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# **TOWN OF CAMBRIDGE**

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LOCAL LAWS

## **HEALTH LOCAL LAW 2016**

**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

TOWN OF CAMBRIDGE

**HEALTH LOCAL LAW 2016**

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

TOWN OF CAMBRIDGE

**HEALTH LOCAL LAW 2016**

Under the powers conferred on it by section 342 of the *Health Act 1911* and in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other enabling powers, the Council of the Town of Cambridge resolved on 22 November 2016 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Title**

This is the *Town of Cambridge Health Local Law 2016*.

**1.2 Commencement**

This local law comes into operation on the date of its publication in the *Government Gazette*.

**1.3 Purpose and Effect**

(1) The purpose of this local law is to provide for the regulation, control and management of day to day public and environmental health matters within the district.

(2) The effect of this local law is to establish various standards and requirements relating to sanitation, housing matters, nuisances, refuse disposal, pest control, infectious diseases, lodging houses and offensive trades with which people living and working within the district must comply.

**1.4 Repeal**

(1) The *Town of Cambridge Health Local Law 2001* published in the *Government Gazette* on 22 March 2002 and all amendments thereto are hereby repealed on the day this local law comes into operation.

**1.5 Application**

This local law applies throughout the district of the Town of Cambridge.

**1.6 Interpretation**

(1) In this local law, 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 local government or by an Environmental Health Officer or an Authorised Person of the local government;

**approved fee** means the fees and charges determined by the local government from time to time, under Section 344C of the Act;

**approved form** means a form approved by the local government;

**AS or AS/NZS** means an Australian Standard or Australian/New Zealand Standard published by Standards Australia;

**AS 1530.2:1993** means the standard published by the Standards Australia as AS 1530.2:1993 and called “Methods for fire tests on building materials, components and structures—Part 2: Test for flammability of materials”, as amended from time to time;

**AS 1530.3:1989** means the standard published by the Standards Australia as AS 1530.3:1989 and called “Methods for fire tests on building materials, components and structures—Part 3: Simultaneous determination of ignitability, flame propagation, heat release and smoke release”, as amended from time to time;

**AS 1668.2:2012** means the standard published by the Standards Australia as AS 1668.2:2012 and called “The use of ventilation and air conditioning in buildings—Part 2: Mechanical ventilation in buildings”, as amended from time to time;

**AS 2001.1:1995** means the standard published by the Standards Australia as AS 2001.1:1995 and called “Methods of test for textiles—Part 1: Conditioning procedures”, as amended from time to time;

**AS/NZS 3666.2:2002** means the standard published by the Standards Australia as AS/NZS 3666.2:2002 and called “Air-handling and water systems of buildings—Microbial control Part 2: Operation and maintenance”, as amended from time to time;

**AS 4674-2004** means the standard published by the Standards Australia as AS 4674—2004 and called “Design, construction and fit-out of food premises”, as amended from time to time;

**Authorised Person** means a person appointed by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an Authorised Person under this local law;

**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;

**district** means the health district of the Town of Cambridge and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;

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

**EnergySafety** means the regulatory body responsible for the technical and safety regulation of the electrical and gas industry in Western Australia;

**Environmental Health Officer** means an Environmental Health Officer appointed by the local government and includes an acting or assistant Environmental Health Officer;

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

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

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

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

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

**local government** means the Town of Cambridge;

**nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the nuisance;

**morgue** means a place for the temporary reception and keeping of bodies of the dead awaiting burial, cremation or disposal;

**outdoor event** means an outdoor gathering of people brought together for a common purpose by some prearrangement;

**person** means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder, but does not include the local government;

**public place** means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

**sanitary convenience** has the meaning given to it in the Act;

**sewage** has the meaning given to it in the Act;

**sewer** has the meaning given to it in the Act;

**street** has the meaning given to it in the Act;

**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;

**town planning scheme** means any town planning scheme for the time being in operation within the district;

**vectors of disease** means an insect, arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person and includes—

- (a) flies (*Diptera*);
- (b) mosquitoes (*Diptera culicidae*);

