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HEALTH ACT 1911

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SHIRE OF KALAMUNDA

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HEALTH LOCAL LAWS 2001



**HEALTH ACT 1911**

## SHIRE OF KALAMUNDA

**HEALTH LOCAL LAWS 2001**

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**HEALTH ACT 1911****SHIRE OF KALAMUNDA****HEALTH LOCAL LAWS 2001**

Made by the Council of the Shire of Kalamunda 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****Citation**

1. These local laws may be cited as “*Shire of Kalamunda Health Local Laws 2001*”.

**Repeal**

2. (1) The Health Local Laws adopted by the Shire of Kalamunda [then known as the Darling Range Road Board] and published in the *Government Gazette* on 18 June 1915, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Kalamunda [then known as the Darling Range Road Board] and published in the *Government Gazette* on 19 June 1936, and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the Shire of Kalamunda [then known as the Darling Range Road Board] on 8 November 1954 and published in the *Government Gazette* on 1 April 1955, and amended from time to time, are repealed;
- (4) The Health Local Laws adopted by the Shire of Kalamunda [then known as the Darling Range Road Board] on 8 October 1956 and published in the *Government Gazette* on 12 December 1956, and amended from time to time, are repealed; and
- (5) The Health Local Laws adopted by the Shire of Kalamunda on 20 April 1964 and published in the *Government Gazette* on 8 July 1964, and amended from time to time, are repealed.

**Interpretation**

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

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

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

“approved” means approved by the Principal Environmental Health Officer;

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

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

“Chief Executive Officer” means the Chief Executive Officer of the Shire of Kalamunda and includes an Acting Chief Executive Officer;

“Council” means the Council of the Shire of Kalamunda;

“District” means the district of the Shire of Kalamunda and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

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

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

“habitable room” means a room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

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

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

“Manager Health Service” means an Environmental Health Officer appointed by the Council to the office of Manager, Health Service and includes an Acting Manager Health Service;

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

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

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

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

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

“toilet” means a water closet 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 Quality in Australia—1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time;

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

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

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

## PART 2—SANITATION

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

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

“festival” includes a fair, function or event;

“organiser” means a person—

- (a) to whom approval has been granted by the Council to conduct the festival; or
- (b) responsible for the conduct of the festival;

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

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

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

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

5. The occupier of premises other than a dwelling house shall ensure that—

- (a) clean toilet paper is available at all times in each cubicle;
- (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
  - (i) an adequate supply of soap or other hand cleaning substances; and
  - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

#### **Outdoor Festivals**

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

- (a) for the first 1,000 males—
  - (i) one water closet for each 333;
  - (ii) one urinal stall for each 100; and
  - (iii) one hand wash basin for each 500;
- (b) for additional males—
  - (i) one water closet for each 500;
  - (ii) one urinal stall for each 100; and
  - (iii) one hand wash basin for each 500;



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

#### **Toilets on the Premises other than Residential Premises**

7. Where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

#### **Temporary Works**

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

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

9. (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.

#### **Public Sanitary Convenience**

10. A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

#### **Installation**

11. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate supply of water.
- (2) Every temporary sanitary convenience shall be installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

### *Division 2—Bathrooms*

#### **Bathrooms**

12. (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
- (2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

## **PART 3—HOUSING AND GENERAL**

### *Division 1—Maintenance of Houses*

#### **Dwelling House Maintenance**

13. 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, in sound weatherproof condition;
  - (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
  - (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
  - (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting in accordance with the Building Code of Australia;
- (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.

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

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

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

##### **Overcrowding**

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

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

##### **Calculate Sufficient Space**

16. For the purpose of section 15, in calculating the space required for each person—

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

##### **Ventilation**

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

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code

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

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

(4) The owner shall comply with a notice under subsection (3).

