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HEALTH ACT 1911

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CITY OF BELMONT

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HEALTH LOCAL LAW 2002

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HEALTH (EATING HOUSES,  
ITINERANT FOOD VENDORS  
AND MEAT PREMISES)  
LOCAL LAW 2002



**HEALTH ACT 1911**

## CITY OF BELMONT

**HEALTH LOCAL LAW 2002**

## ARRANGEMENT

**PART 1—PRELIMINARY**

## Clause

1. Citation
2. Repeal
3. Savings and Transitional
4. Interpretation

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

5. Interpretation
6. Dwelling house
7. Premises other than a dwelling house
8. Outdoor festivals
9. Toilets
10. Temporary works
11. Maintenance of sanitary conveniences and fittings
12. Ventilation of toilets
13. Public sanitary conveniences
14. Lighting
15. Installation

*Division 2—Bathrooms, Laundries and Kitchens*

16. Bathrooms
17. Laundries
18. Washing or keeping of clothes in kitchens
19. Kitchens

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

20. Dwelling house maintenance
21. Maintenance of guttering and downpipes and disposal of rainwater

*Division 2—Ventilation of Houses*

22. Exemption for short term hostels
23. Overcrowding
24. Calculate sufficient space
25. Ventilation

*Division 3—Water Supply*

26. Water supply
27. Rain water tanks
28. Wells
29. Pollution

*Division 4—Secondhand Furniture, Bedding and Clothing*

30. Prohibition of sale
31. Prohibition of possession

*Division 5—Morgues*

32. Licensing of morgues
33. Inspection of morgues
34. Revocation of licence

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

- 35. Interpretation
- 36. Deposit of liquid refuse

*Division 2—Disposal of Refuse*

- 37. Interpretation
- 38. Receptacles
- 39. Exemption
- 40. Use of receptacles
- 41. Damage to receptacles
- 42. Use of other containers
- 43. Suitable enclosure
- 44. Deposit of litter
- 45. Deposit of refuse
- 46. Removal from refuse disposal site
- 47. Removal of rubbish from premises or receptacle
- 48. Burning rubbish or refuse

*Division 3—Transport of Butchers' Waste*

- 49. Interpretation
- 50. Restriction of vehicles
- 51. Transport of butchers' waste

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

- 52. Interpretation
- 53. Footpaths etc. to be kept clean
- 54. Escape of smoke etc.
- 55. Public vehicles to be kept clean
- 56. Prohibition against spitting
- 57. Transportation, use and storage of offal or blood
- 58. Use or storage of fertiliser
- 59. Storage and dispatch of artificial fertiliser
- 60. Storage of fertiliser in a house

*Division 2—Keeping of Animals*

- 61. Cleanliness
- 62. Animal enclosures
- 63. Cats
- 64. Slaughter of animals
- 65. Disposal of dead animals

*Division 3—Keeping of Large Animals*

- 66. Interpretation
- 67. Approval required to keep a cow or large animal
- 68. Proximity of animals to a dwelling house
- 69. Manure receptacle

*Division 4—Keeping of Poultry, Pigeons, Cage-birds and "Other Cage-birds"*

- 70. Interpretation
- 71. Limitation on number of poultry and pigeons
- 72. Changes to approved numbers
- 73. Conditions on keeping poultry
- 74. Conditions for keeping pigeons, cage-birds and "other cage-birds"
- 75. Roosters, geese, peafowls turkeys or "other cage-birds"
- 76. Revocation of approvals
- 77. Removal of non-conforming structure or enclosure
- 78. Restrictions on pigeon nesting or perching
- 79. Restrictions on feeding pigeons and seagulls

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

- 80. Interpretation
- 81. Fly breeding matter not to be left on premises unless covered or treated
- 82. Measures to be taken by an occupier
- 83. Officer may give notice directing measures to be taken
- 84. Local government may execute work and recover costs

*Division 2—Mosquitoes*

- 85. Interpretation
- 86. Premises to be kept free of mosquito breeding matter
- 87. Measures to be taken by an owner or occupier
- 88. Measures to be taken by occupier
- 89. Removal of undergrowth or vegetation
- 90. Filling in excavations etc.
- 91. Drains, channels and septic tanks
- 92. Drainage of land

*Division 3—Rodents*

- 93. Interpretation
- 94. Measures to be taken to eradicate rodents
- 95. Waste food etc. to be kept in rodent proof receptacles
- 96. Restrictions on materials affording harbourage for rodents
- 97. Eating house etc. to be cleaned after use
- 98. Restrictions on the sale or keeping of rats

*Division 4—Cockroaches*

- 99. Interpretation
- 100. Measures to be taken to eradicate cockroaches

*Division 5—European Wasps*

- 101. Interpretation
- 102. Measures to be taken to keep premises free from European Wasp Nests

*Division 6—Bee Keeping*

- 103. Interpretation
- 104. Limitation on numbers of hives
- 105. Restrictions on keeping of bees in hives
- 106. Bees that cause a nuisance not to be kept

*Division 7—Arthropod Vectors of Disease*

- 107. Interpretation
- 108. Responsibility of the owner or occupier

**PART 7—INFECTIOUS DISEASES**

- 109. Environmental Health Officer may visit, inspect and report
- 110. Requirements on owner or occupier to clean, disinfect and disinfest
- 111. Environmental Health Officer may disinfest or disinfest premises
- 112. Insanitary houses, premises and things
- 113. Medical Officer may authorise disinfecting
- 114. Persons in contact with an infectious disease sufferer
- 115. Declaration of infected house or premises
- 116. Destruction of infected animals
- 117. Disposal of a body
- 118. Local government may carry out work and recover costs
- 119. Disposal of used condoms
- 120. Disposal of used needles

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

- 121. Interpretation
- 122. Lodging house not to be kept unless registered
- 123. Application for registration
- 124. Approval of application
- 125. Renewal of registration
- 126. Notification upon sale or transfer
- 127. Revocation of registration

*Division 2—Construction and Use Requirements*

- 128. General construction requirements
- 129. Sanitary conveniences
- 130. Laundry
- 131. Kitchen
- 132. Cooking facilities
- 133. Dining room

- 134. Lounge room
- 135. Fire prevention and control
- 136. Obstruction of passages and stairways
- 137. Fitting of locks
- 138. Restriction on use of rooms for sleeping
- 139. Sleeping accommodation—short term hostels
- 140. Furnishing etc. of sleeping apartments
- 141. Ventilation
- 142. Numbers to be placed on doors

*Division 3—Management and Care*

- 143. Keeper or manager to reside in the lodging house
- 144. Register of lodgers
- 145. Keeper report
- 146. Certificate in respect of sleeping accommodation
- 147. Duplicate keys and inspection
- 148. Room occupancy
- 149. Maintenance of a room by a lodger or resident
- 150. Cleaning and maintenance requirements
- 151. Responsibilities of lodgers and residents
- 152. Approval for storage of food

**PART 9—OFFENSIVE TRADES**

*Division 1—General*

- 153. Interpretation
- 154. Consent to establish offensive trade
- 155. Notice of application
- 156. Registration of premises
- 157. Certificate of registration
- 158. Change of occupier
- 159. Alterations to premises
- 160. Occupier includes employee

*Division 2—General Duties of an Occupier*

- 161. Interpretation
- 162. Cleanliness
- 163. Rats and other vectors of disease
- 164. Sanitary conveniences and washbasins
- 165. Painting of walls etc
- 166. Effluvia, vapours or gases
- 167. Offensive material
- 168. Storage of materials
- 169. Specified offensive trades
- 170. Directions
- 171. Other duties of occupier

*Division 3—Flock Factories*

- 172. Interpretation
- 173. New and used material
- 174. Collection and removal of dust
- 175. Unclean rags
- 176. Bedding and upholstery

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

- 177. Interpretation
- 178. Receiving depot
- 179. Reception room
- 180. Walls and floors
- 181. Laundry floor
- 182. Escape of dust
- 183. Precautions against combustion
- 184. Trolleys
- 185. Sleeping on premises

**PART 10—OFFENCES AND PENALTIES**

- 186. Penalties

**SCHEDULES OF FORMS**

## Schedule

## Number      Description

1. Application for Registration of a Lodging House
2. Certificate of Registration of a Lodging House
3. Notice of Change of Owner of a Lodging House
4. Register of Lodgers
5. List of Lodgers
6. Certificate of Sleeping Accommodation
7. Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8. Application for the Licensing of a Morgue
9. Certificate of Licence of a Morgue
10. Application for Consent to Establish an Offensive Trade
11. Application for Registration of Premises for Offensive Trade
12. Certificate of Registration of Premises for Offensive Trade





## HEALTH ACT 1911

## CITY OF BELMONT

## HEALTH LOCAL LAWS 2002

Made by the Council of the City of Belmont 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 *The City of Belmont Health Local Laws 2002*.

