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HEALTH ACT 1911

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**CITY OF MELVILLE  
HEALTH LOCAL LAWS 1997**



**HEALTH ACT 1911**

CITY OF MELVILLE

**HEALTH LOCAL LAWS 1997**

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**HEALTH ACT 1911**

## CITY OF MELVILLE

**HEALTH LOCAL LAWS 1997**

Made by the Council of the City of Melville.

**PART 1—PRELIMINARY****Citation**

1. These Local Laws may be cited as *The City of Melville Health Local laws 1997*.

**Repeal**

2. The following Local Laws—

- (i) The Health Local Laws adopted by the City of Melville and published in the *Government Gazette* on the 1 October 1920, and amended from time to time, and;
- (ii) The Health Local Laws adopted by the City of Melville and published in the *Government Gazette* on the 21 September 1945, and amended from time to time, and;
- (iii) the Health Local Laws of the City of Melville, the adoption of which were published in the *Government Gazette* on 7 January 1958 and amended from time to time; and
- (iv) the Health Local Laws of the City of Melville, the adoption of which were published in the *Government Gazette* on 27 February 1981 and amended from time to time;

are revoked.

**Interpretation**

3. (1) In this Subsection, unless the context otherwise requires—

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

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

“**approved**” means approved by the Manager Health Services;

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

“**Building Code**” means the Building Code of Australia as adopted by the *Building Regulations 1989* made under the *Local Government (Miscellaneous Provisions) Act 1960*;

“**Chief Executive Officer**” means the Chief Executive Officer of the City of Melville and includes an Acting Chief Executive Officer;

“**Council**” means the Council of the City of Melville;

“**district**” means the district of the City of Melville and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

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

“**Environmental Health Officer**” means an Environmental Health Officer appointed by the Council under the Act.

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

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

“**hot water**” means water at a temperature of at least 60 degrees Celsius;

“**Manager Health Services**” means an Environmental Health Officer appointed by the Council to the office of Manager Health Services and includes an Acting Manager Health Services;

“**Medical Officer**” means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

“**public place**” includes every place to which the public ordinarily have access, whether by payment or fee or not;

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

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

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

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

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

“**water**” means drinking water within the meaning of the Australian Drinking Water Guidelines 1996 as published by the National Health and Medical Research Council; and

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

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

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

## PART 2—SANITATION

### *Division 1—Sanitary Conveniences*

#### **Interpretation**

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

“**festival**” includes a fair, function or event;

“**organiser**” means a person—

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

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

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

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

#### **Dwelling House**

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

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

#### **Premises other than a Dwelling House**

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

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

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

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

#### **Outdoor Festivals**

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

- (a) for the first 1,000 males—
  - (i) one water closet for each 333;



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

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

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

#### **Toilets**

8. (1) Toilets on premises shall be maintained in accordance with the following requirements—
- (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
  - (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
  - (c) the floor of any internal toilet shall be—
    - (i) of concrete or of other approved impervious material of an approved thickness; and
    - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
  - (d) the floor of any external toilet shall be—
    - (i) of concrete or of other approved impervious material of an approved thickness; and
    - (ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
- (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to blanket sound;
  - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

#### **Temporary Works**

9. 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, one 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 the Manager Health Services, and ensure the site is left clean.

#### **Maintenance of Sanitary Conveniences and Fittings**

10. (1) The occupier of premises shall—
- (a) keep clean, in good condition and repair; and
  - (b) whenever required by an Environmental Health Officer, effectively disinfect and clean,
- all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—
- (a) keep or cause to be kept in good repair; and;
  - (b) maintain an adequate supply of water to,
- all sanitary conveniences including sanitary fittings in or on the premises.

#### **Ventilation of Toilet**

11. (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code and shall be—
- (a) mechanically ventilated to external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or
  - (b) naturally ventilated to the external air by the provision of—
    - (i) fixed and permanently ventilated windows or skylights;
    - (ii) fixed glazed louvred windows; or
    - (iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed throughout,
- situated in both the room in which the toilet is located and any adjacent airlock.

- (2) A mechanical ventilation system provided under Subsection (1)(a) shall—
- (a) be separate and distinct from any other system of mechanical ventilation in the building;
  - (b) be of an exhaust type;
  - (c) where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and
  - (d) be maintained in good working order and condition.
- (3) A natural ventilation system provided under subsection (1)(b) shall have—
- (a) a clear ventilation area of not less than 0.015 square metres per fixture; and
  - (b) a window of light transmitting area equivalent to not less than ten percent of the floor area.
- (4) A toilet with an entrance opening from—
- (a) a room used for the manufacture, storage or consumption of food;
  - (b) a room used for sleeping or other domestic activities; or
  - (c) a room used as a work place,

shall be mechanically ventilated as required by subsection (1)(a) and the entrance shall be fitted with a door having an efficient self closing device.

