



PERTH, FRIDAY, 22 NOVEMBER 2002 No. 206 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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## CITY OF SOUTH PERTH

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HEALTH ACT 1911

## HEALTH LOCAL LAWS 2002

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LOCAL GOVERNMENT ACT 1995

## STANDING ORDERS LOCAL LAW

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**HEALTH ACT 1911****CITY OF SOUTH PERTH****HEALTH LOCAL LAWS 2002**

Pursuant to the powers under the *Health Act 1911*, the local government of the City of South Perth makes the following Local Laws.

**PART 1—PRELIMINARY****Citation**

1. These Local Laws may be cited as “*The City of South Perth Health Local Laws 2002*”.

**Repeal**

2. (1) The Health Local Laws adopted by the City of South Perth and published in the *Government Gazette* on the 20 July 1928, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the City of South Perth and published in the *Government Gazette* on the 6 July 1945, and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the City of South Perth on the 26 September 1956 and published in the *Government Gazette* on the 25 January 1957, and amended from time to time, are repealed; and
- (4) The Health Local Laws adopted by the City of South Perth on 15 December 1966 and published in the *Government Gazette* on the 15 May 1967, and amended from time to time, are repealed;

**Interpretation**

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

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

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

“**approved**” means approved by the Manager, Environmental Health & Regulatory Services;

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

“**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 ignitionability, 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 2001.5.4—1987**” means the standard published by the Standards Association of Australia as AS 2001.5.4 -1987 and called “Methods of test for textiles—Dimensional change—Determination of dimensional change in laundering of textile fabrics and garments—Automatic machine method”;

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

“**Chief Executive**” means the Chief Executive of the City of South Perth and includes an Acting Chief Executive;

“**local government**” means the local government of the City of South Perth;

“**district**” means the district of the City of South Perth 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;

**“Manager, Environmental Health & Regulatory Services”** means an Environmental Health Officer appointed by the local government to the office of Manager, Environmental Health & Regulatory Services and includes an Acting Manager, Environmental Health & Regulatory Services;

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

**“public place”** includes every place to which the public ordinarily have access, 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, night soil, 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 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 louver, glazed sash, glazed door, or other device, which transmits natural light directly from outside a building to the room concerned when in the closed position.

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

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

## PART 2—SANITATION

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

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

**“festival”** includes a fair, function or event;

**“organiser”** means a person—

- (a) to whom approval has been granted by the 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**

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

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

**Premises other than a Dwelling House**

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

- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins—
  - (i) in accordance with the Building Code;
  - (ii) for the use of persons employed or engaged on the premises;
  - (iii) provided with an adequate supply of water supplied by taps located over each basin;
  - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
  - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

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

**Outdoor Festivals**

7. (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 sub-clause (1), the number of a particular sanitary convenience to be provided is not a whole number that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Manager, Environmental Health & Regulatory Services.

**Toilets**

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

**Temporary Works**

9. A person who undertakes temporary work at any place shall—

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

**Maintenance of Sanitary Conveniences and Fittings**

10. (1) The occupier of premises shall—

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

(2) The owner of premises shall—

- (a) keep or cause to be kept in good repair; and;
- (b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

#### **Ventilation of Toilet**

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

#### **Public Sanitary Conveniences**

12. (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**

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

#### **Installation**

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

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

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

#### **Bathrooms**

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

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the Health Act (Laundries and Bathrooms) Regulations 1971; and
- (c) is equipped with—
  - (i) a wash hand basin; and
  - (ii) either a shower in a shower recess or a bath.

(2) The floor of the bathroom referred to in sub-clause (1) shall be—

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

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

#### **Laundries**

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

- (a) is properly enclosed and roofed;
- (b) is adequately lined with an impervious material;
- (c) has a floor of concrete or other impervious material;
- (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) the sewer of a licensed water service operator; or
  - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by a sump; and
- (e) is not a room in which food is stored, prepared, served or consumed.

(2) In the case of a single occupancy dwelling, the laundry referred to in sub-clause (1) shall have—

- (a) either—
  - (i) two wash troughs; or
  - (ii) a washing machine and either a wash trough or a sink; and

- (b) a clothes drying facility comprising either an electric clothes dryer or sufficient clothes line erected externally.
- (3) All wash troughs, sinks and washing machines shall be—
  - (a) in a laundry and connected to an adequate supply of hot and cold water;
  - (b) properly supported; and,
  - (c) all wash troughs and sinks shall have a capacity of at least 36 litres.
- (4) 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.
- (5) 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**

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

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

#### **Kitchens**

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

- (a) an electric, gas, wood or other fuel burning stove;
- (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and
- (c) a sink, which shall
  - (i) be at least 380 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.
- (c) shall be provided with mechanical extraction flumed to the outside air as directly as practicable; and
- (d) boxed throughout.

(4) 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 Houses and other Structures*

#### **Dwelling House and Other Structures Maintenance**

19. The owner or occupier of a dwelling house and other structures 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 down pipes 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 Down pipes and Disposal of Rainwater**

20. The owner or occupier of a house shall—

- (a) maintain all guttering, down pipes 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 and Recreational Campsites**

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

### **Overcrowding**

22. 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**

23. 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**

24. (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 sub clause (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 Manager, Environmental Health & Regulatory Services, 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 sub clause (4).

### **Sub-Floor Ventilation**

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

### *Division 3—Water Supply*

### **Water Supply**

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 local government.

(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 for which part of the water supply is drawn from a rainwater tank shall—

- (a) maintain in a clean condition—
  - (i) the roof forming the catchment for the tank; and
  - (ii) the guttering and down pipes appurtenant to the roof;



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

#### **Wells and Bores**

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 of Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

#### **Pollution**

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

### *Division 4—Second-hand Furniture, Bedding and Clothing*

#### **Prohibition of Sale**

30. A person shall not offer for sale or sell any second-hand furniture, bedding or clothing, which is filthy or infested with vectors of disease.

#### **Prohibition of Possession**

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

### *Division 5—Morgues*

#### **Application and Licensing of Morgues**

32. (1) All morgues, other than police, public hospital or local government morgues are required to be licensed

(2) An application for a licence of a morgue shall be—

- (a) made by the applicant, in the form as prescribed in Schedule 7; and
- (b) made to local government with the fee as fixed from time to time by Council under section 344C of the Act.

(3) A licence shall—

- (a) be in the form set out in Schedule 8; and
- (b) expire on 30 June next after the date of its issue.

(4) 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.

## **PART 4—WASTE FOOD AND REFUSE**

### *Division 1—Liquid Refuse*

#### **Interpretation**

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

“**liquid refuse**” includes swimming pool discharges 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;

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

“**licensed carrier**” means a transporter licensed under the *Environmental Protection (Liquid Waste) Regulations 1996*.

**Deposit of Liquid Refuse**

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

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

**Disposal of Liquid Waste**

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

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

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

- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
- (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government;
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

**Approval for Septic Tank Pump outs**

36. A person shall not—

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

collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage.

**Application for Approval**

37. (1) A licensed carrier may apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage.

(2) The local government may grant or refuse an application under this clause subject to conditions relating to—

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

(3) Any conditions imposed by the local government under this clause shall be—

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

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

**Notice of Intention**

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

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

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

“**approved position**” means an area so determined by the Manager, Environmental Health & Regulatory Services;

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

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

“**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;

“**commercial waste**” means refuse, trade waste and other rubbish generated by or emanating from commercial premises;

“**domestic waste**” means refuse, household waste and other rubbish generated by or emanating from domestic premises;

“**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 licenced under part V of the *Environmental Protection Act 1986* to store, treat, reuse or dispose of rubbish or refuse;

**“receptacle”** means a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres, 240 litres or 1100 litres supplied by Local government or its Contractor or any other type of receptacle as approved by local government;

**“street”** includes—

- (a) a highway; and
- (b) 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

40. 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 building line and so as not to be visible from a street or public place; or
  - (ii) in such other approved position as determined by the Manager, Environmental Health & Regulatory Services;
- (c) on collection day prior to 6.00 am, place the receptacle between 1 and 4 metres from the street alignment of the premises or any other approved location as determined by the Manager, Environmental Health & Regulatory Services but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) ensure that the receptacle is returned behind the building line of the premises within a reasonable time, once the contents have been removed;
- (e) if the receptacle is lost, stolen, damaged or defective, notify the local government within 7 days after the event; and
- (f) ensure that the premises is provided with an adequate number of receptacles.

