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HEALTH ACT 1911

TOWN OF VINCENT

HEALTH LOCAL LAW 2004

**HEALTH (EATING HOUSE)
LOCAL LAW 2004**

HEALTH ACT 1911

TOWN OF VINCENT

HEALTH LOCAL LAW 2004**PART 1—PRELIMINARY**

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

PART 2—SANITATION*Division 1—Sanitary Conveniences*

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

Division 2—Bathrooms, Laundries and Kitchens

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

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

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

Division 2—Ventilation of Dwelling Houses

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

Division 3—Water Supply

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

Division 4—Second-hand Furniture, Bedding and Clothing

30. Prohibition of sale
31. Prohibition of possession

Division 5—Morgues

32. Registration of morgues
33. Inspection of morgues
34. Revocation of registration

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

35. Interpretation
36. Deposit of liquid refuse
37. Disposal of liquid waste

Division 2—Disposal of Refuse

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

Division 3—Transport of Butchers' Waste

50. Interpretation
51. Restriction of vehicles
52. Transport of butchers' waste

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

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

Division 2—Keeping of Animals

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

Division 3—Keeping of a Large Animal or Animals of Potential Burden

67. Interpretation
68. Approval required to keep a large animal or animals of potential burden
69. Proximity of animals to a dwelling house
70. Manure receptacle

Division 4—Keeping of Poultry and Pigeons

71. Interpretation
72. Limitation on Numbers of Poultry, Pigeons and Miscellaneous Birds
73. Conditions on keeping poultry
74. Roosters, Geese, Turkeys and Peafowls
75. Pigeons or doves
76. Removal of non-conforming structure or enclosure
77. Restrictions on pigeon nesting or perching
78. Restriction on feeding pigeons and seagulls

Division 5—Car Parks

79. Interpretation
80. Ventilation
81. Exhaust air discharge points and exhaust registers
82. Car park attendant booths

PART 6—PEST CONTROL*Division 1—Flies*

83. Interpretation
84. Fly breeding matter not to be left on premises unless covered or treated
85. Measures to be taken by an occupier
86. Officer may give notice directing measures to be taken
87. Council may execute work and recover costs

Division 2—Mosquitoes

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

Division 3—Rodents

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

Division 4—Cockroaches

102. Interpretation
103. Measures to be taken to eradicate cockroaches

Division 5—European Wasps

104. Interpretation
105. Measures to be taken to keep premises free from European Wasp Nests

Division 6—Bee Keeping

106. Interpretation
107. Limitation on numbers of hives
108. Restrictions on keeping of bees in hives
109. Bees which cause a nuisance not to be kept

Division 7—Arthropod Vectors of Disease

110. Interpretation
111. Responsibility of the owner or occupier

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

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

Division 2—Disposal of Used Condoms and Needles

122. Disposal of Used Condoms
123. Disposal of Used Needles

PART 8—LODGING HOUSES*Division 1—Registration*

124. Interpretation
125. Lodging house not to be kept unless registered
126. Application for registration

127. Approval of application
128. Renewal of registration
129. Notification upon sale or transfer
130. Revocation of registration

Division 2—Construction and Use Requirements

131. General construction requirements
132. Sanitary conveniences
133. Laundry
134. Kitchen
135. Cooking facilities
136. Dining room
137. Lounge room
138. Fire prevention and control
139. Obstruction of passages and stairways
140. Fitting of locks
141. Restriction on use of rooms for sleeping
142. Sleeping accommodation—short term hostels and recreational campsites
143. Furnishing etc. of sleeping apartments
144. Ventilation
145. Numbers to be placed on doors

Division 3—Management and Care

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

PART 9—OFFENSIVE TRADES

Division 1—General

156. Interpretation
157. Consent to establish offensive trade
158. Notice of application
159. Registration of premises
160. Certificate of registration
161. Change of occupier
162. Alterations to premises
163. Occupier includes employee

Division 2—General Duties of an Occupier

164. Interpretation
165. Cleanliness
166. Rats and other vectors of disease
167. Sanitary conveniences and wash basins
168. Painting of walls etc
169. Effluvia, vapours or gases
170. Offensive material
171. Storage of materials
172. Specified offensive trades
173. Directions
174. Other duties of occupier

Division 3—Fat Rendering Premises

175. Interpretation
176. Exhaust ventilation
177. Covering of apparatus
178. Rendering of walls

Division 4—Fish Premises

179. Interpretation
180. Fish preparation room
181. Disposal of waste
182. Fish containers

Division 5—Flock Factories

- 183. Interpretation
- 184. New and used material
- 185. Collection and removal of dust
- 186. Unclean rags
- 187. Bedding and upholstery

Division 6—Laundries, Dry Cleaning Establishments and Dye Works

- 188. Interpretation
- 189. Receiving depot
- 190. Reception room
- 191. Walls and floors
- 192. Laundry floor
- 193. Escape of dust
- 194. Precautions against combustion
- 195. Trolleys
- 196. Sleeping on premises

PART 10—OFFENCES AND PENALTIES

- 197. Penalties

SCHEDULE OF FORMS

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

HEALTH ACT 1911

TOWN OF VINCENT

HEALTH LOCAL LAW 2004

In pursuance of the powers conferred upon it by the *Health Act 1911* (as amended) and the Local Government Act 1995 (as amended), the Council of the Town of Vincent hereby records having resolved on the tenth day of August 2004 to make the following Local Law.

PART 1—PRELIMINARY**Citation**

1. These local laws may be cited as “The Town of Vincent Health Local Law 2004”.

Repeal

2. *The Town of Vincent Health Local Law 1997* published in the *Government Gazette* (No. 40) of 4 March 1998, is repealed.

Savings and Transitional

3. Without limiting the operation of the provisions of the *Interpretation Act 1918*, the repeal of any local laws by these Local Laws does not affect any document made or anything done under any local laws so repealed, and each such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under these local laws, shall continue and have effect as if it had been made or done under the corresponding clauses of these Local Laws, and as if that clause had been in effect when that document was made or that thing was done.

