

# HEALTH AMENDMENT LOCAL LAWS 2002

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**HEALTH ACT 1911**

## THE SHIRE OF CARNARVON

**HEALTH AMENDMENT LOCAL LAWS 2002**

Pursuant to the powers under the *Health Act 1911*, the local government of the Shire of Carnarvon makes the following Local Laws.

**PART 1—PRELIMINARY****Citation**

1. These Local Laws may be cited as *The Shire of Carnarvon Health Amendment Local Laws 2002*.

**Repeal**

2. The following local laws are repealed—

- (1) The Health Local Laws adopted by the Shire of Carnarvon and published in the *Government Gazette* on 19 February 1915, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Carnarvon and published in the *Government Gazette* on 6 February 1948, and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the Shire of Carnarvon on 23 October 1956 and published in the *Government Gazette* on 13 February 1957, and amended from time to time are repealed; and
- (4) The Health Local Laws adopted by the Shire of Carnarvon on 24 March 1965 and published in the *Government Gazette* on 26 May 1965, and amended from time to time, are repealed.

**Interpretation**

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

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

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

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

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

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

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

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

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

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

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

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

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

**"local government"** means the Shire of Carnarvon;

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

**"Principal Environmental Health Officer"** means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

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

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

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

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

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

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

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

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

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

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

## PART 2—SANITATION

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

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

**"festival"** includes a fair, function or event;

**"organiser"** means a person—

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

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

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

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



**Dwelling House**

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

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

**Premises other than a Dwelling House**

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

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

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

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

**Outdoor Festivals**

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

- (a) for the first 1,000 males—
  - (i) one water closet for each 333;
  - (ii) one urinal stall for each 100; and
  - (iii) one hand wash basin for each 500;
- (b) for additional males—
  - (i) one water closet for each 500;
  - (ii) one urinal stall for each 100; and
  - (iii) one hand wash basin for each 500;
- (c) for the first 1,000 females—
  - (i) one water closet for each 77; and
  - (ii) one wash hand basin for each 500; and
- (d) for additional females—
  - (i) one water closet for each 100; and
  - (ii) one wash hand basin for each 500.

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

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

**Toilets**

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

**Temporary Works**

9. A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

**Maintenance of Sanitary Conveniences and Fittings**

10. (1) The occupier of premises shall—

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

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

(2) The owner of premises shall—

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

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

**Ventilation of Toilet**

11. (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 sub-section (1) shall be maintained in good working order and condition.

**Public Sanitary Conveniences**

12. (1) A person shall not—

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

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

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government 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**

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

**Installation**

14. 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.

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

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

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; 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**

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

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

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

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

**Washing or Keeping of Clothes in Kitchens**

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

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

**Kitchens**

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

- (a) a cooking facility; and
- (b) 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) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—

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

(5) In this section, 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**

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

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

#### **Gutterings and Downpipes**

20. Deleted

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

21. The owner or occupier of a house shall—

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

### *Division 2—Ventilation of Houses*

#### **Exemption for Short Term Hostels and Recreational Camp Sites**

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

#### **Overcrowding**

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

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

- (c) any garage or shed to be used for sleeping purposes.

#### **Calculate Sufficient Space**

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

#### **Ventilation**

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

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

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

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

- (a) maintained in good working condition and in accordance with AS3666-1989; and
- (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

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

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

(5) The owner shall comply with a notice under sub-section (4).

#### **Sub-Floor Ventilation**

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

### ***Division 3—Water Supply***

#### **Water Supply**

27. Unless otherwise approved by the local government—

- (a) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a Licensed Water Service Operator or a water supply to the satisfaction of the local government.
- (b) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

#### **Rain Water Tanks**

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

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

#### **Wells**

29. 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**

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

***Division 4—Secondhand Furniture, Bedding and Clothing***

**Prohibition of Sale**

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

**Prohibition of Possession**

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

***Division 5—Morgues***

**Licensing of Morgues**

33. (1) All non-government morgues shall be licensed pursuant to the provisions of this Section.

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is the fee as fixed from time to time by the local government under Section 344C of the Act.

(3) A licence shall—

- (a) be in the form set out in Schedule 1; and
- (b) expire on 30 June next after the date of its issue.

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

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

## PART 4 WASTE FOOD AND REFUSE

### *Division 1—Liquid Refuse*

#### Interpretation

34. 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; and

“**licensed carrier**” means a carrier licensed under these Local Laws.

#### **Deposit of Liquid Refuse**

35. 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**

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

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

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

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

#### **Licence for Septic Tank Pumpouts**

37. (1) No person shall collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage unless that person has applied for and has been granted a licence in accordance with this Section.

(2) A person making an application in accordance with sub-section (1) shall pay the fee as fixed from time to time by the local government under Section 344C of the Act and produce satisfactory evidence of good character to the local government and the local government may specify in any licence granted to a person pursuant to this Section the conditions to be observed or performed by that person during the collection, removal or disposal of the contents of a septic tank, the pumpouts of holding tanks or an apparatus for the treatment of sewage and the place where such disposal is to be carried out.

(3) A person who carries out or undertakes the collection, removal or disposal of the contents of a septic tank, the pumpouts of holding tanks or an apparatus for the treatment of sewage referred to in this Section without a licence from the local government, or having obtained such licence, fails to observe or perform any condition specified therein, commits an offence.