### Use of Receptacles

41. An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 40 kilograms (120 litre receptacle), 70 kilograms (240 litre receptacle) or 400 kilograms (110 litre receptacle) of rubbish or refuse;
  - (ii) hot or burning ash;
  - (iii) oil motor, spirit or other flammable liquid;
  - (iv) liquid, liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, earth or other like substances;
  - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
  - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak proof container;
  - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
  - (ix) cytotoxics, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, night soil, faeces or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
  - (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious 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 Manager, Environmental Health Service, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;

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

#### **Damage to Receptacles**

42. 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**

43. (1) In the case of premises consisting of more than 4 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Manager, Environmental Health & Regulatory Services 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 sub clause to deposit rubbish or refuse in a container shall—

- (a) subject to subclause (4), unless approved by the Manager, Environmental Health & Regulatory Services, not deposit or permit to be deposited in the container anything specified in clause 41(a)(ii)—(xii);
- (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- (c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
- (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Manager, Environmental Health & Regulatory Services;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall—

- (a) ensure that there are sufficient number of containers provided 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.

(4) In the case of premises used for multi-residential, commercial or industrial purposes where it is considered that a 240 litre receptacle is not practical, the Manager, Environmental Health & Regulatory Services may exercise discretion as to the number and type of receptacles to be provided and to the number of collections required each week, to provide not less than 240 litres of rubbish or refuse disposal capacity per identifiable tenement;

#### **Suitable Enclosure**

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

- (a) consisting of more than 4 dwellings that have not been provided with individual receptacles; or
- (b) used for commercial, industrial purposes or as a food premises,

shall if required by the Manager, Environmental Health & Regulatory Services provide a suitable enclosure for the storage and cleaning of receptacles on the premises;

(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 Manager, Environmental Health & Regulatory Services;

- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager, Environmental Health & Regulatory Services;
- (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
- (d) containing a smooth and impervious floor—
  - (i) of not less than 75 millimetres in thickness; and
  - (ii) which is evenly graded to an approved liquid refuse disposal system;
- (e) which is easily accessible to allow for the removal of the receptacles, without negotiating steps or uneven surfaces; and
- (f) provided with a tap connected to an adequate water supply.

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

45. (1) A person shall not remove any rubbish or refuse from any premises or street verge, unless that person is—

- (a) the owner or occupier of the premises;
- (b) authorised in writing to do so by the local government

(2) A person shall not remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place unless authorised to do so in writing by the local government;

(3) Where the local government provides:—

- (a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions of the local government in relation to that collection; and
- (b) a collection of bulk material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection.

#### **Burning Rubbish or Refuse**

46. (1) A person shall not—

- (a) without the written approval of the Manager, Environmental Health & Regulatory Services; and
- (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either—
  - (a) in any incinerator; or
  - (b) on the ground.

(2) Subject to sub clause (3), an approval of the Manager, Environmental Health & Regulatory Services is issued subject to the following conditions—

- (a) the material to be burnt—
  - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; 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 am to 3.00 pm; and
- (d) 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 the local fire rules, the Manager, Environmental Health & Regulatory Services may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

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

#### **Interpretation**

47. 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**

48. 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**

49. (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 impervious material and the walls to be not less than 910 millimetres high;
    - (ii) all joints to be 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 impervious sheet material approved by the Manager, Environmental Health & Regulatory Services, carried over, and secured to the outside of the walls 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**

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

**Footpaths etc, to be kept clean**

51. An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises, clear of any rubbish, matter or things coming from or belonging to the premises.

**Escape of Smoke etc.**

52. (1) Subject to sub clause (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) Sub clause (1) does not apply to smoke from the chimney of a private dwelling house.

**Public Vehicles to be kept clean**

53. 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**

54. 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**

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

**Use or Storage of Fertiliser**

56. An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—
- (a) pig manure;
  - (b) human faeces; or
  - (c) urine.

**Storage and Despatch of Artificial Fertiliser**

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

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

**Storage of Fertiliser in a House**

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

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
  - (i) as can be readily used within a reasonable period; or
  - (ii) as may be directed by the Manager, Environmental Health & Regulatory Services.

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

59. 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**

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

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

**Cats**

61. (1) No person shall keep more than 2 cats over the ages of 3 months on premises on any lot within the district.

(2) In this clause “lot” has the same meaning as given in the *Town Planning Development Act 1928*, as amended.

**Slaughter of Animals**

62. (1) Subject to sub clause (2), a person shall not slaughter any animal within the district.

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

**Disposal of Dead Animals**

63. (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**

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

“cow” includes an ox, calf or bull;

“horse” includes an ass, mule, donkey or pony; and

“large animal” includes a pig, sheep, deer, goat, and camel, including miniature species of the same or any animal, as determined by the Manager, Environmental Health & Regulatory Services.

**Keeping of Large Animals**

65. The occupier of any premises shall not keep or allow to be kept on those premises any cow, horse or large animal.

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

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

“**pigeon**” includes doves; and

“**poultry**” includes domestic fowls.

“**lot**” has the same meaning as is given to it in the *Town Planning Development Act 1928*, as amended.

“**Affiliated Person**” means a person who is a member of a properly constituted Pigeon Club.

“**Code of Practice**” means the “*Code of Practice, Pigeon Keeping and Pigeon Racing*” published in 1994 by the Pigeon racing Federation of Western Australia (Incorporated) and the Racing Pigeon Federation (Incorporated).

**Limitations on Numbers of Pigeons and Poultry**

67. (1) A person shall not keep a combined total of more than 12 poultry on any lot within the district.

(2) A person shall not keep or suffer to remain in a residential area a rooster, turkey, duck, geese, peacock or peahen.

(3) A person who is an Affiliated Person, shall not keep a total of more than 50 pigeons on any one lot within the district, or any other number greater than 50, as approved by the Manager, Environmental Health & Regulatory Services.

**Conditions of Keeping Poultry**

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

- (a) all poultry are kept in a securely fastened enclosure whose area is equal to at least one square metre for each bird kept therein, and which is located at least one metre from any boundary;
- (b) there is a roofed structure within that enclosure of sufficient area to enable all poultry to obtain shade and shelter, and that there is a floor beneath the structure constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the structure;
- (c) no poultry or poultry enclosure and structure is able to approach within 9 metres of a dwelling, public building or food premises, in which case local government may approve a lesser distance;
- (d) no poultry is able to approach within 25 metres of a street other than a pedestrian access way except where the land is at the junction of two or more streets, in which case local government may approve a lesser distance; and
- (e) the enclosure and roofed structure are kept in clean condition and good repair at all times, with effective measures taken to control flies, rodents and prevent offensive odours.

**Conditions of Keeping Pigeons**

69. A person who keeps pigeons or permits pigeons to be kept shall ensure that—

- (a) no pigeon or pigeon enclosure or structure is able to approach within 9 metres of a dwelling, public building or food premises, in which case local government may approve a lesser distance; and
- (b) no pigeon is able to approach within 25 metres of a street other than a pedestrian access way except where the land is at the junction of two or more streets, in which case local government may approve a lesser distance; and
- (c) the pigeons are housed in a structure built, in accordance with the “*Code of Practice*”

**Removal of Pigeons and Poultry**

70. (1) A person who keeps or allows to be kept any pigeons or poultry on any lot within the district, contrary to these Local Laws may be directed by the Manager, Environmental Health & Regulatory Services to remove them within a time specified;

(2) An owner or occupier shall comply with a direction from the Manager, Environmental Health & Regulatory Services under this clause.

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

71. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons contrary to the provisions of these Local Laws, the Manager, Environmental Health & Regulatory Services may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Manager, Environmental Health & Regulatory Services under this clause.

**Restrictions on Pigeon Nesting or Perching**

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

(2) An owner or occupier shall comply with a local government order made under this clause.

*Division 5—Car Parks***Interpretation**

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

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



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

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

### **Ventilation**

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

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

in accordance with AS1668.2—1991.