Interpretation

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

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

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

“**approved**” means approved by the Council or Principal Environmental Health Officer;

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

“**AS 1668.2—2002**” means the standard published by the Standards Association of Australia as AS 1668.2—2002 and called “The use of ventilation and air conditioners in buildings—Ventilation design for indoor air contaminant control.”

“**AS/NZS 3666.2: 2002**” means the standard published by the Standards Association of Australia as AS/NZS 3666.2: 2002 and called “Air handling and water systems of buildings—Microbial Control—Operation and maintenance.”

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

“**CEO**” means the Chief Executive Officer of the Town of Vincent;

“**Council**” means the Local Government of the Town of Vincent and its officers;

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

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

“**eating house**” means an eating house as defined in Division 3, Section 160, of the *Health Act 1911* (as amended);

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

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

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

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

“**Manager of Environmental Health Services**” means an Environmental Health Officer appointed by the Council to the office of Manager or Principal responsible for Environmental Health or Health Services and includes an Acting Manager of Environmental Health Services;

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

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

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

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

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

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

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

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

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

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

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

PART 2—SANITATION

Division 1—Sanitary Conveniences

Interpretation

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

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

“**organiser**” means a person—

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

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

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

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

Dwelling House

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

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

Premises other than a Dwelling House

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

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

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

Outdoor Festivals

8. (1) The applicant for an outdoor festival—
- (a) at which not more than 30,000 people are expected to attend;
 - (b) with an anticipated duration of more than 8 hours; and
 - (c) where alcohol may be consumed by the persons attending,
- shall provide toilets in accordance with Table 1.

Table 1

Number of people attending	Male Facilities			Female Facilities	Hand Basins	
	WC's	Urinal Metres	Urinals	WC's	Male	Female
Up to 1000	2	1.5	3	5	1	1
1000-2000	3	3	6	10	2	2
2000-3000	4	4.5	9	15	3	3
3000-4000	5	6	12	20	4	4
4000-5000	6	7.5	15	25	5	5
5000-6000	7	9	18	30	5	6
6000-7000	8	10.5	21	35	6	7
7000-8000	9	12	24	40	7	8
8000-9000	10	13.5	27	45	8	9
9000-10000	11	15	30	50	9	10
10000-11000	12	16.5	33	55	9	11
11000-12000	13	18	36	60	10	12
12000-13000	14	19.5	39	65	11	13
13000-14000	15	21	42	70	12	14
14000-15000	16	22.5	45	75	13	15
15000-16000	17	24	48	80	13	16
16000-17000	18	25.5	51	85	14	17
17000-18000	19	27	54	90	15	18
18000-19000	20	28.5	57	95	16	19
19000-20000	21	30	60	100	17	20
20000-21000	22	31.5	63	105	17	21
21000-22000	23	33	66	110	18	22
22000-23000	24	34.5	69	115	19	23
23000-24000	25	36	72	120	20	24
24000-25000	26	37.5	75	125	21	25
25000-26000	27	39	78	130	21	26
26000-27000	28	40.5	81	135	22	27
27000-28000	29	42	84	140	23	28
28000-29000	30	43.5	87	145	24	29
29000-30000	31	45	90	150	25	30

- (2) The applicant for an outdoor festival at which not more than 30,000 people are expected to attend, but—
- (a) with an expected duration of less than 8 hours; or
 - (b) where alcohol will not be or is not permitted to be consumed by persons attending,
- shall provide toilets in accordance with Table 1, but with the requirements of that Table reduced in accordance with Table 2.

Table 2

Duration of event	Percentage of standards in Table 1 to be applied (%)	
	Alcohol permitted	No alcohol permitted
6-8 hours	80	40
4-6 hours	75	37.5
0-4 hours	70	35

(3) The applicant for an outdoor festival at which more than 30,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

(4) At least one unisex toilet for the disabled shall be required at each outdoor festival.

(5) When portable or chemical toilets are used for an outdoor festival with an expected duration of more than four hours—

- (a) they must be pumped out during the festival; and
- (b) they must be located so that pump-out vehicles can access them.

(6) The applicant must ensure that toilets are checked regularly during an outdoor festival to ensure that they are clean and that all consumables are readily available to patrons using them.

(7) In this clause, "WC" means a water closet pan.

Toilets

9. (1) Toilets on premises shall be maintained in accordance with the following requirements—

- (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
- (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
- (c) the floor of any internal toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
- (d) the floor of any external toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to the door or alternatively an approved outlet.

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

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

Temporary Works

10. A person who undertakes temporary work at any place shall:-

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary toilet in accordance with the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from an Environmental Health Officer and ensure the site is left clean.

Maintenance of Sanitary Conveniences and Fittings

11. (1) The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an Environmental Health Officer, effectively disinfect and clean,

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

(2) The owner of premises shall—

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

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

Ventilation of Toilets

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

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

Public Sanitary Conveniences

13. (1) A person shall not—

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

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

(2) A person using a public sanitary convenience shall where the convenience has been provided by the Council and a charge for its use has been levied, forthwith pay that charge.

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

Lighting

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

Installation

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

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

(3) Every toilet and plumbing fixture shall be connected into the public sewer, unless otherwise approved by Council for a limited temporary period.

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

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

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

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

Laundries

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

- (a) is properly enclosed and roofed;
- (b) is adequately lined with an impervious material;
- (c) has a floor of concrete or other approved impervious material of an approved thickness;
- (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
 - (i) the 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; and
- (e) is not a room in which food is stored, prepared, served or consumed.

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

(3) 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.

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

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

Washing or Keeping of Clothes in Kitchens

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

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

Kitchens

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

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

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

(3) A cooking facility shall—

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

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

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

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

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

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

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

Maintenance of Guttering and Downpipes and Disposal of Rainwater

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

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property, and ensure stormwater is disposed of directly into an appropriate drain or soak-well or directly onto a paved surface provided the surface has an adequate fall away from any building structure.