### **Public Sanitary Conveniences**

12. (1) A person shall not—
- (a) foul;
  - (b) damage or vandalise; or
  - (c) write on or otherwise deface,

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

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

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

### **Lighting**

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

### **Installation**

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metro-politan Water Supply Sewerage and Drainage Act 1909* 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*

#### **Bathrooms**

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

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
- (c) is equipped with—
  - (i) a wash hand basin; and
  - (ii) either a shower in a shower recess or a bath.

(2) The floor of the bathroom referred to in subsection 15(1) shall be—

- (a) of concrete or of other approved impervious material of an approved thickness;
- (b) properly surfaced with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) the sewer of the licensed water service operator; or
  - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

(3) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

#### **Laundries**

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

- (a) is properly enclosed, roofed and adequately ventilated;
- (b) is adequately lined with an impervious material;
- (c) has a floor of concrete or other approved impervious material of an approved thickness;
- (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) the sewer of a licensed water service operator; or
  - (ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and

- (e) is not a room in which food is stored, prepared, served or consumed.
- (2) In the case of a single occupancy dwelling, the laundry referred to in subsection 16(1) shall have—
  - (a) either—
    - (i) two wash troughs; or
    - (ii) a washing machine and either a wash trough or a sink; and
  - (b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.
- (3) All wash troughs, sinks, and washing machines shall be—
  - (a) in a laundry and connected to an adequate supply of hot and cold water; and
  - (b) properly supported,
 and all wash troughs and sinks shall have a capacity of at least 36 litres.
- (4) Sole or multiple occupancy units, each being a separate dwelling, shall have;
  - (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
  - (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.
- (5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
  - (a) not be more than 1220 millimetres wide; and
  - (b) have a door which when closed shall completely fill the opening.

#### **Washing or Keeping of Clothes in Kitchens**

17. A person shall not in any kitchen or other place where food is kept—
- (a) wash or permit to be washed any clothing or bedding; or
  - (b) keep or permit to be kept any soiled clothing or bedding.

#### **Kitchens**

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
- (a) an electric, gas, wood or other fuel burning stove;
  - (b) a sink which shall
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep and
    - (ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
- (a) be installed in accordance with the requirements of the Office of Energy; and
  - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
- (a) carried to the outside air as directly as practicable; and
  - (b) boxed throughout.
- (5) In this subsection, a “cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

### **PART 3—HOUSING AND GENERAL**

#### *Division 1—Maintenance of Houses*

#### **Dwelling House Maintenance**

19. The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—
- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
  - (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
  - (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
  - (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
  - (e) maintain any brick, stone, mortar or cement work in a sound condition;
  - (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
  - (g) maintain all ventilators in good order and repair;
  - (h) maintain all floors even in surface and free from cracks;
  - (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

#### **Rainwater/Stormwater Disposal from Rooves**

20. (1) Subject to subsection (2), the owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—

- (a) the house is provided with adequate guttering, downpipes and drains sufficient to receive without overflow all rainwater flowing into them and for all rain water to be effectively disposed of to the satisfaction of the Manager Health Services;
- (b) the gutterings and downpipes are fixed to the eaves of every roof of the house so that all rain water flowing from the roof shall be received by such guttering and downpipes;
- (c) all downpipes from gutterings are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water scheme;
- (d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block; and
- (e) any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.5 metres of any house.

(2) The Manager Health Services may approve the deletion of the use of guttering and downpipes provided that the discharge of rainwater shall not cause a nuisance or any damage and is contained on the site on which the building is erected.

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

21. The owner or occupier of a house shall—

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

#### *Division 2—Ventilation of Houses*

#### **Exemption for Short Term Hostels**

22. This Division shall not apply to short term hostels referred to in Division 2 of Part 9.

#### **Overcrowding**

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

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

#### **Calculate Sufficient Space**

24. For the purpose of section 23, in calculating the space required for each person—

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

#### **Ventilation**

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

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

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

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

- (a) maintained in good working condition and in accordance with AS3666-1989; and
- (b) in use at all times the building is occupied.

- (4) If, in the opinion of the Manager Health Services, a house is not properly ventilated, the Council may by notice require the owner of the house to—
- (a) provide a different, or additional method of ventilation; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under subsection (4).