(2) If, in the opinion of the Manager, Environmental Health & Regulatory Services, a car park is not properly ventilated, the local government may by notice require the occupier within a specified time to—

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

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

### **Exhaust Air Discharge Points and Exhaust Registers**

75. An owner or occupier shall ensure that—

- (a) all exhaust air that is discharged from a car park shall be discharged—
  - (i) at discharge points in accordance with AS1668.2—1991; and
  - (ii) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2—1991;
  - (iii) at a velocity and in a direction so as not to be a danger to health or a nuisance;
- (b) exhaust registers are located—
  - (i) as far as possible from the source of supply air; and
  - (ii) so as to draw effluent away from staff working in the attendant's booth;
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation system is—
  - (i) maintained in good working condition; and
  - (ii) in operation at all times when the car park is in use.

### **Car Park Attendant Booths**

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

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

(2) If, in the opinion of the Manager, Environmental Health & Regulatory Services, an attendant's booth is not properly ventilated in accordance with sub clause (1), the local government may by notice require the occupier to cease using the booth until it is properly ventilated.

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

## **PART 6—PEST CONTROL**

### *Division 1—Flies*

#### **Interpretation**

77. 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**

78. 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**

79. 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**

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

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

of flies.

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

81. (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 81, 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 sub clause (1) may be recovered in a court of competent jurisdiction from the person referred to in sub clause (1).

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

*Division 2—Mosquitoes***Interpretation**

82. 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**

83. An owner or occupier of a 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**

84. An owner or occupier of premises—

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
  - (i) stocked with mosquito destroying fish; or
  - (ii) covered with a film of petroleum oil or other larvicide's; 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**

85. An occupier of premises where water is kept in a horse trough, animal 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**

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

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

**Filling in Excavations etc.**

87. 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**

88. 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 approved larvicide's according to the directions on the container, into the septic tank system, whenever directed 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**

89. 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.

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

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

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

of mosquitoes.

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

91. (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 91, 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 sub clause (1) may be recovered in a court of competent jurisdiction from the person referred to in sub clause (1).

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

*Division 3—Rodents***Interpretation**

92. 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**

93. (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 sub clause (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 foodstuffs;
  - (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**

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

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

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

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

95. (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.

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

96. 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**

97. (1) Subject to sub clause (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) Sub clause(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 *Hospital and Health Services Act 1927*.

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

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

#### *Division 4—Cockroaches*

#### **Interpretation**

98. 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**

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

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

#### *Division 5—Argentine Ants*

##### **Interpretation**

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

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

##### **Measures to be taken to keep premises free from Argentine Ants**

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

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

#### *Division 6—European Wasps*

##### **Interpretation**

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

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

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

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

#### *Division 7—Bee Keeping*

##### **Interpretation**

104. 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;

“**district**” means the district of the City of South Perth;

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

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

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

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

##### **Limitation on numbers of Hives**

105. A person shall not keep or permit the keeping of bees in any more than 2 bee hives on any lot within the district.

##### **Restrictions on keeping of Bees in Hives**

106. 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 hives are 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 screened in a manner, which affords protection to neighbouring residents and passers-by.

**Bees, which cause a nuisance not to be kept**

107. (1) A person shall not keep or permit the keeping of bees or transport bees or bee hives in such a manner which may cause a nuisance to any other person.

(2) A person shall and when directed, remove any bees or beehives, which in the opinion of an Environmental Health Officer are causing a nuisance to any other person.

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

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

*Division 8—Arthropod Vectors of Disease***Interpretation**

108. 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**

109. 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**

110. 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**

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

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

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

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

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

112. (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 sub-clause (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**

113. (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 sub-clauses (2) or (3) shall comply with the terms of the notice.

**Medical Officer may authorise disinfecting**

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

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

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

115. 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**

116. (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 Manager of Environmental Health & Regulatory Services.

**Destruction of infected animals**

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

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

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

**Disposal of a body**

118. (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 sub-clause (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**

119. (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 sub-clause (1)(a).

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in sub-clause (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**

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

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

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

**Disposal of used needles**

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

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

122. (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;

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

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

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;

- (d) has a delivery rate of not less than 18 litres per minute to each washing machine; and
- (e) either an electric drying cabinet or not less than 30 metres of clothesline.

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

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

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

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

- (a) situated on a campsite principally used for—
  - (i) recreational, sporting, religious, ethnic or educational pursuits; or
  - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

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

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

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

123. 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 125;



- (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 Manager, Environmental Health & Regulatory Services, 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 are one or more lodgers in the lodging house.

#### **Application for registration**

124. An application for registration of a lodging house shall be—

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

#### **Approval of application**

125. The local government may approve, with or without conditions, an application under clause 126 by issuing to the applicant a certificate in the form of Schedule 2.

#### **Renewal of registration**

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the fee prescribed in Schedule 12 at the time of making each application for renewal.

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

127. If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive, 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**

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

(2) Without limiting the generality of sub-clause (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 Manager, Environmental Health & Regulatory Services, 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**

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

#### **Sanitary conveniences**

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

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

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

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

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

- (a) be so situated, separated and screened as to ensure privacy;
- (b) be apportioned to each sex;
- (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (d) be provided with adequate electric lighting.

(6) Paragraph (b) and (c) of sub-clause (5) do not apply to a serviced apartment.

### Laundry

130. (1) A keeper shall—

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

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

### Kitchen

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

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

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

No of Lodgers	Ovens	4 Burner Stoves
1 –15	1	1
16—30	1	2
31—45	2	3
46—60	2	4
61 and Over	2	4 + 1 for each additional 15 Lodgers (or part thereof) over 61

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

### Dining Room

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

- (a) located in close proximity to, or combined with the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or 10 square metres whichever is the greater; and
- (c) which shall be—
  - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**Lounge Room**

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

- (a) with a floor area of—
    - (i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person; or
    - (ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person;
- but in either case having a minimum of 13 square metres; and
- (b) which shall be—
    - (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**

136. (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 Manager, Environmental Health & Regulatory Services; and
    - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
  - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as required by the Building Code and approved by local government.

**Obstruction of passages and stairways**

137. 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**

138. 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**

139. (1) Subject to sub-clause (3) and clause 161, 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, storeroom, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Manager, Environmental Health & Regulatory Services.

(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 sub-clause (1) shall not apply to a serviced apartment.

**Sleeping Accommodation—Short Term Hostel and Recreational Campsite**

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

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

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

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

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

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

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

(6) The keeper of any short-term hostel or recreational campsite shall provide beds with a minimum size of—

- (i) in short term hostels—800 millimetres x 1.9 metres;
- (ii) in recreational campsites—750 millimetres 1.85 metres.

(7) The keeper of any short-term hostel or recreational campsite shall—

- (i) ensure that at all times a distance of 750 millimetres between beds and a minimum distance of 900 millimetres between bunks is maintained;
- (ii) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, ensure 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; and
- (iii) ensure all doors, windows and ventilators are kept free of obstruction.

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

- (a) materials used in dormitory areas must comply with AS 1530.2—1993 and AS 1530.3—1999 as follows:—
  - (i) drapes, curtains, blinds and bed covers—  
—a maximum Flammability Index of 6;
  - (ii) upholstery & bedding—  
—a maximum Spread of Flame Index of 6;  
—a maximum Smoke Developed Index of 5;
  - (iii) floor coverings—  
—a maximum Spread of Flame Index of 7.  
—a maximum Smoke Developed Index of 5;
- (b) Fire retardant coatings used to make a material comply with these indices is—
  - (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 reparative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.1 -1995, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
- (c) emergency lighting is provided in accordance with the Building Code;
- (d) a lodger or person does not smoke in any dormitory, kitchen, dining room or other enclosed place, within a short term hostel or recreational campsite;
- (e) shall ensure all mattresses are fitted with a mattress protector.

**Furnishing etc. of sleeping apartments**

141. (1) A keeper shall—

- (a) furnish each sleeping apartment with clean sufficient number of beds and sufficient bedding of good quality;
- (b) ensure that each bed—
  - (i) has a bed head, impervious mattress and pillow; and
  - (ii) 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) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

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

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

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

#### **Ventilation**

142. (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 sub-clause (1) within such time as directed.

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

143. (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 sub-clause (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**

144. No keeper of a lodging-house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

#### **Register of lodgers**

145. (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**

146. 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**

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

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

(3) When required by the Manager, Environmental Health & Regulatory Services, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.

