



Western Australia

Health Act 1911

Fly Eradication Regulations

As at 10 Jan 2017

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Fly Eradication Regulations

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Fly Eradication Regulations

1. Citation

These regulations may be cited as the *Fly Eradication Regulations*¹.

2. Flies prescribed under section 199(20) of the *Health Act 1911*

The provisions of section 199(20) of the *Health Act 1911*, as amended from time to time, shall apply to flies.

3. Application

These regulations shall apply and have effect in the districts specified in the Schedule.

4. Waste food, etc. not to be left on premises unless covered or treated

An owner or occupier of any land or premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, on the land or premises any waste food, manure, refuse, garbage, waste matter or other matter whatsoever, which is likely to attract or be a breeding place for flies, unless that waste food, manure, refuse, garbage, waste matter or other matter is covered, protected, treated or dealt with in such a manner as to effectively prevent it attracting or being a breeding place for flies.

5. Inspector may give notice directing measures to be taken

Where it appears to an inspector or officer that flies are prevalent or are breeding on any land or premises, the inspector or officer may give to the owner or occupier of the land or premises notice in writing directing him to take, within a time to be specified in the notice, such measures as in the opinion of the inspector or officer are necessary to control the prevalence, effect eradication, and effectively prevent the breeding of flies.

6. Local authority may execute work when person required to execute the work fails to do so

Where a person is required by these regulations, or by a notice given under the provisions of these regulations, to execute any work, and that person fails or neglects to comply with such regulations or with such notice, the local authority may execute that work, and may recover from that person the cost of executing that work, in addition to any penalty for which that person may be liable under these regulations.

7. Local authority may enter premises to execute work

It shall be lawful for the local authority or its officer to enter upon any land or premises and execute any work required by these regulations.

8. Offences and penalties

- (1) A person who —
- (a) contravenes regulation 4; or
 - (b) fails to comply with a direction under regulation 5 within the time specified in the notice,
- commits an offence and is liable to —
- (c) a penalty which is not more than \$1 000 and not less than —
 - (i) in the case of a first offence, \$100;

- (ii) in the case of a second offence, \$200; and
- (iii) in the case of a third or subsequent offence,
\$500;

and

- (d) if that offence is a continuing offence, a daily penalty
which is not more than \$100 and not less than \$50.

[Regulation 8 inserted in Gazette 14 Oct 1988 p. 4160.]

Schedule

Schedule

[Reg. 3]

Health Districts

The municipal districts of the following municipalities: —

Cities: Perth ², Fremantle, Subiaco, Nedlands and South Perth.

Towns: Albany, Boulder, Bunbury, Carnarvon, Claremont, Cottesloe, East Fremantle, Geraldton, Kalgoorlie, Midland, Narrogin, Northam, North Fremantle and York.

Shires: Albany, Armadale-Kelmscott, Ashburton, Augusta-Margaret River, Balingup, Bassendean, Bayswater, Belmont, Beverley, Sandstone, Bridgetown, Brookton, Broome, Broomehill, Bruce Rock, Busselton, Canning, Capel, Carnamah, Chapman Valley, Chittering, Cockburn, Collie, Coolgardie, Coorow, Corrigin, Cranbrook, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dardanup, Kalamunda, Denmark, Dowerin, Waroona, Dumbleyung, Dundas, Esperance, Gascoyne-Minilya, Geraldton-Greenough, Gingin, Gnowangerup, Goomalling, Gosnells, Greenbushes, Hall's Creek, Harvey, Irwin, Kalgoorlie, Katanning, Kellerberrin, Kojonup, Kondinin, Koorda, Kulin, Trayning-Kununoppin-Yelbeni, Kwinana, Lake Grace, Laverton, Leonora, Mt. Marshall, Mt. Magnet, Mandurah, Manjimup, Marble Bar, Boddington, Meekatharra, Melville, Menzies, Merredin, Mingenew, Moora, Morawa, Mosman Park, Mukinbudin, Mullewa, Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Northam, Northampton, Nullagine, Nungarin, Nyabing-Pingrup, Peppermint Grove, Perenjori, Perth, Ravensthorpe, Pingelly, Plantagenet, Port Hedland, Donnybrook, Quairading, Rockingham, Roebourne, Serpentine-Jarrahdale, Shark Bay, Swan-Guildford, Tableland, Tambellup, Tammin, Three Springs, Toodyay, Upper Blackwood, Upper Gascoyne, Victoria Plains, Wagin, Wandering, Wanneroo, West Arthur, West Kimberley, Westonia, Wickepin, Wiluna, Williams, Woodanilling, Wongan-Ballidu, Wyalkatchem, Wyndham-East Kimberley, Yalgoo, Yilgarn, York.

[Schedule inserted in Gazette 10 Oct 1961 p. 2860; amended in Gazette 16 Mar 1967 p. 722.]

Notes

- ¹ This is a compilation of the *Fly Eradication Regulations* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fly Eradication Regulations</i>	2 Mar 1961 p. 579-80	2 Mar 1961
	10 Oct 1961 p. 2860	10 Oct 1961
	16 Mar 1967 p. 722	16 Mar 1967
<i>Health (Offences and Penalties) Amendment Regulations 1988 Pt. 5</i>	14 Oct 1988 p. 4160-3	14 Oct 1988
Reprint of the <i>Fly Eradication Regulations</i> as at 2 Nov 2001 (includes amendments listed above)		

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 5</i> ³	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

- ² The former municipal district of the City of Perth has been divided into 4 local government districts, namely the City of Perth, and the towns of Vincent, Cambridge and Victoria Park (formerly Shepperton).
- ³ On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016 Pt. 5* had not come into operation. It reads as follows:

Part 5 — *Fly Eradication Regulations* amended

15. Regulations amended

This Part amends the *Fly Eradication Regulations*.

16. Regulation 2 amended

In regulation 2 delete “section 199(20) of the *Health Act 1911*,” and insert:

the *Health (Miscellaneous Provisions) Act 1911* section 199(20),

Note: The heading to amended regulation 2 is to read:

Flies prescribed under the *Health (Miscellaneous Provisions) Act 1911* section 199(20)

17. Regulation 5 amended

In regulation 5 delete “inspector or officer” (each occurrence) and insert:

authorised officer

Note: The heading to amended regulation 5 is to read:

Authorised officer may give notice directing measures to be taken