#### *Division 3—Water Supply*

##### **Water Supply**

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

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

##### **Rain Water Tanks**

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

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

- (c) at least once in each year, thoroughly clean any tank the water from which is used for human consumption;
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

**Wells**

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

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

**Pollution**

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

*Division 4—Secondhand Furniture, Bedding and Clothing***Prohibition of Sale**

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

**Prohibition of Possession**

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

**PART 4—WASTE FOOD AND REFUSE***Division 1—Liquid Refuse***Interpretation**

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

“liquid refuse” includes all washings from windows, vehicles and carpet cleaning, over flow, bleed off condensate and drainage from refrigeration and air conditioning equipment including cooling towers and evaporative coolers and other liquids used for cooling refrigeration compressor condensates and other liquid used for cooling purposes and swimming pool discharges;

“liquid waste” means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage; and

**Deposit of Liquid Refuse and Liquid Waste**

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

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

*Division 2—Disposal of Refuse***Interpretation**

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

“collection time”, where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

“public place” includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

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

“refuse disposal site” means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse;

“receptacle”, where used in connection with any premises, means—

- (a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or
- (b) a container provided by the Council or its contractor for the deposit, collection and recycling of specific materials,

and supplied to the premises by the Council or its contractor;

“street” includes a highway and a thoroughfare which the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

#### **Prescribed Area—Section 112A of the Act**

27. The whole of the district of the Shire of Kalamunda is prescribed as the area within which the provisions of Section 112A of the Act shall operate and have effect.

#### **Location of Receptacles**

28. An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the street alignment and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by the Manager Health Services;
- (c) place the receptacle within 1 metre of the edge of the carriageway adjacent to the premises, but so that it does not obstruct a foot path cycleway or other carriageways;
- (d) ensure that the premises is provided with an adequate number of receptacles.

#### **Exemption**

29. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of section 28.

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

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

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

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

#### **Use of Receptacles**

30. An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 70 kilograms of rubbish or refuse;
  - (ii) hot or burning ash;
  - (iii) oil, motor spirit or other flammable liquid;
  - (iv) liquid, liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, earth or other like substances;
  - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
  - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
  - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
  - (ix) cytotoxics, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, nightsoil, faeces or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
  - (xii) rubbish or refuse which is or is likely to become offensive or nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- (b) not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;

- (e) take all reasonable steps to prevent—
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease, and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

**Ownership of Receptacles**

31. (1) A receptacle provided by the Council or its contractor remains the property of the Council or its contractors as the case may be.

(2) The occupier of a premises in the district shall notify the Council within 72 hours or as soon as practicable after the event if a receptacle is lost, stolen, damaged or becomes defective.

**Damage to Receptacles**

32. A person, other than the Council or its Contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its Contractor.

**Use of Other Containers**

33. (1) In the case of premises consisting of more than 3 dwellings or any premises used for commercial or industrial purposes, the Chief Executive Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under subsection (1) to deposit rubbish or refuse in a container shall—

- (a) unless approved by the Manager Health Service not deposit or permit to be deposited in the container anything specified in section 30 (a)(i) – (xii);
- (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- (c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
- (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Manager Health Service;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

**Suitable Enclosure**

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

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

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

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

- (a) of sufficient size to accommodate all receptacles used on the premises;
- (b) having walls that conceal the bins that allow easy access and restricts animal access at all times; and
- (c) containing a smooth and impervious floor which is evenly graded to and approved liquid refuse disposal system.

**Multiple Residential Units**

35. In the case of residential premises consisting of more than 3 dwellings, units or flats and other premises the Council may require the use of a receptacle or number of receptacles specified by the Chief Executive Officer other than 240 litre polyethylene carts and occupiers of the premises shall comply with and observe the directions given by Chief Executive Officer.

**Deposit of Refuse**

36. (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

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

- (a) at such place on the site as may be directed by the person in charge of the site; or

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

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

37. (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 Council.

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

#### *Division 3—Transport of Butchers' Waste*

##### **Interpretation**

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

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

##### **Restriction of Vehicles**

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

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

##### **Transport of Butchers' Waste**

40. (1) A person shall not transport butchers' waste otherwise than in a container or a compartment that is made of impervious smooth material that is leakproof and flyproof

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

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

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

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

#### *Division 4—Disposal of Trade Refuse From Building Sites*

##### **Interpretation**

41. In this division unless the context otherwise requires—

“occupier means a person having the charge, management or control of a building site and where two or more persons share or jointly have the charge, management or control of a building site, each of those persons.

