



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette
ISSN 1448-949X (print) ISSN 2204-4264 (online)
PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 1 DECEMBER 2017 No. 224 SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.30 PM
© STATE OF WESTERN AUSTRALIA

SHIRE OF QUAIRADING

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

DOGS LOCAL LAW 2017

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
LOCAL GOVERNMENT ACT 1995

HEALTH LOCAL LAW 2016

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF QUAIRADING

DOGS LOCAL LAW 2017

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Quairading resolved on 29th June 2017 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Quairading Dogs Local Law 2017*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person who is appointed under section 29 of the Act;

CEO means the Chief Executive Officer of the local government;

dangerous dog (restricted breed) has the meaning given to it in the Act;

district means the district of the local government;

fit and proper person means a person who has been not been deemed—

- (a) to be unfit to care for animals by a reputable body such as the RSPCA; or
- (b) to not have the ability, or be unable to, adequately meet the obligations of the license by an authorised person;

food premises means any premises or vehicle in which a food business, as defined in section 10 of the *Food Act 2008*, is being carried out;

local government means the Shire of Quairading;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

Regulations means the *Dog Regulations 2013*;

Schedule means a Schedule to this local law;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

townsite means the townsites within the district which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*.

1.5 Repeal

The *Shire of Quairading Dogs Local Law 2004*, as published in the *Government Gazette* on 27 April 2005 is repealed.

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;

- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at pound

An authorised person is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person or in the absence of an authorised person, to the CEO.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the authorised person, satisfactory evidence of her or his ownership of the dog or of her or his authority to take delivery of it.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises within a townsite on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
 - (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence or wall is kept closed at all times when the dog is on the premises, unless the gate or door is temporarily opened in a manner that ensures that the dog remains confined;
 - (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) On land within a townsite, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) On land outside a townsite, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 4 dogs over the age of 3 months and young of those dogs under that age.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

- (d) a written acknowledgement that the applicant has read and agrees to comply with any Code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: \$5000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer of licence

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, or refuse to approve, an application for the transfer of a valid licence, subject to such conditions as it considers appropriate.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—MISCELLANEOUS**5.1 Offence to excrete**

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$200

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 6—ENFORCEMENT**6.1 Interpretation**

In this Part—

infringement notice means the notice referred to in clause 6.3; and

notice of withdrawal means the notice referred to in clause 6.6(1).

6.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous or restricted breed dog; or
- (b) the dog is a dangerous or restricted breed dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous or restricted breed dog.

6.3 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

6.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

6.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

6.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

(2) A person authorised to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal.

6.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1**Application for a licence for an approved kennel establishment**

[Clause 4.2]

I/we (full name)
 of (postal address)
 (telephone number)
 (facsimile number)
 (E-mail address)
 Apply for a licence for an approved kennel establishment at (address of premises)

 For (number and breed of dogs)
 * (insert name of person) will be residing at the premises on and from (insert date)
 * (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence)
 on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ,
 in the keeping of dogs at the proposed kennel establishment.

Signature of applicant Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27(5) of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on [insert date].

Schedule 2**Conditions of a licence for an approved kennel establishment**

[Clause 4.8(1)]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or food premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government to a height of no less than 2m;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;

- (f) the upper surface of the kennel floor must be—
- (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be whichever is the lesser of—
- (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material (or other material) approved by the local government;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
- (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3
Modified penalties

[Clause 6.2]

Item	Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	4.9	Failing to comply with the conditions of a licence	200	200
2	5.1(2)	Dog excreting in a prohibited place	100	100
3		All other offences not specified	100	100

Dated this 11th day of October 2017.

The Common Seal of the Shire of Quairading was affixed by authority of a resolution of the Council in the presence of—

B. CAPORN, Shire President.
G. A. FARDON, Chief Executive Officer.

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
LOCAL GOVERNMENT ACT 1995**

SHIRE OF QUAIRADING

HEALTH LOCAL LAW 2016

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

PART 2—SANITATION

Division 1—Sanitary conveniences

- 2.1 Interpretation
- 2.2 Dwelling house
- 2.3 Floor of wet areas
- 2.4 Premises other than a dwelling house
- 2.5 Outdoor festivals
- 2.6 Temporary works
- 2.7 Maintenance of sanitary conveniences and fittings
- 2.8 Ventilation of toilet
- 2.9 Public sanitary conveniences
- 2.10 Lighting
- 2.11 Installation

Division 2—Bathroom, laundries and kitchens

- 2.12 Bathrooms
- 2.13 Laundries
- 2.14 Washing or keeping of clothes in kitchens
- 2.15 Kitchens

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of dwelling houses

- 3.1 Dwelling house maintenance

Division 2—Ventilation of houses

- 3.2 Exemption for short-term hostels and recreational campsites
- 3.3 Overcrowding
- 3.4 Calculate sufficient space
- 3.5 Ventilation
- 3.6 Subfloor ventilation

