



**HEALTH ACT 1911**

**LOCAL GOVERNMENT ACT 1995**

**CITY OF COCKBURN HEALTH LOCAL LAWS 2000**

(as amended July 2012 & May 2013)

**HEALTH ACT 1911**  
**HEALTH LOCAL LAW 2000**

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# HEALTH ACT 1911

## HEALTH LOCAL LAW 2000

Pursuant to the powers under the *Health Act 1911*, the Council of the City of Cockburn makes the following local laws.

### PART 1 – PRELIMINARY

#### Short Title

1. These local laws may be cited as the “*City of Cockburn Health Local Laws 2000*”.

#### Content and Intent

2. The purpose and effect of this local law is to provide for the regulation, control and management of day to day health matters and to establish various health standards and requirements for the district.

#### Repeal

3. (1) The Health Local Laws adopted by the City of Cockburn and published in the Government Gazette on 17 December 1926, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the City of Cockburn and published in the Government Gazette on 12 October 1945, and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the City of Cockburn on 26 September 1956 and published in the Government Gazette on 22 February 1957, and amended from time to time, are repealed;
- (4) The Health Local Laws adopted by the City of Cockburn on 25 September 1963 and published in the Government Gazette on 28 February 1971, and amended from time to time, are repealed; and
- (5) The *City of Cockburn Stables Local Laws*, made by the City of Cockburn on 9 October 1973 and published in the Government Gazette on 22 February 1974, and amended from time to time, are repealed.

#### Interpretation

4. (1) In these local laws, unless the context otherwise requires:
  - “**Act**” means the *Health Act 1911*;
  - “**adequate supply of water**” means a flow of water of not less than 0.076 litres per second;
  - “**approved**” means approved by the Environmental Health Services Manager;
  - “**approved fee**” means the fees and charges determined by local government from time to time, under section 344C of the Act;



“**AS**” means Australian Standard or New Zealand Standard published by Standards 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 City of Cockburn and includes an Acting Chief Executive Officer;

“**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 and approved by the Executive Director, Public Health under the Act and includes an Acting or Assistant or Trainee Environmental Health Officer;

“**Food Standards Code**” means ‘Australia New Zealand Food Standards Code’;

“**Food Act**” means the *Food Act 2008*’;

“**Food Regulations**” means the *Food Regulations 2009*;

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

- (a) includes a bedroom, living 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.

“**highest known water table**” means the groundwater contours as depicted in the “Perth Groundwater Atlas 2<sup>nd</sup> edition 2004” as published by the Department of Water in May 2003.

“**hot water**” means water at a temperature of at least 65 degrees Celsius;

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

“**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 receptacles for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

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

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

“**street**” includes any highway, 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 as described in the “Australian Drinking Water Guidelines (2004) prepared by the National Health and Medical Research Council and the Australian Water Resources Council;

“**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.
- (4) Where:
  - (a) a person is required under these local laws or directed by a notice under these local laws, to execute any work; and
  - (b) that person fails or neglects to comply with the requirements,  
  
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.
  - (c) the costs and expenses incurred by the local government in the execution of a power under these local laws may be recovered in a court of competent jurisdiction from the person referred to in paragraph (a).
- (5) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in paragraph (a) of sub-clause (4).

## PART 2 – SANITATION

### Division 1 – Sanitary Conveniences

#### Interpretation

5. In this Part, unless the context otherwise requires: “**festival**” includes a fair, function or event; “**organiser**” means a person:

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

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

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

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

#### Dwelling House

6. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
- (2) A room in which a toilet is located shall have natural or artificial lighting of a minimum of 80 lux.

#### Premises other than a Dwelling House

7. (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless:
- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
  - (b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
  - (c) the premises have hand wash basins:
    - (i) in accordance with the Building Code;
    - (ii) for the use of persons employed or engaged on the premises;
    - (iii) provided with an adequate supply of hot and cold 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 5 metres 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) adequate supply of soap or other hand cleaning substances; and
    - (ii) hand drying facilities, situated adjacent to and visible from the hand basin,

### Outdoor Festivals

8. (1) The organiser of an outdoor festival at which not more than 5,000 people are expected to attend shall provide sanitary conveniences in accordance with the following schedules.