(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**

148. 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**

149. (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**

150. (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 sub-clause (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**

151. (1) In this clause—

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

(2) 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 are one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
- (e) ensure that—
  - (i) all bed linen, towels and house linen in use are washed at least once a week;
  - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
  - (iii) a person does not occupy a bed, which has been used by another person unless the bed has been provided with clean bed linen;
  - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
  - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
  - (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
- (f) when so directed by the Manager, Environmental Health & Regulatory Services, ensure that—
  - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by the Manager, Environmental Health & Regulatory Services or an Environmental Health Officer.

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

152. 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 155—
  - (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**

153. (1) The Manager, Environmental Health & Regulatory Services may—

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

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

## **PART 9—OFFENSIVE TRADES**

### *Division 1—General*

#### **Interpretation**

154. 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 11 Certificate of Registration;

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

- (a) fish curing premises and fish, shellfish and crustacean processing premises;
- (b) laundries, dry cleaning premises and dye works; and
- (c) any trade as defined by section 186 of the Act;

“**premises**” includes houses.

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

155. (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 158; and
- (b) lodge with the Chief Executive 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**

156. A notice required under sub-clause 157(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a local newspaper at least two weeks but not more than one month before the application under clause 157(1)(b) is lodged with the Chief Executive.

**Registration of Premises**

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

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

**Certificate of Registration**

158. 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 11.

**Change of Occupier**

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

**Alterations to Premises**

160. 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**

161. 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**

162. 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**

163. 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**

164. The occupier shall—

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

**Sanitary Conveniences and Wash Basins**

165. 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.**

166. 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**

167. 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**

168. 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 the covers on airtight 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 Manager, Environmental Health & Regulatory Services or whenever so directed by a Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned with an efficient disinfectant.

**Storage of Materials**

169. 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**

170. (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—

- (i) fish processing premises (not including retail fish shops), fish canning premises, shellfish and crustacean processing premises (not including retail fish shops), and fish curing premises; and
- (ii) laundries, dry cleaning premises and dye works.

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

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

**Directions**

171. (1) The Manager, Environmental Health & Regulatory Services may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

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

**Other Duties of Occupier**

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

*Division 3—Fish Premises***Interpretation**

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

“**appliance**” includes a utensil, an instrument, a cover, a container or apparatus;

“**fish**” means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include—

- (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
- (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 Celsius;

“**fish curing**” means the process where fish may be part cleaned, scaled or cut up for preservation by salting, drying, smoking or other means;

“**fish premises**” may include a fish processing establishment, fish canning premises, fish curing establishment and a shellfish and crustacean processing establishment, but not a retail shop;

“**fish processing**” means a process whereby fish are cleaned, part cleaned, scaled or cut up;

“fish transport vehicle” includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and
- (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

“portable box” means a box for the transport or storage of fish and includes a fish transport vehicle.

#### **Cleaning facilities**

174. The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

#### **Fish Preparation Room**

175. (1) The occupier of a fish premises shall provide a fish preparation room that shall comply with the requirements of the *Health (Food Hygiene) Regulations 1993*; and—

- (a) the minimum floor area shall be 9 square metres;
- (b) the room shall be fly-proofed and provided with ample light and ventilation; and
- (c) the room shall have a self-closing door.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that room is to be used solely for that purpose.

#### **Bench**

176. The occupier of a fish premises shall provide and maintain on the premises a separate impervious bench for the handling of fish.

#### **Disposal of Waste**

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

- (a) placed in the receptacles referred to in clause 170 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

#### **Fish Containers**

178. The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to—

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

#### **Cooking of Fish**

179. Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain an exhaust ventilation system as set out in the *Health (Food Hygiene) Regulations 1993*, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking and shall discharge in such manner and in such a position that no nuisance is created.

#### **Use of an Approved Portable Box**

180. The Manager, Environmental Health & Regulatory Services may permit an approved portable box to be used for the transport or storage of fish.

#### **Fish Transport Vehicle**

181. A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

- (a) the frame is made of wood or metal;
- (b) all internal surfaces—
  - (i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;
  - (ii) are smoothly finished;
  - (iii) are rigidly secured with a solid backing; and
  - (iv) have floor and vertical angles coved with not less than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
  - (i) continuously welded; or
  - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;

- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a),(b),(c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

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

**Interpretation**

182. 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, which have approval from a licensed water service operator, for the discharge of all liquid waste there from, into the sewer of the licensed water service operator;

**“exempt laundromat”** means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste there from into a public sewer.

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

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

**Receiving Depot**

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

**Reception Room**

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

- (a) provided 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**

185. 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 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, with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) the sewer of a licensed water service operator; or
  - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by a sump; 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.

**Escape of Dust**

186. 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**

187. 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**

188. 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**

189. 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—PENALTIES****Penalties other than Part 8**

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

(2) A person who commits an offence under sub-clause (1) is liable to—

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

*Schedule 1*

City of South Perth  
HEALTH ACT 1911

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive  
City of South Perth

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 specified below;—

- ☐ - a lodging house;
- ☐ - a short term hostel;
- ☐ - a recreational campsite; or
- ☐ - serviced apartments

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

Type of Room	Number	Area
Laundries/toilets/bathrooms		
Bedrooms		
Dining Rooms		

Type of Room	Number	Area
Kitchens		
Sitting Rooms		
Other (Specify)		

## Rooms for lodgers

Type of Room	Number	Area
Bedrooms		
Dining Rooms		
Kitchens		
Sitting Rooms		
Other (Specify)		

## Sanitary Conveniences for male lodgers

Type of Facilities	Number
Toilets	
Urinals	
Baths	
Showers	
Wash hand basins	

## Sanitary Conveniences for female lodgers

Type of Facilities	Number
Toilets	
Baths	
Showers	
Wash hand basins	

## Laundry Facilities

Type of Fixture	Number
Wash troughs	
Washing machines	
Drying cabinets or clothes lines (metres)	

## Additional Details

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

- (d) There will be \_\_\_\_\_ family members residing on the premises with the keeper/manager.

Application fee of \$\_\_\_\_\_ is attached.

\_\_\_\_\_  
 (Signature of Applicant/s) (Date)

## Schedule 2

City of South Perth

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  
☐ a recreational campsite

1. that \_\_\_\_\_, whose name is entered on the register of keepers of the City of South Perth, 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 \_\_\_\_\_

Fee received: \$\_\_\_\_\_

## NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

(Date)

## REGISTER OF LODGERS

Location of Lodging House:

[illegible]

*Schedule 5*  
City of South Perth  
HEALTH ACT 1911  
**LIST OF LODGERS**

The Chief Executive  
City of South Perth

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

on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Signed—Keeper)

\_\_\_\_\_  
(Dated)

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

To: \_\_\_\_\_  
(Name of Keeper)

of \_\_\_\_\_  
(Address of Keeper)

For the registered lodging house situated at:

The rooms listed in the following table are not to exceed the number of lodgers or residents indicated below;

Room Number	Maximum Occupancy

Date \_\_\_\_\_

\_\_\_\_\_  
Manager, Environmental Health & Regulatory Services

*Schedule 7*  
City of South Perth  
HEALTH ACT 1911  
**APPLICATION FOR LICENCE OF A MORGUE**

To: Chief Executive  
City of South Perth

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 \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

*Schedule 8*

City of South Perth

HEALTH ACT 1911

**CERTIFICATE OF LICENCE OF A MORGUE**

This is to certify the following premises is licensed as a Morgue from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ until the 30th day of June 20\_\_\_\_\_.

Address of premises: \_\_\_\_\_

Name of premises; \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Manager, Environmental Health & Regulatory Services

City of South Perth

*Schedule 9*

City of South Perth

HEALTH ACT 1911

**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive  
City of South Perth

I/We, \_\_\_\_\_  
(Full Name of Applicant/s)of \_\_\_\_\_  
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being

\_\_\_\_\_  
(Description of Offensive Trade)in or upon \_\_\_\_\_  
(Location of the House or Premises)Notice of my/our intention to make this application was advertised in \_\_\_\_\_  
(Name of Newspaper)on \_\_\_\_\_  
(Date of Advertisement)

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

\_\_\_\_\_  
(Signature of Applicants/s)\_\_\_\_\_  
(Date)*Schedule 10*

City of South Perth

HEALTH ACT 1911

**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

To: Chief Executive  
City of South Perth

I/We, \_\_\_\_\_  
(Full Name of Applicant/s)of \_\_\_\_\_  
(Residential Address of Applicant/s)

apply for registration, for the year ended \_\_\_\_\_ of \_\_\_\_\_

(Location of Premises)

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

\_\_\_\_\_  
under the business name of \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Applicant/s)\_\_\_\_\_  
(Date)



*Schedule 11*

City of South Perth

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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Manager, Environmental Health & Regulatory Services  
City of South Perth

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Passed at a meeting of the local government of the City of South Perth held on

Date:

The Common Seal of the City of South Perth was hereunto affixed in the presence of:—

Mr JULIAN DONALDSON, Chairman of Commissioners.