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

##### **Occupier Obligations**

42. The occupier of a building site shall—

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

### **PART 5—NUISANCES AND GENERAL**

#### *Division 1—Nuisances*

##### **Interpretation**

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

“fertiliser” includes manure.

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

44. An owner or occupier of premises shall keep adjacent footpaths, paved areas and rights of way, clean and clear from their refuse or other belongings.

**Escape of Smoke etc.**

45. (1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive 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 or dangerous or injurious to the health of persons.

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

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

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

**Use or Storage of Fertiliser**

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

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

**Storage and Despatch of Artificial Fertiliser**

48. 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.

**Storage of Fertiliser in a House**

49. 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 the Manager Health Service.

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

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

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

**Animal Enclosures**

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

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

**Cats—Maximum Numbers Permitted**

52. (1) A person may not keep more than three (3) cats over the ages of four (4) months on premises on any lot within the district, except in compliance of section 59.

(2) Notwithstanding subsection (1), no person shall permit, suffer or encourage the presences of more than 3 cats on any lot within the district.

**Keeping in Excess of 3 Cats**

53. A person may keep more than three cats over the age of four (4) months on a lot zoned Rural, Rural Landscape Interest or Rural Living, under the currently adopted Shire of Kalamunda District Planning Scheme, if the occupier of any such lot shall—

- (a) obtain written permission from the Council to establish a Cattery;

- (b) upon receiving approval to establish a Cattery register as a keeper and shall register the lot as a Cattery with the Council.

#### **Application for Registration**

54. An application for registration of a Cattery shall be—

- (a) in writing;
- (b) duly completed and signed by the proposed keeper; and
- (c) Accompanied by—
  - (i) the fee as fixed from time to time by Council under Section 344C of the Act; and
  - (ii) detailed plans and specifications of the Cattery.

#### **Approval of Application**

55. The Council may approve with or without conditions, an application under Section 54 by issuing to the applicant a registration in the form of Schedule 9.

#### **Renewal of Registration**

56. A person who keeps a Cattery which is registered under this Part shall—

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

#### **Registration May be Revoked**

57. A registration granted by Council may be revoked if the Cattery keeper ceases to be the occupier of the lot in respect of which registration was granted or the occupier fails to comply at all times with the provisions of section 58.

#### **Standards for Enclosure or Shelter**

58. The keeper shall provide for each cat on the lot, a properly constructed shelter with an enclosure constructed in the following manner—

- (a) Every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 4 months old.
- (b) The area of the enclosure appointed to any shelter or group of shelters forming a Cattery shall not be less than 3 times the area of the shelter or group of shelters.
- (c) Subject to section 60, no shelter or enclosure shall be closer than 10 metres from the boundary of an adjacent property, dwelling, church, school room, hall or premises where food is stored or prepared for human consumption.
- (d) All enclosure yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition, free from vectors of disease and maintained in a manner to the satisfaction of an Environmental Health Officer.

#### **Exemption from Rural, Rural Landscape Interest or Rural Living Zoning**

59. Any cat breeder at present registered with the Feline Control Council of Western Australia and keeping more than 3 cats on any lot within a zone other than the Rural Landscape Interest or Rural Living zones within the district may be registered as a Cattery if the Cattery complies with or can be made to comply with the requirements of section 58.

#### **Proximity of Cattery to Keepers Dwelling House**

60. Council may permit a cattery to be not less than 6 metres from the dwelling of the keeper, provided it is satisfied that no likely adverse health affect will arise as a result of allowing the lesser separation distance.

#### **Disposal of Dead Animals**

61. (1) An owner or occupier of premises on which there is a dead animal shall take immediate measures to dispose of the carcass in a manner approved by the Manager Health Service.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall take immediate measures to dispose of the carcass in a manner approved by the Manager Health Service.

### *Division 3—Keeping of Large Animals*

#### **Interpretation**

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

- “large animal” means a horse, cow, pig, sheep, goat, camel, deer, alpaca or lama;
- “cow” includes an ox, calf or bull;
- “horse” includes an ass, mule, donkey or pony; and
- “scheme” means the Shire of Kalamunda District Planning Scheme currently adopted by the Council.