*Division 2—Ventilation of Dwelling Houses***Exemption for Short Term Hostels and Recreational Campsites**

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

Overcrowding

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

Calculate Sufficient Space

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

Ventilation

25. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless the dwelling house is properly ventilated.
- (2) For the purpose of subclause (1) a dwelling 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—2002.
- (3) The owner of a dwelling 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: 2002; 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 Services, a dwelling house is not properly ventilated, the Manager Environmental Health Services may by notice require the owner of the dwelling house to—
- (a) provide a different, or additional method of ventilation; or
 - (b) cease using the dwelling house until it is properly ventilated.
- (5) The owner shall comply with a notice under subclause (4).

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

26. (1) The owner of a dwelling 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 Manager of Environmental Health Services.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the dwelling house or on the site on which the dwelling house is located.

Rain Water Tanks

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

Wells

28. The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—
- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
 - (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

Pollution

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

*Division 4—Second-hand Furniture, Bedding and Clothing***Prohibition on 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***Licensing of Morgues**

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

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

- (a) made in the form prescribed in Schedule 8;
- (b) forwarded to the CEO together with—
 - (i) the fee as fixed from time to time by the Council under section 344C of the Act;
 - (ii) a floor plan and specifications of the morgue which shall include the following details—
 - A. the use of each room;
 - B. the structural finish of each wall, floor and ceiling;
 - C. the position and type of each fitting and fixture; and
 - D. all ventilation inlets and outlets.

(3) A Certificate of Licence shall be in the form set out in Schedule 9 and the Council may impose any conditions it thinks fit upon the licence.

(4) A Certificate of Licence shall not be granted in respect of any premises unless—

- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
- (b) the walls are constructed of stone or brickwork or other approved material;
- (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
- (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
- (e) the premises are adequately ventilated by direct communication with the outside air.

Inspection of Morgues

33. (1) An Environmental Health Officer—

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

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

Revocation of Registration

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

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

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

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

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

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

Interpretation

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

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

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

Deposit of Liquid Refuse

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

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

Disposal of Liquid Waste

37. (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 Council;
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

Division 2—Disposal of Refuse

Interpretation

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

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

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

“litter bin” means the containers located in a public place for the public to deposit litter in;

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

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

“refuse disposal site” means a waste treatment facility or depot licensed under Part V of the *Environmental Protection Act 1986* to store, treat, reuse or dispose of rubbish or refuse;

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

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

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

“street 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

39. 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 as determined by the Environmental Health Officer, keep the receptacle on the premises and located—
 - (i) behind the street alignment and so as not to be visible from a street or public place; or
 - (ii) in such other position as is approved by an Environmental Health Officer;
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.

Exemption

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

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

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

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

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

Use of Receptacles

41. An owner or occupier of premises shall—

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

Damage to Receptacles

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

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

Use of Other Containers

43. (1) In the case of premises consisting of more than 4 dwelling houses, any premises used for commercial or industrial purposes or as a food premises, the Council may authorise rubbish or refuse to be deposited in a container other than a receptacle.

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

- (a) unless approved by the Manager of Environmental Health Services, not deposit or permit to be deposited in the container anything specified in subclauses 41(a)(ii)—(xiii);
- (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- (c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
- (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Council;
- (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 the occupier of adjoining premises.

(3) An owner or occupier shall—

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

Suitable Enclosure

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

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

that have been provided with receptacles, shall—

- (c) if required by the Manager of Environmental Health Services—
 - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises;
 - (ii) install in the enclosure a tap connected to an adequate supply of water, and a floor waste connected to the public sewer; and
 - (iii) adequately roof the enclosure.

(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 3 square metres;
- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Council;
- (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
- (d) containing a smooth and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
- (e) which is easily accessible to allow for the removal of the receptacles.

Deposit of Litter

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

Deposit of Refuse

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

- (2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—
- (a) at such place on the site as may be directed by the person in charge of the site; or
 - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

Removal from Refuse Disposal Site

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

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

Removal of Rubbish from Premises or Receptacle

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

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

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

Burning Rubbish or Refuse

49. (1) Subject to any other written law, a person shall not—

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

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

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

(2) The approval of the Manager of Environmental Health Services under subclause (1) is issued subject to the following conditions—

- (a) the material to be burnt—
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; and
 - (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service;
- (b) there is no other appropriate means of disposal;
- (c) burning shall not take place—
 - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
 - (ii) where there is no current dispersion alert, outside the hours of 10.00 a.m. to 3.00 p.m.;
- (d) an incinerator must meet the minimum standards specified by the Council; and
- (e) an incinerator unit used for fire must be located—
 - (i) at least 2 metres from a fence or building; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to any other written law, the Manager of Environmental Health 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

50. 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

51. 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

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

- (a) A compartment complying with the following specifications —
 - (i) the floor and 4 walls to be made of an approved impervious material of an approved thickness and the walls to be not less than 910 millimetres high;
 - (ii) all joints to be sealed, welded, soldered or brazed and made watertight;
 - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

- (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
 - (b) a watertight, durable and impervious container fitted with a lid, which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are—
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

Interpretation

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

Footpaths etc, to be kept clean

54. An owner or occupier of premises shall keep any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from refuse and other obstacles which are or have been in the possession or control of the owner or occupier which the owner or occupier has caused or allowed to be on the footpath, pavement, area or right of way.

Escape of Smoke etc.

55. (1) Subject to subclause (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.
- (2) Subclause (1) does not apply to smoke from the chimney of a private dwelling house.

Public Vehicles to be kept clean

56. 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

57. 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

58. 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

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

Storage and Dispatch of Artificial Fertiliser

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

Storage of Fertiliser in a Dwelling House

61. The owner or occupier of a dwelling house where fertiliser or compost is stored or used shall—
- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
 - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
 - (c) store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by the Council.

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

62. 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

63. (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Manager of Environmental Health 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

64. (1) Subject to sub-clause (5), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land—
- (a) within the residential zone of the Town of Vincent Planning Scheme; or
 - (b) used for residential purposes.
- (2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-clause (1).
- (3) The Council shall not grant an exemption under this clause unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this clause shall specify—
- (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises.
- (5) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

65. (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons.