### *Division 2—Disposal of Refuse*

#### **Definition**

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 local government or its contractor;

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

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

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

**“refuse disposal site”** means land set apart by the local government as a site for the disposal of rubbish or refuse;

**“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;

**“street”** includes—

- a highway; and
- a thoroughfare;

which—

- the public are allowed to use;
- and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

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

### Receptacles

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

### Exemption

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

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

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

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

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

### Use of Receptacles

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 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) cytotoxins, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, nightsoil, faeces or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
  - (xii) rubbish or refuse which is or is likely to become offensive or 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 Principal Environmental Health Officer, 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 local government or its contractor, shall not—

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

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

43. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

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

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

(3) An owner or occupier shall—

- (a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
- (b) ensure that each containers 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 3 dwellings that have not been provided with individual receptacles; or
- (b) used for commercial, industrial purposes, or as a food premises;

that have been provided with receptacles, shall—

- (c) if required by the Principal Environmental Health Officer—
  - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
  - (ii) install in the enclosure a tap connected to an adequate supply of water.

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

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

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

#### **Deposit of Refuse**

45. (1) Subject to sub-section (3), a person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

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

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

#### **Removal from Refuse Disposal Site**

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

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

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

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

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

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

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

48. (1) A person shall not—

- (a) without the written approval of the Principal Environmental Health Officer; and
  - (b) except in accordance with the terms and conditions to which the approval is subject,
- set fire to, or cause to be set on fire, any rubbish or refuse either—
- (c) in any incinerator; or
  - (d) on the ground.
- (2) Subject to sub-section (3), an approval of the Principal Environmental Health Officer 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 which may become offensive when burnt; and
    - (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;
  - (b) there is no other appropriate means of disposal;
  - (c) burning shall not take place—
    - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
    - (ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;
  - (d) an incinerator must meet the standards specified by the local government; 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 the provisions of the *Bush Fires Act 1954*, the Principal Environmental Health Officer may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

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

#### **Interpretation**

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

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

#### **Restriction of Vehicles**

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

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

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

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

- (a) a compartment complying with the following specifications—
  - (i) the floor and 4 walls to be made of an approved impervious material and the walls to be not less than 910 millimetres high;
  - (ii) all joints to be sealed, welded, soldered or brazed and made water-tight;
  - (iii) -?
  - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a water-tight, 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 section, are—

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

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

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

**PART 5—NUISANCES AND GENERAL**

***Division 1—Nuisances***

**Interpretation**

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

“**fertiliser**” includes manure.

**Footpaths etc, to be kept clean**

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

**Escape of Smoke etc.**

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

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

**Public Vehicles to be kept clean**

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

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

**Prohibition against Spitting**

56. A person shall not spit—
- (a) on a footpath, street or public place; or
  - (b) in a train, bus or other public transport.

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

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

**Use or Storage of Fertiliser**

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

**Storage and Dispatch of Artificial Fertiliser**

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

**Storage of Fertiliser in a House**

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

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

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

**Animal Enclosures**

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

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

**Slaughter of Animals**

63. (1) Subject to sub-section (2), a person shall not slaughter any animal within the district.

(2) Sub-section (1) does not apply to farmers or pastoralists who slaughter stock for their own consumption, euthanasia of animals by veterinarians or other duly authorised persons and any animal slaughtered on a premises approved and registered by the local government for that purpose.

### Disposal of Dead Animals

64. (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.

(3) Sub-sections (1) and (2) shall not apply to any animals slaughtered on a premises approved and registered by the local government for that purpose.

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

#### Interpretation

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

“**approved animal**” means a horse, cow or large animal the subject of an approval by the local government under section 66;

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

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

“**large animal**” includes a pig, sheep, goat or camel.

#### Stables

66. (1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises in or around Townsites situated within the Shire of Carnarvon without the written approval of the local government.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall—

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall—

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) subject to subsection (3), have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) A stable constructed with a sand floor may be permitted by the local government, subject to the following -

(i) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;

(ii) sand, whether natural or imported, must be clean, coarse and free from dust;

(iii) footings to each stable shall be a minimum of 450mm below ground level;

(iv) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;

(v) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;

(vi) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.

(4) The owner or occupier of premises on which a stable is located shall—

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

- (c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

**Proximity of Animals to a Dwelling House**

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

**Manure Receptacle**

68. 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 smooth, impervious and easily cleanable materials provided with a tight-fitting hinged cover, and with no part of the floor 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 vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease 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**

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

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

**Limitation on Numbers of Poultry and Pigeons**

70. (1) 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; or
- (b) who is affiliated person shall not keep a total of more than 75 pigeons and 12 poultry on any lot or land.

(2) In this Section, “affiliated person” means a person who is a member of any properly constituted pigeon club.

(3) This Section shall apply to land zoned Rural under the local governments Town Planning Scheme, or poultry kept on premises approved and registered by the local government for poultry farming on land suitable for that purpose under its Town Planning Scheme.

**Conditions for Keeping Poultry**

71. A person who keeps poultry or permits poultry to be kept on land other than land zoned Rural under the local governments Town Planning Scheme 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;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance;

**Roosters**

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

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

keep or permit a rooster to be kept on the premises.

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

(3) This Section does not apply to land zoned Rural by the local government under the provisions of its Town Planning Scheme.

**Pigeons or Doves**

73. 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**

74. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of Sections 71 and 73, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

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

**Restrictions on Pigeon Nesting or Perching**

75. (1) The local government 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 the local government order issued under this Section.

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

76. 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**

77. 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**

78. 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) fertilisers 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**

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

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

of flies.