**Proximity of Animals to a Dwelling House**

63. An owner or occupier of premises shall—

- (a) not keep a large animal on any land under the scheme unless planning approval is granted
- (b) not permit a large animal to approach within 12 metres of a dwelling house or food premises;

**Manure Receptacle**

64. An owner or occupier of premises on which a large animal is kept shall—

- (a) provide a manure receptacle that is constructed from smooth, impervious, durable and easily cleanable material;
- (b) keep the lid of the receptacle closed except when the manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

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

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

“poultry” includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls;

**Limitation on Numbers of Poultry and Pigeons**

66. (1) In this division “Affiliated Persons” means a person who is a member of—

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

(2) An owner or occupier of premises who is not an Affiliated Person shall not keep a combined total of more than 20 poultry and 20 pigeons on any one lot of land zoned residential.

**Conditions of Keeping Poultry**

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

- (a) no poultry is able to approach within 12 metres of a dwelling house, public building or premises where people are employed or food premises as defined in Section 246G of the Act;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance.

**Pigeons or Doves**

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

- (a) none are able to approach within 12 metres of a dwelling, public building or premises where people are employed or within 12 metres of food premises as defined in Section 246G of the Act;
- (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 is in a yard having an otherwise unobstructed area of at least 30 square metres.

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

69. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of sections 67 and 68 respectively, the Council may direct the owner or occupier to remove it.

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

**Restrictions on Pigeon Nesting or Perching**

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

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

*Division 5—Mosquitoes***Interpretation**

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

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

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

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

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

liable to become the breeding place of mosquitoes.

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

73. An owner or occupier of premises—

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

**Measures to be taken by Occupier**

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

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

**Removal of Undergrowth or Vegetation**

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

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

**Filling in Excavations etc.**

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

**Drains, Channels and Septic Tanks**

77. An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
  - (i) apply as directed by an Environmental Health Officer a larvicide according to the directions on the container, or/and
  - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

**Drainage of Land**

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

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

*Division 6—Rodents***Interpretation**

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

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

**Measures to be taken to eradicate Rodents**

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

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

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

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

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

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

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

**Restrictions on materials affording harbourage for Rodents**

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

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

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

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

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

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

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

*Division 7—Cockroaches***Interpretation**

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

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

**Measures to be taken to eradicate Cockroaches**

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

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

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

*Division 8—European Wasps***Interpretation**

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

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

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

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

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

*Division 9—Arthropod Vectors of Disease***Interpretation**

88. In this Division, unless the context otherwise requires Arthropod vectors of disease includes—

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

**Responsibility of the Owner or Occupier**

89. The owner or occupier of premises shall—

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

**PART 6—INFECTIOUS DISEASES***Division 1—General Provisions***Environmental Health Officer may visit, inspect and report**

90. An Environmental Health Officer—

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

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

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

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

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

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

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

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

**Insanitary houses, premises and things**

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

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to 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 the owner or occupier of the house or premises to amend any insanitary condition within the time and in the manner specified in the notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Council may carry out work and recover costs**

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

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

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

## **PART 7—LODGING HOUSES**

### *Division 1—Registration*

#### **Interpretation**

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

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

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

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

“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 short term hostel, permanent or otherwise, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper or manager, for hire or reward; and the term includes a serviced apartment and a short term hostel, but does not include—

- (a) premises licensed under a publicans general licence limited hotel licence or wayside house licence granted under the *Licensing Act 1911*;
- (b) premises used as a boarding school approved under the *Education Act 1928*; or
- (c) any building comprising residential flats;

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

“recreational campsite” means a lodging house—

- (a) sited on a campsite principally used for;
  - recreational, sporting, religious, ethnic or educational pursuits or
  - 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;

“vector of disease” means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

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

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

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the Council under section 101;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of the Chief Executive 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.

### **Application for registration**

101. 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 council under section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging house.

### **Approval of registration**

102. The Council may approve, with or without conditions, an application under section 101 by issuing to the applicant a certificate in the form of Schedule 2.

### **Renewal of registration**

103. 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 Council for the renewal of the registration of the lodging house; and
- (b) pay the fee as fixed from time to time by Council under section 344C of the Act; at the time of making each application for renewal.

