



HEALTH ACT 1911

LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN HEALTH LOCAL LAWS 2000

(as amended July 2012, May 2013 and August 2026)

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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by the City of Cockburn and published in the Government Gazette on 17 December 1926, and amended from time to time, are repealed;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by the City of Cockburn and published in the Government Gazette on 12 October 1945, and amended from time to time, are repealed;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on 26 September 1956 and published in the Government Gazette on 22 February 1957, and amended from time to time, are repealed;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on 25 September 1963 and published in the Government Gazette on 28 February 1971, and amended from time to time, are repealed; and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on 9 October 1973 and published in the Government Gazette on 22 February 1974, and amended from time to time, are repealed.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 2nd 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

[Clause 5 deleted by Government Gazette No.109 dated 25 August 2026]

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.
- a. 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,

[Clauses 8-9 deleted by Government Gazette No.109 dated 25 August 2026]

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.

[Clauses 11-13 deleted by Government Gazette No.109 dated 25 August 2026]

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.

[Clause 16 deleted by Government Gazette No.109 dated 25 August 2026]

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.

- a. 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:
 - i. natural ventilation; or
 - ii. a mechanical ventilation or air-conditioning system complying with AS 1668.2 – 1991.
- b. The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is:
 - i. maintained in good working condition and in accordance with AS 3666 – 1989; and
 - ii. in use at all times the building is occupied.
- c. 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:
 - i. provide a different, and additional method of ventilation; or
 - ii. cease using the house until it is properly ventilated.
- d. 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.

- a. 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.

[Clauses 26-27 deleted by Government Gazette No.109 dated 25 August 2026]

[Divisions 4-5 deleted by Government Gazette No.109 dated 25 August 2026]

[Parts 4-7 deleted by Government Gazette No.109 dated 25 August 2026]

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 – 0.65m^2 per person;
 - (ii) where meals are provided by the keeper or manager – 0.35m^2 per person; or
 - (iii) where a kitchen and dining room are combined – 1m^2 per person, but in any case not less than 16m^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. 0.5m^2 per person; or
 - ii. 10m^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^2 per person; or
 - (ii) where the lounge room is combined with a dining room – not less than 1.2m^2 per person, but in either case having a minimum of 13m^2 ; 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 5.5m^2 of clear space for each lodger occupying the room;
 - f. which is naturally illuminated by windows having a ratio of less than 0.1m^2 of unobstructed glass to every 1m^2 of floor area;
 - g. which is ventilated at a ratio of less than 0.5m^2 of unobstructed ventilating area to every 10m^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 5m^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 0.15m^2 to each 10m^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 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
 - c. furnish each bedroom so that there are adequate storage facilities for belongings within the room.

- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.
- (3) The sheets and blankets required to be provided by 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 deleted by Government Gazette No.109 dated 25 August 2026]

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 ofMarch 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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