- (c) rodents—including *Rattus rattus* (Roof rat), *Rattus norvegicus* (Norway rat), *Mus musculus* (House/Field mouse);
- (d) cockroaches (*orthopterous* insects);
- (e) fleas (*Siphonaptera*);
- (f) bedbugs (*Cimex lectularius*);
- (g) crab lice (*Phthirus pubis*);
- (h) body lice (*Pediculus humanus var. corporis*);
- (i) head lice (*Pediculus humanus var. capitis*); and
- (j) any other insect prescribed by the Act;

**vermin** means rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions;

**water** means drinking water within the meaning of the “Australian Drinking Water Guidelines (2011)”, as published by the National Health and Medical Research Council, as amended from time to time;

**window** means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly into a building; and

**zoned** means zoned under a Town of Cambridge town planning scheme.

(2) Any other expression used in this local law and not defined herein must have the meaning given to it in the *Health Act 1911*, the *Local Government Act 1995* and the Glossary of Building Terms published by Standards Australia and the National Committee on Rationalised Building, unless the context require otherwise.

(3) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability must be taken to be imposed jointly and severally on each of the owner or occupier.

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

## PART 2—SANITATION

### 2.1 Interpretation

In this Part, unless the context otherwise requires—

**event** includes a fair, festival, community function, sporting event, cultural event or the like;

**natural ventilation** is the process of supplying and removing air through an indoor space by natural means, meaning without the use of a fan or other mechanical system, to provide ventilation and space cooling;

**organiser** means a person—

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

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

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

- (a) persons attending an event; or
- (b) employees at construction sites or the like;

### 2.2 Dwelling house

The owner of every dwelling house must—

- (a) provide bathroom, laundry, kitchen and toilet facilities within the building and in accordance with the Building Code;
- (b) provide an adequate supply of hot and cold water to every kitchen, bathroom and laundry fixture within the dwelling; and
- (c) provide, properly installed in the kitchen, at least one sink, a minimum size of 380mm long, 300mm wide and 150mm deep, with an impervious drainage area incorporated and draining into the sink.

### 2.3 Floor of wet areas

The owner of every premises must ensure that the floor of every bathroom, en-suite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

### 2.4 Temporary toilets

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

### 2.5 Premises other than a dwelling house

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

- (a) the premises have toilets and hand wash basins in accordance with the Building Code and this Part, including disabled facilities; and
- (b) the toilets required by this clause are situated within 90m of the premises.

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

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

(3) In the case of a school with any room that accommodates children under 5 years of age, that particular room will be deemed to be an “early childhood centre” for the purposes of the Building Code.

### 2.6 Outdoor events

(1) The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health’s *‘Guidelines for concerts, events and organised gatherings’* and *‘Guidelines on the Application of the Health (Public Buildings) Regulations 1992’*.

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

(3) In addition to the requirements listed in subclause (1), the applicant for an outdoor event must provide at least one unisex toilet for the disabled.

(3) When portable or chemical toilets are used for an outdoor event with an expected duration of more than 6 hours—

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

(4) The applicant for an outdoor event must ensure that toilets are checked regularly during the outdoor event to ensure that they are clean and that all consumables are readily available to patrons using them, including—

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

### 2.7 Maintenance of sanitary conveniences and fittings

(1) The occupier of any premises must—

- (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 any of premises must—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to, all toilets, including sanitary fittings in or on the premises.

### 2.8 Ventilation of toilets

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

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

### 2.9 Public sanitary conveniences

(1) A person must 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 must 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.

(3) A directional sign, displaying lettering and pictograms indicating toilets for each gender and people with disabilities, must be erected in a visible and conspicuous position, indicating the location of the public sanitary conveniences.



### 2.10 Lighting

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

### 2.11 Installation

- (1) Each sanitary convenience must be installed in accordance with the requirements of the *Water Services Act 2012* and must have an adequate supply of water.
- (2) Each temporary sanitary convenience must be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.
- (3) Each toilet and plumbing fixture must be connected into the public sewer, unless otherwise approved by the local government.

## PART 3—HOUSING AND GENERAL

### 3.1 Dwelling house maintenance

The owner or occupier of a dwelling house must maintain the dwelling house in sound condition and fit for use and, in particular, must—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of controlling 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 and level in surface and free from cracks and gaps;
- (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 sewage so that they comply in all respects with the provisions of the bylaws made under the *Water Services Act 2012* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of EnergySafety.