- (a) toilet facilities for events where alcohol is not available:

Patrons	Males	Females
500	1 WC 2 Urinals 2 Hand Basins	6 WC 2 Hand Basins
1000	2 WC 4 Urinals 4 Hand Basins	9 WC 4 Hand Basins
2000	3 WC 8 Urinals 6 Hand Basins	12 WC 6 Hand Basins
3000	4 WC 15 Urinals 10 Hand Basins	18 WC 9 Hand Basins
5000	5 WC 25 Urinals 17 Hand Basins	15 Hand Basins

- (b) toilet facilities for events licensed to sell alcohol:

Patrons	Males	Females
500	3 WC 8 Urinals 2 Hand Basins	13 WC 2 Hand Basins
1000	5 WC 10 Urinals 4 Hand Basins	16 WC 4 Hand Basins
2000	9 WC 15 Urinals 6 Hand Basins	18 WC 6 Hand Basins
3000	10 WC 18 Urinals 10 Hand Basins	20 WC 10 Hand Basins
5000	12 WC 25 Urinals 17 Hand Basins	33 WC 17 Hand Basins

- (2) Toilets must be serviced throughout the event. When portable chemical type units or effluent holding tanks are used for events longer than four hours, they must be located so that they can be pumped out during the event.
- (3) At least one unisex toilet for use by the disabled is required for each venue.
- (4) The organiser of an outdoor festival at which more than 5,000 people are expected to attend shall provide conveniences of a number as directed by the Principal Environmental Health Officer.

### Toilets

9. (1) Toilets on premises shall be maintained in accordance with the following requirements:
- (a) the door to a toilet, other than an internal door, shall be properly screened to a continuous height of 1.8 metres from the floor;

- (b) a toilet or its entrance, which is visible from overlooking windows, shall be properly screened;
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements:
  - (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from the floor to the ceiling with an STC rating of 30;
  - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating which sex its use is intended.

### **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.

### **Public Sanitary Conveniences**

11. (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

12. The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate artificial lighting of 80 lux, for persons using the convenience.

## Installation

13. 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

14. (1) A person shall not use or occupy or permit to be used or occupied, a dwelling house without a bathroom that:
- (a) is adequately lined with an impervious material and has an adequate ceiling;
  - (b) complies with the Health Act (Laundries and Bathrooms) Regulations 1971; and
  - (c) is equipped with:
    - (i) a hand wash basin; and
    - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

### Laundries

15. (1) A person shall not use or occupy or permit to be used or occupied a dwelling house without a laundry that:
- (a) is adequately enclosed and roofed;
  - (b) is adequately lined with an impervious material;
  - (c) is not a room in which food is stored, prepared, served or consumed; and
  - (d) complies with the Health Act (Laundries and Bathrooms) Regulations 1971.
- (2) In the case of a single occupancy dwelling, the laundry referred to in section 15 (1) shall have:
- (a) either:
    - (i) two wash troughs and one copper; or
    - (ii) a washing machine and either a wash trough or a sink; and

- (b) a clothes-drying facility comprising either an electric clothes drier or not less than 20 metres of clothesline erected externally.
- (3) All wash troughs, sinks, coppers and washing machines shall be:
  - (a) in a laundry and connected to an adequate supply of hot and cold water; and
  - (b) properly supported and all wash troughs and sinks shall have a capacity of at least 36 litres.
- (4) Sole or multiple occupancy units, each being a separate dwelling, shall have:
  - (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
  - (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.
- (5) 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.
- (6) 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 Kitchen**

16. 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**

17. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with:
- (a) an electric, gas, wood or other fuel burning stove;
  - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and
  - (c) a sink which shall:
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.

- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean and fit for use.
- (3) The owner of a dwelling house shall ensure that the stove, oven and sink are kept in good order and repair and fit for use.
- (4) A cooking facility shall:
  - (a) be installed in accordance with the requirements of the Energy Safety; and
  - (b) not be installed or used in any room other than a kitchen.
- (5) mechanical extraction shall be provided in a kitchen and the exhaust air shall be:
  - (a) exhausted at a rate of at least 50 litres per second;
  - (b) carried to the outside air as directly as practicable; and
  - (c) boxed throughout.
- (6) 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**

#### **Maintenance of Dwelling Houses**

18. 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 a good state of repair, clean and free of obstruction;
  - (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;
  - (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Energy Safety; and
  - (n) maintain all kitchen benches and counters in a good state of repair, free from cracks and crevices and easily cleanable.

### **Division 2 – Ventilation of Houses**

#### **Exemption for Short Term Hostels and Recreational Campsites**

19. This division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 9.

#### **Overcrowding**

20. 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;
  - (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, unless approved in writing by the Environmental Health Services Manager.