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

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

#### *Division 3—Water Supply*

#### **Water Supply**

27. (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.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

#### **Rain Water Tanks**

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

#### **Wells**

29. The owner or occupier of any premises shall not use or permit for human consumption, the water of any bore or well unless the bore or well is—
- (a) at least 30 metres from any effluent soak well or other possible source of pollution unless approved by the Executive Director Public Health; and
  - (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

#### **Pollution**

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

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

#### **Prohibition on Sale**

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

#### **Prohibition of Possession**

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

#### *Division 5—Morgues*

#### **Morgues**

33. (1) In this section, morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation.
- (2) A person shall not operate any premises as a morgue unless—
- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
  - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully;
  - (e) the premises are adequately ventilated by direct communication with the outside air; and
  - (f) the premises are kept clean to the satisfaction of the Manager Health Services.



**PART 4—WASTE FOOD AND REFUSE***Division 1—Liquid Refuse***Interpretation**

34. In this division, unless the context otherwise requires—

“**carrier**” means a carrier licensed under the *Environmental Protection (Liquid Waste) Regulations 1996*

“**liquid refuse**” includes all washings from windows and vehicles, refrigeration compressor condensates and other liquid used for cooling purposes and swimming pool discharges;

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

**Deposit of Liquid Refuse**

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

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

**Disposal of Liquid Waste**

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

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

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

- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
- (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director Public Health and the Council;
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

**Approval for Septic Tank Pumpouts**

37. A person shall not—

- (a) unless he or she is a licensed carrier; or
- (b) without the written approval of the Council; and
- (c) except in accordance with any terms and conditions imposed by the Council or the Executive Director Public Health in connection with the approval under paragraph (b),

collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

**Application for Approval**

38. (1) A licensed carrier may apply in writing to the Council for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

(2) The Council may grant or refuse an application under this section subject to conditions relating to—

- (a) the time and method of collection, removal or disposal of the contents; or
- (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents.

(3) Any conditions imposed by the Council under this section shall be—

- (a) specified in the written approval of the Council; and
- (b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other law.

(4) The Council may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

**Notice of Intention**

39. A person to whom approval has been given under section 38 shall, at least 24 hours before collecting, removing or disposing of the contents of a septic tank or an apparatus for the treatment of sewage, notify the Manager Health Services of his or her intention to do so.

*Division 2—Disposal of Refuse***Interpretation**

40. In this division, unless the context otherwise requires—

“**collection time**” where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

“**green waste**” means general garden vegetation such as leaves, branches, prunings, and lawn clippings—free from all other matter.

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

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

“**refuse disposal site**” means land set apart by the Council under the Act as a site for the deposit of rubbish, refuse or recyclables;

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

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

“**street**” includes a highway; and a thoroughfare; which the public are allowed to use; and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

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

### Receptacles

41. An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the street alignment and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by the Manager Health Services;
- (c) Prior to 6.00 am on the day of collection, place the receptacle in the street approximately 1 metre from the street alignment /kerb so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) In the case of recycling bins, place them as per subsection (c), 1.5 metres from any other receptacle; and
- (e) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event.

### Exemption

42. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of subsection 41(b) or (c).

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

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

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

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

### Use of Receptacles

43. An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 70 kilograms of rubbish or refuse;
  - (ii) hot or burning ash;
  - (iii) oil, motor spirit or other flammable liquid;
  - (iv) liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, earth or other like substances;
  - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
  - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
  - (viii) syringes, needles or sharps, surgical hardware, broken glass, or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
  - (ix) cytotoxics, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, nightsoil, faeces or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or

- (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- (b) unless authorised by the Manager Health Services, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- (c) at all times keep the receptacle in a clean condition;
- (d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (e) take all reasonable steps to prevent—
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

#### **Damage to Receptacles**

44. A person, other than the Council or its contractor, shall not—
- (a) damage, destroy or interfere with a receptacle; or
  - (b) except as permitted by these Local Laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its contractor.

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

45. (1) In the case of premises consisting of more than 3 dwellings or any premises used for commercial or industrial purposes, the Manager Health Services may authorise rubbish or refuse to be deposited in a container other than a receptacle.

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

- (a) unless approved by the Manager Health Services, not deposit or permit to be deposited in the container anything specified in subsection 43(a)(ii)—(xii);
- (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- (c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
- (d) cause the container to be located on the premises in an enclosure constructed and located as required by the Manager Health Services;
- (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

#### **Suitable Enclosure**

46. (1) An owner or occupier of premises—
- (a) consisting of more than 4 dwellings that have not been provided with individual receptacles; or
  - (b) used for commercial or industrial purposes other than a food handling premises,
- that have been provided with receptacles, shall—
- (c) if required by the Manager Health Services—
    - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
    - (ii) install in the enclosure a tap connected to an adequate supply of water.