### 3.2 Ventilation

- (1) A person must not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1) a house must be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
  - (a) natural ventilation; or
  - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2:2002.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system must ensure that the system is—
  - (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2002; and
  - (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.
- (4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—
  - (a) provide a different, or additional method of ventilation; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner must comply with a notice under subclause (4).

### 3.3 Overcrowding

The owner or occupier of a house must not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) except in a house used as a short-term hostel or recreational campsite, 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 14m<sup>3</sup> of air space per person;

- (ii) for every person up to, and including the age of 10 years, there is at least 8m<sup>3</sup> of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

### 3.4 Calculate sufficient space

For the purpose of clause 3.2, in calculating the space required for each person—

- (a) each room must be considered separately and sufficient space must be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction must be made for the space occupied by furniture, fittings and projections into a room.

### 3.5 Water supply

The owner of a house must ensure that—

- (a) the house is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government;
- (b) any private water supply must at all times be capable of delivering 4.5 litres per minute of water to each tap in the house via a standard pressure activated pump; and
- (c) any private water bore or well, must have a lid securely installed, to prevent casual removal.

### 3.6 Rain water tanks

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

- (a) maintain in a clean condition, the roof and downpipes forming the catchment for the tank;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which must not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
- (c) thoroughly clean and disinfect such tank whenever directed by an Environmental Health Officer to do so.

## PART 4—NUISANCES AND GENERAL

### *Division 1—Nuisances*

#### 4.1 Interpretation

In this Part, unless the context otherwise requires—**fertiliser** includes manure.

#### 4.2 Footpaths to be kept clean

An owner or occupier of premises must keep any footpath, pavement, area or right of way immediately adjacent to the premises clear of any rubbish, matter or other things coming from or belonging to the premises.

#### 4.3 Escape of Smoke

An owner or occupier of premises must take reasonable measures to not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

#### 4.4 Prohibition against Spit

A person must not spit on a footpath, street or public place.

#### 4.5 Use or Storage of Fertiliser

An owner or occupier of premises must not use or keep for the purpose of use, as fertiliser any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

#### 4.6 Storage of Fertiliser in a House

The owner or occupier of a house where fertiliser or compost is stored or used must—

- (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 rodents, flies or 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 an Authorised Person.

#### 4.7 Pollution

A person must 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 2—Secondhand Furniture, Bedding and Clothing***4.8 Prohibition on Sale**

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

**4.9 Prohibition of Possession**

A dealer in secondhand furniture, bedding or clothing must 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 3—Car Parks***4.10 Interpretation**

In this Division, unless the context otherwise requires—

**car park** means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

**occupier** means a person having the charge, management or control of a car park.

**4.11 Ventilation of Car Parks**

(1) A person must not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

(a) natural ventilation; or

(b) mechanical means in accordance with AS1668.2-2012.

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

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

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

*Division 4—Slaughter and disposal of Animals***4.12 Slaughter of animals**

(1) A person must not slaughter an animal within the district.

(2) Subclause (1) does not apply to—

(a) euthanasia of an animal by a veterinarian or other duly Authorised Person;

(b) the slaughter of an animal at premises approved for that purpose.

**4.13 Disposal of dead animals**

(1) An owner or occupier of premises on which there is a dead animal must immediately remove the carcass and arrange for its disposal at an approved waste disposal facility.

(2) An owner or a person having the care, of any animal that dies or is killed in a public or private place must immediately remove the carcass and arrange for its disposal at an approved waste disposal facility.

**PART 5—REFUSE DISPOSAL****5.1 Interpretation**

In this Part unless the context otherwise requires—

**receptacle** means—

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres, 240 or 360 litres; or

(b) any container of a type and capacity as approved by the local government;

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

**waste** means commercial waste or domestic waste or both as the context requires.

**5.2 Suitable receptacle enclosure**

(1) (a) An owner or occupier of a premises consisting of more than 3 dwellings, or used for commercial or industrial purposes, or as a food premises, must provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

(b) The suitable receptacle enclosure for a food premises must comply with AS 4674-2004.