Mr CLIFF FREWING, Acting Chief Executive.

\_\_\_\_\_  
Confirmed—

MARGARET STEVENS, Executive Director Public Health.

Date:

\_\_\_\_\_

## LOCAL GOVERNMENT ACT 1995

## CITY OF SOUTH PERTH

## STANDING ORDERS LOCAL LAW

No 2 of 2002

## PART 1—PRELIMINARY

## 1.1 Citation

- (a) This Local Law may be cited as the *Standing Orders Local Law 2002*.
- (b) In the clauses to follow, this Local Law is referred to as “the Standing Orders.”

## 1.2 Commencement

This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

## 1.3 Application and Intent

- (a) The Standing Orders provides the rules and guidelines which apply to the conduct of meetings of council and meetings of Electors.
- (b) All meetings of council and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.
- (c) The Standing Orders are intended to result in—
  - (i) better decision making by council;
  - (ii) the orderly conduct of meetings dealing with council business;
  - (iii) better understanding of the process of conducting meetings dealing with council business; and
  - (iv) the more efficient and effective use of time at meetings.

## 1.4 Interpretation

- (a) In these Standing Orders unless the context otherwise requires—
  - “**absolute majority**” in relation to a council, means a majority comprising enough of the members for the time being of council for their number to be more than 50% of the number of offices (whether vacant or not) of members of council;
  - “**Act**” means the *Local Government Act 1995*;
  - “**adoption by exception**” means a method of dealing with council business whereby a resolution of council has the effect of adopting the officer recommendation as the council resolution for a number of specifically identified reports;
  - “**CEO**” means the Chief Executive Officer of the City;
  - “**City**” means the City of South Perth;
  - “**closely associated persons**” means relatives, close personal friends and business associates;
  - “**committee**” means a committee of council established under s5.8 of the Act;
  - “**committee meeting**” means a meeting of a committee;
  - “**council**” means council of the City;
  - “**council attendance**” means the number of members present in attendance at a council meeting at any given time;
  - “**deputation**” means a submission at a council meeting on an agenda item made by a person who has a direct interest in the agenda item at that meeting and the prior permission of the City or the permission of the person presiding at the meeting;
  - “**discretionary employees**” means an employee to whom a delegation has been made under s5.44 of the Act or whom otherwise exercise a discretionary, regulatory, inspectorial or recruitment function in relation to members of the public, and includes the CEO, a director, a manager and employees responsible for selecting, or recommending the selection of, a successful tenderer;
  - “**cases of extreme urgency or other special circumstances**” means matters that have arisen after the preparation of the agenda but prior to the meeting that are determined by the person presiding to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the council prior to the next meeting;

“**mayor**” means the mayor elected by electors of the City;

“**member**” in relation to council of the City means the mayor of council or a councillor on council, including the deputy mayor;

“**ordinary monthly meeting**” means a meeting of council, held on a monthly basis, for the purpose of considering and dealing with the ordinary business of council subject to part 17;

“**petition**” means a petition presented to council in accordance with the procedure set out in the Standing Orders;

“**presentation**” means the acceptance of a gift or an award by council on behalf of the community;

“**person presiding**” means the person presiding on council or the deputy person presiding, or a member of council when performing a function of the person presiding;

“**quorum**” means a council attendance comprising enough of the members for the time being of council for their number to be more than 50% of the number of offices (whether vacant or not) of members of council;

“**Record Keeping Plan**” means a Record Keeping Plan adopted by the City in accordance with the *State Records Act 2000*;

“**Regulations**” means the *Local Government (Administration) Regulations 1996*;

“**simple majority**” is more than 50% of the members present and voting;

“**special meeting**” means a meeting of council which is held for the purpose of considering and dealing with council business which is urgent, complex in nature, for a particular purpose or confidential. A Special Meeting may only consider such business as is specified in the notice for the meeting;

“**substantive motion**” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion; and

- (b) Unless otherwise defined in the Standing Orders the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

### 1.5 Repeal

The Standing Orders of the City of South Perth published in the *Government Gazette* on 15 June 1999 are repealed.

## PART 2—CALLING MEETINGS

### 2.1 Notice of Special Council Meetings

- (a) Subject to subclause (b), the CEO is to convene a special meeting of council by giving each council member at least 72 hours’ notice of the date, time, place and purpose of the meeting.
- (b) Where there is a need to meet urgently, in the opinion of the mayor or one third of councillors, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (a).

### 2.2 Committee Meetings

- (a) Council may resolve to establish a committee under s5.8 of the Act.
- (b) The resolution to form a committee under subclause (a) above shall include—
- (i) the terms of reference of the committee;
  - (ii) the number of Council members, employees and other persons to be appointed to the committee;
  - (iii) the titles of the Council members and employees to be appointed to the committee;
  - (iv) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (v) details of the delegation of any powers or duties to the committee under s5.16 of the Act.
- (c) The Standing Orders shall apply to the conduct of committee meetings.

### 2.3 Councillors may Conduct Briefings, Workshops and Other Informal Meetings

- (a) Councillors may conduct briefings, workshops and other informal meetings.
- (b) Where councillors conduct briefings, workshops and other informal meetings the CEO shall;
- (i) advise all members of the time and date of the meeting; and
  - (ii) cause notes of the meeting to be kept.
- (c) Councillors who have an interest in a matter to be discussed at a briefing, workshop or other informal meeting shall deal with the interest in accordance with the provisions of Part 5 of the Standing Orders.
- (d) Council shall not make a formal resolution at any meeting other than a council meeting or a committee meeting.
- (e) Council shall not meet other than;
- (i) at a council meeting;
  - (ii) at a committee meeting;

- (iii) at a briefing, workshop or informal meeting held in accordance with clause 2.3; or
- (iv) at a meeting to consider public submissions held under clause 3.10.

### **PART 3—BUSINESS OF THE MEETING**

#### **3.1 Business to be Specified on Notice Paper**

- (a) No business is to be transacted at any ordinary meeting of council other than that specified in the agenda, without the approval of the person presiding or a decision of council.
- (b) No business is to be transacted at a special meeting of council other than that given in the notice as the purpose of the meeting.
- (c) No business is to be transacted at an adjourned meeting of council other than that —
  - (i) specified in the notice of the meeting which had been adjourned; and
  - (ii) which remains unresolved.
- (d) Subclause 3.1 (c) above does not apply in the case of an adjournment to the next ordinary meeting of council where the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

#### **3.2 Order of Business**

- (a) Unless otherwise decided by council the order of business at any ordinary meeting of council is to be as follows—
  1. Declaration of Opening/Announcement of Visitors
  2. Disclaimer
  3. Record of attendance/ apologies / approved leave of absence
  4. Declaration of interest
  5. Public Question Time
    - 5.1 Response to previous public questions taken on notice
    - 5.2 Public question time
  6. Confirmation of minutes
  7. Presentations
    - 7.1 Petitions
    - 7.2 Presentations
    - 7.3 Deputations
  8. Announcements from the person presiding
    - 8.1 Method of dealing with agenda business
  9. Reports
  10. Applications for leave of absence
  11. Elected members motions of which previous notice has been given
  12. New business of an urgent nature introduced by decision of the meeting
  13. Meeting closed to public
    - 13.1 Matters for which the meeting may be closed
    - 13.2 Public reading of recommendations that may be made public
  14. Closure
- (b) Unless otherwise decided by the members present, the order of business at any special meeting of council is to be the order in which that business stands in the agenda of the meeting.
- (c) In determining the order of business for any meeting of council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
- (d) The CEO may include on the agenda of a council in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

#### **3.3 Public Question Time**

- (a) A member of the public who raises a question during question time is to state their name and address.
- (b) A question may be taken on notice by council for later response.
- (c) When a question is taken on notice under subclause (b) the CEO is to ensure that;
  - (i) a response is given to the member of the public in writing; and
  - (ii) a summary of the response is included in the agenda of the next meeting of council.
- (d) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
  - (i) declare that they have an interest in the matter; and
  - (ii) allow another person to respond to the question.