**Repeal**

2. *The City of Belmont Health Local Law 1995* published in the *Government Gazette* on 19 September 1995 is repealed.

**Savings and Transitional**

3. Without limiting the operation of the provisions of the *Interpretation Act 1984*, the repeal of any local laws by these Local Laws does not affect any document made or anything done under any local laws so repealed, and each such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under these local laws, shall continue and have effect as if it had been made or done under the corresponding clauses of these Local Laws, and as if that clause had been in effect when that document was made or that thing was done.

**Interpretation**

4. (1) In these local laws, unless the context otherwise requires—

“**Act**” means 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;

“**AS/NZS 1276.1: 1999**” means the standard published by the Standards Association of Australia as AS/NZS 1276.1: 1999 and called “Acoustics—Rating of sound insulation in buildings and of building elements—Airborne sound insulation.”;

“**AS 1530.2: 1993**” means the standard published by the Standards Association of Australia as AS 1530.2: 1993 and called “Methods for fire tests on building materials, components and structures—Tests for flammability of materials.”;

“**AS 1530.3: 1999**” means the standard published by the Standards Association of Australia as AS 1530.3: 1999 and called “Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release.”;

“**AS 1668.2—1991**” means the standard published by the Standards Association of Australia as AS 1668.2—1991 and called “The use of mechanical ventilation and air-conditioning in buildings—Mechanical ventilation for acceptable indoor-air quality.”;

“**AS/NZS 3666.2: 1995**” means the standard published by the Standards Association of Australia as AS/NZS 3666.2: 1995 and called “Air-handling and water systems of buildings — Microbial Control—Operation and maintenance.”;

“**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;

“**CEO**” means the Chief Executive Officer of the City of Belmont;

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

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

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

“**local government**” means the *City of Belmont*;

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

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

“**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, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

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

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

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

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

“**water**” means drinking water within the meaning of the Guidelines for 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; and

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

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

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

## PART 2—SANITATION

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

5. 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 local government 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.

#### **Dwelling House**

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

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

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

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

- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- (b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

- (c) the premises have hand wash basins—
  - (i) in accordance with the Building Code;
  - (ii) for the use of persons employed or engaged on the premises;
  - (iii) provided with an adequate supply of water supplied by taps located over each basin;
  - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
  - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that—
  - (a) clean toilet paper is available at all times in each cubicle;
  - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
  - (c) each hand wash basin is provided with—
    - (i) an adequate supply of soap or other hand cleaning substances; and
    - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

### Outdoor Festivals

8. (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 subclause (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 Principal Environmental Health Officer.

### Toilets

9. Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended.

### Temporary Works

10. 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 toilet in accordance with the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from the Principal Environmental Health Officer and ensure the site is left clean.

### Maintenance of Sanitary Conveniences and Fittings

11. (1) The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

### Ventilation of Toilet

12. (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

(2) A mechanical ventilation system provided under subclause (1) shall be maintained in good working order and condition.

**Public Sanitary Conveniences**

13. (1) A person shall not—

- (a) foul;
- (b) damage or vandalise; or
- (c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

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

**Lighting**

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

**Installation**

15. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Convenience) Regulations 1997*.

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

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

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

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

**Laundries**

17. (1) A laundry must conform to the provisions of the Building Code.

(2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—

- (a) not be more than 1220 millimetres wide; and
- (b) have a door which when closed shall completely fill the opening.

**Washing or Keeping of Clothes in Kitchens**

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

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

**Kitchens**

19. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

- (a) an electric, gas or wood stove or other facility or appliance used to cook food;
- (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the dwelling house with a minimum capacity of 0.03 cubic metres; and
- (c) a sink which shall
  - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
  - (ii) have an adequate supply of hot and cold water.

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

(3) A cooking facility shall—

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

- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
- (a) carried to the outside air as directly as practicable; and
  - (b) ducted throughout.
- (5) In this clause, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

### **PART 3—HOUSING AND GENERAL**

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

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

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

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

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

21. The owner or occupier of a dwelling house shall—

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

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

##### **Exemption for Short Term Hostels**

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

##### **Overcrowding**

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

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

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

24. For the purpose of clause 23, in calculating the space required for each person—

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

**Ventilation**

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

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

- (a) natural ventilation; or
- (b) a mechanical ventilation or air-conditioning system complying with AS1668.2—1991.

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

- (a) maintained in good working condition and in accordance with AS/NZS 3666.2: 1995; and
- (b) in use at all times the building is occupied if it is a building without approved natural ventilation.

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

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

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

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

26. (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 Principal Environmental Health Officer.

(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**

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

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a 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 that is used to store water for human consumption;
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises that is used to store water for human consumption.

**Wells**

28. 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**

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

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

30. 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**

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

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

32. (1) No person, other than the Government, shall own or operate a morgue unless it is licensed by the local government under this Local Law.

- (2) The fee for the licensing of a morgue is the fee as fixed from time to time by the local government under section 344C of the Act.
- (3) An application for licensing of a morgue shall be—
- (a) made in the form prescribed in Schedule 8;
  - (b) forwarded to the CEO together with—
    - (i) the fee as fixed from time to time by the local government under section 344C of the Act;
    - (ii) a floor plan and specifications of the morgue which shall include the following details—
      - (A) the use of each room;
      - (B) the structural finish of each wall, floor and ceiling;
      - (C) the position and type of each fitting and fixture; and
      - (D) all ventilation inlets and outlets.
- (4) A licence shall be in the form set out in Schedule 9 and the local government may impose any conditions it thinks fit upon the licence.
- (5) A licence shall not be granted in respect of any premises unless—
- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
  - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
  - (e) the premises are adequately ventilated by direct communication with the outside air.

### **Inspection of Morgues**

33. (1) An Environmental Health Officer—

- (a) may conduct an annual inspection of a morgue;
- (b) who has reason to believe that the morgue poses a threat to public health may submit a written report to the Council outlining the reasons for that belief;

(2) The local government may impose a fee for the inspection of a morgue.

### **Revocation of Licence**

34. (1) Subject to subclause (3), the local government may, at any time, revoke the licence of a morgue for any reason, which in the opinion of the local government, justifies the revocation.

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

- (a) that the morgue has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the proprietor of the morgue has—
  - (i) been convicted of an offence against these local laws in respect of a morgue;
  - (ii) not complied with a requirement of this Part; or
  - (iii) not complied with a condition of the licence;
- (c) that the local government, having regard to a report from the Police Service, is satisfied that the proprietor 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 morgue is such as to render it, in the opinion of the local government, unfit to remain licensed.

(3) Before revoking the licence of a morgue under this clause, the local government shall give notice to the proprietor requiring him or her, within a time specified in the notice, to show cause why the licence should not be revoked.

(4) Whenever the local government revokes the licence of a morgue, it shall give the proprietor notice of the revocation and the licence shall be revoked as from the date on which the notice is served on the proprietor.

## **PART 4—WASTE FOOD AND REFUSE**

### *Division 1—Liquid Refuse*

#### **Interpretation**

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

“liquid refuse” includes all washings from windows and vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges; and

“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.