(2) An owner or occupier of premises required to provide a suitable enclosure under this clause must—

(a) ensure the enclosure is not used to store anything except rubbish receptacles; and

(b) maintain the enclosure in a clean condition at all times.

- (3) For the purposes of this clause, a “suitable receptacle enclosure” means an enclosure—
- (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by an Authorised Person or an Environmental Health Officer and in the case of a food premises, an area of 3m<sup>2</sup> or not less than 10% of the floor area of the kitchen or food preparation areas, whichever is the greater;
  - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by an Authorised Person or an Environmental Health Officer;
  - (c) having walls not less than 1.5m in height and having an access way of not less than 1m in width and fitted with a self-closing gate;
  - (d) containing a smooth and impervious floor—
    - (i) of not less than 75mm in thickness; and
    - (ii) which is evenly graded and connected to an approved liquid refuse disposal system in an approved manner;
  - (e) provided with a hose tap connected to an adequate water supply; and
  - (f) which is easily accessible to allow for the removal of the receptacles.

### 5.3 Construction site refuse

On every building construction site the builder must—

- (a) ensure that an appropriate refuse receptacle is provided on site for the storage of building rubbish on any premises in which building or construction work is being carried out;
- (b) ensure that all rubbish from the site is placed in the receptacle as directed by an Authorised Person, or any Environmental Health Officer;
- (c) ensure the receptacle is maintained on the site for the duration of the construction work;
- (d) ensure the receptacle does not overflow; and
- (e) ensure that any refuse in the receptacle cannot be blown out by wind.

### 5.4 Burning Rubbish or Refuse Not Permitted

A person must not, set fire to, or cause to be set on fire, or burn any rubbish or refuse.

## PART 6—PEST CONTROL

### *Division 1—General Provisions*

#### 6.1 Responsibility of Owner or Occupier

- (1) The owner or occupier of premises must keep the premises and any person residing in or on the premises free from any vermin, vectors of disease or pests.
- (2) Where it is found that a premises is infested with vermin, vectors of disease or pests, an Environmental Health Officer may direct that the owner or occupier take appropriate action as may be indicated, to effectively eradicate the vermin, vectors of disease or pests.

#### 6.2 Pest control generally

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

#### 6.3 Officer may give Notice directing measures to be taken

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

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

of pests, vermin or vectors of disease.

#### 6.4 Local Government may Execute Work and Recover Costs

(1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 6.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement, the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under this local law.

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

(3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

*Division 2—Flies***6.5 Interpretation**

In this Division, unless the context otherwise requires—

**flies** means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

**6.6 Fly breeding matter not to be left on Premises unless Covered or Treated**

An owner or occupier of premises must not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

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

An owner or occupier of premises must ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilizers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 200mm of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

*Division 3—Mosquitoes***6.8 Interpretation**

In this Part, unless the context otherwise requires—

**mosquitoes** means any of the insects constituting the family *Diptera culicidae* commonly known as mosquitoes.

**6.9 Premises to be kept free of mosquito breeding matter**

An owner or occupier of a premises must keep the premises free of refuse and water that is liable to become the breeding place of mosquitoes.

**6.10 Measures to be taken by an owner or occupier**

An owner or occupier of any premises must—

- (a) where there is a fountain, ornamental pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, keep the water—
  - (i) stocked with mosquito predatory fish; or
  - (ii) covered with a film of petroleum oil; or
  - (iii) treated with an approved larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel—
  - (i) provide the vessel with an impervious cover;
  - (ii) cover all openings with mosquito proof mesh; and
- (c) where drinking water is kept in a vessel or other receptacle for consumption by an animal or bird—
  - (i) frequently change the water; and
  - (ii) keep the water clean and free from vegetable matter and slime.

**6.11 Swimming pools**

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 the breeding of mosquitoes, the owner and occupier must, 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; and
- (d) maintain the pool water free of mosquito breeding.