Division 3—Water supply

- 3.7 Water supply
- 3.8 Rain water tanks
- 3.9 Wells
- 3.10 Pollution

Division 4—Second-hand furniture, bedding and clothing

- 3.11 Prohibition on sale
- 3.12 Prohibition of possession

Division 5—Morgues

- 3.13 Licensing of morgues

PART 4—WASTE FOOD AND LIQUID REFUSE*Division 1—Liquid refuse*

- 4.1 Interpretation
4.2 Deposit of liquid refuse
4.3 Disposal of liquid waste

Division 2—Transport of butchers' waste

- 4.4 Interpretation
4.5 Restriction of vehicles
4.6 Transport of butchers' waste

PART 5—NUISANCES AND GENERAL*Division 1—Nuisances*

- 5.1 Interpretation
5.2 Footpaths etc to be kept clean
5.3 Public vehicles to be kept clean
5.5 Use or storage of fertiliser
5.6 Storage and dispatch of artificial fertiliser
5.7 Storage of fertiliser in a dwelling house

Division 2—Slaughtering and disposal of animals

- 5.8 Slaughter of animals
5.9 Disposal of dead animals

Division 3—Keeping of feedlots

- 5.10 Interpretation
5.11 Premises to be approved
5.12 Site conditions

Division 4—Piggeries

- 5.13 Interpretation
5.14 Premises to be approved
5.15 Site conditions

PART 6—PEST CONTROL*Division 1—Flies*

- 6.1 Interpretation
6.2 Fly breeding matter not to be left on premises unless covered or treated
6.3 Measures to be taken by an occupier
6.4 EHO may give notice directing measures to be taken
6.5 Local government may execute work and recover costs

Division 2—Mosquitoes

- 6.6 Interpretation
6.7 Measures to be taken to prevent mosquitoes breeding
6.8 Local government may execute work and recover costs

Division 3—Rodents

- 6.9 Interpretation
6.10 Measures to be taken to eradicate rodents
6.11 Waste food etc to be kept in rodent proof receptacles
6.12 Restrictions on keeping of rodents

Division 4—Cockroaches

- 6.13 Interpretation
6.14 Measures to be taken to eradicate cockroaches

Division 5—Argentine Ants

- 6.15 Interpretation
6.16 Measures to be taken to keep premises free from Argentine Ants

Division 6—European Wasps

- 6.17 Interpretation
6.18 Measures to be taken to keep premises free from European Wasp nests

Division 7—Arthropod vectors of disease

- 6.19 Interpretation
- 6.20 Responsibility of the owner or occupier

PART 7—INFECTIOUS DISEASES*Division 1—General provisions*

- 7.1 Requirements on owner or occupier to clean, disinfect and disinfest
- 7.2 EHO may disinfect or disinfest premises
- 7.3 Insanitary houses, premises and things
- 7.4 Persons in contact with an infectious disease sufferer
- 7.5 Declaration of infected house or premises
- 7.6 Destruction of infected animals
- 7.7 Disposal of a body
- 7.8 Local government may carry out work and recover costs

Division 2—Disposal of used condoms and needles

- 7.9 Disposal of used condoms
- 7.10 Disposal of used needles

PART 8—LODGING HOUSES*Division 1—Registration*

- 8.1 Interpretation
- 8.2 Lodging house not to be kept unless registered
- 8.3 Application for registration
- 8.4 Approval of application
- 8.5 Renewal of registration
- 8.6 Notification upon sale or transfer
- 8.7 Revocation of registration

Division 2—Construction and use requirements

- 8.8 General construction requirements
- 8.9 Sanitary conveniences
- 8.10 Laundry
- 8.11 Kitchen
- 8.12 Dining room
- 8.13 Lounge room
- 8.14 Fire prevention and control
- 8.15 Obstruction of passages and stairways
- 8.16 Fitting of locks
- 8.17 Restriction on use of rooms for sleeping
- 8.18 Sleeping accommodation—short-term hostels and recreational campsites
- 8.19 Furnishing etc of sleeping apartments
- 8.20 Ventilation
- 8.21 Numbers to be placed on doors

Division 3—Management and care

- 8.22 Keeper or manager to reside in the lodging house
- 8.23 Register of lodgers
- 8.24 Keeper to report
- 8.25 Certificate in respect of sleeping accommodation
- 8.26 Duplicate keys and inspection
- 8.27 Room occupancy
- 8.28 Maintenance of a room by a lodger or resident
- 8.29 Cleaning and maintenance requirements
- 8.30 Responsibilities of lodgers and residents
- 8.31 Approval for storage of food

PART 9—OFFENSIVE TRADES*Division 1—General*

- 9.1 Interpretation
- 9.2 Consent to establish an offensive trade
- 9.3 False statement
- 9.4 Registration of premises
- 9.5 Certificate of registration
- 9.6 Change of occupier
- 9.7 Alterations to premises

Division 2—General duties of an occupier

- 9.8 Interpretation
- 9.9 Cleanliness

- 9.10 Rats and other vectors of disease
- 9.11 Sanitary conveniences and hand wash basins
- 9.12 Painting of walls etc
- 9.13 Effluvia, vapours or gases
- 9.14 Offensive material
- 9.15 Storage of materials
- 9.16 Specified offensive trades
- 9.17 Directions
- 9.18 Other duties of occupier

Division 3—Fish premises

- 9.19 Interpretation
- 9.20 Duties of an occupier
- 9.21 Disposal of waste
- 9.22 Fish containers

