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

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

**8.2.9 Obstruction of passages and stairways**

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

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

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

**8.2.10 Fitting of locks**

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.

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

(1) Subject to subclause (3) and clause 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging-house—

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

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

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

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

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

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

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

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

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

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

- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as practicable;
- (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

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

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

- (a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;
- (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of any short term hostel or recreational campsite shall ensure that—

- (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—
  - drapes, curtains, blinds and bed covers - maximum Flammability Index of 6;
  - upholstery & bedding - a maximum Spread of Flame Index of 6;
  - a maximum Smoke Developed Index of 5; and
  - floor coverings - a maximum Spread of Flame Index of 7;
  - a maximum Smoke Developed Index of 5;
 Fire retardant coatings used to make a material comply with these indices must be—
  - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
  - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
- (b) emergency lighting is provided in accordance with the Building Code;
- (c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite; and
- (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

**8.2.13 Furnishing etc. of Sleeping Apartments**

(1) The keeper shall, unless otherwise approved by an Environmental Health Officer—

- (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, mattress cover, two sheets, two blankets or equivalent;
 and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

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

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

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

#### **8.2.14 Ventilation**

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

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

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

(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 subclause (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*

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

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

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

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

(1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The keeper shall ensure that the register of lodgers is—

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

#### **8.3.3 Keeper report**

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

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

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6.

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

(3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this Clause in a conspicuous place in the room to which that 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 Clause to occupy the room to which it refers.

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

Each keeper and manager of a lodging-house shall—

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

#### **8.3.6 Room occupancy**

(1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging-house to be lodged at any one time in the lodging-house;

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

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

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

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

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

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

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

### **8.3.8 Cleaning and maintenance requirements**

(1) A keeper of a lodging-house shall—

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

(2) In subclause (1)—

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

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

A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;

- (b) keep or store in or on the lodging-house any goods or materials which are inflammable, 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 clause 8.3.10—
  - (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.

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

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

## **PART 9—OFFENSIVE TRADES**

### *Division 1—General*

#### **9.1.1 Interpretation**

In this Part, unless the context otherwise requires—

“**occupier**” in relation to premises includes the person registered as the occupier of the premises specified in the 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) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;
- (b) laundries, dry cleaning premises and dye works; and
- (c) any trade as defined by Section 186 of the Act ; and

“**premises**” includes houses.

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

- (1) A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall—
  - (a) advertise notice of his intention to apply for consent in accordance with clause 9.1.3; and
  - (b) lodge with an Environmental Health Officer an application in the form of Schedule 7.
- (2) A person who makes a false statement in an application under this Clause shall be guilty of an offence.

#### **9.1.3 Notice of Application**

A notice required under paragraph 9.1.2 (1) (a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

- (d) appear in a newspaper circulating in the district at least two weeks but not more than one month before the application under paragraph 9.1.2 (1)(b) is lodged with an Environmental Health Officer.

#### **9.1.4 Registration of Premises**

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

- (a) in the form of Schedule 8;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with an Environmental Health Officer.

#### **9.1.5 Certificate of Registration**

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 9.

#### **9.1.6 Change of Occupier**

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify an Environmental Health Officer in writing of such change.

#### **9.1.7 Alterations to Premises**

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

#### **9.1.8 Occupier Includes Employee**

Where in any Clause 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*

#### **9.2.1 Interpretation**

In this Division, unless the context otherwise requires—

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

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

#### **9.2.2 Cleanliness**

The occupier shall—

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

#### **9.2.3 Rats and other Vectors of Disease**

The occupier shall—

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

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

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.

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

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

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

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases

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

#### **9.2.7 Offensive Material**

The occupier shall—

- (a) provide on the premises impervious receptacles with air-tight 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 or at such other intervals as may be approved by an Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

#### **9.2.8 Storage of Materials**

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

#### **9.2.9 Specified Offensive Trades**

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

- (a) fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments; and
- (b) laundries, dry cleaning premises and dye works.

(2) The surfaces of floors must be made of materials which are durable and suitable for the nature of activities and be—

- (a) smooth to facilitate cleaning, rigid, durable, slip resistant, resistant to corrosion, and impervious to water;
- (b) free from cracks, crevices and other defects;
- (c) evenly graded to trapped floor waste outlets connected to a drainage system where cleaning operations or other activities release water or other liquids onto floors; and

(3) The junctions between floors and walls or other vertical surfaces must be—

- (a) coved to a radius of at least 9.5 mm; and
- (b) firmly supported.

#### **9.2.10 Directions**

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

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

#### **9.2.11 Other Duties of Occupier**

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

### *Division 3—Fish Premises*

#### **9.3.1 Interpretation**

In this Division, unless the context otherwise requires—

"**fish premises**" may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment;

#### **9.3.2 Duties of an Occupier**

The occupier of a fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

#### **9.3.3 Disposal of Waste**

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

- (a) placed in the receptacles referred to in clause 9.2.7 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

### 9.3.4 Fish Containers

The occupier of a fish premises shall not allow any container used for the transport of fish to—

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

### *Division 4—Laundries, Dry Cleaning Establishments and Dye Works*

#### 9.4.1 Interpretation

In this Division, unless the context otherwise requires—

“**dry cleaning establishment**”—

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

“**dye works**” means a place where articles are commercially dyed;

“**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.