### **Calculate Sufficient Space**

21. For the purpose of section 20 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**

22. (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 section 22 (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 AS 1668.2 – 1991.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is:
- (a) maintained in good working condition and in accordance with AS 3666 – 1989; and
  - (b) in use at all times the building is occupied.
- (4) if, in the opinion of the Environmental Health Services Manager, a house is not properly ventilated, the Principal Environmental Health Officer may by notice require the owner of the house to:
- (a) provide a different, and additional method of ventilation; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice served under section 22 (4).

## **Sub-Floor Ventilation**

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

## **Division 3 – Water Supply**

### **Water Supply**

24. (1) The owner of a house shall ensure that where a mains water supply is not available that the house is connected with a separate and independent water supply to the satisfaction of the Environmental Health Services Manager.
- (2) The water supply shall at all times deliver an adequate supply of water to each tap in the house unless otherwise approved.

### **Water Tanks**

25. (1) The owner or occupier of a house for which part of the water supply is drawn from a 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 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 a year, thoroughly clean any tank;
  - (d) when directed by an Environmental Health Officer, empty, clean and disinfect the tank or tanks.
- (2) The owner or occupier of any non-residential premises on which rainwater and/or borewater is used for human consumption shall:
- (a) once every calendar month, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2004, published by the National Health and Medical Research Council (NHMRC) and the Agriculture and Resource Management Council of Australia and New Zealand;
  - (b) supply a copy of results from the bacterial analysis to the Environmental Health Services Manager;
  - (c) disinfect the water supply prior to entry into the premises and monitor and record the level of disinfection and pH of the water on a daily basis;
  - (d) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2mg/L and 0.5mg/L in the water received from any outlet used for drinking purposes; and
  - (e) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8.

## **Wells**

26. 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 apparatus for disposal of effluent 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**

27. 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 on Sale**

28. 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**

29. 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**

### **Morgues**

30. The proprietor of any premises for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation shall ensure that:
- (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 adequate 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 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 or by an approved mechanical ventilation system.

## PART 4 – WASTE FOOD AND REFUSE

### Division 1 – Liquid Refuse and Liquid Waste

#### Interpretation

31. In this Division, unless the context otherwise requires:

“**liquid refuse**” includes all washing’s 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 discharge;

“**liquid waste**” means bathroom, kitchen, scullery and laundry wastes, all washing’s 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;

“**small-scale**” means premises producing less than 540 litres of liquid refuse per day; and

“**wash down**” means to remove soils, greases and lubricants normally associated with mechanical plant using solvents, degreasers and or high-pressure equipment.

#### Deposit of Liquid Refuse or Liquid Waste

32. 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

33. (1) The owner or occupier of premises shall:

- (a) provide, by 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 Environmental Health Services Manager, as appropriate.
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director, Public Health.

## **Disposal of Effluent from Small-Scale Mechanical Equipment Wash Down Bays**

34. Liquid waste from small-scale mechanical wash down bays shall be:
- (a) discharged to the sewer subject to approval of the sewerage service provider;  
or
  - (b) where sewer is not available:
    - (i) disposed of onsite as approved by the Environmental Health Services Manager; or
    - (ii) disposed of off-site, in accordance with the requirements of the Environmental Protection (Controlled Waste) Regulations 2004.

## **Level of Disposal Field**

35. Where on any premises any liquid refuse, liquid waste or effluent is disposed of on site, the level of the disposal field shall be:
- (a) a minimum of 1.2 metres above the highest known water table; or
  - (b) a minimum of 2 metres above the highest known water table where the premises is within the Peel – Harvey Catchment Area; or
  - (c) where the premises are subject to specific requirements under the provisions of local government’s Town Planning Scheme, in accordance with those provisions or paragraph (a) or (b) whichever is the higher.

## **Division 2 – Transport of Butchers’ Waste**

### **Interpretation**

36. 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**

37. 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**

38. (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 sheet metal and the walls to be not less than 910 millimetres high;
    - (ii) all joints to be welded, soldered or brazed and made watertight;

- (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
  - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Environmental Health Services Manager, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a watertight 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**

39. In this Division, unless the context otherwise requires:

“**fertiliser**” includes manure.

#### **Public Vehicles to be kept Clean**

40. 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.