- (e) Public questions are to be dealt with in the following order—
  - (i) questions of which a written copy has been provided to the City prior to the day of the meeting;
  - (ii) questions of which a written copy has been provided to the City on the day of the meeting; and
  - (iii) questions without notice from the gallery.
- (f) The person presiding may decide that a public question shall not be responded to where—
  - (i) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (ii) the member of public uses public question time to make a statement, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (iii) the member of the public asks a question that is offensive or defamatory in nature, provided that the person presiding has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (g) If there are sufficient questions public question time shall continue for fifteen minutes.
- (h) A member of the public shall have two minutes to submit a public question.
- (i) Council, by resolution, may agree to extend public question time.
- (j) Council may adopt a policy on public question time and shall accord with the provisions of the policy.
- (k) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

### **3.4 Confirmation of minutes**

- (a) When minutes of an ordinary meeting of council are distributed to council for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, they are to provide to the City a written copy of the alternative wording to amend the minutes no later than four (4) clear working days before the next ordinary meeting of council.
- (b) At the next ordinary meeting of council the member who submitted the written notice in (a) above shall, at the time for confirmation of minutes;
  - (i) state the item or items with which they are dissatisfied; and
  - (ii) propose a motion clearly outlining the alternative wording to amend the minutes.
- (c) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### **3.5 Matters for which Meeting May be Closed**

For the convenience of members of the public, council may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

### **3.6 Motions of which Previous Notice has been Given**

- (a) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (b) A notice of motion under subclause (a) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (c) A notice of motion is to relate to the good governance of the district.
- (d) The CEO—
  - (i) with the concurrence of the mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
  - (ii) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
  - (iii) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (e) A motion of which notice has been given is to lapse unless—
  - (i) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
  - (ii) council on a motion agrees to defer consideration of the motion to a later stage or date.
- (f) If a notice of motion is given and lapses in the circumstances referred to in subclause (e)(i), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

### **3.7 Questions by Members of which Due Notice has not been given**

- (a) The mayor or any councillor may without notice during the course of debate, or at appropriate times during a meeting, ask any question relevant to that debate or to the subject under

discussion or to the ordinary business of council. The officer to whom the question is addressed shall answer to the best of their knowledge and ability. In answering any question a person may qualify their answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend their original answer.

- (b) Every question and answer shall as brief and concise as possible.

### 3.8 New Business of an Urgent Nature Introduced by Decision of Meeting

In cases of extreme urgency or other special circumstance, matters may, by motion of the person presiding and by decision of the members present, be raised without notice and decided by the meeting.

### 3.9 Petitions, Presentations and Deputations

- (a) A petition, in order to be effective, is to—
- (i) be addressed to the mayor of the City of South Perth;
  - (ii) be made by electors of the district;
  - (iii) state the request on each page of the petition;
  - (iv) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
  - (v) contain a summary of the reasons for the request;
  - (vi) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
  - (vii) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is—
    - (A) a proposal to change the method of filling the office of mayor;
    - (B) a proposal to create a new district or the boundaries of the Local Government;
    - (C) a request for a poll on a recommended amalgamation; or
    - (D) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (b) Upon receiving a petition, the City will submit the petition to the relevant officer to be included in their deliberations and report on the matter that is the subject of the petition, subject to subclause(c) below.
- (c) At any meeting, council shall not resolve on any matter that is the subject of a petition presented to that meeting, unless—
- (i) the matter is the subject of a report included in the agenda;
  - (ii) the council considers the issues raised in the petition; and
  - (iii) the council includes in the resolution on the matter its consideration of the issues raised in the petition.
- (d) Presentations are to be made only with the prior approval of the CEO.
- (e) A deputation wishing to be received by council is to apply in writing to the CEO, or may otherwise address the meeting at the discretion of the person presiding.
- (f) The CEO may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of council, or may refer the request to council to decide by simple majority whether or not to receive the deputation.
- (g) A deputation invited to attend a council meeting—
- (i) is not to exceed five persons, only two of whom may address council, although others may respond to specific questions from the members; and
  - (ii) is not to address council for a period exceeding 10 minutes without the agreement of council as the case requires.
- (h) Any matter which is the subject of a deputation to council is not to be decided by council until the deputation has completed its presentation.

### 3.10 Council may Meet to Consider Public Submissions on a Contentious Issue

- (a) Where an item on the agenda at a council meeting is contentious and is likely to be the subject of a number of deputations, council may resolve to meet at another time to provide an opportunity to be heard.
- (b) A resolution under subclause(a) above shall include the time and date of the meeting to provide an opportunity to be heard.
- (c) Where council resolves to meet to provide an opportunity to be heard under subclause(a) above, the person presiding shall:
- (i) instruct the CEO to provide local public notice of the time and date when council will meet to provide an opportunity to be heard;
  - (ii) provide a written invitation to attend the meeting to provide an opportunity to be heard to all members of the public who have applied under subclause 3.9(e) to make a deputation on the issue; and
  - (iii) cause minutes to be kept of the meeting to provide an opportunity to be heard.
- (d) A meeting held under subclause(a) above shall be conducted only to consider submissions. Council shall not make resolutions at a meeting to provide an opportunity to be heard.

- (e) At a meeting held under subclause(a) above, each person making a submission shall be provided with the opportunity to fully state their case.
- (f) Once each person making a submission has fully stated their case, they shall each have the right of reply on any issue that was raised by any other person making a submission.
- (g) A member of the public may not raise new issues when exercising their right of reply.
- (h) A member of the public shall be limited to ten minutes in making a submission and five minutes in making a reply. This period may be extended at the discretion of the person presiding at the meeting to provide an opportunity to be heard.
- (i) The person presiding shall ensure that the rights of reply are conducted in the same order as the making of submissions.
- (j) Once every member of the public has had the opportunity to make a submission and a right of reply, the person presiding shall close the meeting.
- (k) The CEO shall ensure that a report is included on the agenda of the next council meeting summarising each submission and right of reply made at the meeting to provide an opportunity to be heard.

### 3.11 Separation of agenda

- (a) The City may adopt a policy to allow adoption by exception.
- (b) Adoption by exception is not allowed for a matter;
  - (i) which requires an absolute majority or 75% majority;
  - (ii) in which an interest has been disclosed;
  - (iii) which has been the subject of a petition or deputation;
  - (iv) that is a matter on which a member wishes to make a statement; or
  - (v) that is a matter on which a member wishes to move a motion that is different to the recommendation.

## PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

### 4.1 Inspection Entitlement

Members of the public have access to agenda material by inspection at the Civic Centre, Sir Walter Murdoch Libraries Civic Centre and Manning Branches and on the City's website in accordance with the terms set out in Regulation 14 of the Regulations.

*NOTE: Regulation 14 of the Regulations states;*

- (1) *A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which—*
  - (a) are to be tabled at the meeting; or*
  - (b) have been produced by the local government or a committee for presentation at the meeting,**and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.*
- (2) *Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.*

### 4.2 Confidentiality of Information Withheld

- (a) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—
  - (i) identified in the agenda of a council meeting under the item "Matters for which meeting may be closed"; and
  - (ii) marked "*Confidential*" in the agenda.
- (b) A member of council or an employee of council in receipt of confidential information is not to disclose such information to any person other than a member of council or an employee of council to the extent necessary for the purpose of carrying out his or her duties.
- (c) Subclause(b) above does not apply where a member or employee discloses the information to a solicitor or government official for the purpose of seeking advice in order to lawfully fulfil their roles and responsibilities.

Maximum penalty \$5,000

## PART 5—CONFLICT AND DISCLOSURE OF INTERESTS

### 5.1 Conflict of Interest

- (a) Members and employees shall ensure there is no actual or perceived conflict or incompatibility between their personal interests and the impartial fulfilment of their public and professional duties.
- (b) Where a member or employee has a conflict of interest referred to in (a) above then that member or employee shall openly and fully disclose the conflict of interest.