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

80. (1) Where—

- (a) a person is required under this Division or directed by a notice given under Section 79, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

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

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

***Division 2—Mosquitoes***

**Interpretation**

81. 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**

82. 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**

83. An owner or occupier of premises—

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

**Measures to be taken by Occupier**

84. 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**

85(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

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

**Drains, Channels and Septic Tanks**

86. 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) at the direction of an Environmental Health Officer 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, wherever 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**

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

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

**Division 3—Rodents****Interpretation**

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

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

**Measures to be taken to eradicate Rodents**

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

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

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

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

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

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

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

**Restrictions on materials affording harbourage for Rodents**

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

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

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

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

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

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

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

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

93. (1) Subject to sub-section (2) an owner or occupier of premises shall not, on or from those premises—

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

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

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

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

- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- (b) if a rat escapes, forthwith comply with the requirements of Section 89 and ensure that all reasonable steps are taken to destroy the rat.

**Division 4—Cockroaches****Interpretation**

94. 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**

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

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

- (a) washing and storing, immediately after use, cooking and eating utensils;
- (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

- (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

#### ***Division 5—Argentine Ants***

##### **Interpretation**

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

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

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

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

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

#### ***Division 6—European Wasps***

##### **Interpretation**

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

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

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

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

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

#### ***Division 7—Bee Keeping***

##### **Interpretation**

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

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

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

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

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

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

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

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

(2) A person shall not keep or permit the keeping of bees in more than 2 hives on a lot zoned for residential purposes.

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

102. 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**

103. (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) The local government may direct any person to remove any bees or beehives which in the opinion of the Principal Environmental Health Officer are causing a nuisance.
- (3) A person shall comply with a direction given by the Principal Environmental Health Officer under this Section within the time specified.

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

**Interpretation**

104. In this Division, unless the context otherwise requires—
- “**arthropod vectors of disease**” includes—
- (a) fleas (*Siphonaptera*);
  - (b) bedbugs (*Cimex lectularius*);
  - (c) crab lice (*Phthirus pubis*);
  - (d) body lice (*Pediculus humanus var. corporis*);
  - (e) head lice (*Pediculus humanus var. capitis*).

**Responsibility of the Owner or Occupier**

105. 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

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

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

107. (1) The local government or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—
- (a) the premises; or
  - (b) such things in or on the premises as are specified in the notice,
- or both, to the satisfaction of an Environmental Health Officer.
- (2) An owner or occupier shall comply with a notice given under sub-section (1).

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

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

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

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

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

**Insanitary houses, premises and things**

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

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

(3) Where an Environmental Health Officer considers that-

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

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

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

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

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

**Medical Officer may authorise disinfecting**

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

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

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

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

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

**Declaration of infected house or premises**

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

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

**Destruction of infected animals**

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

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

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

**Disposal of a body**

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

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

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

115. (1) Where—

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

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

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

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

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

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

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

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

**Disposal of used needles**

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

***Division 3—Tattooing Establishments***

118 - 120 Deleted

## PART 8—LODGING HOUSES

### *Division 1—Registration*

#### Interpretation

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

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

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

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

“**keeper**” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

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

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

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

“**Recreational Campsite**” means a lodging-house—

(a) situated on a campsite principally used for—

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conference 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, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

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

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

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

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under Section 124;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either—

(i) the keeper; or

(ii) a manager who, with the written approval of the Chief Executive Officer has been appointed by the keeper to have the care and management of the lodging house whenever there is one or more lodgers in the lodging house,

resides or intends to reside continuously in the lodging house.



**Application for registration**

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

- (a) in the form prescribed in Schedule 2;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee as fixed from time to time by the local government under Section 344C of the Act.
  - (ii) detailed plans and specifications of the lodging house.

**Approval of application**

124. The local government may approve, with or without conditions, an application under Section 123 by issuing to the applicant a certificate in the form of Schedule 3.

**Renewal of registration**

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

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

**Notification upon sale or transfer**

126. If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 4 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

**Revocation of registration**

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

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

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

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

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

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

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

**Sanitary conveniences**

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

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

in accordance with the requirements of the Building Code.

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

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

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

(5) Each toilet and bathroom shall—

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

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

**Laundry**

130. (1) A keeper shall—

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

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

(3) In this section—

“**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 to each washing machine.

**Kitchen**

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

- (a) has a minimum floor area—
  - (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 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*;
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water; and

### Cooking Facilities

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

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

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

### Dining Room

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

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

### Lounge Room

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

- (a) with a floor area—
  - (i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person;
  - (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

135. (1) A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and
  - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) ?
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

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

**Obstruction of passages and stairways**

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

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

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

**Fitting of locks**

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

**Restriction on use of rooms for sleeping**

138. (1) Subject to sub-section (3) and Section 152, 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 a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

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

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

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

139. (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 sub-section (1) above shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

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

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

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

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

140. (1) A keeper shall—
- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed—
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
  - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.
- (3) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (4) In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room.

#### **Ventilation**

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

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

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

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

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

(2) The numbers to be placed on the doors under sub-section (1) shall be—

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

### ***Division 3—Management and Care***

#### **Keeper or manager to reside in the lodging house**

143. No keeper of a lodging house shall absent himself from such house unless he leaves some capable person in charge therefore.

#### **Register of lodgers**

144. (1) A keeper shall keep a register of lodgers in the form of Schedule 5.

(2) The register of lodgers shall be—

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

#### **Keeper report**

145. A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 6, the name of each lodger who lodged in the lodging house during the preceding day or night.

#### **Certificate in respect of sleeping accommodation**

146. (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 7 or 8.

(2) The certificate issued under sub-section (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 section in a conspicuous place in the room to which the certificate refers.

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

#### **Duplicate keys and inspection**

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

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

#### **Room occupancy**

148. (1) A keeper shall not—

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

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

- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; and

- (ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this Section, two children under 10 years of age shall be counted as one lodger.