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

41. 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**

42. 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 Fertiliser**

43. An owner or occupier of premises where fertiliser is stored in bulk for sale shall:
- (a) keep all 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 to the satisfaction of the Environmental Health Services Manager;
  - (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**

44. The owner or occupier of premises 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 Services Manager.



## **PART 6 – PEST CONTROL**

### **Division 1 – Mosquitoes**

#### **Interpretation**

45. 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**

46. 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**

47. An owner or occupier of premises:

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water:
  - (i) stocked with mosquito destroying fish; or
  - (ii) covered with a film of petroleum oil or other larvicide as directed by an Environmental Health Officer;
- (b) where there is a water tank, well, cistern, vat or barrel, shall:
  - (i) keep it protected with a mosquito-proof lid; 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**

48. 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**

49. (1) Where it appears to an 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, an Environmental Health Officer under this section.

### **Filling in Excavations etc.**

50. Unless written permission to the contrary is obtained from the Environmental Health Services Manager, a person who cuts turf or removes soil or other material from any land, which is likely to hold water shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

### **Drains, Channels and Septic Tanks**

51. An owner or occupier of land shall:
- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
  - (b) where a septic tank is installed on the land:
    - (i) apply an approved larvicide according to the directions specified by the manufacturer, into the septic tank, whenever directed to do so by an Environmental Health Officer;
    - (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; and
    - (iii) provide and keep in sound condition at all times, a mosquito proof cover on any educt vent pipe.

### **Drainage of Land**

52. 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 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.

### **Swimming Pools**

53. Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for breeding mosquitoes, the owner or occupier shall, when required by a notice issued by an Environmental Health Officer:
- (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

- (b) chlorinate and adjust the pH of the pool to:
  - (i) 4 milligrams per litre free chlorine; and
  - (ii) pH within the range 7.2 – 7.6; or
- (c) empty or drain the pool; or
- (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (e) maintain the pool water free of mosquito breeding.

### **Division 1A – Flies**

#### **Measures to be taken by an Occupier**

- 53A. In addition to the requirements of the Fly Eradication Regulations, 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) unless being used for compost, food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
  - (c) lawn clippings are not stockpiled, and are disposed of only-
    - (i) by raking out in a layer of no more than 25mm depth on garden beds;
    - (ii) by digging thoroughly into garden beds; or
    - (iii) by composting.
  - (d) fertilizers are dug well into the soil;
  - (e) composting occurs only in a fly proof receptacle;
  - (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.

### **Division 2 – Rodents**

#### **Interpretation**

54. 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 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**

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

- (2) Without limiting the generality of sub-clause (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall:
- (a) take effective measures to keep the premises free from rodents including:
    - (i) protecting food stuffs;
    - (ii) using a rodenticide bait or a properly baited trap; and
    - (iii) preventing rodents having access to water on the premises;
  - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall:
    - (i) if it is not already dead, kill it immediately; and
    - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
  - (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

#### **Waste Food etc. to be Kept in Rodent Proof Receptacles**

56. A person shall not place or caused to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises:
- (a) any waste food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
  - (b) any food intended for birds or other animals,

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

#### **Restrictions on Materials Affording Harbourage for Rodents**

57. (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.**

58. An owner or occupier of 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 the day or, if the use extends after midnight, then immediately after that use.

## **Division 3 – Cockroaches**

### **Interpretation**

59. 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**

60. (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of sub-clause (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including:
- (a) washing and storing, immediately after use, cooking and eating utensils;
  - (b) wrapping and depositing in a rubbish receptacle without delay, all food scraps, uneaten pet food and garbage;
  - (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
  - (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

## **Division 4 – Argentine Ants**

### **Interpretation**

61. In this Division, unless otherwise requires:

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

### **Measures to be Taken to Keep Premises free From Argentine Ants**

62. An owner or occupier of premises shall ensure that the premises are kept free from argentine ant colonies and shall:
- (a) take all steps to locate any nests if argentine ants are noticed in, on or about the premises;
  - (b) properly treat all nests of argentine ants with an approved residual based insecticide; and

- (c) whenever required by an Environmental Health Officer:
  - (i) treat any area or infestation with an insecticide referred to paragraph (b); and
  - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

## **Division 5 – European Wasps**

### **Interpretation**

63. In this Division, unless otherwise requires:

**“European Wasps”** means a wasp of the species *Vespula germanica*.

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

64. 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 or the Department of Agriculture and Food 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 or an Department Biochemistry Officer for the purpose of destroying the wasps and their nest; and
  - (c) assist an Environmental Health Officer or AgWest Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

## **Division 6 – Arthropod Vectors of Disease**

### **Interpretation**

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

**“arthropod vectors of disease”** includes:

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

### **Responsibility of the Owner or Occupier**

66. 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**

67. An Environmental Health Officer:
- (a) may visit and inspect any house, its occupants, fixture and fittings; and
  - (b) who has reason to believe that there has been a breach of the Act, or any regulation made under the Act or these local laws relating to infectious diseases, shall, as soon as possible, submit a written report to the Environmental Health Services Manager.