- (c) Discretionary employees shall notify the CEO when dealing with a matter in which they have a direct or indirect conflict of interest and when dealing with relatives and closely associated persons. In such cases, discretionary employees shall disqualify themselves from dealing with the matter. Where a report on a matter is submitted to council by an employee, a disclosure of interest by the discretionary employee shall be made in the report where it could be perceived that the discretionary employee has an influence in the City's dealings with the matter.
- (d) Employees shall not engage in private work with or for any person or body with an interest in a proposed or current contract with the City without first making a disclosure to the CEO or council. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (e) Members and employees shall lodge written notice with the CEO, describing an intention to undertake a dealing in land or otherwise take action within the district which may be in conflict with the City's function. This provision does not apply to dealings with the member's or employee's principal place of residence.
- (f) Members shall make a disclosure before dealing with a matter that involves relatives or closely associated persons and shall disqualify themselves from dealing with such a matter.

## 5.2 Disclosure of Conflict of Interest

- (a) Where disclosure of a conflict of interest is required by the law, the City's Code of Conduct, or otherwise seems appropriate, it should be made promptly, fully and preferably in writing.
- (b) In addition to disclosure of financial or non-financial interests, a member or employee—
  - (i) attending a Council meeting; or
  - (ii) giving advice to a Council meetingshall disclose any interest they have in a matter to be discussed at the meeting.
- (c) Where a conflict of interest is disclosed under (b) above, the disclosure shall be made at the meeting immediately before the matter is discussed or at the time the advice is given, and shall be recorded in the minutes of the meeting.

## 5.3 Financial Interest

- (a) Members and employees shall faithfully observe the principles of disclosure of financial interest as contained within the *Local Government Act 1995* and the Standing Orders Local Law.
- (b) Members and employees who have a direct or indirect financial interest in a matter which is the subject of a report or advice shall disclose to the CEO or council receiving the report the fact that such an interest exists.
- (c) The onus is on members and employees to identify possible conflicts of interest or financial interest and to determine whether such interests, to which no exemption applies, exist.

## 5.4 Non-Financial Interest

- (a) A member or employee shall disclose a non-financial interest where the interest is in a matter—
  - (i) to be discussed at a council meeting that shall be attended by the member or employee; or
  - (ii) of which the member or employee has given, or may give, advice.
- (b) A disclosure under (a) above shall be made at the meeting immediately before the matter is discussed or at the time the advice is given, and the disclosure shall be recorded in the minutes.

## 5.5 Member with an Interest may ask to be Present

- (a) Where a member has disclosed the nature of their interest in a matter, other than a financial interest, immediately before the matter is considered by the meeting, they may, without disclosing the extent of the interest, request that they be allowed to be present during any discussion or decision making procedure related to the matter.
- (b) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

## 5.6 Member with an Interest may ask Permission to Participate

- (a) A member who discloses both the nature and extent of an interest, other than a financial interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.
- (b) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

## 5.7 Invitation to Return to Provide Information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the



matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

#### **5.8 Trivial Interests and Interests in Common**

- (a) Where a member has disclosed an interest in a matter council may decide that the interest is a trivial interest or an interest in common.
- (b) Where council decides that an interest is a trivial interest or an interest in common council may decide to allow the member to participate in the meeting relating to the matter.
- (c) Where council decides that an interest is a trivial interest or an interest in common the decision is to be recorded in the minutes of the meeting together with the extent of participation allowed by council.

### **PART 6—QUORUM**

#### **6.1 Quorum to be Present**

Council is not to transact business at a meeting unless a quorum is present.

#### **6.2 Loss of Quorum During a Meeting**

- (a) If at any time during the course of a meeting of council a quorum is not present—
  - (i) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
    - (A) a quorum is present to decide the matter; or
    - (B) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
  - (ii) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of fifteen minutes, and if a quorum is not present at the end of that time, the meeting may be adjourned and the person presiding may reschedule it to some future time or date.
- (b) Where debate on a motion is interrupted by an adjournment under subclause (a)(i)—
  - (i) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (ii) in the case of a council meeting—
    - (A) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (B) the provisions of clause 9.5 apply when the debate is resumed.

### **PART 7—KEEPING OF MINUTES**

#### **7.1 Content of Minutes**

- (a) In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of council is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.
- (b) Where council decides other than in accordance with the recommendation in the officer's report, the reasons for that decision shall be recorded as part of the resolution.

*NOTE: Regulation 11 of the Regulations states;*

*The content of minutes of a meeting of a council or a committee is to include—*

- (a) the names of the members present at the meeting;*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;*
- (d) details of each decision made at the meeting;*
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);*
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

#### **7.2 Preservation of Minutes**

Minutes including the agenda of each council meeting are to be kept as a permanent record of the activities of the Local Government and are to be maintained and transferred in accordance with the City's Record Keeping Plan.

## PART 8—CONDUCT OF PERSONS AT COUNCIL MEETINGS

### 8.1 Titles to be Used

Members of council are to speak of each other in council by their respective titles of mayor or councillor. Members of council, in speaking of or addressing employees, are to designate them by their respective titles.

### 8.2 Members to Occupy Own Seats

At the first meeting held after each election day, the CEO is to alphabetically by Ward, allot a position at the council table to each councillor who shall occupy that position when present at meetings of council until such time as there is a change in the composition of council.

### 8.3 Leaving Meetings

During the course of a meeting of council no member is to enter or leave the meeting without first advising the person presiding, in order to facilitate the recording in the minutes of the time of entry or departure.

### 8.4 Adverse Reflection

- (a) No member of council is to reflect adversely upon a decision of council except on a motion that the decision be revoked or changed.
- (b) No member of council is to use offensive or objectionable expressions in reference to any member, employee of council, or any other person.

Maximum penalty \$1,000

- (c) If a member of council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### 8.5 Recording of Proceedings

No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of council without the permission of the Person presiding.

### 8.6 Prevention of Disturbance

- (a) Any member of the public addressing council is to extend due courtesy and respect to council and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

Maximum penalty \$1,000.00

- (b) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Maximum penalty \$1,000.00

- (c) Mobile telephones and audible pagers are not to be switched on or used during any meeting of council.
- (d) No person is to conduct themselves in a manner that is contrary to section 75 of the Criminal Code "Interfering with political liberty."

*NOTE: Section 75 of the Criminal Code states;*

*Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of misdemeanour, and is liable to imprisonment for 3 years.*

### 8.7 Distinguished Visitors

If a distinguished visitor is present at a meeting of council, the person presiding may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

## PART 9—CONDUCT OF MEMBERS DURING DEBATE

### 9.1 Members shall Indicate their Intention to Speak

Every member of council wishing to speak is to indicate their intention to speak by raising their hand or by another method agreed upon by council.

### 9.2 Priority

In the event of two or more members of council wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

### 9.3 The Person presiding to Take Part in Debates

The person presiding may take part in a discussion of any matter before council unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders,.

**9.4 Relevance**

- (1) Every member of council is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The person presiding may call the attention of council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct that member, if speaking, to discontinue their speech and thereupon the member shall cease speaking and shall resume their seat.

**9.5 Limitation of Number of Speeches**

No member of council is to address council more than once on any motion or amendment before council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

**9.6 Limitation of Duration of Speeches**

- (a) All addresses are to be limited to a maximum of five minutes.
- (b) Extension of time is permissible only with the agreement of a simple majority of members present but such extension is not to extend the member's total speaking time beyond 10 minutes.

**9.7 Members Not to Speak After Conclusion of Debate**

No member of council is to speak to any question after it has been put by the person presiding.

**9.8 Members Not to Interrupt**

No member of council is to interrupt another member of council whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.19 or
- (d) to move a motion under subclause 11(1)(e).

**9.9 Re-Opening Discussion on Decisions**

No member of council is to re-open discussion on any decision of council, except for the purpose of moving that the decision be revoked or changed.

**PART 10—PROCEDURES FOR DEBATE OF MOTIONS****10.1 Motions To be Stated**

Any member of council who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

**10.2 Motions to be Supported**

- (a) No motion or amendment to a substantive motion is open to debate until it has been seconded.
- (b) In the case of a motion to revoke or change the decision made at a council meeting, no motion is open to debate unless the motion has the support required under Regulation 10 of the Regulations.

*NOTE: Regulation 10 of the Regulations states;*

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—*
  - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least one quarter of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—*
  - (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
  - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**10.3 Unopposed Business**

- (a) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (b) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (a) carried without debate and without taking a vote on it.
- (c) A motion carried under subclause (b) is to be recorded in the minutes as a unanimous decision of council
- (d) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (e) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a council meeting.