Division 4—Laundries, dry cleaning establishments and dye works

- 9.23 Interpretation
- 9.24 Receiving depot
- 9.25 Reception room
- 9.26 Walls and floors
- 9.27 Laundry floor
- 9.28 Escape of dust
- 9.29 Precautions against combustion
- 9.30 Trolleys
- 9.31 Sleeping on premises

PART 10—OFFENCES AND PENALTIES

Division 1—General

- 10.1 Offences and penalties

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
LOCAL GOVERNMENT ACT 1995**

SHIRE OF QUAIRADING

HEALTH LOCAL LAW 2016

Under the powers conferred by section 342 of the *Health (Miscellaneous Provisions) Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Quairading resolved on the 24th November 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Quairading 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 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Quairading Health Local Laws 2000*, as published in the *Government Gazette* on 2 March 2001, are repealed.

1.5 Interpretation

(1) In this local law, unless the context otherwise requires—

Act means the *Health (Miscellaneous Provisions) Act 1911*;

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

animal includes cattle, sheep, pig, goat, horse or the like;

approved means approved by the local government;

AS or AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia as amended from time to time;

AS 1530.2—1993 means the standard published by Standards Australia from time to time 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/NZS 1530.3:1999 means the standard published by Standards Australia from time to time as AS/NZS 1530.3:1999 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 1668.2—2012 means the standard published by Standards Australia from time to time as AS 1668.2—2012 and called “The use of ventilation and air-conditioning in buildings—Part 2: Ventilation design for indoor-air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure)”;

AS 2001.5.4—2005 means the standard published by Standards Australia from time to time as AS 2001.5.4—2005 and called “Methods of test for textiles—Method 5.4: Dimensional change—Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD)”;

AS/NZS 3666.2:2011 means the standard published by Standards Australia from time to time as AS/NZS 3666.2:2011 and called “Air-handling and water systems of buildings—Microbial Control—Part 2: Operation and maintenance”;

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;

CEO means the Chief Executive Officer of the local government;

district means—

- (a) the district of the local government under the *Local Government Act 1995*; and
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act;

dwelling house means a place of residence containing at least 1 sleeping room and includes a room or outbuilding separate from but ancillary to the building in which the sleeping room is located;

EHO means an Environmental Health Officer appointed by the local government under the *Public Health Act 2016* and includes any acting or Assistant Environmental Health Officer so appointed;

Energy Safety means the Energy Safety division of the Department of Commerce;

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 or the like; and
- (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;

local government means the Shire of Quairading;

local planning scheme has the meaning given to it by the Planning and Development Act 2005;

manufacturer's specifications means the documented installation and/or maintenance instructions produced by a product manufacturer;

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

nuisance has the meaning given to it in section 182 of the *Health Act 1911*;

premises means a house or building, together with its land and all improvements to the land;

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

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

Schedule means a Schedule to this local law;

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

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

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

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

townsite means all townsites within the district which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

vectors of disease includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;

water means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2011 and as amended from time to time; and

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.

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

(3) 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

Division 1—Sanitary conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—

festival includes a fair, function or event;

organiser means a person—

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

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

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

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

2.2 Dwelling house

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least 1 toilet.
- (2) A room in which a toilet is located must have adequate lighting.

2.3 Floor of wet areas

The owner of every premise shall ensure that the floor of every bathroom, ensuite, 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 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless—
 - (a) the premises have toilets in accordance with the Building Code and this Part, including facilities for people with disabilities;
 - (b) the toilets required by this clause are situated within a reasonable distance of the premises and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins that are—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that—
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.
- (3) Where more than one toilet is provided on premises other than a dwelling house, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.5 Outdoor festivals

- (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' as amended from time to time; and
- (2) Where, under subclause (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

2.6 Temporary works

A person who undertakes temporary work at any place shall—

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, 1 temporary approved toilet for every 20 such persons; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from an EHO, and ensure the site is left clean.

2.7 Maintenance of sanitary conveniences and fittings

- (1) The occupier of any premises shall—
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an EHO, effectively disinfect and clean,
- all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of any 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.

2.8 Ventilation of toilet

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

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

2.9 Public sanitary conveniences

(1) A person shall not—

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

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

(2) A person using a public sanitary convenience shall, where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

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

2.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Division 2—Bathroom, laundries and kitchens

2.12 Bathrooms

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

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

2.13 Laundries

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

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

(3) Where there is an opening in a wall between a laundry and a kitchen or 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.

2.14 Washing or keeping of clothes in kitchens

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

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

2.15 Kitchens

(1) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

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

- (a) a cooking facility which is adequate in the opinion of an EHO; and

- (b) a sink which shall—
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
 - (a) be installed in accordance with the requirements of Energy Safety and the manufacturers specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Where mechanical ventilation is provided in a kitchen, the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of dwelling houses

3.1 Dwelling house maintenance

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

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an EHO 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 per cent 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 *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 all relevant public authorities.

Division 2—Ventilation of houses

3.2 Exemption for short-term hostels and recreational campsites

This Division shall not apply to short-term hostels and recreational campsites referred to in Division 2 of Part 8.