#### **Requirements on Owner or Occupier to Clean, Disinfect and Disinfest**

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

#### **Environmental Health Officer may Disinfect or Disinfest Premises**

69. (1) Where the Environmental Health Services Manager or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Principal Environmental Health Officer or the Medical Officer may direct an Environmental Health Officer, or other local government Officer, or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government Officer or other person to carry out the direction given under sub-clause (1).
- (3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this 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**

70. (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 Principal Environmental Health Services Manager considers that a house is insanitary, he or she may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

- (3) Where an Environmental Health Officer considers that:
- (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) any thing is insanitary the Officer may, by notice in writing, direct, as the case may be:
    - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
    - (ii) the owner or occupier of the thing to destroy or amend it within the time and in the manner specified in the notice.
- (4) A person to whom a notice has been given under sub-clauses (2) and (3) shall comply with the terms of the notice.

### **Medical Officer may Authorise Disinfecting**

71. (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**

72. 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 Environmental Health Services Manager or the Medical Officer may issue;
  - (b) may be removed, at the direction of the Environmental Health Services Manager 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 Environmental Health Services Manager or the Medical Officer otherwise directs.

### **Declaration of Infected House or Premises**

73. (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 Environmental Health Services Manager.

### **Destruction of Infectious Animals**

74. (1) The Environmental Health Services Manager, upon being satisfied that an animal is or may be infected, or is likely 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 be destroyed and disposed of:



- (a) in the manner and within the time specified in the notice; and
  - (b) by the person in whose possession, or upon whose premises, the animal is located.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under sub-clause (1) shall comply with the terms of the notice.

### **Disposal of Body**

75. (1) An occupier of premises in or on which is located the body of a dead person who has died of an infectious disease shall, subject to sub-clause (2), cause the body to be buried or disposed of in a 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**

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

## **Division 2 – Disposal of Used Condoms and Needles**

### **Disposal of Used Condoms**

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

## **Disposal of Used Needles**

78. A person shall not dispose of a used hypodermic syringe or needle in a public place unless:
- (a) it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle; or
  - (b) it is placed in a purpose built sharps disposal unit.

## PART 8 – LODGING HOUSES

### Division 1 – Registration

#### Interpretation

79. (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;

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

“**recreational campsite**” means a lodging-house:

(a) situated on a campsite principally used for:

- (i) recreational, sporting, religious, ethnic or educational pursuits; or
- (ii) conferences or conventions;

and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days,

and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

**“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**

80. 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 Environmental Health Services Manager under section 82;
  - (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 Environmental Health Services Manager, has been appointed by the keeper to have the care and management of the lodging house, resides or intends to reside continuously in the lodging house.

### **Application for Registration**

81. An application for registration of a lodging house shall be:
- (a) in the form approved by local government from time to time;
  - (b) duly completed and signed by the proposed keeper; and
  - (c) accompanied by:
    - (i) the approved fee; and
    - (ii) detailed plans and specifications of the lodging house.

### **Approval of Application**

82. The Environmental Health Services Manager may approve, with or without conditions, an application by issuing to the applicant a certificate of registration in the form approved by local government from time to time.

## **Renewal of Registration**

83. 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 Environmental Health Services Manager for the renewal of the registration of the lodging house; and
  - (b) pay the approved fee at the time of making the application for renewal.

## **Notification upon Sale or Transfer**

84. 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 Environmental Health Services Manager, in the form approved by local government from time to time, 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**

85. (1) Subject to sub-clause (3), the Environmental Health Services Manager may, at any time, revoke the registration of a lodging house for any reason, which, in the opinion of the Principal Environmental Health Officer, justifies the revocation.
- (2) Without limiting the generality of sub-clause (1), the Environmental Health Services Manager may revoke a registration upon one or more of the following grounds:
- (a) that the lodging house has not, to the satisfaction of the Principal Environmental Health Officer, 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 or the Environmental Health Services Manager, 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 Environmental Health Services Manager, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this section, The local government or Environmental Health Services Manager 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

#### Locking Devices

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

#### Sanitary Conveniences

87. (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 shower, bath and wash basin, 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-clause (1).
- (3) Each bath, shower and hand 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) be appointed to each sex;
  - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
  - (d) be provided with adequate electric lighting.
- (6) Paragraphs (b) and (c) of sub-clause (5) do not apply to a serviced apartment.