**Deposit of Liquid Refuse**

36. 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**

37. 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 local government or its contractor;

“litter” includes paper, plastic, food waste, wrappings and the like;

“litter bin” means the containers located in a public place in which the public may deposit litter ;

“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 a waste treatment facility or depot licensed under Part V of the *Environmental Protection Act 1986* to store, treat, reuse or dispose 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 local government or its contractor for the deposit, collection and recycling of specific materials,

and supplied to the premises by the local government 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.

**Receptacles**

38. 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 Principal Environmental Health Officer;
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government within 7 days after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.

**Exemption**

39. (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of subclauses 38(b) or (c).

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

(3) An exemption granted under this clause 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 local government.

(4) An exemption granted under this clause 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**

40. 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, including 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) used condoms unless placed in a sealed, impervious and leak-proof container;
- (x) cytotoxics, radioactive substances and dangerous chemicals;
- (xi) sewage, manure, nightsoil, faeces or urine;
- (xii) 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
- (xiii) rubbish or refuse which is or is likely to become offensive or a 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) unless authorised by the local government, not mark or disfigure the receptacle in any manner other than by the placement of a street number;
- (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.

#### **Damage to Receptacles**

41. A person, other than the local government 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 local government or its contractor.

#### **Use of Other Containers**

42. (1) In the case of premises consisting of more than 3 dwelling houses, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health 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 this clause to deposit rubbish or refuse in a container shall—

- (a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subclauses 40(a)(ii)—(xiii);
- (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 such a manner or in an enclosure constructed and located, as approved by the Principal Environmental Health Officer;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall—

- (a) provide a sufficient number of containers to contain all, rubbish and refuse which accumulates or may accumulate in or from the premises;
- (b) ensure that each container on the premises—
  - (i) has a close fitting lid;
  - (ii) is constructed of non-absorbent and non-corrosive material; and
  - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
- (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
- (d) place any rubbish or refuse in, and only in, a container marked for that purpose;

- (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
- (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

**Suitable Enclosure**

43. (1) An owner or occupier of premises—
- (a) consisting of more than 3 dwelling houses that have not been provided with individual receptacles for each dwelling house; or
  - (b) used for commercial or industrial purposes or as a food premises,
- that have been provided with receptacles, shall—
- (c) if required by the—Principal Environmental Health 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 clause shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this clause, a “suitable enclosure” means an enclosure—
- (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;
  - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Principal Environmental Health Officer;
  - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
  - (d) containing a smooth and impervious floor—
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) which is evenly graded to an approved liquid refuse disposal system; and
  - (e) which is easily accessible to allow for the removal of the receptacles.

**Deposit of Litter**

44. A person shall not deposit litter in any public place other than in a litter bin or receptacle.

**Deposit of Refuse**

45. (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 from Refuse Disposal Site**

46. (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government.
- (2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.

**Removal of Rubbish from Premises or Receptacle**

47. (1) A person shall not remove any rubbish or refuse from premises unless that person is—
- (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government.
- (2) A person shall not, without the approval of the local government or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

**Burning Rubbish or Refuse**

48. (1) Subject to any other written law, a person shall not—
- (a) without the written approval of the Principal Environmental Health Officer; and
  - (b) except in accordance with the terms and conditions to which the approval is subject,
- set fire to, or cause to be set on fire, any rubbish or refuse either—
- (c) in any incinerator; or
  - (d) on the ground.
- (2) An approval of the Principal Environmental Health Officer under subclause (1) is issued subject to the following conditions—
- (a) the material to be burnt—
    - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; and

- (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;
  - (b) there is no other appropriate means of disposal;
  - (c) burning shall not take place—
    - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
    - (ii) where there is no current dispersion alert, outside the hours of 10.00 a.m. to 3.00 p.m.;
  - (d) an incinerator must meet the minimum standards specified by the Principal Environmental Health Officer; and
  - (e) an incinerator unit used for fire must be located—
    - (i) at least 2 metres from a fence or building; and
    - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to any other written law, the Principal Environmental Health Officer may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

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

##### **Interpretation**

49. 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**

50. 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**

51. (1) A person shall not transport butchers' waste otherwise than in—

- (a) a compartment complying with the following specifications —
  - (i) the floor and 4 walls to be made of an approved impervious material of an approved thickness and the walls to be not less than 910 millimetres high;
  - (ii) all joints to be, sealed, welded, soldered or brazed and made watertight;
  - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
  - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a watertight durable and impervious container fitted with a lid, which can be tightly closed.

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

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

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

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

## **PART 5—NUISANCES AND GENERAL**

### *Division 1—Nuisances*

##### **Interpretation**

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

“fertiliser” includes manure.

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

53. An owner or occupier of premises shall keep any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from refuse and other obstacles which are or have been in the possession or control of the owner or occupier which the owner or occupier has caused or allowed to be on the footpath, pavement, area or right of way, unless otherwise approved by the Principal Environmental Health Officer.

**Escape of Smoke etc.**

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

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

**Public Vehicles to be kept clean**

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

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

**Prohibition against Spitting**

56. A person shall not spit—

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

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

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

**Use or Storage of Fertiliser**

58. 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 Dispatch of Artificial Fertiliser**

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

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

**Storage of Fertiliser in a Dwelling House**

60. The owner or occupier of a dwelling 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 Principal Environmental Health Officer.

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

61. 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**

62. (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 local government, 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**

63. (1) Subject to sub-clause (5), a person shall not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land—

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

(2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of sub-clause (1).

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

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

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

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

**Slaughter of Animals**

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

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

**Disposal of Dead Animals**

65. (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

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

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

“cow” includes an ox, calf or bull; and

“large animal” includes a pig, sheep, goat or any beast of burden.

**Approval Required to keep a Cow or Large Animal**

67. (1) A cow or large animal shall not be kept on any property or premises within the City of Belmont unless prior written approval has been given by the local government.

(2) The local government may approve in exceptional circumstances the keeping of a cow or large animal and may impose any conditions it considers necessary to ensure that health standards are not compromised.

**Proximity of Animals to a Dwelling House**

68. The owner or occupier of premises shall not permit a cow or other large animal to approach within 15 metres of a dwelling house.

**Manure Receptacle**

69. An owner or occupier of premises on which an approved animal is kept shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of an impervious and durable material which has a smooth surface, provided with a tight-fitting hinged cover, and with no part of the base of the receptacle lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other insects;
- (d) keep the receptacle so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

*Division 4—Keeping of Poultry, Pigeons, Cage-Birds and “Other Cage-birds”***Interpretation**

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

“Affiliated Person” means a person who is a member of a Pigeon Club, Cage-bird Club, Poultry Breeding Club or Poultry Breeding Society which is an incorporated body under the *Associations Incorporation Act*;

“Cage-birds” include budgerigars, canaries, finches, quail, doves and other small birds kept in cages on residential premises but does not include poultry and “other cage-birds”;

“Code of Practice” means the Code of Practice—Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;

“Other Cage-birds” includes parrots, galahs or corellas and the like;

“Pigeons” includes all breeds of domestic pigeon of the genus *Columba livia domestica*;

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

“Young birds” includes—

Pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings; and

Cage-birds under 24 days of age and recognised as confined to their nests.

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

71. (1) An owner or occupier, who is not an affiliated person, shall not keep more than 20 cage-birds or a combined total of twelve poultry and pigeons exclusive of young birds.

(2) An owner or occupier, who is an affiliated person, shall not keep a combined total of more than seventy-five pigeons or cage-birds, exclusive of young birds and twelve poultry on any one lot of land.