3.3 Overcrowding

The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (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 up to and including the age of 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.

3.4 Calculate sufficient space

For the purpose of clause 3.3, in calculating the space required for each person—

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

3.5 Ventilation

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

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

- (a) natural ventilation; or
- (b) a mechanical ventilation or air-conditioning system complying with AS 1668.2—2012.

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

- (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2011; 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 EHO, 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 dwelling house until it is properly ventilated.

3.6 Subfloor ventilation

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

Division 3—Water supply

3.7 Water supply

(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times be capable of delivering an adequate supply of water to each tap in the house.

(3) The water supply to toilets or for garden use may be from an alternative source, not necessarily drinking water.

3.8 Rain water tanks

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

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

(2) The owner or occupier of a house for which its entire water supply is drawn from a rain water tank shall ensure that the storage capacity of the tank is not less than 90,000 litres.

3.9 Wells

The owner or occupier of any premises must not use or permit for human consumption the use of the water from any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.10 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 4—Second-hand furniture, bedding and clothing

3.11 Prohibition on sale

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

3.12 Prohibition of possession

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

*Division 5—Morgues***3.13 Licensing of morgues**

- (1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
- (2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under section 344C of the Act.
- (3) An application for a morgue licence shall be in the form set out in Schedule 1.
- (4) A licence shall—
 - (a) be in the form as determined by the local government from time to time; and
 - (b) expire on 31 December after the date of its issue.
- (5) A licence shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of impervious material, having a fall to an outlet discharging over a trapped gully; and
 - (e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND LIQUID REFUSE*Division 1—Liquid refuse***4.1 Interpretation**

In this division, unless the context otherwise requires—

liquid refuse includes all washings from windows and vehicles, overflow, bleed off, condensate and drainage from air-conditioning equipment, including cooling towers and evaporative coolers and other liquid used for cooling purposes, but does not include swimming pool backwash; and

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, but does not include swimming pool backwash.

4.2 Deposit of liquid refuse

A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall—
 - (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
 - (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director, Public Health.

*Division 2—Transport of butchers' waste***4.4 Interpretation**

In this Division, unless the context otherwise requires—

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

4.5 Restriction of vehicles

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

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

4.6 Transport of butchers' waste

- (1) A person shall not transport butchers' waste otherwise than in—
- (a) a compartment complying with the following specifications—
 - (i) the floor and 4 walls to be made of an approved impervious material and the walls to be not less than 910 millimetres high;
 - (ii) all joints to be sealed, welded, soldered or brazed and made watertight;
 - (iii) the loading doors, if any, to be watertight and kept closed at all times except when loading; and
 - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an EHO, carried over and secured to the outside of the walls at least 300 millimetres from the top, so as to keep the load out of sight of the public; or
 - (b) a watertight durable and impervious container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are—
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport or unload butchers' waste in a manner that is or may be offensive due to—
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this Part, unless the context otherwise requires—

fertiliser includes manure; and

public vehicle includes bus, tram, taxi or any other public transport.

5.2 Footpaths etc to be kept clean

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

5.3 Public vehicles to be kept clean

The owner or person in control of a public vehicle must—

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

5.4 Transportation, use and storage of offal or blood

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

5.5 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.

5.6 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale must—

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

5.7 Storage of fertiliser in a dwelling house

The owner or occupier of a dwelling 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 a manner that effectively prevents it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only those amounts of fertiliser or compost—
 - (i) that can readily be used within a reasonable period; or
 - (ii) as may be directed by the local government.

*Division 2—Slaughtering and disposal of animals***5.8 Slaughter of animals**

(1) Subject to subclause (2), a person, unless exempted under Regulation 20 of the *Food Regulations 2009*, shall not slaughter any animal within the district.

(2) Subclause (1) does not apply to—

- (a) euthanasia of animals by veterinarians or other duly authorised persons;
- (b) slaughter of animals for the purposes of pet meat and game meat operations; and
- (c) slaughter of animals for human consumption in abattoirs approved by the local government.

5.9 Disposal of dead animals

(1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal at an approved disposal site.

(2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal, shall as soon as possible remove the carcass for its disposal at an approved disposal site.

(3) An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site, except it may be buried on broadacre farmland by the owner.

*Division 3—Keeping of feedlots***5.10 Interpretation**

In this Division, unless the context otherwise requires, **feedlot** means a confined area with watering and feeding facilities where animals are held and fed for the purpose of weight gain.

5.11 Premises to be approved

(1) No premises shall be used as a feedlot unless approved by the local government;

(2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum distances in Schedule 2; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

5.12 Site conditions

(1) The owner or occupier of the approved feedlot shall ensure the premises—

- (a) is sited on gently sloping land no greater than 1:20 but not less than 1:100;
- (b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding or run-off;
- (c) has a minimum groundwater clearance of 3 metres;
- (d) drainage diverts all uncontaminated storm water from the general waste stream; and
- (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take reasonable measures to prevent the discharge of dust which may involve—

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust;
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

*Division 4—Piggeries***5.13 Interpretation**

In this Division, unless the context otherwise requires—

intensive piggery means pigs are housed, fed and watered in breeding and growing sheds; and
piggery in relation to premises shall include any portion of premises to which pigs have access.