Disposal of Dead Animals

66. (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**

67. In this Division, unless the context otherwise requires—
- “approved animal” means a horse, cow or large animal the subject of an approval by Council under clause 68;
- “cow” includes an ox, calf or bull;
- “horse” includes an ass, mule, donkey or pony; and
- “large animal” includes a pig, sheep, goat, alpaca, horse, deer, camel, llama, emu, ostrich, kangaroo, including miniature species of the same animal, or any animal of potential burden as determined by the Manager Environmental Health Services.

Approval Required to keep a Large Animal or Animal(s) of Potential Burden

68. (1) A cow or large animal or animal of potential burden or animals in such numbers that may cause a nuisance as determined by the Council shall not be kept on any property or premises within the Town of Vincent unless prior written approval has been given by the Council.

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

Proximity of Animals to a Dwelling House

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

Manure Receptacle

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

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

Division 4—Keeping of Poultry and Pigeons

Interpretation

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

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

“Miscellaneous Birds” includes all birds other than poultry and registered homing or racing pigeons;

“the Prohibited Area” means—

- (a) that portion of the district bounded—
 - (i) to the east by Richmond Street to Loftus Street, Loftus Street to Vincent Street as far as Beaufort Street, Beaufort Street to Walcott Street and Walcott Street to the railway;
 - (ii) to the east by the railway to Summers Street, and then to Lord Street;
 - (iii) to the south by Lord Street, to Parry Street, Parry Street to Lindsay Street, Lindsay Street to Newcastle Street, Newcastle Street to Loftus Street and Loftus Street to the Mitchell Freeway; and
- (b) all land classified/zoned for commercial and retail use as defined in the District Town Planning Scheme.

Limitation on Numbers of Poultry, Pigeons and Miscellaneous Birds

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

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

- (a) who is not an Affiliated Person, shall not keep a combined total of more than 12 poultry and pigeons; and
- (b) who is an Affiliated Person, shall not keep a total of more than 100 pigeons and 12 poultry,

on any one lot of land.

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

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

(4) An owner or operator shall not keep more than 20 miscellaneous birds on any premises within the district.

(5) The Manager of Environmental Health may impose relevant conditions, and/or reduce the approved number of poultry, pigeons, or miscellaneous birds on any premises within the district, or alternatively ban the keeping of poultry, pigeons, or miscellaneous birds on a particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.

(6) An owner or occupier shall comply with a direction from the Manager of Environmental Health under this clause.

(7) Sub-section (4) does not apply to premises used for veterinary purposes or as a pet shop.

Conditions on Keeping Poultry

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

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

- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure provided with a smooth concrete floor at least 50mm thick and laid with a fall of 1 in 50 to the front;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance;
- (e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with as directed by an Environmental Health Officer.

Roosters, Geese, Turkeys and Peafowls

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

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

keep or permit a rooster, goose, turkey or peafowl to be kept on the premises.

(2) The Manager of Environmental Health Services may, upon written application, grant approval with conditions to the owner or occupier of premises to keep on the premises a specified number of roosters, geese, turkeys or peafowls for a prescribed period.

Pigeons or Doves

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

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that is in a yard having an otherwise unobstructed area of at least 30 square metres.

Removal of Non-Conforming Structure or Enclosure

76. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of sections 73 and 75, an Environmental Health Officer may direct the owner or occupier to remove it.

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

Restrictions on Pigeon Nesting or Perching

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

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

Restrictions on Feeding Pigeons and Seagulls

78. (1) The Council may by resolution determine that the feeding of pigeons, doves, seagulls and other wild birds as specified, which are not kept in accordance with this Division, is prohibited within the district or specified part or parts of the district.

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

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

Division 5—Car Parks

Interpretation

79. 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

80. (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 AS1668.2–2002.

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

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

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

Exhaust Air Discharge Points and Exhaust Registers

81. An owner or occupier shall ensure that—

- (1) all exhaust air that is discharged from a car park shall be discharged at discharge points—
 - (a) in accordance with AS1668.2–2002; and
 - (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2–2002;
- (2) exhaust registers are located—
 - (a) as far as possible from the source of supply air; and
 - (b) so as to draw effluent away from staff working in the attendant's booth;
- (3) 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
- (4) any mechanical ventilation system is—
 - (a) maintained in good working condition; and
 - (b) in operation at all times when the car park is in use.

Car Park Attendant Booths

82. (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 Council, an attendant's booth is not properly ventilated in accordance with subclause (1), the Council may by notice require the occupier to cease using the booth until it is properly ventilated.

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

PART 6—PEST CONTROL

Division 1—Flies

Interpretation

83. 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

84. 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

85. 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

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

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

Council may Execute Work and Recover Costs

87. (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 86, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

(2) The costs and expenses incurred by the Council in the execution of a power under subclause (1) may be recovered by listing the person as a debtor of Council or alternatively in a court of competent jurisdiction from the person referred to in subclause (1).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the Council under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the Council was negligent or in breach of its duty.

*Division 2—Mosquitoes***Interpretation**

88. 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

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

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

liable to become the breeding place of mosquitoes.

Measures to be taken by an Owner or Occupier

90. An owner or occupier of premises—

- (a) where there is a fountain, artificial pool, artificial pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall take adequate and reasonable measures to prevent mosquitoes breeding; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall—
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

Measures to be taken by Occupier

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

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

Removal of Undergrowth or Vegetation

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

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

Filling in Excavations etc.

93. Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface so as not to retain water.

Drains, Channels and Septic Tanks

94. An owner or occupier of land shall—

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

Drainage of Land

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

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

*Division 3—Rodents***Interpretation**

96. 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.

“contemporary rodenticide bait” means the exclusion of Warfarin baits due to resistance and inclusion of Bromadiolone or Coumatetralyl or any future Department of Health approved rodenticide.