#### Laundry

88. (1) A keeper shall:
- (a) subject to sub-clause (2):
    - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
    - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
  - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and
  - (d) ensure that the floor area of each laundry is properly surfaced with an even and continuous fall to a floor waste drain.
- (2) The Environmental Health Services Manager 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 cloth 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 degrees celsius 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**

89. The keeper of a lodging house shall provide in that lodging house a kitchen which: (a)

has minimum floor area of:

- (i) where lodgers prepare their own meals –  $0.65\text{m}^2$  per person;
  - (ii) where meals are provided by the keeper or manager –  $0.35\text{m}^2$  per person; or
  - (iii) where a kitchen and dining room are combined –  $1\text{m}^2$  per person, but in any case not less than  $16\text{m}^2$ .
- (b) has adequate:
- (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;

- (c) where food is prepared for lodgers, the lodging house is to be registered as a food business under the Food Act. The lodging house kitchen must be constructed and maintained at all times in accordance with the requirements of-
- (i) the Food Act;
  - (ii) the Food Regulations; and
  - (iii) Chapter 3 of the Food Standards Code; and
- (d) where the kitchen is provided for the lodgers use in preparing food for their own consumption, the kitchen is to be designed and constructed and at all times maintained in accordance with the requirements of Chapter 3 of the Food Standards Code.

### Cooking Facilities

90. (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 Environmental Health Services Manager 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 the keeper or manager provides meals shall provide a kitchen with cooking appliances of a number and type approved by the Environmental Health Services Manager.

### Dining Room

91. 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)  $0.5\text{m}^2$  per person; or
    - (ii)  $10\text{m}^2$ ; 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 smooth, impervious, easily cleanable floor covering.



## Lounge Room

92. The keeper of a lodging house shall provide in that lodging house a lounge room: (a)
- with a floor area of:
- (i) where the lounge is not combined with the dining room – not less than 0.6m<sup>2</sup> per person; or
  - (ii) where the lounge room is combined with a dining room – not less than 1.2m<sup>2</sup> per person, but in either case having a minimum of 13m<sup>2</sup>, 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

93. (1) A keeper shall:
- (a) ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government;
  - (b) provide a fire blanket positioned within 2 metres of the cooking area in each kitchen;
  - (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times; and
  - (d) not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in, on or across-
    - (i) a stairway, stair landing, fire-escape, window, doorway or common passageway; or
    - (ii) 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, occupying or leaving the lodging house.

## Obstruction of Passages and Stairways

94. (1) 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.

- (2) Each passage in a lodging house shall be provided with an emergency light-
  - (a) in such a position and of such a pattern as approved in writing by an Environmental Health Officer; and
  - (b) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness.

### **Restriction on Use of Rooms for Sleeping**

95. (1) Subject to sub-clause (3) and section 109 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  $5.5\text{m}^2$  of clear space for each lodger occupying the room;
  - (f) which is naturally illuminated by windows having a ratio of less than  $0.1\text{m}^2$  of unobstructed glass to every  $1\text{m}^2$  of floor area;
  - (g) which is ventilated at a ratio of less than  $0.5\text{m}^2$  of unobstructed ventilating area to every  $10\text{m}^2$  of floor area;
  - (h) in which the lighting or ventilation referred to in paragraph (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 Environmental Health Services Manager.
- (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-clause (1) shall not apply to a serviced apartment.

## Sleeping Accommodation - Short Term Hostels and Recreational Campsites

96. (1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than  $5\text{m}^2$ .
- (2) The calculation of floor space in sub-clause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in sub-clause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short-term hostel or recreational campsite shall provide:
- (a) fixed outlet ventilation at a ratio of  $0.15\text{m}^2$  to each  $10\text{m}^2$  of floor area of the dormitories. Dormitories shall be provided with direct ventilation to 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 approval of the Environmental Health Services Manager.
- (6) The keeper of any short-term hostel or recreational campsite shall provide:
- (a) beds with a minimum size of:
- (i) 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) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, ensure there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each of bunks. The passageway shall be kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