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

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

#### **Cleaning and maintenance requirements**

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

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

151. A lodger or resident shall not—
- (a) use any room available to lodgers—
    - (i) as a shop, store or factory; or
    - (ii) for manufacturing or trading services;

- (b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to Section 152—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

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

152. (1) The Principal Environmental Health Officer may—
- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
  - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## **PART 9—OFFENSIVE TRADES**

### *Division 1—General*

#### **Interpretation**

153. In this Part, unless the context otherwise requires—
- “**occupier**” in relation to premises includes the person registered as the occupier of the premises in the Schedule 11 Certificate of Registration;
- “**offensive trade**” means any one or more of the trades, businesses or occupations usually carried on in, or connected with, the following works or establishments—
- (a) Abattoirs and Slaughterhouses;
  - (b) Bone Mills;
  - (c) Places for Sorting, Drying, or Preserving Bones, Hides, Hoofs and Skins;
  - (d) Fat Melting, Fat Extracting, of Tallow Melting Establishments;
  - (e) Blood Drying;
  - (f) Gut Scraping, Gut Spinning and Preparation of Sausage Skins;
  - (g) Fellmongers;
  - (h) Knackeries;



- (i) Piggeries;
- (j) Intensive Piggeries;
- (k) Poultry Processing Establishments;
- (l) Poultry Farming Employing the Caged System of Poultry Housing;
- (m) Fish Curing Establishments;
- (n) Laundries, Dry Cleaning Establishments and Dyeworks and
- (o) Bone Merchant Premises.

#### **Consent of the local government Required**

154. No person shall establish any offensive trade within any portion of the District without the consent of the local government.

#### **General**

155. Every person who shall apply to the local government for its consent to establish an offensive trade shall—
- (a) do so in accordance with the requirements and conditions of this Section; and
  - (b) by advertisement in a local newspaper give one month's notice of an application.
156. Every occupier of any premises upon which an offensive trade is carried on shall;
- (a) cause such premises, together with all drains, fittings, apparatus, machinery, utensils, receptacles, vehicles, tools and appliances to be at all times maintained in a clean condition, good repair, and efficient action;
  - (b) provide upon such premises an ample supply of hot and cold water, together with such fittings as may be required by an Environmental Health Officer for the purpose of making the water supply readily available for use;
  - (c) provide a sufficient supply of ablutionary appliances for use by his employees, and which may also be used by an Environmental Health Officer where such person is required to work on these premises.
  - (d) maintain, or cause to be maintained, in a clean condition, all floors, the internal surface of every wall and the underside of every ceiling or roof, together with all fittings;
  - (e) provide, use and maintain in efficient action appliances capable of effectually destroying or of rendering harmless all offensive effluent, 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 his premises;
  - (f) provide impervious receptacles provided with airtight coverings which shall be kept closed, of sufficient capacity to receive all offensive and decomposable material and trade refuse produced upon the premises, and all such offensive and decomposable material or trade refuse shall be immediately placed in such receptacles, and the contents thereof shall be removed from the premises at such time and with such frequency as an Environmental Health Officer may direct, but with no less frequency than once in each working day;
  - (g) not without the consent in writing of the local government, at any time after the registration of his premises, make or permit any change or alterations whatever in the premises, and upon contemplating any such change or alterations shall give notice thereof to the local government;
  - (h) cause all materials received upon his premises for the purpose of his trade which are offensive, or capable of becoming offensive, to be so stored as to prevent the creation of a nuisance;
  - (i) where premises are used for or in relation to an offensive trade specified hereunder the occupier shall cause the floor of the premises to—
    - (a) be properly paved and drained with impervious materials;
    - (b) have a smooth surface; and
    - (c) 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 spoon drain to a drain inlet situated inside the building where the floor is situated.
      - (i) Slaughter-houses
      - (ii) Piggeries;
      - (iii) Bone Mills;
      - (iv) Places for storing, drying, or preserving bones, hides, hoofs or skins;
      - (v) Fat melting, fat extracting or tallow melting establishments;
      - (vi) Blood drying;
      - (vii) Gut scraping, gut spinning and preparation of sausage skins;

- (viii) Laundries;
  - (ix) Dry Cleaning establishments and works; and
  - (x) Places for boiling tripe, ox feet, and trotters, and extracting oils.
- (j) whereon any of the offensive trades specified hereunder are carried on, cause all liquid refuse, before being discharged into any drain inlet from any part of his premises, to be cooled to a temperature not exceeding 26 degrees Celsius and to be further directed to such screening or purifying treatment as the local government may from time to time direct—
- (i) Slaughter-houses;
  - (ii) Bone Mills;
  - (iii) Fat melting, fat extracting or tallow melting establishments;
  - (iv) Fish Curing Establishments;
  - (v) Gut scraping, gut spinning and preparation of sausage skins;
  - (vi) Laundries;
  - (vii) Places for boiling tripe, ox feet, and trotters, and extracting oils; and
  - (viii) whereon an offensive trade is carried on shall comply with such other conditions as may be imposed upon and notified to him from time to time by the local government, including the paving and draining of his premises or any part thereof.

157. Where in any Section contained in this Part any duty is placed upon the occupier of any offensive trade premises, the Section shall be interpreted to include employees of any such occupier, and any such employee committing a breach of these Local Laws shall be liable to the same penalties as if he were the occupier.

#### **Slaughter-houses**

158. Every occupier of a slaughter-house shall—

- (a) not slaughter or permit the slaughtering of any animals except in accordance with the timings prescribed in Schedule 15;
- (b) where it is used for the following or any other purpose, comply with the Regulations and Local Laws pertaining to each purpose—
  - (i) Bone Mills;
  - (ii) Places for storing, drying or preserving bones, hides, hoofs and skins;
  - (iii) Fat melting, fat extracting, or tallow melting establishment;
  - (iv) Blood drying;
  - (v) Gut scraping, gut spinning and preparation of sausage skins;
  - (vi) Fellmongers;
  - (vii) Piggeries (within the Carnarvon Townsite).