Measures to be taken to eradicate Rodents

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

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

- (a) take effective measures to keep the premises free from rodents including—
 - (i) protecting stored food stuffs;
 - (ii) removing accumulated refuse or a potential rodent food source;
 - (iii) using a contemporary rodenticide bait or a properly baited trap if found to be effective; and
 - (iv) minimising rodent 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

98. 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 stored food intended for birds or other animals,

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

Restrictions on materials affording harbourage for Rodents

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

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

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

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

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

Eating Houses etc. to be Cleaned After Use

100. An owner or occupier of an eating house, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned by effective means to remove visible food or waste matter 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

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

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

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

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

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

- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- (b) if a rat escapes, forthwith comply with the requirements of clause 97 and ensure that all reasonable steps are taken to destroy the rat.

Division 4—Cockroaches

Interpretation

102. 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

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

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

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

Division 5—European Wasps

Interpretation

104. 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 Wasps Nests

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

- (a) immediately notify the Council of any wasps and their 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 nest; and
- (c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

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

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

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

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

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

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

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

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

Approval Required to Keep Bees

107. (1) Subject to subclause (3), a person shall not keep or permit the keeping of bees without the written consent of the Council after 30 November 2004.

(2) The Council may grant or refuse, with or without conditions, an application for consent to keep bees.

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

Restrictions on Keeping of Bees in Hives

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

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

Bees which Cause a Nuisance not to be Kept

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

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

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

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

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

“arthropod vectors of disease” includes—

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

Responsibility of the Owner or Occupier

111. 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**

112. An Environmental Health Officer—

- (a) may visit and inspect any house, its occupants, fixtures and fittings; and

- (b) who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these local laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Council.

Requirements on owner or occupier to clean, disinfect and disinfect

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

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

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

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

Environmental Health Officer may disinfect or disinfect premises

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

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

(3) The Council 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 Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this clause, except to the extent the person has suffered loss or damage because the action taken by the Council was negligent or in breach of its duty.

Insanitary dwelling houses, premises and things

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

(2) Where the Manager Environmental Health Services considers that a dwelling house is insanitary, he/she may, by notice in writing, direct an owner of the dwelling house, within the time and in the manner specified in the notice, to demolish, amend, clean or secure the dwelling house.

(3) Where an Environmental Health Officer considers that—

- (a) a dwelling 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—

- (c) the owner or occupier of the dwelling house or premises to amend any insanitary condition; or
(d) the owner or occupier of the thing to remove or amend it,

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

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

Medical Officer may authorise disinfecting

116. (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

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

- (a) shall obey such instructions or directions as an Environmental Health Officer or the Medical Officer may issue;
(b) may be removed, at the direction of an Environmental Health Officer 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 dwelling house or premises

118. (1) To prevent or check the spread of infectious disease, the Manager Environmental Health Services or the Medical Officer may from time to time declare any dwelling house or premises to be infected.

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

Destruction of infected animals

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

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

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

Disposal of a body

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

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

Council may carry out work and recover costs

121. (1) Where—

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

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

(2) The costs and expenses incurred by the Council in the execution of a power under this clause may be recovered by listing such a person as a debtor of Council or alternatively in a court of competent jurisdiction from the person referred to in subclause (1)(a).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) in relation to any action taken by the Council under this clause, except to the extent the person has suffered unreasonable loss or damage because the action taken by the Council was negligent or in breach of its duty.

*Division 2—Disposal of Used Condoms and Needles***Disposal of used Condoms**

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

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

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

Disposal of used Needles

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

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

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

- “bed” means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;
- “bunk” means a sleeping berth comprising one of two arranged vertically;
- “dormitory” means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;
- “keeper” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;
- “lodger” means a person who obtains, for hire or reward, board or lodging in a lodging house;
- “lodging house” includes a recreational campsite, a serviced apartment, motel, large bed & breakfast establishment 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; and

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

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

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

Lodging House not to be kept unless registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the Council under clause 127;
- (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 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 is one or more lodgers in the lodging house.

Application for registration

126. 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

127. The Manager Environmental Health Services 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

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

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

Notification upon sale or transfer

129. 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 Manager Environmental Health Services, 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

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

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

- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration.

- (c) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Council, unfit to remain registered.

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

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

Division 2—Construction and Use Requirements

General Construction Requirements

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

Sanitary Conveniences

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

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

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

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

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

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

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

in accordance with the requirements of the Building Code.

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

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

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

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

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

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

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

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

Laundry

133. (1) A keeper shall—

- (a) subject to subclause (2) provide on the premises a laundry unit for each 15 lodgers;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (d) ensure that the floor area of each laundry is surfaced with an impervious material with an even fall to a floor waste.

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

(3) In this clause—

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

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that—

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

Kitchen

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

- (a) has a minimum floor area of,—
 - (i) where lodgers prepare their own meals—0.65 square metres per person;
 - (ii) where meals are provided by the keeper or manager—0.35 square metres per person; or
 - (iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- (b) has adequate—
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

Cooking Facilities

135. (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 Services in accordance with the following table—

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

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

Dining Room

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

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

Lounge Room

137. 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

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

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

Obstruction of passages and stairways

139. 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

140. 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

141. (1) Subject to subclause (3) and clause 155, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

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

unless otherwise approved by the Manager Environmental Health 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 subclause (1) shall not apply to a serviced apartment.

Sleeping Accommodation—Short Term Hostels and Recreational Campsites

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

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

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

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

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

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

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

- (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access and egress spaces are not obstructed.
- (6) The keeper of any short term hostel or recreational campsite shall—
 - (a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (7) The keeper of any short term hostel or recreational campsite shall ensure that—
 - (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS 1530.3—1999 as follows—
 - drapes, curtains, blinds and bed covers—a maximum Flammability Index of 6;
 - upholstery and bedding—a maximum Spread of Flame Index of 6;
 - a maximum Smoke Developed Index of 5;
 - floor coverings—a maximum Spread of Flame Index of 7.
 - a maximum Smoke Developed Index of 5;
 Fire retardant coatings used to make a material comply with these indices must be—
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardant effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
 - (b) emergency lighting is provided in accordance with the Building Code;
 - (c) a lodger or other persons does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite; and
 - (d) all mattresses are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

143. (1) A keeper shall—
- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) except in the case of short term hostels and recreational campsites, is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
 - (c) in the case of short term hostels and recreational campsites ensure that there is for each bed a pillow case, two sheets and two blankets available for the use of lodgers either free of charge or upon payment of a fee;
 - (d) in the case of short term hostels and recreational campsites ensure that lodgers use some form of bedding to cover the pillow and mattress;
 - (e) except in the case of short term hostels and recreational campsites furnish each bedroom so that there are adequate storage facilities for lodgers' belongings within the room; and
 - (f) in the case of short term hostels and recreational campsites ensure that there is a room or rooms provided for the secure storage of lodgers' luggage.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

Ventilation

144. (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper shall comply with any direction given under subclause (1) within such time as directed.