5.14 Premises to be approved

(1) No premises shall be used as a piggery unless approved by the local government.

(2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Schedule 3; or if it is an intensive piggery, the minimum separation distances listed in Schedule 4.

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

5.15 Site conditions

The owner or occupier of premises shall take reasonable measures to prevent the discharge of dust which may involve—

- (a) reducing the stock rate immediately to a level that does not cause the discharge of dust; or
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

5.16 Prevention of nuisances

In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances listed in Schedule 4.

PART 6—PEST CONTROL

Division 1—Flies

6.1 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.

6.2 Fly breeding matter not to be left on premises unless covered or treated

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

6.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed as reasonably practical except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

6.4 EHO may give notice directing measures to be taken

Where, in the opinion of an EHO flies, are prevalent or are breeding on any premises, an EHO 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 an EHO are necessary to—

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

of flies.

6.5 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 shall not be 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—Mosquitoes***6.6 Interpretation**

In this Division, unless the context otherwise requires—

mosquitoes means any of the insects constituting the family Culicidae in the order Diptera commonly known as mosquitoes.

6.7 Measures to be taken to prevent mosquitoes breeding

(1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

(a) follow any direction or notice of an EHO for the purpose of—

- (i) controlling the prevalence of mosquitoes;
- (ii) eradication of mosquitoes; or
- (iii) effectively preventing the breeding of mosquitoes; and

(b) assist an EHO to locate any possible mosquito breeding sites that may be present in or about the premises.

(2) An owner or occupier of any premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in a sound condition at all times, and mesh having openings no larger than 1.2 millimetres covers any educt vent to the system.

(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

6.8 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 6.7 to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

(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 that person.

(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 3—Rodents***6.9 Interpretation**

In this Division, unless the context otherwise requires—

rodents means those animals belonging to the order Rodentia and includes rats and mice but does not include native rodents, laboratory bred rats and mice or those kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

6.10 Measures to be taken to eradicate rodents

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

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

(3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this clause.

6.11 Waste food etc to be kept in rodent proof receptacles

A person must not store or permit the storage upon any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.12 Restrictions on keeping of rodents

A person or body who keeps rodents shall—

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, forthwith take all reasonable steps to destroy or recapture the rodent.

*Division 4—Cockroaches***6.13 Interpretation**

In this Division, unless the context otherwise requires—

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

6.14 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the EHO, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this clause.

*Division 5—Argentine Ants***6.15 Interpretation**

In this Division, unless the context otherwise requires—

Argentine Ant means an ant belonging to the species *Linepithema humile* (formally *Iridomyrmex humilis*).

6.16 Measures to be taken to keep premises free from Argentine Ants

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

- (a) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual-based insecticide; and
- (c) whenever required by an EHO—
 - (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
 - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an EHO.

*Division 6—European Wasps***6.17 Interpretation**

In this Division, unless the context otherwise requires, **European Wasp** means a wasp belonging to the species *Vespula germanica*.

6.18 Measures to be taken to keep premises free from European Wasp nests

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

- (a) follow any direction of an EHO for the purpose of destroying the European Wasps and their nests; and
- (b) assist an EHO, or his or her representative, to trace any nest that may be present in, on or about the premises.

*Division 7—Arthropod vectors of disease***6.19 Interpretation**

In this Division, unless the context otherwise requires—

arthropod vectors of disease includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) pubic lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus humanus*, also known as *Pediculus humanus corporis*); and
- (e) head lice (*Pediculus humanus capitis*).

6.20 Responsibility of the owner or occupier

The owner or occupier of premises shall—

- (a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and
- (b) comply with the direction of an EHO to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES*Division 1—General provisions***7.1 Requirements on owner or occupier to clean, disinfect and disinfect**

(1) The local government or an EHO may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of the EHO.

(2) An owner or occupier shall comply with a notice given under subclause (1).

7.2 EHO may disinfect or disinfect premises

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

(2) An owner or occupier of premises shall permit, and provide access to enable, an EHO, other local government officer or other person to carry out the direction given under subclause (1).

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

(4) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff or employees under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

7.3 Insanitary houses, premises and things

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

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

(3) Where an EHO considers that—

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

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

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

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

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

7.4 Persons in contact with an infectious disease sufferer

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

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

7.5 Declaration of infected house or premises

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

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

7.6 Destruction of infected animals

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

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

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

7.7 Disposal of a body

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

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

7.8 Local government may carry out work and recover costs

(1) Where—

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

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

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

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

(3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) 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—Disposal of used condoms and needles

7.9 Disposal of used condoms

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

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

(b) disposed of in such a manner as may be directed by an EHO.