### **Changes to Approved Numbers**

72. (1) The Principal Environmental Health Officer may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage-birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

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

### **Conditions on Keeping Poultry**

73. Unless the local government approves otherwise, a person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure that is situated no closer than 1.2 metres to any property boundary and shall—
  - (i) have an impervious concrete floor of 50 millimetre minimum thickness, graded to the front to facilitate easy cleaning;
  - (ii) be designed to allow easy access for cleaning; and
  - (iii) have the walls and roof constructed of galvanised iron or other approved material.
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 18 metres of a street other than a right of way;
- (e) All enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;
- (f) All wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease;
- (g) The occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

### **Conditions for Keeping Pigeons, Cage-birds and “Other Cage-birds”**

74. A person who keeps, or permits to be kept, pigeons, cage-birds or “other cage-birds” shall ensure that—

- (a) Subject to subclause (b), no pigeons, cage-birds or “other cage-birds” are able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) The approval of the Principal Environmental Health Officer is to be obtained before an aviary or loft is kept closer than 15 metres to dwellings. Such an approval is subject to the dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the aviary or loft. In any case, the minimum separation will not be reduced to less than 5 metres;
- (c) Except where registered “homing pigeons” are freed for exercise, the pigeons, cage-birds and “other cage-birds” are confined in a properly constructed pigeon cage, aviary or loft;
- (d) No pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;
- (e) All structures used to house pigeons, cage-birds and “other cage-birds” shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

- (f) All cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;
- (g) All waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease;
- (h) The occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;
- (i) Pigeons registered as "homing pigeons" may be released for daily exercise and may also be released for organised races and training;
- (j) The local government may, at its discretion, prohibit an owner or occupier exercising "homing pigeons" between specified hours of the day, if health or nuisance related problems become evident;
- (k) Where there is any discrepancy between this Section relating to the Keeping of Pigeons, cage-birds and "other cage-birds" and the Code of Practice, the higher standard of construction and hygiene shall prevail;
- (l) Bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

#### **Roosters, Geese, Peafowls, Turkeys or "Other Cage-birds"**

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

- (a) without the written approval of the Principal Environmental Health Officer; or
- (b) except in accordance with any conditions imposed by the Principal Environmental Health Officer in connection with the approval under subclause (a),

keep or permit to be kept a rooster, goose, peafowl, turkey or "other Cage-birds" on the premises.

(2) The Principal Environmental Health Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters, geese, peafowls, turkeys or "other Cage-birds".

#### **Revocation of Approvals**

76. (1) The local government may, at any time, revoke the approval to keep or permit to be kept roosters, geese, peafowls, turkeys or "other cage-birds" for any reason, including excessive noise, which, in the opinion of the local government, justifies the revocation.

(2) Whenever local government revokes the approval to keep or permit to be kept roosters, geese, peafowls, turkeys or "other cage-birds", it shall give the owner or occupier of the premises notice of the revocation and the approval shall be revoked as from the date on which the notice is served on the owner or occupier.

(3) An owner or occupier, must, at his or her own expense, remove or destroy in the appropriate manner all the roosters, geese, peafowls, turkeys or "other cage-birds", within 14 days of the notice referred to in subclause (2) being served.

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

77. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons, cage-birds, or "other cage-birds" contrary to the provisions of clause 73 and clause 74, the Principal Environmental Health Officer may direct the owner or occupier to remove it at the owner's or occupier's own cost.

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

#### **Restrictions on Pigeon Nesting or Perching**

78. (1) The Principal Environmental Health Officer may order an owner or occupier of premises, including a dwelling house, in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps, at their own cost, to prevent them continuing to do so.

(2) An owner or occupier shall comply with an order given by the Principal Environmental Health Officer under this clause.

#### **Restrictions on feeding pigeons and seagulls**

79. (1) The local government may by resolution determine that the feeding of pigeons, doves and seagulls, which are not kept in accordance with this Division, is prohibited within the district or specified part or parts of the district.

(2) A person shall not feed pigeons, doves or seagulls in the district or specified part or parts of the district, as applicable, in respect of which a resolution has been made under subclause (1) if the City has—

- (a) erected signs in the district or specified part or parts of the district, as applicable, notifying the public that feeding pigeons, doves and seagulls is prohibited; or
- (b) otherwise notified that person that the feeding of pigeons, doves and seagulls is prohibited in the district or specified part or parts of the district.

**PART 6—PEST CONTROL***Division 1—Flies***Interpretation**

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

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

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

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

**Measures to be taken by an Occupier**

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

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

**Officer may give Notice directing measures to be Taken**

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

- (a) control the prevalence;
- (b) effect the eradication; or

effectively prevent the breeding of flies.

**Local Government may Execute Work and Recover Costs**

84. (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 83, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

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

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

*Division 2—Mosquitoes***Interpretation**

85. 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**

86. 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**

87. An owner or occupier of premises—

- (a) where there is a fountain, artificial pool, artificial pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall take adequate and reasonable measures to prevent mosquitoes breeding; 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**

88. 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**

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

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this clause.

**Filling in Excavations etc.**

90. Unless written permission to the contrary is obtained from the local government, 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**

91. An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
  - (i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer; 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**

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

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

*Division 3—Rodents***Interpretation**

93. 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**

94. (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 subclause (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**

95. 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 that is kept effectively protected against access by rodents.

**Restrictions on materials affording harbourage for Rodents**

96. (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 clause.

**Eating houses etc. to be cleaned after Use**

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

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

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

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

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

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

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

- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- (b) if a rat escapes, forthwith comply with the requirements of clause 94 and ensure that all reasonable steps are taken to destroy the rat.

*Division 4—Cockroaches***Interpretation**

99. 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**

100. (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 subclause (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

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

*Division 5—European Wasps***Interpretation**

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

“European Wasp” means the species of wasp known as *Vespula germanica*.

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

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

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

*Division 6—Bee Keeping***Interpretation**

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

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

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

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

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

“private street” means a street, court, alley, lane, yard, passage or thoroughfare,

- (a) which is not dedicated, whether under an Act or at common law, to use as such by the public; and
- (b) which forms a common access to lands or premises, separately occupied; or
- (c) which is accessible from a street, court, alley, lane, yard, passage, thoroughfare, or public place, which is dedicated, whether under an Act or at common law, to use as such by the public.

**Limitation on numbers of Hives**

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

(2) Subject to subclause (3), a person shall not keep or permit the keeping of bees without the written consent of the local government.

(3) A person shall comply with any conditions imposed by the local government under subclause (2).

**Restrictions on keeping of Bees in Hives**

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

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

**Bees that cause a nuisance not to be kept**

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

(2) The local government may direct any person to remove any bees or beehives that in the opinion of the local government are causing a nuisance.

(3) A person shall comply with a direction under subclause (2) within the time specified.

*Division 7—Arthropod Vectors of Disease***Interpretation**

107. 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*); and
- (e) head lice (*Pediculus humanus* var. *capitis*).

**Responsibility of the Owner or Occupier**

108. The owner or occupier of premises shall—

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

**PART 7—INFECTIOUS DISEASES***Division 1—General Provisions***Environmental Health Officer may visit, inspect and report**

109. 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 local government.

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

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

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of an Environmental Health Officer.

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

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

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

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

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

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

**Insanitary houses, premises and things**

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

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

(3) Where an Environmental Health Officer considers that—

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

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

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

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

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

**Medical Officer may authorise disinfecting**

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

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

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

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

- (a) shall obey such instructions or directions as the local government or the Medical Officer may issue;

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

**Declaration of infected house or premises**

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

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

**Destruction of infected animals**

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

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

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

**Disposal of a body**

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

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

**Local Government may carry out work and recover costs**

118. (1) Where—

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

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

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

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

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

**Disposal of used Condoms**

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

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

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

**Disposal of used needles**

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

## PART 8—LODGING HOUSES

*Division 1—Registration*

**Interpretation**

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

- “bed” means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;
- “bunk” means a sleeping berth comprising one of two arranged vertically;
- “dormitory” means a building or room 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 serviced apartment and a short term hostel;

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

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

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

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

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

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

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

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

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 124;
- (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 Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

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

### **Application for registration**

123. 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 local government under section 344C of the Act; and
  - (ii) detailed plans and specifications of the lodging house.

### **Approval of application**

124. The local government may approve, with or without conditions, an application under clause 122 by issuing to the applicant a certificate in the form of Schedule 2.