Numbers to be placed on Doors

145. (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
- (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
 - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

- (2) The numbers to be placed on the doors under subclause (1) shall be—
- (a) not less than 40 millimetres in height;
 - (b) 1.5 metres from the floor; and
 - (c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3—Management and Care

Keeper or manager to reside in the lodging house

146. Whenever there is one or more lodgers in a lodging house, a keeper or manager shall—
- (a) reside continuously in the lodging house; and
 - (b) not absent himself from such house unless he leaves some reputable person in charge thereof.

Register of lodgers

147. (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

148. A keeper shall, whenever required by the Manager Environmental Health Services, report to the Manager Environmental Health Services, 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

149. (1) The Manager Environmental Health Services may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by the Environmental Health Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

Duplicate keys and inspection

150. 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

151. (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 Environmental Health Officer 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

152. (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper shall—
- (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

Cleaning and maintenance requirements

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

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

(2) In this clause—

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

Responsibilities of lodgers and residents

154. 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, 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

155. (1) The Manager Environmental Health 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

156. 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 12 Certificate of Registration;

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

- (a) fish processing, shellfish and crustacean processing premises, not including retail fish shops;
- (b) fish curing and fish canning premises;
- (c) flock factories;
- (d) laundries, dry cleaning premises and dye works;
- (e) any trade as defined by section 186 of the Act.

Consent to Establish an Offensive Trade

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

- (a) advertise notice of his intention to apply for consent in accordance with clause 158; and
- (b) lodge with the CEO an application in the form of Schedule 10.

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

Notice of Application

158. A notice required under subclause 157(1)(a) shall—

- (a) contain the name, address and telephone contact details 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) be made in a manner acceptable to the Council before the application under clause 157(1)(b) is lodged with the CEO. Advertising to adjacent property owners and tenants, on the shop front and in a local community newspaper and thereafter submitting copies to the CEO, is deemed acceptable.

Registration of Premises

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

- (a) in the form of Schedule 11;
- (b) accompanied by the fee prescribed in *the Offensive Trades (Fees) Regulations 1976*; and
- (c) lodged with the CEO.

Certificate of Registration

160. Upon the registration of premises for the carrying on of an offensive trade, the Manager of Environmental Health shall issue to the applicant a certificate in the form of Schedule 12 and list relevant conditions.

Change of Occupier

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

Alterations to Premises

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

Occupier Includes Employee

163. 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**

164. 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

165. 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

166. The occupier shall—

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

Sanitary Conveniences and Wash Basins

167. 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.

168. 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

169. 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

170. The occupier shall—

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

Storage of Materials

171. 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

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

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

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

- (a) cause the floor of the premises to—
 - (i) be properly drained and paved with impervious materials;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
- (c) cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as the Environmental Health Officer may from time to time direct.

Directions

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

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

Other Duties of Occupier

174. (1) 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.

(2) While any premises remain registered under this Division, a person shall not, without the written permission of the Environmental Health Officer, make or permit any change or alteration whatsoever to the premises internally.

*Division 3—Fat Rendering Establishments***Interpretation**

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

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

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

Exhaust Ventilation

176. The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) shall extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

Covering of Apparatus

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

Rendering of Walls

178. The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks, crevices.

*Division 4—Fish Premises***Interpretation**

179. 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 degrees Celsius;

“fish processing premises” means a place where, for the purpose of sale for consumption otherwise than on the premises, fish is kept or exposed for sale or where fish is cleaned, part cleaned, scaled or cut up;

“fish curing premises” means a place where, for the purpose of sale for consumption otherwise than on the premises, fish may be part cleaned, scaled or cut up for preservation by salting, drying, smoking, or other means;

Fish Preparation Room

180. (1) The fish preparation room of a fish processing premises or fish curing premises shall also 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.

Disposal of Waste

181. The occupier of a fish processing premises or fish curing 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

182. The occupier of a fish processing premises or fish curing 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.

*Division 5—Flock Factories***Interpretation**

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

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

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

New and Used Material

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

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

Collection and Removal of Dust

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

Unclean Rags

186. A person shall not—

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

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

Bedding and Upholstery

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

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

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

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

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

*Division 6—Laundries, Dry Cleaning Establishments
And Dye Works*

Interpretation

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

“dry cleaning establishment”—

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

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

“exempt laundromat” means a premises in which—

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

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

Receiving Depot

189. 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 Council who may at any time by written notice withdraw such permission.

Reception Room

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

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

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

Walls and Floors

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

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

Laundry Floor

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

Escape of Dust

193. 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

194. 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

195. 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

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

PART 10—OFFENCES AND PENALTIES

Penalties

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

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

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

(Clause 126)

Schedule 1

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
Town of Vincent

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

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

apply for the registration of premises situated (or to be situated) at
as a lodging house to be classified as—

- a lodging house;
- a short term hostel; or
- serviced apartments

(Specify which is to apply)

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

DESCRIPTION OF LODGING HOUSE

Number of storeys:

Rooms for private use

	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Rooms for lodgers

	Number	Area
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Sanitary Conveniences for male lodgers

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

Sanitary Conveniences for female lodgers

- Toilets
- Baths
- Showers
- Wash hand basins

Laundry Facilities

- Washtroughs
- Washing machines
- Drying cabinets or clothes lines

Additional Details

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

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

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

 (Date)

(Clause 127)

Schedule 2
TOWN OF VINCENT
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

until 30 June, on the following conditions—

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

This Certificate of Registration is issued subject to the *Health Act* and Health local law of the Town of Vincent and is not transferable.