#### **Bone Mills**

159. Every occupier of a Bone Mill shall—

- (a) not permit any bones to be dealt with upon those premises unless such process is wholly conducted within a building the walls, floors and ceilings, or roof whereof are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
- (b) cause all milling processes to be conducted in airtight casings, and the products of the milling to be conveyed to airtight receivers or sound bags through airtight shoots or conveyors;
- (c) cause every precaution to be taken to prevent at all times emission of dust or offensive or noxious effluvia from every building on his premises;
- (d) cause all bones and bone manure received or produced upon his premises to be stored in such a manner and in such a position as to prevent, as far as practicable, the emission of noxious or offensive effluvia therefrom; and
- (e) cause all bones or bone manure received or despatched from such premises to be previously packed in such a manner as to prevent any nuisance arising therefrom during transit.

#### **Places for Storing, Drying, or Preserving Bones, Hides, Hoofs, or Skins**

160. Every occupier of any premises used for storing, drying or preserving bones, hides, hoofs or skins, shall cause all materials which have been received upon the premises where his trade is carried on to be stored in such a manner and in such a situation as to prevent, as far as practicable, the emission of noxious, offensive, or injurious effluvia therefrom.

**Fat Melting, Fat Extracting, or Tallow Melting Establishments**

161. The occupier of any premises on which the trade of fat melting, fat extracting or tallow melting is carried on shall—

- (a) provide covers to the apparatus in which the melting or extracting is carried on. Such covers shall be at all times kept in position on the apparatus, except when the cover is removed for the purpose of emptying, filling or cleaning the apparatus;
- (b) cause every wall within a radius of 3 metres of the melting or extracting apparatus to be covered with impervious material and all parts of the boiling or other apparatus shall be composed or covered with some approved impervious material.

**Blood Drying**

162. Every occupier of premises used for blood drying shall—

- (a) caused all the blood which has been received upon the premises where his trade is carried on, and which is not required for immediate use, to be stored in such a manner and in such a situation as to prevent the emission of offensive or injurious effluvia therefrom;
- (b) cause all blood brought upon his premises to be brought in closed vessels or receptacles constructed of galvanised iron or other non-absorbent material;
- (c) also cause every process of his business to be carried on in a building paved with impervious material, and having walls covered to a height of at least 1.8 metres with hard, smooth, and impervious material.

**Gut Scraping, Gut Spinning and Preparation of Sausage Skins**

163. Every occupier of a gut scraping premises shall—

- (a) cause all undried guts, which have been received upon the premises where his trade is carried on, and which are not required for immediate use, to be placed in suitable vessels or receptacles, properly constructed of an approved non-absorbent material, and furnished with closely fitting covers;
- (b) cause the vessels or receptacles in which the guts have been placed to be covered, and to be kept covered until it becomes necessary to remove the contents for actual use;
- (c) also cause all undried guts to be treated immediately upon arrival at his premises with an approved deodorant solution;
- (d) at frequent intervals, and where specifically directed to do so by an Environmental Health Officer, during every working day cause every floor or pavement upon the premises where his trade is carried on to be thoroughly cleaned, disinfected and deodorised;
- (e) at the close of every working day cause every bench or table, every tub, vessel, or utensil, and every implement which has been in use during the day upon the premises where his trade is carried on, or which is in a foul or offensive condition, to be thoroughly cleansed, disinfected and deodorised; and
- (f) at the close of every working day, cause all filth or refuse which has been splashed upon any part of the internal wall surface of any building upon his premises where his trade is carried on, to be removed by scraping or by some other effectual means.

**Fellmongers**

164. The occupier of a fellmongery shall—

- (a) not cause or suffer any skin, which by reason of decomposition has become useless for the purpose of leather dressing to be kept for a longer time than may be necessary, in any part of the premises where his trade is carried on;
- (b) cause the supply of water in every tank or other receptacle upon the premises where his trade is carried on, for the washing or soaking of any skins, to be removed as often as may be necessary to prevent the emission of offensive or injurious effluvia from the contents of the tank or other receptacle;
- (c) cause every tank or other receptacle used upon his premises where his trade is carried on, for the washing or soaking of any skin, and not being a liming pit, to be emptied at least once every day;
- (d) cause every part of the tank or other receptacle, when emptied, to be thoroughly cleansed, and shall cause all filth which has been removed therefrom to be forthwith conveyed from the premises in suitable vessels or receptacles furnished with closely fitting covers; and
- (e) cause all waste lime which has been taken out of any pit upon the premises where his trade is carried on, to be forthwith deposited in approved vessels or receptacles, or in a properly constructed cart or carriage, which, when filled or loaded, shall be covered in such a manner as to prevent the emission of

offensive or injurious effluvia from the contents thereof, and shall, with all reasonable dispatch, be removed from the premises.

### **Knackeries**

165. No premises shall be registered as a knackery unless every portion of such knackery is at least thirty metres distant from any street or thoroughfare and at least sixty metres distant from any dwelling house or dairy or other premises wherein food is prepared for sale.