### **Renewal of registration**

125. A person who keeps a lodging house that is registered under this Part shall—

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

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

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

### **Revocation of registration**

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

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

- (a) that the lodging house has not, to the satisfaction of local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
  - (i) been convicted of an offence 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 local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
  - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

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

##### **General Construction Requirements**

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

##### **Sanitary conveniences**

129. (1) For the purposes of this clause—

“communal toilet” means a room which has more than one toilet with each toilet being divided from the other toilets with a cubicle surrounding it, whether or not the walls of that cubicle extend to the floor or the ceiling, or both, of the room;

“communal bathroom” means a room which has more than one shower or more than one bath or any combination of more than one shower and one bath, whether or not they are divided by cubicles, designed with the intention that the bathroom may be used by more than one person at any particular time;

“individual toilet” means a room that has walls extending from the floor to the ceiling and contains a single toilet;

“individual bathroom” means a room which has only one shower or only one bath or only one shower and only one bath and is designed to be used by only one person at any particular time;

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

- (a) one or more communal toilets, and/or one or more individual toilets; and
- (b) one or more communal bathrooms, and/or one or more individual bathrooms, each fitted with a wash hand basin and either a shower or a bath,

in accordance with the requirements of the Building Code.

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

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

(5) 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.

(6) Subject to subclause (8) each communal toilet and communal bathroom shall—

- (a) be so situated, separated and screened as to ensure privacy;
- (b) be apportioned to each sex; and
- (c) be provided with adequate electric lighting.

(7) Subject to subclause (8) each individual toilet and individual bathroom shall—

- (a) be so situated, separated and screened so as to ensure privacy;
- (b) be fitted with a mechanism by which the door may be locked from inside the individual toilet or individual bathroom as approved by an Environmental Health Officer; and
- (c) be provided with adequate electric lighting.

(8) Subclauses (6) and (7) do not apply to a serviced apartment.

##### **Laundry**

130. (1) A keeper shall—

- (a) subject to subclause (2), 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, copper and washing machine; and
- (d) ensure that the floor area of each laundry is surfaced with an impervious material with an even fall to a floor waste.

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

(3) In this clause—

‘**laundry unit**’ means a group of facilities consisting of—

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

- (c) either an electric drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that—

- (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
- (e) has a delivery rate of not less than 18 litres per minute of each washing machine.

### **Kitchen**

131. The keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
  - (i) where lodgers prepare their own meals—0.65 square metres per person;
  - (ii) where meals are provided by the keeper or manager—0.35 square metres per person; or
  - (iii) where a kitchen and dining room are combined—1 square metre per person,

but in any case not less than 16 square metres;

- (b) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

### **Cooking Facilities**

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

No. of Lodgers	Ovens	4 Burner Stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

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

### **Dining Room**

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

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

### **Lounge Room**

134. 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 15 square metres; and

- (b) which shall be—
  - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.



**Fire prevention and control**

135. (1) A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and
  - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; 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 in accordance with the Building Code and approved by the Council.

**Obstruction of passages and stairways**

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

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

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

**Fitting of locks**

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

**Restriction on use of rooms for sleeping**

138. (1) Subject to subclause (3) and clause 154, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) which contains food;
- (b) which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows, which have an area of less than 10% of the floor area of the room;
- (g) which has an unobstructed ventilating area, which is less than 5% of the floor area of the room;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground;
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer; or

unless otherwise approved by the Principal Environmental Health Officer.

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

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

**Sleeping Accommodation—Short Term Hostels**

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

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

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

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

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

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

- (a) beds with a minimum size of 800 millimetres x 1.9 metres;
- (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

- (6) The keeper of any short term hostel shall—
- (a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
  - (b) 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 ventilators are kept free of obstruction.
- (7) The keeper of any short term hostel shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS 1530.3—1999 as follows—
    - drapes, curtains, blinds and bed covers—a maximum Flammability Index of 6;
    - upholstery & bedding—a maximum Spread of Flame Index of 6;
    - a maximum Smoke Developed Index of 5;
    - floor coverings—a maximum Spread of Flame Index of 7.
    - a maximum Smoke Developed Index of 5;
    - Fire retardant coatings used to make a material comply with these indices must be—
      - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
      - (ii) certified by the manufacturer to retain its fire retardant effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
      - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
  - (b) emergency lighting is provided in accordance with the Building Code;
  - (c) a lodger or other persons does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel; and
  - (d) all mattresses are fitted with a mattress protector.

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

140. (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) except in the case of youth hostels and backpackers hostels, is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
- (c) in the case of youth hostels and backpackers hostels ensure that there is for each bed a pillow case, two sheets and two blankets available for the use of lodgers either free of charge or upon payment of a fee;
- (d) in the case of youth hostels and backpackers hostels ensure that lodgers use some form of bedding to cover the pillow and mattress;
- (e) except in the case of youth hostels and backpackers hostels furnish each bedroom so that there are adequate storage facilities for lodgers' belongings within the room; and
- (f) in the case of youth hostels and backpackers hostels ensure that there is a room or rooms provided for the secure storage of lodgers' luggage.

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

#### **Ventilation**

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

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

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

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

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

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

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

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

143. Whenever there is one or more lodgers in a lodging house, the keeper or manager shall not absent himself from such house unless he leaves some reputable person in charge thereof.

**Register of lodgers**

144. (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**

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

**Certificate in respect of sleeping accommodation**

146. (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

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

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.

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

**Duplicate keys and inspection**

147. 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**

148. (1) A keeper shall not—

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

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

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

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

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

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

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

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

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

**Cleaning and maintenance requirements**

150. (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 is washed at least once a week;
    - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
    - (iii) a person does not occupy a bed that 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, house linen and floor coverings are kept clean, in good repair and free from vectors of disease;
    - (v) when any vectors of disease are found in a bed, furniture, floor covering, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
    - (vi) a room that is not free from vectors of disease is not used as a sleeping apartment;
  - (f) when so directed by the Principal Environmental Health Officer, ensure that—
    - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
    - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
  - (g) ensure that the yard is kept clean at all times;
  - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
  - (i) comply with any direction, whether orally or in writing, given by the local government or an Environmental Health Officer.
- (2) In this clause—  
“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**

151. A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 152—
  - (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**

152. (1) The Principal Environmental Health Officer may—

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

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

## **PART 9—OFFENSIVE TRADES**

### *Division 1—General*

#### **Interpretation**

153. 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 18 Certificate of Registration;

“offensive trade” means any trade as defined by section 186 of the Act; and

“premises” includes dwelling houses.

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

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

(a) advertise notice of his intention to apply for consent in accordance with clause 155; and

(b) lodge with the CEO an application in the form of Schedule 10.

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

#### **Notice of Application**

155. A notice required under subclause 154(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 Perth daily newspaper at least two weeks but not more than one month before the application under clause 154(1)(b) is lodged with the CEO.

#### **Registration of Premises**

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

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in *the Offensive Trade (Fees) Regulations 1976*; and

(c) lodged with the CEO.

#### **Certificate of Registration**

157. Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 12.

#### **Change of Occupier**

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

#### **Alterations to Premises**

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

#### **Occupier Includes Employee**

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

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

#### **Interpretation**

161. 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**

162. 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**

163. The occupier shall—

- (a) take all reasonably practicable measures to 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**

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

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

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

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

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

#### **Offensive Material**

167. The occupier shall—

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

#### **Storage of Materials**

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

#### **Specified Offensive Trades**

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

- (a) fat rendering premises;
- (b) fish curing premises, fish processing establishments (not including retail fish shops) and shellfish and crustacean establishments (not including retail fish shops); and
- (c) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—

- (a) cause the floor of the premises to—
  - (i) be properly paved and drained with impervious materials;
  - (ii) have a smooth surface; and
  - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.