**Notification upon sale or transfer**

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

**Revocation of registration**

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

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

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

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

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

*Division 2—Construction and Use Requirements***General Construction Requirements**

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

**Sanitary conveniences**

107. (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 basin and a shower or a bath.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (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) Toilets and bathrooms shall—

- (a) be so situated, separated and screened as to ensure privacy;
- (b) be apportioned in accordance with the Building Code;
- (c) be provided with adequate electric lighting.

**Laundry**

108. (1) A keeper shall—

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

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

(3) “laundry unit” means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water;

- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and;
- (d) an adequate supply of hot and cold water

### **Kitchen**

109. The keeper of a lodging house shall, whether preparing food for lodgers or where lodgers prepare their own food, provide a kitchen or kitchens that complies with the *Health (Food Hygiene) Regulations 1993*.

### **Cooking Facilities**

110. The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens 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

### **Dining Room**

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

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

### **Lounge Room**

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

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

### **Fire prevention and control**

113. (1) A keeper shall—

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

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

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

114. (1) Subject to subsection (2) and section 128, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) which contains or is fitted with a cooking appliance or kitchen sink unless approved by the Manager Health Service;
- (b) 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;
- (c) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (d) which, except in the case of a short term hostel and recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (e) in which the lighting or ventilation is obstructed or is not in good and efficient order;
- (f) of which any part of the floor is below the level of the adjoining ground; and
- (g) which is not free from internal dampness;

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



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

115. (1) A keeper of a short term hostel and recreational campsites shall provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory containing beds;
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subsection (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 campsites, 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 subsection (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 campsites shall provide—
- (a) Fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
  - (b) Mechanical ventilation in lieu of fixed ventilation, subject to the Councils approval.
- (6) The keeper of any short term hostel or recreational campsites shall provide—
- (a) Beds with a minimum size of—
    - (i) In short term hostels—800 millimetres x 1.9 metres
    - (ii) In recreational campsites—750 millimetres x 1.85 metres
  - (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 campsites shall—
- (a) Arrange at all times a distance of 700 millimetres between beds and a distance of 900 millimetres between bunks;
  - (b) Ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;
  - (c) Ensure all doors, windows and ventilation's are kept free of obstruction.
- (8) The keeper of any short term hostel or recreational campsites shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—
    - (i) drapes, curtains, blinds and bed covers – a maximum Flammability Index of 6;
    - (ii) upholstery & bedding – a maximum Spread of Flame Index of 6;
    - (iii) a minimum Smoke Development Index of 5;
    - (iv) floor coverings—a maximum Spread of Flame Index of 7.
    - (v) a maximum Smoke Development Index of 5;
  - (b) Fire retardant coatings used to make a material comply with these indices must be—
    - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
    - (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
    - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
  - (c) emergency lighting is provided in accordance with the Building Code;
  - (d) shall ensure all mattresses are fitted with a mattress protector.

**Furnishing etc. of sleeping apartments**

116. (1) A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed—
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, 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) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

**Ventilation**

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

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

**Identification of Rooms**

118. A keeper shall number each room available to a lodger or provide an alternative means of identification approved by the Manager Health Service

*Division 3—Management and Care***Keeper or manager to reside in the lodging house**

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

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

**Register of lodgers**

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

(2) The register of lodgers shall be—

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

**Keeper report**

121. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 4, the name of each lodger who lodged in the lodging house during the preceding day or night.

**Certificate in respect of sleeping accommodation**

122. (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 5.

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

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

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

**Duplicate keys and inspection**

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

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

**Room occupancy**

124. A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
  - (i) a larger number of beds; or
  - (ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; and
  - (ii) the Council or the Medical Officer has forbidden to be used as a sleeping apartment.

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

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

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

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

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

**Cleaning and maintenance requirements**

126. (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 the Manager Health Service, ensure that—
  - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by the Manager Health Service or an Environmental Health Officer.

(2) In this section—

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

**Responsibilities of lodgers and residents**

127. A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to section 128—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

- (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

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

128. (1) The Manager Health Service 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 vectors 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 8—OFFENSIVE TRADES**

#### *Division 1—General*

#### **Interpretation**

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

“occupier” in relation to premises includes the person registered as the occupier of the premises in the Schedule 8 Certificate of Registration.