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

#### 9.4.2 Receiving Depot

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

#### 9.4.3 Reception Room

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

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by an 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 clause.

#### 9.4.4 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be constructed of concrete and finished with a smooth impervious 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.

#### 9.4.5 Escape of Dust

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

#### 9.4.6 Precautions Against Combustion

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

#### 9.4.7 Trolleys

The occupier of a dry cleaning establishment shall—

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



**9.4.8 Sleeping on Premises**

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

**PART 10—OFFENCES AND PENALTIES**

**10.1 Penalties**

- (1) A person who contravenes a provision of these Local laws commits an offence.
- (2) A person who commits an offence under subclause (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 and 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**  
**HEALTH ACT 1911**  
 City of Bunbury

**APPLICATION FOR REGISTRATION OF A LODGING-HOUSE**

To:  
City of Bunbury, PO Box 21, BUNBURY, WA 6230

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; a recreational campsite; or serviced apartments  
(delete as required)

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

**DESCRIPTION OF LODGING-HOUSE**

Number of storeys.....

**Rooms for private use**

Number.....	Area.....
-------------	-----------

Laundries/toilets/bathrooms .....

Bedrooms .....

Dining Rooms .....

Kitchens .....

Sitting Rooms .....

Other (Specify) .....

**Rooms for lodgers**

	Number	Area
--	--------	------

Bedrooms ..... .....

Dining Rooms ..... .....

Kitchens ..... .....

Sitting Rooms ..... .....

Other (Specify) ..... .....

Sanitary Conveniences for male lodgers

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

Sanitary Conveniences for female lodgers

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

Laundry Facilities

- Washtroughs .....
- Washing machines .....
- Drying cabinets or clothes lines .....

Additional Details

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

Application fee of ..... is attached.

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

.....  
(Date)

**Schedule 2  
HEALTH ACT 1911**

City of Bunbury

**CERTIFICATE OF REGISTRATION OF A LODGING-HOUSE**

To:

City of Bunbury, PO Box 21, BUNBURY, WA 6230

THIS is to certify that the premises situated at .....

..... are registered as a  
Lodging-house and classified as—

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

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

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

This Certificate of Registration is issued subject to the Health Act and the Health Local Laws of the City of Bunbury and is not transferable.

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

.....  
Environmental Health Officer  
City of Bunbury

Fee received: .....

**Schedule 3**  
**HEALTH ACT 1911**  
*City of Bunbury*

**NOTICE OF CHANGE OF OWNER OF A LODGING-HOUSE**

To:  
City of Bunbury, PO Box 21, BUNBURY WA 6230

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

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

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

which are registered in the name of  
.....

for the carrying on of the lodging-house business.

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

.....  
(Date)

**Schedule 4**  
**HEALTH ACT 1911**  
*City of Bunbury*  
**REGISTER OF LODGERS**

Location of Lodging-house: .....

Date of Arrival	Name	Previous address	Signature	Room No	Date of Departure

**Schedule 5**  
**HEALTH ACT 1911**  
*City of Bunbury*  
**LIST OF LODGERS**

To:  
City of Bunbury, PO Box 21, BUNBURY, WA 6230  
The following is the name of every person who resided in the lodging-house  
at .....  
on the ..... day of ..... 20.....


.....  
(Signature of Keeper)

.....  
(Date)

**Schedule 6**  
**HEALTH ACT 1911**  
 City of Bunbury  
**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING-HOUSE**

To:.....  
 (Name of Keeper)

.....  
 (Address of Keeper)

For the registered lodging-house situated at—

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

ROOM NUMBER	MAXIMUM OCCUPANCY

.....  
 Environmental Health Officer

.....  
 Date

**Schedule 7**  
**HEALTH ACT 1911**  
 City of Bunbury  
**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To:  
 City of Bunbury, PO Box 21, BUNBURY, WA 6230

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

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

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

in or upon.....  
 (Location of the House or Premises)

Notice of my/our intention to make this application was advertised in ..... (Name of Newspaper)

on ..... (Date of Advertisement)

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

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

..... (Date)

Schedule 8 HEALTH ACT 1911 City of Bunbury

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: City of Bunbury, PO Box 21, BUNBURY, WA 6230

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

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

apply for registration, for the year ended ..... of ..... (Location of Premises)

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

under the business name of .....

The prescribed registration fee of \$ is attached.

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

..... (Date)

Schedule 9 HEALTH ACT 1911 City of Bunbury

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at .....

of which ..... is the occupier, are registered for the carrying on of the trade of .....

Trade Name .....

This registration expires on the ..... 20.....

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

..... Environmental Health Officer City of Bunbury

Passed by resolution at a meeting of the Council of the City of Bunbury held on the 12<sup>th</sup> day of June 2001.

Dated this 14<sup>th</sup> day of June 2001.

The Common Seal of the City of Bunbury was affixed by By authority of a resolution of the Council in the presence of—

M. WHITAKER, Chief Executive Officer.

G. M. CASTRILLI, Mayor.

Consented to—

Dated this 2<sup>nd</sup> day of July 2001.

Dr Virginia A McLaughlin MBChB, MApp Epid, FAFPHM, Delegate of  
Executive Director Public Health

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