*Division 4—Cockroaches***6.12 Interpretation**

In this Division, unless the context otherwise requires—

**cockroach** means any of the various *orthopterous* insects commonly known as cockroaches.

**6.13 Measures to be taken to eradicate Cockroaches**

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

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

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

*Division 5—Rodents***6.14 Interpretation**

In this Division, the context otherwise requires—

**rodent** means the animals *Rattus rattus* (Roof rat), *Rattus norvegicus* (Norway rat), *Mus musculus* (House/Field mouse) but not laboratory bred rats and mice kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

**6.15 Rodent control**

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

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

- (a) take effective measures to keep the premises free from rodents including—
  - (i) protecting food;
  - (ii) using a rodenticide bait or properly baited traps; 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, must—
  - (i) 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.

**6.16 Waste food etc. to be kept in rodent proof receptacles**

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

- (a) any waste food, refuse or other waste matter, which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any stored food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

**6.17 Restrictions on materials affording harbourage for rodents**

(1) An owner or occupier of premises must 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 an owner or occupier of a 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 must within the time specified, comply with any direction given by an Environmental Health Officer under this clause.

## PART 7—INFECTIOUS DISEASES

### 7.1 Disposal of used condoms

(1) An occupier of premises on or from which used condoms are produced must 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 an Environmental Health Officer.

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

### 7.2 Disposal of used needles

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

## PART 8—LODGING HOUSES

### *Division 1—Registration*

#### 8.1 Interpretation

In this Part, unless the context otherwise requires—

**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** has the same meaning as that defined in section 3 of the Act and 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 but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*.

**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 includes a youth hostel or a backpacker hostel.

#### 8.2 Lodging house not to be kept unless registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) the keeper of the lodging house must not be absent from the lodging house at all unless he or she arranges for a reputable person to have the care and management of the lodging house.

#### 8.3 Application for registration

An application for registration of a lodging house must be—

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the approved fee; and
  - (ii) accompanied by detailed plans and specifications of the lodging house.

#### 8.4 Approval of application

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a certificate of registration.

### 8.5 Renewal of registration

A person who keeps a lodging house which is registered under this Part must—

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the approved fee at the time of making each application for renewal.

### 8.6 Notification upon sale or transfer

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 must, within 14 days of the date of sale, transfer or agreement, give to the local government, 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.

### 8.7 Revocation of registration

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

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

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vermin or vectors of disease or remained clean;
- (b) that the keeper has—
  - (i) been convicted of an offence against this local law in respect of the lodging house;
  - (ii) not complied with a requirement of this Part; or
  - (iii) not complied with a condition of registration;
- (c) that the local government, having regard to a report from the Police, 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 local government, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this local law, the local government must 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 must give the keeper notice of the revocation and the registration must be revoked as from the date on which the notice is served on the keeper.

## *Division 2—Construction and use requirements*

### 8.8 General construction requirements

The construction of a lodging house must comply with the Building Code.

### 8.9 Sanitary conveniences

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

- (a) toilets; and
- (b) bathrooms, each fitted with a hand wash basin and either a shower or bath, in accordance with the requirements of the Building Code.

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

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

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

(5) Each toilet and bathroom must—

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

(6) Paragraph (b) of subclause (5) does not apply to a serviced apartment.

### 8.10 Laundry

A keeper must—

- (a) provide on the premises for the use of each 15 lodgers, a laundry containing one washing machine, one wash trough and, one electrical dryer or 30m of clothes line;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.



**8.11 Kitchen**

The keeper of a lodging house must provide in that lodging house a separate kitchen which—

- (a) has a minimum floor area of—
  - (i) 0.65m<sup>2</sup> per person, where lodgers prepare their own meals;
  - (ii) 0.35m<sup>2</sup> per person, where meals are provided by the keeper or manager; and
  - (iii) 1m<sup>2</sup> per person, where the kitchen and dining area are combined, but in any case not less than 16m<sup>2</sup>; and
- (b) complies with the requirements of the *Food Act 2008 and AS 4674—Design, construction and fit-out of food premises*.

**8.12 Cooking Facilities**

The keeper of a lodging house where lodgers prepare their own meals must provide a kitchen with electrical, gas or other stoves and ovens approved by an Environmental Health Officer in accordance with the following table—

Number of lodgers	Number of Ovens	4 burner stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 plus 1 for each additional 15 lodgers (or part thereof) over 60

**8.13 Dining room**

The keeper of a lodging house must provide in that lodging house a dining room—

- (a) located in close proximity to the kitchen;
- (b) the floor area of which must be 0.5m<sup>2</sup> per person or not less than 10m<sup>2</sup> whichever is the greater; and
- (c) which must be adequately furnished to accommodate, at any one time, half of the number of lodgers.