Dated.....

.....
 Chief Executive Officer,
 Town of Vincent.

Fee received: \$......

(Clause 129)

Schedule 3

TOWN OF VINCENT

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
Town of Vincent

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

of
(Residential Address of Applicant/s)

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

which are registered in the name of

for the carrying on of the lodging house business.

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

.....
(Date)

(Clause 147)

Schedule 4

TOWN OF VINCENT

Health Act 1911

(Section 157)

REGISTER OF LODGERS

Location of Lodging House:
.....

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

.....
.....
.....
.....

(Clause 148)

Schedule 5

TOWN OF VINCENT

Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
Town of Vincent

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

on the day of

(Signed)

(Keeper)

Date:

(Clause 32)

Schedule 9

CERTIFICATE OF LICENSING OF A MORGUE

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

Address of premises:

Name of premises

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

Chief Executive Officer
Town of Vincent

(Clause 157)

Schedule 10

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
Town of Vincent

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 Dwelling House or Premises)

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

.....

.....

on
(Date of Advertisement)

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

(Signature of Applicant/Director)

(Date)

(Clause 159)

Schedule 11

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
Town of Vincent

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

of
(Residential Address of Applicant/s)

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

of
(Location of Premises)

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

(Description of Offensive Trade)

under the business name of

The prescribed registration fee of \$ is attached.

(Signature of Applicant/Director)

(Date)

(Clause 160)

Schedule 12
TOWN OF VINCENT
Health Act 1911
CERTIFICATE OF REGISTRATION OF PREMISES FOR
OFFENSIVE TRADE

This is to certify that the premises situated at

of which

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

Trade Name

This registration expires on the

Dated this day of

Chief Executive Officer
Town of Vincent

This Local Law was passed at the meeting of the Council of the Town of Vincent held on 10th August 2004.

The Common Seal of the Town of Vincent was affixed in the presence of—

IAN KER, Acting Mayor.
JOHN GIORGI JP, Chief Executive Officer.

on this 19th day of August 2004.

Consented to—

Dr MARGARET STEVENS, Executive Director, Public Health.

Dated this 1st day of October 2004.

HEALTH ACT 1911

TOWN OF VINCENT

HEALTH (EATING HOUSE) LOCAL LAW 2004

ARRANGEMENT

PART 1—PRELIMINARY

Clause

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

PART 2—REGISTRATION AND LICENSING OF EATING HOUSES

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

PART 3—RESTAURANTS

14. Sanitary Conveniences for Patrons
15. Exemptions

PART 4—PENALTIES AND OFFENCES

16. Penalties

SCHEDULE OF FORMSSchedule
Number

Description

1. Application for Registration of an Eating House
2. Certificate of Registration of an Eating House
3. Application for a Licence to Conduct an Eating House
4. Application for Transfer of a Licence to Conduct an Eating House
5. Licence to Conduct an Eating House

HEALTH ACT 1911

TOWN OF VINCENT

HEALTH (EATING HOUSE) LOCAL LAW 2004

In pursuance of the powers conferred upon it by the *Health Act 1911* (as amended) and the Local Government Act 1995 (as amended), the Council of the Town of Vincent hereby records having resolved on the tenth day of August 2004 to make the following Local Law.

PART 1—PRELIMINARY

*Division 1—General***Citation**

1. This local law may be cited as *“The Town of Vincent Health (Eating House) Local Law 2004.”*

Interpretation

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

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

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

“**CEO**” means the Chief Executive Officer of the Town of Vincent;

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

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

“**Council**” means the Local Government Authority or Council of the Town of Vincent;

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

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

“**eating house**” means an eating house as defined in Division 3, Section 160, of the *Health Act 1911 (as amended)*.

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

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

“**lodging house**” includes a recreational campsite, a serviced apartment, motel, large bed & breakfast establishment and a short-term hostel.

“**Manager of Environmental Health Services**” means an Environmental Health Officer appointed by the Council to the office of Manager or Principal responsible for Environmental Health or Health Services and includes an Acting Manager of Environmental Health Services;

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

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

“**proprietor**”, in relation to an eating house, includes an owner, an occupier, and any person having the management or control of the eating house;

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

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

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

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

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

“tea room” means an eating house, classified as a tea room where the only meals served or prepared for service are—

- (a) tea, coffee and similar beverages; and
- (b) food which does not require cooking on the premises.

Classification of Eating Houses

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

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

PART 2—REGISTRATION AND LICENSING OF EATING HOUSES

Requirement for Registration and Licensing of an Eating House

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

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

in accordance with the provisions of this Part.

Registration of an Eating House

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

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

Prescribed Date

6. (1) For the purpose of section 162 of the Act the prescribed date is fixed as the 15th day of July 1994.

(2) For the purpose of section 163 of the Act the 15th day of July in each year is prescribed as the date on or before which the annual application for registration of an eating house and licence for the proprietor of an eating house shall be made.

Certificate of Registration

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

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

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

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

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

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

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

Application for Licence to Conduct an Eating House

8. An application for a licence to carry on the business of an eating house shall be—

- (a) made by the proprietor, or where there is more than one proprietor, by each proprietor of the eating house or proposed eating house;
- (b) made in the form prescribed in Schedule 3; and
- (c) forwarded to the CEO together with the fee as fixed from time to time by the Council under section 344C of the Act.

Licence to Conduct an Eating House

9. (1) An application for a licence to carry on the business of an eating house shall be determined by the Council which may—

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

(2) A licence granted by the Council shall be in the form of Schedule 5, signed by the Manager of Environmental Health Services and issued upon and subject to the following conditions—

- (a) the holder of a licence shall—
 - (i) display in the eating house in a position visible to the general public; and
 - (ii) upon the request of an Environmental Health Officer produce to him or her, the licence and the Certificate of Registration;
- (b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the CEO in writing of the change, and of a new place of residence; and
- (c) the holder of a licence shall notify the CEO in writing—
 - (i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house, giving details of the proposed works;
 - (ii) of any circumstances affecting the eating house which may result in food being, or having been, contaminated; and
 - (iii) of any increase in the proposed maximum number of persons, including the proprietor or proprietors, to be engaged in the preparation, manufacture, processing, cooking or serving of meals.