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

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

- (a) advertise notice of his intention to apply for consent in accordance with section 1321 and
- (b) lodge with the Chief Executive Officer an application in the form of Schedule 6.

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

#### **Notice of Application**

131. A notice required under section 130(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a local newspaper at least two weeks but not more than one month before the application under subsection 130(1)(a) is lodged with the Chief Executive Officer.

#### **Registration of Premises**

132. An application for the registration of premises pursuant to section 184 of the Act shall be—

- (a) in the form of Schedule 7;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976*; and
- (c) lodged with the Chief Executive Officer.

#### **Certificate of Registration**

133. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 8.

#### **Change of Occupier**

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

#### **Alterations to Premises**

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

#### **Occupier Includes Employee**

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

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

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

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

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

**Cleanliness**

138. The occupier shall—

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

**Rats and other Vectors of Disease**

139. The occupier shall—

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

**Sanitary Conveniences and Wash Basins**

140. 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.

**Storage of Materials**

141. 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.

**Directions**

142. (1) The Manager Health Service may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

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

**Other Duties of Occupier**

143. 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—Piggeries***Interpretation**

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

“Piggery” means a place where a pig or pigs are kept and includes any portion of the premises to which the pigs have access.

“Occupier” means the occupier of the piggery.

**Location**

145. A piggery shall be located at least 30 metres from any street or thoroughfare, and at least 60 metres from any dwelling or food premises.

**Construction**

146. The occupier shall provide either sties and/or enclosures within which the pigs shall be kept, and such sties and/or enclosures shall comply with the following requirements—

- (a) The floor of the sty shall be of concrete or similar impervious materials graded to a drain connected to an approved effluent treatment and disposal system.
- (b) Where enclosures only are provided then the fences of the enclosures shall be movable.
- (c) Each enclosure shall have sufficient shelter sheds for all the pigs that may at any one time be kept in any such enclosure.

**Troughs and Water**

147. Every occupier shall provide—

- (a) Feeding troughs sufficient for the number of pigs in each sty; and

- (b) A sufficient and constant supply of clean water, which shall be properly protected against pollution, and be always available for cleaning purposes.

*Division 4 Poultry Farms—Caged system*

**Interpretation**

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

“Caged system of poultry housing” means any method of poultry farming in which series of nesting boxes, cages or similar devices are used to confine laying hens for intensive laying.

“Occupier” means the occupier of the Poultry Farm.

**Location Of Sheds**

149. A building housing a caged system of poultry shall—

- (a) Be not less than 30 metres from a street, thoroughfare, housing food premises and not less than 6 metres from boundaries of land not in the same ownership or possession.
- (b) Be erected on a set where the highest known water table is at least 760mm below natural ground level.

**Equipment Etc**

150. The occupier shall ensure that all appliances, fittings and equipment and other things related to the trade are kept in efficient order and repair.

**Manure**

151. The occupier shall ensure that all manure is retained directly under the cage without any spillage onto the concrete pathway and is kept dry and free from fly breeding.

**Coolroom**

152. The occupier shall provide a suitable coolroom capable of maintaining a temperature of not more than 5 degrees Celsius at any time.

**Storage of Pesticides**

153. The occupier shall ensure that all pesticides are stored in an area separate from the coolroom and poultry feed storage.

**Disposal Of Carcasses**

154. The occupier shall ensure that carcasses are disposed by one of the following methods—

- (a) incineration of the carcasses in an incinerator approved by the Council and complying with the standards of the Department of Environmental Protection;
- (b) burial of the carcasses in a manner and location approved by an Environmental Health Officer; or
- (c) by some other means approved by the Council.

*Division 5—Manure Works*

**Interpretation**

155. “Manure Works” means a place where manure is received stored or processed and includes any portion of the premises to which the receiving, storing and processing occurs.

“Occupier” means the occupier of the Manure Works.

**Storage Of Manure**

156. The occupier shall take all practical measures including covering with an impervious material and/or applying a suitable larvicide to render the manure free from fly breeding.

**Location Of Manure Deposits**

157. (1) The occupier shall ensure that any deposit of manure shall be placed not less than 30 metres from any creek, waterway, well or bore, or 6 metres from any open drain or sub soil drain.