- (c) cause all liquid refuse to be—
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
  - (ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

**Directions**

170. (1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

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

**Other Duties of Occupier**

171. 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—Flock Factories***Interpretation**

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

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

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

**New and Used Material**

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

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

**Collection and Removal of Dust**

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

**Unclean Rags**

175. A person shall not—

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

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

**Bedding and Upholstery**

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

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

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

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

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

*Division 4—Laundries, Dry Cleaning Establishments And Dye Works***Interpretation**

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

“dry cleaning establishment”—

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

“dye works” means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom into a public sewer;

“exempt laundromat” means a premises in which—

- (i) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

- (ii) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
  - (iii) provision is made for the discharge of all liquid waste therefrom into a public sewer;
- “laundry” means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

#### **Receiving Depot**

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

#### **Reception Room**

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

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

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

#### **Walls and Floors**

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

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

#### **Laundry Floor**

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

#### **Escape of Dust**

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

#### **Precautions against Combustion**

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

#### **Trolleys**

184. The occupier of a dry cleaning establishment shall—

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

#### **Sleeping on Premises**

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

### **PART 10—OFFENCES AND PENALTIES**

#### **Penalties**

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

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

- (a) a penalty which is not more than \$1000 and not less than—
  - (i) in the case of a first such offence, \$100;
  - (ii) in the case of a second such offence, \$200; and
  - (iii) in the case of a third or subsequent such offence, \$500; and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.



(Clause 123)

**Schedule 1****CITY OF BELMONT***Health Act 1911***APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer

City of Belmont

I/We, .....

(Full Name of Applicant/s)

of, .....

(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at.....

as a lodging house to be classified as—

- a lodging house;
- a short term hostel; 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**

	<b>Number</b>	<b>Area</b>
Laundries/toilets/bathrooms	_____	_____
Bedrooms	_____	_____
Dining Rooms	_____	_____
Kitchens	_____	_____
Sitting Rooms	_____	_____
Other (Specify)	_____	_____

**Rooms for lodgers**

	<b>Number</b>	<b>Area</b>
Bedrooms	_____	_____
Dining Rooms	_____	_____
Kitchens	_____	_____
Sitting Rooms	_____	_____
Other (Specify)	_____	_____

**Sanitary Conveniences for male lodgers**

Toilets	_____
Urinals	_____
Baths	_____
Showers	_____
Wash hand basins	_____

**Sanitary Conveniences for female lodgers**

Toilets	_____
Baths	_____
Showers	_____
Wash hand basins	_____

**Laundry Facilities**

Washtroughs	_____
Washing machines	_____
Drying cabinets or clothes lines	_____

**Additional Details**

- (a) Lodgers' meals will 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/Director)

.....  
(Date)

.....  
(Clause 124)

***Schedule 2***

CITY OF BELMONT

*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
- serviced apartments

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

1. That ....., whose name is entered on the register of keepers of the City of Belmont, 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 City of Belmont and is not transferable.

Dated .....

.....

Chief Executive Officer

City of Belmont

Fee received: \$.....

.....  
(Clause 126)

***Schedule 3***

CITY OF BELMONT

*Health Act 1911*

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

To: Chief Executive Officer

City of Belmont

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/Director)

.....  
(Date)

(Clause 144)

**Schedule 4**

CITY OF BELMONT

*Health Act 1911*

(Section 157)

**REGISTER OF LODGERS**

Location of Lodging House: .....

.....

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

(Clause 145)

**Schedule 5**

CITY OF BELMONT

*Health Act 1911***LIST OF LODGERS**

The Chief Executive Officer

City of Belmont

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

.....

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

(Signed) .....

(Keeper)

Date: .....

(Clause 146)

**Schedule 6**

CITY OF BELMONT

*Health Act 1911***CERTIFICATE OF SLEEPING ACCOMMODATION**

To: .....

(Name of Keeper)

of .....

(Address of Keeper)

For the registered lodging house situated at: .....

.....

This room, No. ...., can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than ..... persons at any one time.

Date: .....

.....

Environmental Health Officer

(Clause 146)

**Schedule 7**

CITY OF BELMONT

*Health Act 1911***CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS**

To: .....

(Name of Keeper)

of: .....

(Address of Keeper)

For the registered lodging house situated at: .....

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

**ROOM NUMBER:**                      **MAXIMUM OCCUPANCY:**

Date: .....

Environmental Health Officer

(Clause 32)

**Schedule 8**

CITY OF BELMONT

*Health Act 1911***APPLICATION FOR THE LICENSING OF A MORGUE**

To: Chief Executive Officer  
City of Belmont

I .....

(full name in block letters)

of .....

(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises: .....

Name of premises: .....

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

(Signature of Applicant/Director)

(Clause 32)

**Schedule 9****CERTIFICATE OF LICENCE OF A MORGUE**

This is to certify the following premises is licensed as a Morgue from the ..... day of .....

Address of premises: .....

Name of premises: .....

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

Chief Executive Officer  
City of Belmont

(Clause 154)

**Schedule 10**

CITY OF BELMONT

*Health Act 1911***APPLICATION FOR CONSENT TO ESTABLISH  
AN OFFENSIVE TRADE**To: Chief Executive Officer  
City of BelmontI/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 Dwelling House or Premises)

Notice of my/our intention to make this application was advertised in

.....  
.....on .....  
(Date of Advertisement)Plans and specifications of the buildings proposed to be used or erected in connection with the  
proposed offensive trade are attached......  
(Signature of Applicant/Director).....  
(Date)

\_\_\_\_\_

(Clause 156)

**Schedule 11**

CITY OF BELMONT

*Health Act 1911***APPLICATION FOR REGISTRATION OF PREMISES  
FOR OFFENSIVE TRADE**To: Chief Executive Officer  
City of BelmontI/We, .....  
(Full Name of Applicant/s)of .....  
.....

(Residential Address of Applicant/s)

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

of .....  
(Location of Premises)

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

.....  
.....

(Description of Offensive Trade)

under the business name of .....

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

.....  
(Signature of Applicant/Director).....  
(Date)

(Clause 157)

**Schedule 12**

CITY OF BELMONT

*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 .....  
Dated this ..... day of .....  
.....

Chief Executive Officer  
City of Belmont

---

This Local Law was passed at the meeting of the Council of the City of Belmont held on 25<sup>th</sup> February 2002.

The Common Seal of the City of Belmont was affixed in the presence of—

PETER PASSERI, JP, Mayor.  
BRUCE GENONI, Chief Executive Officer.

On this 6<sup>th</sup> day of March 2002.

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Consented to—

Dr C. F. QUADROS, delegate of Executive Director,  
Public Health.

Dated this 22<sup>nd</sup> day of March 2002.

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**HEALTH ACT 1911****CITY OF BELMONT****HEALTH (EATING HOUSES, ITINERANT FOOD VENDORS AND MEAT PREMISES) LOCAL LAW 2002****ARRANGEMENT****PART 1—PRELIMINARY****Clause**

1. Citation
2. Interpretation
3. Classification of Eating Houses

**PART 2—REGISTRATION AND LICENSING OF EATING HOUSES, MEAT PREMISES OR ITINERANT VENDORS**

4. Requirement for Registration and Licensing of an Eating House or Meat Premises
5. Registration of an Eating House or Meat Premises
6. Prescribed Date
7. Certificate of Registration
8. Application for Licence to Conduct an Eating House or Meat Premises
9. Licence to Conduct an Eating House or Meat Premises
10. Application for Transfer of Licence
11. Power to Grant or Refuse an Application for Transfer
12. Register of Particulars of Registration and Licence
13. Period of Registration and Licence
14. Itinerant Food Vendor's Licence

**PART 3—RESTAURANTS**

15. Sanitary Conveniences for Patrons
16. Exemptions

**PART 4—OFFENCES AND PENALTIES**

17. Penalties

**SCHEDULES OF FORMS****Schedule****Number      Description**

1. Application for Registration of an Eating House\*, Meat Premises\*
2. Certificate of Registration of an Eating House\*, Meat Premises\*
3. Application for a Licence to Conduct an Eating House\*, Meat Premises\*
4. Application for Transfer of a Licence to Conduct an Eating House\*, Meat Premises\*
5. Licence to Conduct an Eating House\*, Meat Premises\*
6. Application for Licence as Itinerant Vendor of Food
7. Licence as Itinerant Vendor of Food





## HEALTH ACT 1911

## CITY OF BELMONT

## HEALTH (EATING HOUSES, ITINERANT FOOD VENDORS AND MEAT PREMISES) LOCAL LAW 2002

Made by the Council of the City of Belmont 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

*Division 1—General***Citation**

1. This local law may be cited as *The City of Belmont Health (Eating Houses, Itinerant Food Vendors and Meat Premises) Local Law 2002*.