166. The occupier of every Knackery shall—

- (a) cause sufficient means of ventilation to be provided in, or in connection with the premises, and shall keep such at all times in proper order and efficient action, so that the ventilation shall be by direct communication with the external air;
- (b) cause all utensils and instruments used in the slaughtering or dressing of a carcass to be at all times clean, and shall when so ordered by an Environmental Health Officer cause any such utensils or instruments to be sterilised;
- (c) maintain the killing pen floor in a clean condition at all times;
- (d) cause every dressed carcass to be hung so that every portion thereof is at least 450 millimetres above the floor;
- (e) not permit any but clean drinking water to be used in the dressing of carcasses;
- (f) not kill or permit the killing of any horse except in accordance with the timings prescribed in Schedule 15;
- (g) provide floors in the killing pen of approved impervious, non-toxic materials, easy to clean and to disinfect. They shall have surfaces which will minimise the risk of slipping and shall be maintained in a safe condition and shall be sufficiently graded to permit drainage to trapped outlets which are protected by a grill;
- (h) provide a floor area of not less than fourteen square metres for the killing floor;
- (i) provide walls to the killing floor of not less than three metres in height constructed of brick or concrete, with the inner face rendered impervious and trowelled to a smooth surface;
- (j) provide a sound, durable and weather proof roof to the satisfaction of an Environmental Health Officer over the killing floor and holding areas appurtenant thereto;
- (k) provide self-closing fly proof doors and cover all external openings in the killing pen with fly proof gauze wire which he shall maintain in a sound condition at all times;
- (l) not use a vehicle for the transport of horseflesh unless such vehicle is completely enclosed so as to protect the horseflesh from flies and is constructed so as to provide a smooth impervious finish to all internal surfaces.
- (m) not use for the transport of food intended for human consumption any vehicle which is used for the transport of flesh produced in or on a knackery;
- (n) provide a drinking water supply to the satisfaction of the local government.

### **Piggeries**

167. No premises within the Carnarvon Townsite shall be registered as a piggery unless every portion of such piggery is at least thirty metres distant from any street or thoroughfare, and at least sixty metres distant from any house or dairy, or other premises wherein food is prepared for sale.

168. The occupier of every piggery within the Carnarvon Townsite shall—

- (a) provide either sties and enclosures or enclosures within which his pigs shall be kept, and such sties and enclosures, or such enclosure shall comply with the conditions hereinafter specified—
  - (i) where sties and enclosures are provided, the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall be constructed of similar materials, and shall be not less than 300 millimetres wide and seventy-five millimetres deep in the centre of its width, and shall extend the whole length of the sty, and have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage.
  - (ii) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant; and

- (iii) where enclosures only are provided, then the fence of such enclosures shall be moveable, and the fences shall be moved and re-erected so as to enclose a new site at such times as may be directed by an Environmental Health Officer.
  - (b) not permit any slaughtering of animals on his premises, nor shall he receive on his premises any carcass or part of a carcass of a diseased animal and he shall not feed his pigs upon the flesh or offal of any animals;
  - (c) not receive, or suffer or permit to be received on such premises putrid matter for any purpose;
  - (d) cause all readily putrescible pig-feed manufactured or prepared upon such premises to be immediately deposited in cooking vessels, which he shall cause to be maintained at such a temperature as to prevent their contents from putrefying, and shall not remove or permit or suffer such contents to be removed, except to the feeding troughs.
  - (e) not receive, or suffer, or permit to be received on such premises any kitchen, slaughter-house, butcher's wastes, swill or other putrescible pig feed;
  - (f) securely fence all his enclosures, and shall provide in each such enclosure sufficient shelter sheds to afford proper shelter for all the pigs that may at any one time be kept in any such enclosure;
  - (g) provide a sufficient and constant supply of clean water, which shall be properly protected against pollution, and be always available for cleansing purposes;
  - (h) provide feeding troughs—
    - (i) where sties and enclosures are provided under the provisions of paragraph (a) then in every sty, situated near to the drainage gutter, or in such a position as to be accessible to the pigs in two or more sties or enclosures; and
    - (ii) where sties and enclosures are provided under the provisions of paragraph (f) then in each such enclosure;
  - (i) cause all feeding troughs, other than those provided in connection with moveable enclosures, to be fixed upon an approved floor extending 1.2 metres in all directions from such trough, the whole to be so situated as to permit ready drainage;
  - (j) not permit his pigs to be fed otherwise than at the feeding troughs provided in accordance with this Section;
  - (k) cause all feeding troughs to be of a pattern which can be readily cleaned.
169. Notwithstanding the provisions of this Part, where pigs are kept continually confined in fully enclosed pens feeding with pellets or dry meal shall be permitted, in which case feeding troughs shall not be required to be provided.

### **Intensive Piggeries**

170. Any person intending to establish an Intensive Piggery within the Carnarvon Townsite shall—
- (a) Submit to the local government—
    - (i) details of the approximate number of pigs to be kept;
    - (ii) details of the drainage and effluent disposal system to be installed; and
    - (iii) details of the method by which cleaning down of the premises shall be maintained.
  - (b) ensure that every portion of such piggery is—
    - (i) at least 100 metres from any dwelling house or other place of human habitation or any place whatsoever where food for human consumption is prepared or stored; and
    - (ii) at least 100 metres from the boundary of the lot upon which the Intensive Piggery is to be situated.
  - (c) locate all buildings and drainage and effluent treatment facilities in a position not likely to cause pollution to any bore or water course.
171. Any person who establishes an intensive piggery within the District shall—
- (a) maintain all buildings and yards in a structurally sound and clean condition free of flies and other vectors of disease at all times;
  - (b) carry out and maintain all drainage and treatment of effluent waste so as to prevent a nuisance.

### **Poultry Farming Employing the Caged System of Poultry Housing**

172. No person shall establish a poultry farm employing the caged system of poultry housing on any premises unless—
- (a) any buildings used for housing poultry are not less than 30 metres from a street or thoroughfare, dwelling house, dairy or premises wherein food is prepared for sale and not less than six metres from boundaries of land not in the same ownership or possession;

- (b) any building used for the caged system of poultry housing is erected on a site where the highest known water table is at least 750 millimetres below ground level or if in a flood prone area at least 500mm above the highest recorded flood level for that area.