(3) The holder of a licence shall ensure that the number of persons accommodated, at any one time, in a room in which meals are consumed by the public shall not exceed a ratio of 1 person to each square metre of the floor area of the room.

(4) The holder of a licence shall comply with each condition to which the licence is subject.

Application for transfer of Licence

10. (1) A person may, before the expiration of a licence, apply to the Council for the transfer of the licence.

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

- (a) made in the form prescribed in Schedule 4;
- (b) signed by the proposed transferee of the licence and the holder of the licence; and
- (c) forwarded to the CEO together with the fee as fixed from time to time by the Council under section 344C of the Act.

Power to Grant or Refuse an application for Transfer

11. (1) Upon receipt of an application for the transfer of a licence, the Council may—

- (a) approve, with or without conditions, the application for the transfer; or
- (b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.

(2) Where Council approves an application for the transfer of a licence, an endorsement to that effect, signed by the Manager of Environmental Health Services, shall be completed on the licence in accordance with the form in Schedule 5 and the transfer takes effect on and from the date of that endorsement.

(3) A person to whom a licence has been transferred under this clause shall comply with all conditions to which the licence, as transferred, is subject.

Register of Particulars of Registration and Licence

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

Period of Registration and Licence

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

PART 3—RESTAURANTS

Sanitary Conveniences for Patrons

14. Subject to clause 15, a proprietor of a restaurant shall ensure that the premises have, for the use of patrons, sanitary conveniences and hand wash basins provided and maintained in accordance with—

- (a) the Building Code; and
- (b) the requirements imposed on an owner or occupier of premises under Division 1 of Part 2 of *the Town of Vincent Health Local Law 2004*.

Exemptions

15. (1) A proprietor of an eating house which was registered and classified as a restaurant under this Local Law prior to the prescribed date, may apply in writing to the Council for an exemption from compliance with the whole or any part of the requirements of clause 14 of this Part.

(2) The Council may grant or refuse an application for an exemption under this clause.

(3) An exemption granted under this clause shall be signed by the CEO or Manager of Environmental Health Services and shall state—

- (a) the restaurant to which the exemption applies;
- (b) the requirements of clause 14 compliance with which is exempted; and
- (c) the period during which the exemption applies.

PART 4—OFFENCES AND PENALTIES

Penalties

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

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

- (a) a penalty which is not more than \$2,500 and not less than—
 - (i) in the case of a first such offence, \$250;
 - (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third or subsequent such offence, \$1,250; and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

(Clause 5(a))

Schedule 1

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR REGISTRATION OF AN EATING HOUSE

To: Chief Executive Officer
Town of Vincent

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

of.....
(full residential address)

apply for registration of the premises described below as a

- * Restaurant
- * Dining Room
- * Take-away food premises
- * Tea room

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

Name of premises
.....

Area (in square metres) of dining area of premises

Dated this day of

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

Fee Received: \$

* Delete whichever is not applicable

(Clause 7(3))

Schedule 2

TOWN OF VINCENT

Health Act 1911

CERTIFICATE OF REGISTRATION OF AN EATING HOUSE

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

Address of premises:

Name of premises.....

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

This certificate is issued subject to the Health Act 1911 and the Town of Vincent Health Local Law 2004.

Dated this day of

.....
Manager Health Services
Town of Vincent

CONDITIONS

Maximum number of chairs permitted in dining area of premises

* Delete whichever is not applicable

(Clause 8(b))

Schedule 3

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR A LICENCE TO CONDUCT AN EATING HOUSE

To: Chief Executive Officer
Town of Vincent

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

of.....
(full residential address)

being *the proprietor/*one of the proprietors of the following *eating house, *proposed eating house—
Address of premises:

Name of premises.....

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

- * Restaurant
- * Dining Room
- * take-away food premises
- * Tea room

Dated this day of

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

Fee Received: \$

* Delete whichever is not applicable

(Clause 10(2))

Schedule 4

TOWN OF VINCENT

Health Act 1911

APPLICATION FOR TRANSFER OF A LICENCE TO CONDUCT AN EATING HOUSE

To: Chief Executive Officer
Town of Vincent

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

of.....
(full residential address)

apply for transfer, for such period as is still unexpired, of the licence to conduct an eating house, in respect of premises known as

and situated at

The licence was issued to

.....
(full name of current licence holder)

of.....
(full residential address)

by the Town of Vincent on the day of, and is attached with this application and dated the day of

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

I consent to the transfer of the above licence to conduct an eating house.

.....
(Signature of Licence Holder)

Fee Received: \$

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

Schedule 5

TOWN OF VINCENT

Health Act 1911

LICENCE TO CONDUCT AN EATING HOUSE

This is to certify that

of.....

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

Address of premises:.....

Name of premises

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

.....
Manager Health Services
Town of Vincent

*Delete whichever is not applicable

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

(a) the holder of a licence shall—

- (i) display in the eating house in a position visible to the general public; and
- (ii) upon the request of an Environmental Health Officer produce to him or her,

the licence and the certificate of registration;

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

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

- (i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house, giving details of the proposed works; and
- (ii) of any circumstances affecting the eating house which may result in food been, or having been, contaminated.

TRANSFER ENDORSEMENT

This licence is hereby transferred to
of
from and including the date of this endorsement.

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

.....
Manager Health Services
Town of Vincent

This Local Law was passed at the meeting of the Council of the Town of Vincent held on 10th August 2004.

The Common Seal of the Town of Vincent was affixed in the presence of—

IAN KER, Acting Mayor.
JOHN GIORGI JP, Chief Executive Officer.

on this 19th day of August 2004.

Consented to—

Dr MARGARET STEVENS, Executive Director,
Public Health.

Dated this 1st day of October 2004.