**8.14 Fire prevention and control**

A keeper must—

- (a) in each passage in the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as must be approved by an Environmental Health Officer; and
  - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2m 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;
- (d) provide fire extinguishing appliances of the number and pattern, and situated in such a position as the local government may direct;
- (e) ensure all buildings are fitted with fire protection equipment in accordance with the Building Code and approved by the Council; and
- (f) ensure all firefighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

**8.15 Obstruction of passages and stairways**

A keeper must 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.

**8.16 Fitting of locks**

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

**8.17 Restriction on use of rooms for sleeping**

(1) A keeper must not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) 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;
- (b) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person; or
- (c) which contains not less than 5.85m<sup>2</sup> of space, including the bed, for each lodger occupying the room.

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

### 8.18 Sleeping Accommodation—Short Term Hostels and Recreational Campsites

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

- (a) 4m<sup>2</sup> per person in each dormitory utilising beds;
- (b) 2.5m<sup>2</sup> per person in dormitories utilising bunks.

(2) The calculation of floor space in subclause (1) must 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 must be 2.4m in any dormitory utilising beds, and 2.7m in any dormitory utilising bunks.

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

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

- (a) fixed outlet ventilation at a ratio of 0.15m<sup>2</sup> to each 10m<sup>2</sup> of floor area of the dormitories, and must ensure that dormitories are provided with direct ventilation to the open air from a point within 230mm 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 Council's approval.

(6) The keeper of any short term hostel or recreational campsite must provide—

- (a) beds with a minimum size of—
  - (i) in short term hostels—800mm x 1.9m; and
  - (ii) in recreational campsites—750mm x 1.85m.
- (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 must—

- (a) maintain at all times a minimum distance of 750mm between beds, and a minimum distance of 900mm between bunks;
- (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35m between each row of beds and a passageway of at least 2m between each row of bunks, and must ensure that the passageway is kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite must ensure that—

- (a) materials used in dormitory areas comply with AS 1530.2:1993 and AS 1530.3:1989 as follows—
  - Drapes, curtains, blinds and bed covers—a maximum Flammability Index of 6;
  - Upholstery and bedding—a maximum Spread of Flame Index of 6;
  - a maximum Smoke Developed Index of 5; Floor coverings—a maximum Spread of Flame Index of 7;
  - a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be—

- (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
  - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.1:1995, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.
- (b) emergency lighting is provided in accordance with the Building Code;
  - (c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;
  - (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

### 8.19 Furnishing etc. of sleeping apartments

(1) A keeper must—

- (a) furnish each sleeping apartment, other than in a lodging house used exclusively as a short-term hostel or recreational campsite 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, mattress cover, two sheets, a blanket or rug and, from the 1 May to 30 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 must not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment.
- (3) The sheets and blankets required to be provided by subclause (1)(b)(ii), must 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 subclause (1)(c) may be located in a separate secure storage room or locker room.

#### **8.20 Numbers to be placed on doors**

A keeper must 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 the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

### *Division 3—Management and care*

#### **8.21 Register of lodgers**

- (1) A keeper must keep a register of lodgers substantially in the format of the approved form.
- (2) The register of lodgers must be—
  - (a) kept in the lodging house; and
  - (b) open to inspection at any time on demand by any member of the Police or by an Environmental Health Officer.

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

- (1) An Environmental Health Officer may issue to a keeper, a certificate, specifying the maximum number of persons who must be permitted to occupy each room as a sleeping apartment at any one time.
- (2) When required by an Environmental Health Officer, a keeper must exhibit the certificate issued under this clause in a conspicuous place.
- (3) A person must not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

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

Each keeper and manager of a lodging house must—

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

#### **8.24 Room occupancy**

- (1) A keeper must 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 apartment
    - (i) a larger number of beds; or
    - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
  - (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
    - (i) has not been certified for that purpose; and
    - (ii) the local government has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this clause, 2 children under 10 years of age must be counted as one lodger.