173. The occupier of a poultry farm which uses the caged system of poultry housing shall—

- (a) dispose of all inedible offal and refuse by one of the following methods—
  - (i) incineration of the carcasses in an incinerator approved by the local government and complying with the standards of the Department of Environmental Protection;
  - (ii) burial of the carcasses in a manner and location approved by the local government; or
  - (iii) by some other means approved by the local government.
- (b) ensure that the proper coning of manure under cages or similar devices takes place in order to promote proper aeration;
- (c) ensure that proper aerobic bacterial decomposition and biological control of that manure occurs;
- (d) ensure that all manure removed from any buildings used for housing poultry is immediately bagged or disposed of by any other means approved by the local government and in all instances in a manner which does not give rise to fly breeding or cause the production of offensive odours or dust or any other nuisance;
- (e) remove any accumulation of manure from his premises when directed to do so by an Environmental Health Officer.
- (f) ensure that all watering systems, cages, nesting boxes, feeding systems and other devices used in the farming of such poultry are maintained in a hygienic and proper operational condition at all times;
- (g) ensure that all air inlets and other ventilators are kept free of weeds, grasses or other materials which may obstruct the through flow of ventilation and thus prohibit proper aeration of the premises;
- (h) construct all sheds or other buildings used for such housing on high, well drained ground which prevents water run off entering the sheds or buildings; and
- (i) have concrete floors, or at a minimum, concrete walkways between each row of cages or other devices used for the housing of poultry.

#### **Fish Curing Establishments**

174. The occupier of a Fish Curing Establishment shall—

- (a) not suffer or permit any decomposing, unwholesome, poisonous fish or fish otherwise unfit for human consumption to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposed, unwholesome, poisonous fish or fish otherwise unfit for human consumption to be immediately deposited in an impervious receptacle furnished with an airtight cover. Such receptacle shall be kept covered at all times;
- (c) provide a room where all cleaning of fish shall be carried out and such room shall comply with the provisions of Section 156(j) of this Part;
- (d) not in connection with the pickling of fish, use or permit to be used any pump constructed wholly or partly of brass, but shall only use or allow to be used a pump constructed of nickel or stainless steel; and
- (e) cause the brine or pickle to be removed as often as is necessary to prevent it from becoming offensive.

#### **Laundries, Dry Cleaning Establishments and Dyeworks**

175. The occupier of a laundry, dry cleaning establishment, or dyeworks shall—

- (a) cause all the liquid wastes produced upon the premises to discharge to impervious channels or drains to a sewer or to an on-site effluent disposal system approved by the Executive Director, Public Health and the local government.
- (b) cause every floor or pavement, and every wall of any building upon the premises where the said trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid which may be splashed or spilled; or may fall or be deposited thereon;
- (c) not, nor permit any employee in the damping or sprinkling of articles preparatory to the ironing thereof, to sprinkle or damp the articles by discharging water from the mouth;
- (d) provide on top of the impervious floor, and for a width of at least 900 millimetres in front of any washing troughs or washing machines, a non corrosive, impervious grating so constructed as to prevent any person from standing in water on the floor;
- (e) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of that officer.

**PART 10—OFFENCES AND PENALTIES**

**Penalties**

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

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

(a) a penalty which is not more than \$1,000 and not less than—

(i) in the case of a first such offence, \$100;

(ii) in the case of a second such offence, \$200; and

(iii) in the case of a third or subsequent such offence, \$500;and

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

Schedule 1

*Shire of Carnarvon*

**HEALTH ACT 1911**

Health Local Laws

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer  
Shire of Carnarvon

I .....

(full name in block letters)

of .....

(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises: .....

.....

Name of premises: .....

Dated this ..... day of .....20.....

.....

(Signature of Applicant)



**Certificate of Licence of a Morgue**

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

Address of premises: .....

.....

Name of premises: .....

Dated this ..... day of ..... 20 .....

.....

Principal Environmental Health Officer  
Shire of Carnarvon

Schedule 2  
Shire of Carnarvon  
**HEALTH ACT 1911**  
Health Local Laws

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer  
Shire of Carnarvon

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;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys .....

**Rooms for private use**

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

**Rooms for lodgers**

|                 | Number | Area  |
|-----------------|--------|-------|
| Bedrooms        | .....  | ..... |
| Dining Rooms    | .....  | ..... |
| Kitchens        | .....  | ..... |
| Sitting Rooms   | .....  | ..... |
| Other (Specify) | .....  | ..... |

**Sanitary Conveniences for male lodgers**

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

**Sanitary Conveniences for female lodgers**

|         |       |
|---------|-------|
| Toilets | ..... |
| Baths   | ..... |

Showers .....

Wash hand basins .....

**Laundry Facilities**

Coppers .....

Washtroughs .....

Washing machines .....

Drying cabinets or clothes lines .....

**Additional Details**

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises.

(c) Name and occupation of proposed manager if keeper resides elsewhere—.....

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

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

.....  
(Signature of Applicant/s)

.....  
(Date)

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 20 ....., on the following conditions—

1. That ....., whose name is entered on the register of keepers of the Shire of Carnarvon, 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 Rregistration is issued subject to the Health Act and Health Local Laws of the Shire of Carnarvon and is not transferable.

Dated ..... 20 .....

.....  
 Principal Environmental Health Officer  
 Shire of Carnarvon  
 Fee received: \$.....

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer  
Shire of Carnarvon

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

of .....  
.....

(Residential Address of Applicant/s)  
am/are the new owner/s of premises situated at.....

.....  
which are registered in the name of .....