- (8) The keeper shall ensure that:
- (a) materials used in dormitory areas must comply with AS 1530.2 and AS 1530.3 as follows:
    - (i) drapes, curtains, blinds and bed covers – a maximum Flammability Index of 6;
    - (ii) upholstery and bedding –a maximum Spread of Flame Index of 6; -a maximum Smoke Developed Index of 5; and
    - (iii) floor coverings - a maximum Spread of Flame Index of 7; - a maximum Smoke Developed Index of 5;
  - (b) fire retardant coatings used to make a material comply with these indices 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;
  - (c) all buildings are fitted with fire protection equipment as advised by Fire and Emergency Services Authority of Western Australia and approved by the local government;
  - (d) emergency lighting is provided in accordance with the Building Code;
  - (e) no person shall smoke in any room in a short term hostel or recreational campsite other than in a single occupancy room and then only with the approval of the manager;
  - (f) 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**

97. (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 1<sup>st</sup> day of May to the 30<sup>th</sup> 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 sub-clause (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 sub-clause (1) (c) may be located in a separate secure storage room or locker room.

### **Room Numbering**

98. (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that:
  - (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under sub-clause (1) shall be:
  - (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or shown by other legible means.

## **Division 3 – Management and Care**

### **Keeper or Manager to Reside in the Lodging House**

99. Whenever there is one or more lodgers in a lodging house, a keeper or manager shall:
  - (a) reside continuously in the lodging house; and
  - (b) not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house.

### **Register of Lodgers**

100. (1) A keeper shall keep a register of lodgers in the form approved by local government from time to time.
- (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**

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

### **Certificate in Respect of Sleeping Accommodation**

102. (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form approved by local government from time to time.
- (2) The certificate issued under sub-clause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by the Environmental Health Services Manager, 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**

103. Each keeper and manger 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 purpose of inspection by the officer.

### **Room Occupancy**

104. (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;
  - (c) use or cause, suffer or permit to be used for sleeping purposes a room that;
    - (i) has not been certified for that purpose; or

- (ii) the Environmental Health Services Manager 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**

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

### **Cleaning and Maintenance Requirements**

106. (1) A keeper of a lodging house shall:
- (a) maintain in a clean, sound and undamaged condition:
    - (i) the floor, walls, ceiling, 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 maintained with 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, 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 Environmental Health Services Manager, 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 bathrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by the Environmental Health Services Manager 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**

107. 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 material which are inflammable, obnoxious or offensive;
- (c) use a bath or wash 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 109:
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment other than within a serviced 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**

108. (1) The Environmental Health Services Manager 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**

109. In this Part, unless the context otherwise requires:

“**occupier**” in relation to premises includes the person registered as the occupier of the premises;

“**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) fat rendering premises;
- (b) fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared;
- (c) shellfish and crustacean processing establishments (not including retail fish shops);
- (d) flock factories;
- (e) laundries, dry cleaning premises;
- (f) any trade as defined in section 186 of the Act; and

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

110. (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall lodge with the Environmental Health Services Manager an application in the form approved by local government from time to time.
- (2) The applicant shall also provide the Environmental Health Services Manager with suitable scale plans of the premises showing the following:
- (a) proposed use of every room, including location of sanitary conveniences;
  - (b) structural finishes of all wall, floor and ceiling surfaces;
  - (c) the position and type of all fixtures and fittings;
  - (d) plans and specifications of ventilation systems;
  - (e) provisions for drainage, including plumbing details and grease traps; and
  - (f) plans and specifications of all equipment specifically used for the prevention of nuisances, such as odour control.

### **Registration of Premises**

111. An application for the registration of premises pursuant to section 191 of the Act shall be:
- (a) in the form approved by local government from time to time;
  - (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
  - (c) lodged with the Environmental Health Services Manager.

### **Certificate of Registration**

112. Upon the registration of premises for the carrying on of offensive trade, the Environmental Health Services Manager shall issue to the applicant a certificate in the form approved by local government from time to time.

## Change of Occupier

113. Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Environmental Health Services Manager in writing of such change.

## Alterations to Premises

114. While any premises remain registered under this Division, a person shall not, without the written permission of the Environmental Health Services Manager, make or permit any change or alteration to the premises.

## Division 2 – General Duties of an Occupier

### Interpretation

116. In this Division, unless the context otherwise requires:

“**occupier**” means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on;

“**the premises**” means those premises in or upon which an offensive trade is carried on.

### Cleanliness

117. The occupier shall:

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passageways, paved areas, stores or outbuildings used in connection with the premises;
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition; and
- (f) whenever directed to do so by an Environmental Health Officer thoroughly clean the premises as directed.