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

7.10 Disposal of used needles

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

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

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

bed means a single sleeping berth only, and a double bed provided for the use of couples has the same floor space requirements as 2 single beds;

bunk means a sleeping berth comprising 1 of 2 beds arranged vertically;

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

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the *Food Standards Australia New Zealand Act 1991 (Cth)*;

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;

laundry unit means a group of facilities consisting of—

(a) a washing machine with a capacity of not less than 4 kilograms weight of dry clothing;

(b) 1 wash trough of not less than 36 litres capacity, connected to both hot and cold water;

(c) either an electric drying cabinet or not less than 30 metres of clothes line; and

(d) a hot water system that—

(i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 0.076 litres per second to each washing machine;

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

lodging house includes a recreational campsite, a serviced apartment and a short-term hostel;

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

recreational campsite means a lodging house—

- (a) situated on a campsite principally used for—
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) 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*;

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

resident means a person other than a lodger who resides in a lodging house;

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

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; and

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 the act to be done, or of preventing the act so forbidden from being done, as the case may be.

8.2 Lodging house not to be kept unless registered

A person shall not keep or cause or allow 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) when required by the local government either—
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of an EHO, 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, whenever there are 1 or more lodgers in the lodging house.

8.3 Application for registration

An application for registration of a lodging house shall be—

- (a) submitted on the approved form as prescribed in Schedule 5;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the approved fee as fixed from time to time by the local government under section 344C of the Act; and
 - (ii) 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 in the form prescribed in Schedule 6.

8.5 Renewal of registration

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house in the form prescribed in Schedule 7; and
- (b) pay the approved fee as fixed from time to time by the local government under section 344C of the Act 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 shall, within 14 days of the date of sale, transfer or agreement, give to the local government in the form prescribed in Schedule 8, 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 vectors of disease or remained in a clean and sanitary condition;
- (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 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 local government, unfit to remain registered.

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

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

Division 2—Construction and use requirements

8.8 General construction requirements

The construction of a lodging house shall comply with the Building Code and the Act.

8.9 Sanitary conveniences

(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 hand wash basin and either a shower or a bath in accordance with the requirements of the Building Code.

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

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

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

(5) Each toilet and bathroom shall—

- (a) be so situated, separated and screened as to ensure privacy;
- (b) be apportioned 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 and ventilation.

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

8.10 Laundry

(1) A keeper shall—

- (a) subject to subclause (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 or laundry unit in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink or washing machine; and
- (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.

(2) An EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

8.11 Kitchen

A keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) 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; and
- (b) complies with any of the requirements of Standard 3.2.3 of the *Food Standards Code* called Food Premises and Equipment, as amended from time to time.

8.12 Dining room

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

8.13 Lounge room

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 room is not combined with the dining room, not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room, not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.14 Fire prevention and control

(1) The keeper of a lodging house must—

- (a) in each passage in the lodging house provide an emergency light—
 - (i) in the position and pattern approved by an EHO; 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 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) ensure all fire-fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

8.15 Obstruction of passages and stairways

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

8.17 Restriction on use of rooms for sleeping

(1) Subject to subclause (3) and clause 8.31, 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, storeroom, dining room, general sitting room, or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metres of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metres of unobstructed ventilating area to every 10 square metres of floor area;

- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an EHO.
- (2) For the purposes of this clause, 2 children under the age of 10 years are counted as 1 lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

8.18 Sleeping accommodation—short-term hostels and recreational campsites

- (1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than—
- (a) 4 square metres per person in each dormitory utilising beds; and
 - (b) 2.5 square metres per person in each dormitory utilising bunks.
- (2) The calculation of floor space in subclause (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 subclause (1) will only apply if there are ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short-term hostel or recreational campsite shall provide—
- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; and
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government.
- (6) The keeper of any short-term hostel or recreational campsite shall provide—
- (a) beds with a minimum size of—
 - (i) in short-term hostels—800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites—750 millimetres x 1.85 metres; and
 - (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, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall 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 shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS/NZS 1530.3:1999 as follows—
 - (i) drapes, curtains, blinds and bedcovers— a maximum Flammability Index of 6;
 - (ii) upholstery and bedding— a maximum Spread of Flame Index of 6; and a maximum Smoke Developed Index of 5; and
 - (iii) floor coverings— a maximum Spread of Flame Index of 7; and a maximum Smoke Developed Index of 5;
 - (b) fire retardant coatings used to make a material comply with the indices set out in subclause (8)(a) must be—
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (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 2001.5.4—2005, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification of the product;
 - (c) emergency lighting is provided in accordance with the Building Code;
 - (d) 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; and
 - (e) 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 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, mattress cover, 2 sheets, a blanket or rug, and from 1 May to 30 September, not less than 1 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 or allow 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 subclause (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 her or 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 Ventilation

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

8.21 Numbers to be placed on doors

(1) 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—

- (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 subclause (1) must 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

8.22 Keeper or manager to reside in the lodging house

No keeper of a lodging house shall absent herself or himself from such house, unless she or he leaves some reputable person in charge thereof.

8.23 Register of lodgers

(1) A keeper shall keep a register of lodgers in the form prescribed in Schedule 9.

(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 EHO.

8.24 Keeper to report

A keeper shall, whenever required by the local government, report to the local government, in the form of Schedule 10, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.25 Certificate in respect of sleeping accommodation

(1) An EHO may issue to a keeper, a certificate, in respect of each room, which shall be in the form of Schedule 8.

(2) The certificate issued under subclause (1) shall specify the maximum number of persons permitted to occupy each room of a sleeping apartment at any one time.

(3) When required by an EHO, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which it refers.