(2) The deposit of manure will be protected from moisture in a manner approved by Manager Health Service.

**PART 9—PENALTIES**

158. (1) A person who contravenes a provision of these Local Laws, commits an offence.

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

- (a) a penalty which is not more than \$1,000 and not less than—
  - (i) in the case of a first offence, \$200;
  - (ii) in the case of a second offence, \$300; and
  - (iii) in the case of a third or a 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.

**PART 10—SCHEDULES OF FORMS**

<b>Schedule Number</b>	<b>Description</b>
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.	Certificate of Sleeping Accommodation for a Lodging House
6.	Application for Consent to Establish an Offensive Trade
7.	Application for Registration of Premises for Offensive Trade
8.	Certificate of Registration of Premises for Offensive Trade
9.	Registration to operate a Cattery

***Schedule 1*****SHIRE OF KALAMUNDA****Health Act 1911****APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
Shire of Kalamunda

I/We .....  
Full name of Applicant/s

of .....  
Residential Address of Applicant/s

.....  
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

(Specify which is to apply)

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys

.....

**Rooms for private use**

	Number	Area
Laundries/toilets/bathrooms	.....	.....
Bedrooms	.....	.....
Dining 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**

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

**Additional Details**

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

.....  
 Signature of Applicant/s

.....  
 Date

***Schedule 2*****SHIRE OF KALAMUNDA****Health Act 1911****CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

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;
- a recreational campsite; or
- serviced apartments

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

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

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

Dated ..... 20....

.....  
 Manager Health Service

Shire of Kalamunda

Fee received: \$.....



**Schedule 3**

SHIRE OF KALAMUNDA

Health Act 1911

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

To: Chief Executive Officer  
Shire of Kalamunda

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**

SHIRE OF KALAMUNDA

Health Act 1911

**REGISTER OF LODGERS**

Location of Lodging House: .....  
.....

Date

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

**Schedule 5**

SHIRE OF KALAMUNDA

Health Act 1911

**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

.....  
Date

.....  
Environmental Health Officer

**Schedule 6**

SHIRE OF KALAMUNDA

Health Act 1911

**APPLICATION FOR CONSENT TO ESTABLISH  
AN OFFENSIVE TRADE**To: Chief Executive Officer  
Shire of KalamundaI/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 on .....  
advertised in .....

Date of Advertisement

Plans and specifications of the buildings proposed to be used or erected in connection with the  
proposed offensive trade are attached......  
Signature of Applicant/s.....  
Date**Schedule 7**

SHIRE OF KALAMUNDA

Health Act 1911

**APPLICATION FOR REGISTRATION OF PREMISES  
FOR OFFENSIVE TRADE**To: Chief Executive Officer  
Shire of KalamundaI/We .....  
Full Name of Applicant/s

of .....

Residential Address of Applicant/s

apply for registration, for the year ended .....

of .....

Location of Premises

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

.....

Description of Offensive Trade

.....

under the business name of .....

The prescribed registration fee of \$ ..... is attached.

.....

Signature of Applicants/s

.....

Date

*Schedule 8*

SHIRE OF KALAMUNDA

Health Act 1911

**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.....

.....  
 Manager Health Service  
 Shire of Kalamunda

*Schedule 9*

SHIRE OF KALAMUNDA

Health Act 1911

**REGISTRATION TO OPERATE A CATTERY**

This is to certify that .....  
 Name  
 of .....  
 Address  
 is registered to operate a cattery  
 .....  
 Business Name of Cattery  
 within the Health District of the Shire of Kalamunda.

.....  
 Date of issue  
 .....

Manager Health Service  
 Shire of Kalamunda

Passed by a resolution at a meeting of the Council of the Shire of Kalamunda held on 18<sup>th</sup> day of June 2001.

The Common Seal of the Shire of Kalamunda was hereunto affixed in the presence of—  
 on this 9th day of July 2001

ELIZABETH TAYLOR, Shire President.  
 DAVID ERNEST VAUGHAN, Chief Executive Officer.

Consented to:—

Dr VIRGINIA A. McLAUGHLIN, delegate of Executive Director, Public Health.  
 Dated this 7th day of November 2001.