**Interpretation**

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

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

“**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;

“**CEO**” means the Chief Executive Officer of the City of Belmont;

“**chairs**” includes any structure designed for patrons to sit on;

“**classified**” means classified by the Council or an Environmental Health Officer;

“**Council**” means the Council of the City of Belmont;

“**dining room**” means an eating house, classified as a dining room, in which meals may either be taken away or be consumed (by not more than 20 members of the public) on the premises but does not include a restaurant;

“**dining area**” means an area in which tables, chairs and other structures are provided inside the eating house for the purpose of the consumption of food or beverages or both by the public;

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

“**itinerant food vendor**” means a person who travels along the road looking for customers and who sells food from his vehicle parked temporarily on the road to customers who stop him or come to him while he is so parked;

“**licence**” means a licence, issued by the Council under this Part, to carry on the business of an eating house or meat premises;

“**meals**” means any substance whether solid or liquid or partly solid and partly liquid, used or intended to be used for human consumption but does not include drugs, water, milk, ice cream, soda fountain or iced drinks commonly known as cool or soft drinks, or aerated waters;

“**meat premises**” means premises used or intended to be used for the manufacture, processing, preparation or packaging of meat or products containing meat;

“**prescribed date**” means the date fixed by clause 6;

“**proprietor**”, in relation to—

(a) meat premises means an owner of the meat premises or, if the owner of the meat premises is not the occupier, an occupier of the meat premises and includes a person in charge or apparently in charge of the meat premises; and

(b) an eating house, includes an owner, an occupier, and any person having the management or control of the eating house;

“**registered premises**” means premises that are registered as an eating house or meat premises under this Part;

“**restaurant**” means an eating house, classified as a restaurant, in which meals are or may be either taken away or consumed on the premises by the public but does not include a dining room or take away food premise;

“**schedule**” means a Schedule to this Part;

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

- (a) an eating house in which meals are served or consumed at tables; or
- (b) an eating house where the only meals served are confectionery.

### **Classification of Eating Houses**

3. For the purposes of this Local Law, an eating house shall be classified by an Environmental Health Officer as one of the following—

- (a) a restaurant;
- (b) a dining room; or
- (c) take-away food premises.

## **PART 2—REGISTRATION AND LICENSING OF EATING HOUSES, MEAT PREMISES OR ITINERANT FOOD VENDORS**

### **Requirement for Registration and Licensing of an Eating House or Meat Premises**

4. A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house or meat premises unless and until—

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed,

in accordance with the provisions of this Part.

### **Registration of an Eating House or Meat Premises**

5. An application for registration of an eating house or meat premises shall be—

- (a) made in the form prescribed in Schedule 1;
- (b) forwarded to the CEO together with—
  - (i) the fee as fixed from time to time by the Council under section 344C of the Act; and
  - (ii) in relation to an eating house or meat premises which is not then registered under this Part, a floor plan and specifications of the eating house or meat premises which shall include the following details—
    - (A) the use of each room;
    - (B) the structural finish of each wall, floor and ceiling;
    - (C) the position and type of each fitting and fixture;
    - (D) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal; and
    - (E) the proposed maximum number of persons, including the proprietor or proprietors to be engaged in the preparation, manufacture, processing, cooking or serving of meals.

### **Prescribed Date**

6. (1) For the purpose of section 162 of the Act the prescribed date is fixed as the 30th day of June 1985.

(2) For the purpose of section 163 of the Act the 30th day of June in each year is prescribed as the date on or before which the annual application for registration of an eating house or meat premises and licence for the proprietor of an eating house or meat premises shall be made.

### **Certificate of Registration**

7. (1) An application for the registration of an eating-house or meat premises shall be determined by the Council, which may—

- (a) approve the application, with or without conditions; or
- (b) reject the application.

(2) Details of any condition of registration or exemption granted under this Part shall be entered on the Certificate of Registration.

(3) The maximum number of chairs (in other words, patrons) permitted in the dining area of any eating house shall be—

- (a) one per square metre subject to any restrictions imposed by other laws including, but not limited to, the Building Code; and
- (b) entered on the Certificate of Registration.

(4) If Council approves, with or without conditions, an application under subclause (1), then a Certificate of Registration in the form of Schedule 2 shall be prepared and signed by the CEO or the Principal Environmental Health Officer as soon as practicable.

(5) Registration of an eating house or meat premises takes effect on and from the date on the Certificate of Registration.

**Application for Licence to Conduct an Eating House or Meat Premises**

8. An application for a licence to carry on the business of an eating house or meat premises shall be—
- (a) made by the proprietor, or where there is more than one proprietor, by each proprietor of the eating house or meat premises or proposed eating house or meat premises;
  - (b) made in the form prescribed in Schedule 3; and
  - (c) forwarded to the CEO together with the fee as fixed from time to time by the Council under section 344C of the Act.

**Licence to Conduct an Eating House or Meat Premises**

9. (1) An application for a licence to carry on the business of an eating house or meat premises shall be determined by the Council which may—
- (a) approve the application, with or without conditions; or
  - (b) reject the application.
- (2) A licence granted by the Council shall be in the form of Schedule 5, signed by the CEO or Principal Environmental Health Officer and issued upon and subject to the following conditions—
- (a) the holder of a licence shall—
    - (i) display in the eating house or meat premises in a position visible to the general public; and
    - (ii) upon the request of an Environmental Health Officer produce to him or her, the licence and the Certificate of Registration;
  - (b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the CEO in writing of the change, and of a new place of residence; and
  - (c) the holder of a licence shall notify the CEO in writing—
    - (i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house or meat premises, giving details of the proposed works;
    - (ii) of any circumstances affecting the eating house or meat premises which may result in food being, or having been, contaminated; and
    - (iii) of any increase in the proposed maximum number of persons, including the proprietor or proprietors, to be engaged in the preparation, manufacture, processing, cooking or serving of meals.
- (3) The holder of a licence shall ensure that the number of persons accommodated, at any one time, in a room in which meals are consumed by the public shall not exceed a ratio of 1 person to each square metre of the floor area of the room.
- (4) The holder of a licence shall comply with each condition to which the licence is subject.

**Application for transfer of Licence**

10. (1) A person may, before the expiration of a licence, apply to the Council for the transfer of the licence.
- (2) An application for the transfer of a licence shall be—
- (a) made in the form prescribed in Schedule 4;
  - (b) signed by the proposed transferee of the licence and the holder of the licence; and
  - (c) forwarded to the CEO together with the fee as fixed from time to time by the Council under section 344C of the Act.

**Power to Grant or Refuse an application for Transfer**

11. (1) Upon receipt of an application for the transfer of a licence, a Council may—
- (a) approve, with or without conditions, the application for the transfer; or
  - (b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.
- (2) Where Council approves an application for the transfer of a licence, an endorsement to that effect, signed by the CEO or Principal Environmental Health Officer, shall be completed on the licence in accordance with the form in Schedule 5 and the transfer takes effect on and from the date of that endorsement.
- (3) A person to whom a licence has been transferred under this clause shall comply with all conditions to which the licence, as transferred, is subject.

**Register of Particulars of Registration and Licence**

12. The CEO or Principal Environmental Health Officer shall record, in a register of eating houses and meat premises, particulars of each Certificate of Registration of premises registered as an eating house or meat premises and each licence issued to a proprietor.

**Period of Registration and Licence**

13. A Certificate of Registration and a licence shall, unless cancelled in the meantime in accordance with the provisions of the Act, be valid from the date of their issue until the following 30th day of June.