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

8.26 Duplicate keys and inspection

Each keeper and manager of a lodging house shall—

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

8.27 Room occupancy

- (1) A keeper shall not—
- (a) cause or allow 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 or allow to be placed or kept in any sleeping apartment—
 - (i) a larger number of beds; or
 - (ii) 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 or allow 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 shall be counted as 1 lodger.

8.28 Maintenance of a room by a lodger or resident

- (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 subclause (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.

8.29 Cleaning and maintenance requirements

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

8.30 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials that are inflammable or offensive;

- (c) use a bath or hand 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 clause 8.31—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.31 Approval for storage of food

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

PART 9—OFFENSIVE TRADES

Division 1—General

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 trades as defined by section 186 of the Act; and

premises includes houses.

9.2 Consent to establish an offensive trade

A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall make an application in the form prescribed in Schedule 12 and in accordance with the local government's local planning scheme.

9.3 False statement

A person who makes a false statement in an application under clause 9.2 commits an offence.

9.4 Registration of premises

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

- (a) in the form prescribed in Schedule 13;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the local government.

9.5 Certificate of registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form of Schedule 14.

9.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the CEO in writing of such change.

9.7 Alterations to premises

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

*Division 2—General duties of an occupier***9.8 Interpretation**

In this Division, unless the context otherwise requires—

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

premises means those premises in or upon which an offensive trade is carried on.

9.9 Cleanliness

The occupier shall—

- (a) ensure the premises is kept and maintained in a clean and sanitary condition and that floors, walls, ceilings and other portions of the premises are kept in a state of good repair;
- (b) ensure all fittings, fixtures, appliances, machinery, implements, shelving, furniture, bins, sinks, drain boards, grease traps, tubs, vessels and other things used on or in connection with the premises are kept in a clean and sanitary condition in a good state of repair;
- (c) keep the premises free from offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passageways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily, and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.10 Rats and other vectors of disease

The occupier shall—

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

9.11 Sanitary conveniences and hand wash basins

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

9.12 Painting of walls etc

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

9.13 Effluvia, vapours or gases

The occupier shall—

- (a) provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises; and
- (b) manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

9.14 Offensive material

The occupier shall—

- (a) provide on the premises, impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight 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 or at such other intervals as may be approved or directed by an EHO; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.15 Storage of materials

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

9.16 Specified offensive trades

- (1) For the purposes of this clause, **specified offensive trade** means one or more of the offensive trades carried on, in or connected with the following works or premises—

- (a) fat rendering premises; and
- (b) laundries, dry cleaning premises and dye works.

- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—
- (a) cause the floor of the premises to—
 - (i) be properly paved and drained with impervious materials;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;
 - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
 - (c) cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Water Services Act 2012*, before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as an EHO may from time to time direct.

9.17 Directions

- (1) An EHO may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
- (2) The occupier shall comply with any directions given under this clause.

9.18 Other duties of occupier

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

Division 3—Fish premises

9.19 Interpretation

In this Division, unless the context otherwise requires, **fish premises** includes a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment.

9.20 Duties of an occupier

The occupier of a fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where her or his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

9.21 Disposal of waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in clause 9.14 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.22 Fish containers

The occupier of a fish premises shall not allow any container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, dry cleaning establishments and dye works

9.23 Interpretation

In this Division, unless the context otherwise requires—

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

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

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments; and
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

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

9.24 Receiving depot

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

9.25 Reception room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles, as may be directed by an EHO, to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

9.26 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

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

9.27 Laundry floor

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

9.28 Escape of dust

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

9.29 Precautions against combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an EHO for that purpose.

9.30 Trolleys

The occupier of a laundry or dry cleaning establishment shall—

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

9.31 Sleeping on premises

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

PART 10—OFFENCES AND PENALTIES

Division 1—General

10.1 Offences and penalties

(1) A person who contravenes a provision of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable—

- (a) to 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.

Schedule 1—Application for licence of a morgue

[Clause 3.13]

To: Chief Executive Officer
Shire of Quairading

I
(Full name of applicant)

of
(Residential address of applicant)

apply to licence the premises listed below as a Morgue.

Address of premises

Name of premises:

.....
(Signature of applicant)

.....
(Date)

Schedule 2—Required Separation Distances For Feedlots

[Clause 5.11]

Buffer	Distances
Townsite boundaries	5000 m
Isolated rural dwellings, dairies and industries	1000 m
Public roads and recreation areas	100 m
Neighbouring rural property	50 m
Major water courses and water impoundment	300 m
Bores, wells or soak wells used for drinking, stock or irrigation	300 m
Minor water courses	100 m

Schedule 3—Required Separation Distances for Piggeries

[Clause 5.14]

Buffer	Distances
Townsite boundaries	5000 m
Isolated rural dwellings, dairies and industries	1000 m
Public roads and recreation areas	100 m
Neighbouring rural property	50 m
Major water courses and water impoundment	300 m
Bores, wells or soak wells used for drinking, stock or irrigation	300 m
Minor water courses	100 m

Schedule 4—Required Separation Distances for Intensive Piggeries

[Clause 5.14 and 5.16]

	Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores, wells, soaks, drinking water supply	Stock irrigation supply
Piggeries & facilities catering for more than 5,000 pigs	5000m	1000m	200m	50m	Not permitted	300m	300m	100m
500-5000 pigs	3500m	1000m	150m	50m	Not permitted	300m	300m	100m
50-499 pigs	2000m	1000m	100m	50m	Not permitted	300m	300m	100m
Less than 50 pigs	500m	1000m	100m	50m	Not permitted	200m	300m	100m

	Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores, wells, soaks, drinking water supply	Stock irrigation supply
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	50m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100m

Schedule 5—Application for registration of a lodging house

[Clause 8.3]

To: Chief Executive Officer
Shire of Quairading

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

apply for the registration of premises situated (or to be situated) at

as a lodging house to be classified as—

- a lodging house ☐
- a short-term hostel ☐
- a recreational campsite ☐
- serviced apartments ☐

(Tick which is to apply)

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

DESCRIPTION OF LODGING HOUSE—

Number of storeys:

	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify):

	Number	Area
Rooms for lodgers
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify):

	Number
Sanitary conveniences for male lodgers
Toilets
Urinals
Baths
Showers
Hand wash basins

	Number
Sanitary conveniences for female lodgers
Toilets
Baths
Showers
Hand wash basins

Laundry facilities	Number
Wash-troughs
Washing machines
Drying cabinets or clothes lines

Additional Details—

- (a) Lodgers' meals will/will not be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere—
.....
- (d) There will be family members residing on the premises with the
keeper/manager.

.....
(Signature of applicant/s)

.....
(Date)

Schedule 6—Certificate of registration of a lodging house

[Clause 8.4]

This is to certify that the premises situated at
.....
is registered as a lodging house and classified as—

- a lodging house ☐
- a short-term hostel ☐
- a recreational campsite ☐
- serviced apartments ☐

(Specify which is to apply)

until 30 June, on the following conditions—

- (1) that, whose name is entered on the register of keepers of the Shire of Quairading, continues to be the keeper of the lodging house;
- (2) that the Certificate of Registration is not sooner cancelled or revoked;
- (3) that the maximum number of rooms to be used as sleeping apartments for lodgers is; and
- (4) that the maximum number of lodgers accommodated on the premises shall not exceed

This Certificate of Registration is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Quairading Health Local Law 2016* and is not transferable.

.....
(Environmental Health Officer)

.....
(Date)

Schedule 7—Application for renewal of registration of a lodging house

[Clause 8.5]

To: Chief Executive Officer
Shire of Quairading

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

apply for the renewal of registration of premises situated (or to be situated) at

as a lodging house to be classified as—

- a lodging house ☐
- a short-term hostel ☐
- a recreational campsite ☐
- serviced apartments ☐

(Tick which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house. Application fee of \$..... is attached.

.....
(Signature of applicant/s)

.....
(Date)

Schedule 8—Notice of change of owner of a lodging house

[Clause 8.6]

To: Chief Executive Officer
Shire of Quairading

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

am/are the new owner/s of premises situated at

.....
which are registered in the name of
for carrying on of the lodging house business.

.....
(Signature of applicant/s)

.....
(Date)

Schedule 9—Register of lodgers

[Clause 8.23]

Location of lodging house:

Date of Arrival	Name	Previous Address	Signature	Room No	Date of Departure

Schedule 10—List of lodgers

[Clause 8.24]

To: Chief Executive Officer
Shire of Quairading

The following is the name of every person who resided in the lodging house situated at

.....
on
(Date)

Lodger's name—

.....
.....
.....
.....

.....
(Signature of keeper)

.....
(Date)

Schedule 11—Certificate of sleeping accommodation for a lodging house

[Clause 8.25]

To
(Full name of Keeper)

of
(Residential Address of Keeper)

For the registered lodging house situated at

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

Room Number	Maximum Occupancy
.....
.....
.....
.....
.....

.....
(Environmental Health Officer)

.....
(Date)

Schedule 12—Application for consent to establish an offensive trade

[Clause 9.2]

To: Chief Executive Officer
Shire of Quairading

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

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

in or upon
(Location of the house or premises)

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

.....
(Signature of applicant/s)

.....
(Date)

Schedule 13—Application for registration of premises for offensive trade

[Clause 9.4]

To: Chief Executive Officer
Shire of Quairading

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

apply for registration, for the year ended
of
(Location of premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely—
.....
(Description of offensive trade)

under the business name of

The prescribed registration fee of \$..... is attached.

.....
(Signature of applicant/s)

.....
(Date)

Schedule 14—Certificate of registration of premises for offensive trade

[Clause 9.5]

This is to certify that the premises situated at
.....
of which is the occupier;
are registered for the carrying on of the trade of
Trade Name
This registration expires on

.....
(Environmental Health Officer)

.....
(Date)

.....
The Common Seal of the Shire of Quairading was hereunto affixed by authority of the Council in the presence of—

B. CAPORN, Shire President.
G. A. FARDON, Chief Executive Officer.

on this 11th day of October 2017.

Consented to—

.....
TARUN WEERAMANTHRI, Chief Health Officer

Dated this 31st day of October 2017.

.....