### **Rodents, Cockroaches Etc.**

118. The occupier shall:

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

### **Sanitary Conveniences and Wash Basins**

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

### **Painting of Walls Etc.**

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

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

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

### **Offensive Material**

122. The occupier shall:

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

### **Storage of Materials**

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

## Specified Offensive Trades

124. (1) For the purposes of this section, “specified offensive trade” means one or more of the offensive trades carried on or in connection with the following works or premises:
- (a) rendering premises;
  - (b) fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared;
  - (c) shellfish and crustacean processing establishments (not including retail fish shops);
  - (d) laundries, dry cleaning premises and dye works.
- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall:
- (a) cause the floor of the premises to:
    - (i) be properly paved and drained with impervious materials;
    - (ii) have a smooth surface; and
    - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by trap or drain to a drain inlet situated inside the building where the floor is situated; and
  - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres;
  - (c) cause all liquid refuse to be:
    - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Bylaws 1981* before being discharged into any drain outlet from any part of the premises; and
    - (ii) directed through such screening or purifying treatment as the Environmental Health Services Manager may from time to time direct.

## Directions

125. (1) The Environmental Health Services Manager may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
- (2) The occupier shall comply with any directions given under this section.

## Other Duties of Occupier

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

## Division 3 – Fat Rendering Establishments

### Interpretation

127. In this Division, unless the context otherwise requires:

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

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

### Exhaust Ventilation

128. The occupier shall provide and maintain:

(a) a hood which shall:

(i) be of an approved design and construction;

(iv) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(b) an exhaust ventilation system;

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

### Covering of Apparatus

129. External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

### Walls

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

## Division 4 – Seafood and Crustacean Processing

### Bench

131. The occupier of a fish processing or crustacean processing premises shall provide and maintain on the premises a separate steel bench for the handling of fish.

### Disposal of Waste

132. The occupier of a fish and crustacean processing premises shall cause all offal and wastes, all rejected and unsaleable fish, shellfish or crustaceans and any rubbish or refuse which is likely to be offensive or a nuisance to be:

- (a) placed in the receptacles referred to in section 123 and disposed of in accordance with that section; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

### **Cooking of Fish**

133. Where cooking of fish is carried out the occupier shall provide and maintain a hood as set out in the Health (Food Hygiene) Regulations 1993, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking.

## **Division 5 – Flock Factories**

### **Interpretation**

134. In this Division, unless the context otherwise requires:

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

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

### **New and Used Material**

135. (1) Subject to sub-clause (2), the occupier shall not use for the manufacture of flock any material other than new material.
- (2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 20 minutes.

### **Collection and Removal**

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

### **Building Requirements**

137. The occupier shall cause each building on the premises to comply with the following requirements:
- (a) the floor shall be of concrete;
  - (b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finished to a height of 2 metres; and
  - (c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

## Unclean Rags

138. A person shall not:

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

rag which is unclean or which has been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

## Bedding and Upholstery

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

- (a) used bedding;
- (b) upholstery,  
which is unclean, offensive or infested with vectors of disease unless the:-
- (c) material of which the bedding is made; or
- (d) filling material of which the upholstery is made,

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

## Division 6 – Laundries, Dry Cleaning Establishments and Dye Works

### Interpretation

140. In this Division, unless the context otherwise requires:

#### **“dry cleaning establishments”:**

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

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

**“exempt laundromat”** means premises in which:

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and



- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer.

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

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

### **Receiving Depot**

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

### **Reception Room**

142. (1) The occupier of a laundry, dry cleaning establishment or dye works shall:
- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room;
  - (b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

### **Walls and Floors**

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

### **Laundry Floor**

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

### **Escape of Dust**

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

### **Precautions Against Combustion**

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

### **Trolleys**

147. The occupier of a dry cleaning establishment shall:

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

### **Sleeping on Premises**

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

**PART 10 - OFFENCES AND PENALTIES**

**Penalties**

- 149. (1) A person who contravenes a provision of these local laws commits an offence.
- (2) A person who commits an offence under sub-clause (1) is liable to:
  - (a) a penalty which is not more than \$1,000 and not less than;
    - (i) in the case of a first such offence, \$100;
    - (ii) in the case of a second such offence, \$200; and
    - (iii) in the case of a third or subsequent such offence, \$500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50;

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Adopted at a meeting of the Council of the City of Cockburn held on 14 March 2013.

The Common Seal of the City of Cockburn was hereunto affixed in the presence of:

.....  
Logan Howlett - Mayor

.....  
Stephen Cain - Chief Executive Officer

On this ...15... day of .....March 2013

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Consented to:

Dr Tarun Weeramanthri  
Executive Director, Public Health

Dated this 5 day of April 2013

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