**Itinerant Food Vendor's Licence**

14. (1) An itinerant food vendor shall not offer for sale or sell food unless he or she—
- (a) is the holder of an itinerant food vendor's licence issued by the Council under this clause; and
  - (b) complies with any conditions to which the licence is subject.
- (2) An application for an itinerant food vendor's licence shall be—
- (a) made by the proprietor or, where there is more than one proprietor, by each proprietor;
  - (b) made in the form prescribed in Schedule 6; and
  - (c) forwarded to the CEO together with the fee as fixed from time to time by the Council under section 344C of the Act.
- (3) An application for a licence under this clause shall be determined by the Council which may—
- (a) approve the application, with or without conditions; or
  - (b) reject the application.
- (4) Where Council approves, with or without conditions, an application under this clause, a food vendor's licence—
- (a) signed by the CEO or Principal Environmental Health Officer; and
  - (b) in the form of Schedule 7,
- shall be issued by the Council.
- (5) A licence issued under this clause shall be valid until 30 June next following the date of issue of the licence by the Council.

**PART 3—RESTAURANTS****Sanitary Conveniences for Patrons**

15. Subject to clause 16, a proprietor of a restaurant shall ensure that the premises have, for the use of patrons, sanitary conveniences and hand wash basins provided and maintained in accordance with—
- (a) the Building Code; and
  - (b) the requirements imposed on an owner or occupier of premises under Division 1 of Part 2 of the *City of Belmont Health Local Law 2002*.

**Exemptions**

16. (1) A proprietor of an eating house which was registered and classified as a restaurant, under the *City of Belmont Health Local Law 1995* prior to the prescribed date, may apply in writing to the Council for an exemption from compliance with the whole or any part of the requirements of clause 15 of this Part.
- (2) The Council may grant or refuse an application for an exemption under this clause.
- (3) An exemption granted under this clause shall be signed by the CEO or Principal Environmental Health Officer and shall state—
- (a) the restaurant to which the exemption applies;
  - (b) the requirements of clause 15 compliance with which is exempted; and
  - (c) the period during which the exemption applies.

**PART 4—OFFENCES AND PENALTIES****Penalties**

17. (1) A person who contravenes a provision of these local laws commits an offence.
- (2) A person who commits an offence under subclause (1) is liable to—
- (a) a penalty which is not more than \$2,500 and not less than—
    - (i) in the case of a first such offence, \$250;
    - (ii) in the case of a second such offence, \$500; and
    - (iii) in the case of a third or subsequent such offence, \$1,250; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

(Clause 5(a))

**Schedule 1**

CITY OF BELMONT

*Health Act 1911***APPLICATION FOR REGISTRATION OF  
AN EATING HOUSE \* / A MEAT PREMISES \***

To: Chief Executive Officer  
City of Belmont

I .....  
(full name in block letters)

of .....  
(full residential address)

apply for registration of the premises described below as a

- \* Restaurant
- \* Dining Room
- \* Take-away food premises
- \* Meat premises

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

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

Area (in square metres) of dining area of premises: .....

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

(Signature of Applicant/Director)

\* Delete whichever is not applicable

(Clause 7(3))

**Schedule 2**

CITY OF BELMONT

*Health Act 1911***CERTIFICATE OF REGISTRATION OF  
AN EATING HOUSE \* / A MEAT PREMISES \***

This is to certify that the following premises is registered as a \*Restaurant, \*Dining Room, \*Take-away food premises, \*Meat premises from the ..... day of ..... until the 30th day of June ....., unless this certificate is previously cancelled.

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

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

This certificate is issued subject to the Health Act 1911 and the City of Belmont Health Local Law.

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

Chief Executive Officer  
City of Belmont

**CONDITIONS**

Maximum number of chairs permitted in dining area of premises: .....  
.....  
.....

\* Delete whichever is not applicable

(Clause 8(b))

**Schedule 3**HEALTH LOCAL LAWS  
OF THE CITY OF BELMONT**APPLICATION FOR A LICENCE TO CONDUCT  
AN EATING HOUSE \* / A MEAT PREMISES \***To: Chief Executive Officer  
City of BelmontI .....  
(full name in block letters)of .....  
(full residential address)being \*the proprietor/ \*one of the proprietors of the following \*eating house, meat premises/  
\*proposed eating house, meat premises—

Address of premises: .....

Name of premises: .....

being a business name which has/has not\* been registered at the Corporate Affairs Department of  
Western Australia, apply for a licence to carry on the business of an eating house or meat premises  
classified as a—

- \* Restaurant
- \* Dining Room
- \* take-away food premises
- \* Meat premises

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

.....

(Signature of Applicant/Director)

\* Delete whichever is not applicable

(Clause 10(2))

**Schedule 4**

## CITY OF BELMONT

*Health Act 1911***APPLICATION FOR TRANSFER OF A LICENCE TO  
CONDUCT AN EATING HOUSE\*, MEAT PREMISE\***To: Chief Executive Officer  
City of BelmontI .....  
(full name in block letters)of .....  
(full residential address)apply for transfer, for such period as is still unexpired, of the licence to conduct an \*eating house,  
\*meat premises in respect of premises known as

.....

and situated at: .....

The licence was issued to: .....

(full name of current licence holder)

of: .....

(full residential address)

by the City of Belmont on the .....day of ....., and is attached  
with this application and dated the ..... day of .....

.....

(Signature of Applicant/Director)

I consent to the transfer of the above licence to conduct an \*eating house, \*meat premises.

.....

(Signature of Licence Holder)

\* Delete whichever is not applicable

(Clauses 9(2), 11(2))

**Schedule 5**

CITY OF BELMONT

*Health Act 1911***LICENCE TO CONDUCT****AN EATING HOUSE \* / A MEAT PREMISES \***

This is to certify that: .....

of: .....

is licensed to carry on the business of a \*Restaurant, \*Dining room, \*Take-away food premises, \*Meat premises on the following premises from the ..... day of ..... until the 30th day of June, ....., unless this licence is earlier cancelled.

Address of premises: .....

.....

Name of premises: .....

.....

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

.....

Chief Executive Officer

City of Belmont

\* Delete whichever is not applicable

This licence is issued upon and subject to the following conditions—

(a) the holder of a licence shall—

(i) display in the eating house or meat premises in a position visible to the general public; and

(ii) upon the request of an Environmental Health Officer produce to him or her, the licence and the certificate of registration;

(b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the CEO in writing of the change, and of a new place, of residence; and

(c) the holder of a licence shall notify the CEO in writing—

(i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house or meat premises, giving details of the proposed works; and

(ii) of any circumstances affecting the eating house or meat premises which may result in food been, or having been, contaminated.

**TRANSFER ENDORSEMENT**

This licence is hereby transferred to: .....

of: .....

from and including the date of this endorsement.

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

.....

Chief Executive Officer

City of Belmont

(Clause 14(2))

**Schedule 6**

CITY OF BELMONT

*Health Act 1911***APPLICATION FOR LICENCE AS ITINERANT FOOD VENDOR**

To: Chief Executive Officer

City of Belmont

Name (In Full) of Applicant: .....

.....

Place of Residence: .....

.....

Place where Vehicle, Food and Trade Utensils are Stored—

.....

.....

Details of Vehicle or Means of Carriage—

.....

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

.....

(Signature of Applicant/Director)

Telephone: .....

.....  
(Clause 14(4))

***Schedule 7***

CITY OF BELMONT

*Health Act 1911*

**LICENCE AS ITINERANT FOOD VENDOR**

This is to certify that: .....

of: .....

is hereby licensed as an itinerant food vendor within the Health District of the City of Belmont.

This licence expires on the 30th day of June following the date of issue, unless this licence is previously cancelled.

Date of issue .....

.....

Chief Executive Officer

City of Belmont

.....  
This Local Law was passed at the meeting of the Council of the City of Belmont held on 25<sup>th</sup> February 2002.

The Common Seal of the City of Belmont was affixed in the presence of—

PETER PASSERI, JP, Mayor.  
BRUCE GENONI, Chief Executive Officer.

On this 6<sup>th</sup> day of March 2002.

.....  
Consented to—

Dr C. F. QUADROS, delegate of Executive Director,  
Public Health.

Dated this 22<sup>nd</sup> day of March 2002.