.....  
for the carrying on of the lodging house business.

.....  
(Signature of Applicant/s)

.....  
(Date)

Schedule 5  
*Shire of Carnarvon*  
**Health Act 1911**  
Health Local Laws  
REGISTER OF LODGERS

Location of Lodging House: .....

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

Schedule 6  
*Shire of Carnarvon*  
**Health Act 1911**

Health Local Laws  
LIST OF LODGERS

TO: The Chief Executive Officer  
Shire of Carnarvon

The following is the name of every person who resided in the lodging house at .....  
.....  
on the ..... day of ..... 20 .....

(Signed).....

(Keeper)

Date: .....

Schedule 7  
Shire of Carnarvon  
**Health Act 1911**  
Health Local Laws  
CERTIFICATE OF SLEEPING ACCOMMODATION

To: .....  
(Name of Keeper)

of .....  
(Address of Keeper)

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

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

Date .....

.....  
Environmental Health Officer



Schedule 8  
*Shire of Carnarvon*  
**Health Act 1911**

Health Local Laws  
CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE  
WITH MORE THAN 20 SLEEPING APARTMENTS

To: .....  
(Name of Keeper)

.....  
(Address of Keeper)

for the registered lodging house situated at .....

.....

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

**ROOM NUMBER:**

**MAXIMUM OCCUPANCY:**

Date.....

.....

Environmental Health Officer

Schedule 9  
Shire of Carnarvon  
**Health Act 1911**

Health Local Laws  
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer  
Shire of Carnarvon

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

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

apply for consent to establish an offensive trade being .....  
.....  
(Description of Offensive Trade)

in or upon .....  
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in .....  
.....  
(Name of Newspaper)

on .....  
(Date of Advertisement)

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

.....(Signature of Applicants/s) .....

(Date)

Schedule 10  
Shire of Carnarvon  
**Health Act 1911**  
Health Local Laws

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE  
TRADE

To: Chief Executive Officer  
Shire of Carnarvon

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 Applicants/s)

.....  
(Date)

Schedule 11  
*Shire of Carnarvon*  
**Health Act 1911**

Health Local Laws  
CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at .....  
.....of which

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

.....  
Trade Name .....

This registration expires on the ..... 20 .....

Dated this ..... day of ..... 20 .....

.....  
Principal Environmental Health Officer  
Shire of Carnarvon

Schedule 12  
Deleted

Schedule 13  
*Shire of Carnarvon*  
**Health Act 1911**

Health Local Laws

APPLICATION FOR LICENCE/RENEWAL OF LICENCE FOR THE  
COLLECTION, REMOVAL OR DISPOSAL OF SEWAGE

In accordance with the requirements of Section 37 of the *Shire of Carnarvon Health Local Laws* I/We hereby make application for a licence to collect, remove and dispose of sewage within the Shire of Carnarvon.

Name of Applicant .....

.....

Address of Applicant .....

.....

I enclose all other information as required in accordance with the requirements of section 37 (only required at time of first applying).

Schedule 14  
**Shire of Carnarvon**  
**Health Act 1911**

Health Local Laws  
LICENCE OF APPROVAL FOR THE COLLECTION,  
REMOVAL OR DISPOSAL OF SEWAGE

This is to certify that .....  
..... of .....  
.....

is authorised to collect, remove or dispose of sewage as defined under the Act within the Shire of Carnarvon subject to the following conditions—

1. The licence is valid for the period of a year from  
..... day of ..... 20 .....  
to ..... day of ..... 20 .....
2. the licence not being transferable to any other party without the approval of the Local government of the Shire of Carnarvon.
3. The payment of the prescribed fee.
4. Other conditions: .....  
.....  
.....  
.....

Fee: .....  
Date: .....

.....  
CHIEF EXECUTIVE OFFICER

**NOTES—**

1. This licence is invalid unless accompanied by a receipt bearing the imprint of the Shire of Carnarvon cash register.
2. This licence is to be presented to an authorised person on request.

**TRANSFER ENDORSEMENT**

This licence is hereby transferred to—  
.....  
of .....  
.....

from and including the date of this endorsement.  
Dated the ..... day of ..... 20 .....

.....  
CHIEF EXECUTIVE OFFICER  
SHIRE OF CARNARVON

Schedule 15  
*Shire of Carnarvon*  
**Health Act 1911**

Health Local Laws  
PRESCRIBED TIMINGS

For the purpose of these Local Laws the following are the prescribed timings in relation to—

**a. Rubbish Disposal Times**

- |                                   |                  |
|-----------------------------------|------------------|
| 1. Monday to Friday               | 8.00am to 5.30pm |
| 2. Saturday and Sunday            | 9.00am to 5.30pm |
| 3. Public Holidays                | 9.00am to 5.30pm |
| 4. Christmas Days and Good Friday | NO SERVICE       |

**b. Operation of Abattoirs**

- |  |  |
|--|--|
| 1. Monday to Friday<br>of the Chief Executive Officer. | 6.00am to 5.00pm—Unless extended by approval |
| 2. Saturday, Sunday, Public Holidays                   | By authority of Chief Executive Officer      |

**c. Operation of a Knackery**

- |  |  |
|--|--|
| 1. Monday to Friday<br>of the Chief Executive Officer. | 6.00am to 5.00pm—Unless extended by approval |
| 2. Saturday, Sunday, Public Holidays                   | By authority of Chief Executive Officer      |

Passed by resolution at a meeting of the Carnarvon Shire Local Government held on the 28th day of May 1997.

Dated this 28th day of May 1997.

D. A. MILLS, President.

B. G. WALKER, Chief Executive Officer.

Consented to—

on this 11th day of July 1997.

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