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

- (1) In this clause—
- (2) **bed linen** includes sheets, pillow cases and mattress covers
- (3) A keeper of a lodging house must—
  - (a) maintain in a clean, sound and undamaged condition—
    - (i) the floor, walls, ceilings, woodwork and painted surfaces;
    - (ii) the floor coverings and window treatments; and
    - (iii) the toilet seats;
  - (b) maintain in a clean condition and in good working order—
    - (i) all fixtures and fittings; and
    - (ii) windows, doors and door furniture;
  - (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

- (d) ensure that all floors are kept clean at all times;
- (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 vermin and vectors of disease; and
  - (v) when any vector of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the insect(s);
- (f) when so directed by an Environmental Health Officer, ensure that—
  - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

## PART 9—OFFENSIVE TRADES

### 9.1 Interpretation

In this Part, unless the context otherwise requires—

**occupier** in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;

**offensive trade** means any one or more of the trades, businesses or occupations as defined by section 186 of the Act; and

**premises** means those premises in or upon which an offensive trade is carried on and includes house.

### 9.2 Consent to establish an offensive trade

(1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade must—

- (a) advertise notice of his intention to apply for consent in accordance with clause 9.3; and
- (b) lodge with the local government an application in the approved form.

(2) A person who makes a false statement in an application under this clause commits an offence.

### 9.3 Notice of application

A notice required under clause 9.2 must—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a Perth daily newspaper advising the public that they have 30 days to lodge any objection with the local government.

### 9.4 Registration of premises

An application for the registration of premises pursuant to section 191 of the Act must be—

- (a) submitted on the approved form;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the local government.

### 9.5 Conditions of Consent

In granting consent under section 187 of the Act, the local government may impose reasonable conditions of consent including, without limitation, conditions relating to—

- (a) site requirements;
- (b) building fitout specifications;
- (c) ventilation;
- (d) effluvia, vapours and gases;
- (e) rodents and other vectors of disease;
- (f) sanitary convenience;
- (g) effluent and rubbish disposal.

**9.6 Offence**

Every person who carries on any offensive trade otherwise than in compliance with conditions imposed under clause 9.5 commits an offence.

**9.7 Certificate of registration**

Upon the registration of premises for the carrying on of an offensive trade, the local government must issue to the applicant a certificate in the approved form.

**9.8 Change of occupier**

Where there is a change of occupier of the premises registered pursuant to this Part, the new occupier must forthwith notify the local government in writing of such change.

**9.9 Alterations to premises**

While any premises remain registered under this Part, a person must not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

**9.10 Cleanliness**

The occupier must—

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

**9.11 Rodents and Other Vectors of Disease**

The occupier must—

- (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.

**9.12 Sanitary Conveniences and Hand Wash Basins**

The occupier must 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.

**9.13 Painting of Surfaces**

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

**9.14 Effluvia, Vapours or Gases**

The occupier must 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 the business or from any material, residue or other substance which may be kept or stored upon the premises.

**9.15 Offensive Material**

The occupier must—

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

**9.16 Storage of Materials**

The occupier must 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 to persons.

**PART 10—MORGUES****10.1 Licensing of Morgues**

- (1) A person must not occupy or use or cause, suffer, or permit to be occupied or used any premises for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation unless and until the premises are licensed, in accordance with the provisions of this Part.
- (2) The proprietor of any premises for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation seeking the issue of a licence must make application on the approved form and must forward the application to the local government together with the approved fee.
- (3) A licence in the form approved by the local government must be valid from the date of issue until the following 30th day of June.
- (4) A licence must not be granted in respect of any premises unless—
- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
  - (d) all floors are constructed of an impervious material, having a fall to an outlet discharging over a trapped gully; and
  - (e) the premises are adequately ventilated directly to the outside air.

**PART 11—OFFENCES AND PENALTIES****11.1 Offences**

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

**11.2 Penalties**

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

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

Dated this 30th day of November 2016.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

KERI SHANNON, Mayor.

JASON BUCKLEY, Chief Executive Officer.

Consented to—

TARUN WEERAMANTHRI, Executive Director Public Health.