**10.4 Only One Substantive Motion Considered**

When a substantive motion is under debate at any meeting of council, no further substantive motion is to be accepted.

**10.5 Breaking Down of Complex Questions**

The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

**10.6 Order of Call in Debate**

The person presiding is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

**10.7 Limit of Debate**

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

**10.8 Member May Require Questions to be Read**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**10.9 Consent of Secunder Required to Accept Alteration of Wording**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**10.10 Order of Amendments**

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

**10.11 Form of Amendments**

Amendments must add, delete, or substitute words in the substantive motion

**10.12 Amendments may be required to be in writing**

At the request of the person presiding a member is to put an amendment in writing and submit it to the person presiding.

**10.13 Amendments Must Not Negate Original Motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

**10.14 Relevance of Amendments**

Every amendment is to be relevant to the motion on which it is moved.

**10.15 Mover of Motion Not to Speak on Amendment**

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

**10.16 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved, subject to the limitations of subclause 10.10.

**10.17 Withdrawal of Motion and Amendments**

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

**10.18 Limitation of Withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

**10.19 Personal Explanation**

No member is to speak at any meeting of council, except upon the matter before council, unless it is to make a personal explanation. Any member of council who is permitted to speak under these

circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of council rises to explain, no reference is to be made to matters unnecessary for that purpose.

#### **10.20 Personal Explanation—When Heard**

A member of council wishing to make a personal explanation of matters referred to by any member of council then speaking, is entitled to be heard immediately, if the member of council then speaking consents at the time, but if the member of council who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

#### **10.21 Ruling on Questions of Personal Explanation**

The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

#### **10.22 Right of Reply**

- (a) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (b) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

#### **10.23 Right of Reply Provisions**

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of debate on the substantive motion or the amended substantive motion;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

### **PART 11—PROCEDURAL MOTIONS**

#### **11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that council proceed to the next business;
- (b) that the question be adjourned;
- (c) that council now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that council meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

#### **11.2 No Debate on Procedural Motions**

- (a) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (b) The mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

#### **11.3 Procedural Motions—Closing Debate—Who May Move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

#### **11.4 Procedural Motions—Right of Reply on Substantive Motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

### **PART 12—EFFECT OF PROCEDURAL MOTIONS**

#### **12.1 Council to Proceed to the Next Business—Effect of Motion**

The motion “that council proceed to the next business”, if carried, causes the debate to cease immediately and for council to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

**12.2 Question to be Adjourned—Effect of Motion**

- (a) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (b) If the motion is carried at a meeting of council—
  - (i) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (ii) the provisions of clause 9.5 apply when the debate is resumed.

**12.3 Council to Now Adjourn—Effect of Motion**

- (a) The motion “that council now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.
- (b) Where debate on a motion is interrupted by an adjournment under subclause (a)—
  - (i) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (ii) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (iii) the provisions of clause 9.5 apply when the debate is resumed.

**12.4 Question to be Put—Effect of Motion**

- (a) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.
- (b) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.
- (c) This motion, if lost, causes debate to continue.

**12.5 Member to be No Longer Heard—Effect of Motion**

The motion “that the member be no longer heard”, if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

**12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion**

The motion “that the ruling of the person presiding be disagreed with”, if carried, causes the ruling of the person presiding about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

**12.7 Council to Meet Behind Closed Doors—Effect of Motion**

- (a) Subject to any deferral under clause 3.5 or other decision of council, this motion, if carried, causes the general public and any officer or employee council determines, to leave the room.
- (b) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of council may make, is suspended unless council decides otherwise.
- (c) Upon the public again being admitted to the meeting the person presiding, unless council decides otherwise, is to cause the motions passed by council whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (d) A person who is a council member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Maximum penalty \$5,000.00

**PART 13—MAKING DECISIONS****13.1 Question—When Put**

- (a) When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to council, and, if so desired by any member of council, shall again state it.
- (b) When the person presiding is putting any question, a member is not to leave the meeting.

**13.2 Question—Method of Putting**

- (a) If a decision of council is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.
- (b) The person presiding will advise the number of votes in favour of the motion and the number of votes against the motion before declaring the decision of the meeting. The numbers of votes are to be recorded in the minutes together with the decision of the meeting.

**PART 14—IMPLEMENTING DECISIONS****14.1 Implementation of a Decision**

- (a) If a notice of motion to revoke or change a decision of council is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—
  - (i) if a notice of motion to revoke or change a decision of council is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
  - (ii) if a notice of motion to revoke or change a decision of council is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.
- (b) Implementation of a decision is only to be withheld under subclause (a) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (c) Council shall not vote on a motion to revoke or change a decision of council whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—
  - (i) action has been taken to implement the decision; or
  - (ii) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by council in writing to the applicant or the applicant's agent by an employee of council authorised to do so;without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

**PART 15—PRESERVING ORDER****15.1 The Person Presiding to Preserve Order**

The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in their opinion, there is cause for so doing.

**15.2 Demand for Withdrawal**

A member at a meeting of council may be required by the person presiding, or by a decision of council, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

**15.3 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the person presiding listens to the point of order.

**15.4 Points of Order—When Valid**

The following are to be recognised as valid points of order—

- (a) that the discussion is of a matter not before council;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

**15.5 Points Of Order—Ruling**

The person presiding is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

**15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved**

The ruling of the person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

**15.7 Points of Order Take Precedence**

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

**15.8 Precedence of Person presiding**

- (a) When the person presiding rises during the progress of a debate, any member of council then speaking, or offering to speak, is to immediately sit down and every member of council present shall preserve strict silence so that the person presiding may be heard without interruption.

Maximum penalty \$500.00

- (b) Subclause (a) is not to be used by the person presiding to exercise the right provided in clause 9.3, but to preserve order.

#### **15.9 Right of the Person presiding to Adjourn Without Explanation to Regain Order**

- (a) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (b) Where debate of a motion is interrupted by an adjournment under subclause (a), in the case of a council meeting—
  - (i) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
  - (ii) the provisions of clause 9.5 apply when the debate is resumed.

### **PART 16—ADJOURNMENT OF MEETING**

#### **16.1 Meeting May be Adjourned**

Council may decide to adjourn any meeting to a later time on the same day, or to any other day.

#### **16.2 Limit to Moving Adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of council.

#### **16.3 Unopposed Business—Motion for Adjournment**

On a motion for the adjournment of council, the person presiding, before putting the motion, may seek leave of council to proceed to the transaction of matters to be adopted by exception.

#### **16.4 Withdrawal of Motion for Adjournment**

A motion or an amendment relating to the adjournment of council may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

#### **16.5 Time To Which Adjourned**

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

### **PART 17—MEETINGS OF ELECTORS**

#### **17.1 Standing Orders**

The person presiding shall apply the Standing Orders, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this clause and the provisions of the Regulations or the Act, the latter prevails.

#### **17.2 Person Not an Elector is not Entitled to Vote**

A person who is not an elector is not entitled to vote at a meeting of electors, and they may not take part in any discussion at that meeting, unless the meeting, by a motion, requests them to do so.

### **PART 18—ADMINISTRATIVE MATTERS**

#### **18.1 Suspension of Standing Orders**

- (a) Council may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.
- (b) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

#### **18.2 Cases not Provided for in Standing Orders**

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under subclause 11.1(f).

#### **18.3 Penalties**

Except where a higher penalty is specifically provided in the Standing Orders, any person committing a breach of Standing Orders is liable to a penalty not exceeding five hundred dollars.

### **PART 19—COMMON SEAL**

#### **19.1 Council's Common Seal**

- (a) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.



- (b) Every document to which the seal is affixed must be signed by the CEO or a senior employee authorised by the CEO.
- (c) The common seal of the Local Government is to be affixed to any local law which is made by the Local Government.
- (d) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (e) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Maximum penalty \$1,000

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This Standing Orders Local Law 2002 was adopted by resolution of the council of the City of South Perth at a meeting held on 22 October 2002.

The common seal of the City of South Perth was affixed hereto in the presence of—

Mr JULIAN DONALDSON, Chair of Commissioners.  
Mr CLIFF FREWING, Acting Chief Executive Officer.

Date: 22 October 2002.

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