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

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

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

#### **Deposit of Refuse**

47. (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.



- (2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—
- (a) at such place on the site as may be directed by the person in charge of the site; or
  - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

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

48. (1) A person shall not remove any rubbish, refuse or recyclables from a refuse disposal site without the written approval of the Council.

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

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

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

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

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

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

50. (1) A person shall not—

- (a) without the written approval of the Manager Health Services; and
- (b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either—

- (c) in any incinerator; or
- (d) on the ground.

(2) Subject to subsection (3), an approval of the Manager Health Services is issued subject to the following conditions—

- (a) the material to be burnt—
  - (i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; and
  - (ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service;
- (b) there is no other appropriate means of disposal;
- (c) burning shall not take place—
  - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
  - (ii) where there is no current dispersion alert, outside the hours of 10.00 am to 3.00 pm;
- (d) an incinerator must meet the minimum standards specified in A.S.1875-1976; and
- (e) an incinerator unit used for fire must be located—
  - (i) at least 3 metres from a fence or building; and
  - (ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the Fire Rules of the Metropolitan Fire District for the current season issued by the Western Australian Fire Brigades Board, the Manager Health Services may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

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

#### **Interpretation**

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

“**butchers' waste**” includes animal skeletons, rib cages and the products of a slaughter house or boning room.

#### **Restriction of Vehicles**

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

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

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

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

- (a) a compartment complying with the following specifications—
  - (i) the floor and 4 walls to be made of sheet metal and the walls to be not less than 910 millimetres high;
  - (ii) all joints to be welded, soldered or brazed and made water-tight;

- (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
  - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Manager Health Services, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a water-tight metal container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are—
- (a) maintained in good order and condition; and
  - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
- (a) the sight of animal skeletons, bones, offal or waste matter;
  - (b) the odour of putrefaction, offal or waste matter; or
  - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

## PART 5—NUISANCES AND GENERAL

### *Division 1—Nuisances*

#### **Interpretation**

54. In this Division, unless the context otherwise requires—  
“fertiliser” includes manure.

#### **Footpaths etc. to be kept clean**

55. An owner or occupier of premises shall maintain in a clean condition a footpath, pavement, area or right of way immediately adjacent to the premises.

#### **Escape of Smoke etc.**

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

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

#### **Public Vehicles to be kept clean**

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

#### **Prohibition against Spitting**

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

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

59. A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by the application of heat above 75° C and properly dried.

#### **Use or Storage of Fertiliser**

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

#### **Storage and Dispatch of Artificial Fertiliser**

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

**Storage of Fertiliser in a House**

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

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

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

**Animal Enclosures**

64. (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Manager Health Services, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

**Disposal of Dead Animals**

65. (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

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

66. In this Division, unless the context otherwise requires—
- “**cow**” includes an ox, calf or bull;
- “**horse**” includes an ass, mule, donkey or pony; and
- “**large animal**” includes a cow, horse, pig, sheep or goat.

**Proximity of Animals to a Dwelling House**

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

*Division 4—Keeping of Poultry and Pigeons***Interpretation**

68. In this Division, unless the context otherwise requires—
- “**poultry**” means fowls and ducks.

**Poultry**

69. A keeper of poultry shall ensure that—
- (a) at all times, properly constructed enclosures are provided and maintained and all poultry kept on the premises are kept within the confines of such enclosures;
  - (b) adequate housing is provided for the poultry as approved by the Manager Health Services and such housing is maintained and kept clean at all times so as not to create offensive odours, or encourage fly breeding or the harbourage of vectors of disease. Such housing is to be located at least 1.2 metres from any property boundary and at least 9 metres from any place of human habitation;
  - (c) no more than 12 poultry shall be kept on premises at any one time but, if an environmental health officer deems a nuisance to exist, he/she may instruct that the poultry numbers be reduced or the poultry be removed from the premises altogether; and
  - (d) an owner or occupier shall comply with a direction from an environmental health officer under this section.

**Roosters, Geese, Peacocks and Turkeys**

70. An owner or occupier of premises shall not—

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

keep or permit to be kept, a rooster, goose, peacock, or turkey on the premises.

**Pigeons, Doves or other birds**

71. A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that is in a yard having an otherwise unobstructed area of at least 30 square metres.
- (c) An owner or occupier of premises shall ensure—
  - (i) no more than 12 pigeons; or
  - (ii) if they are an affiliated member of a properly constituted Pigeon Club, no more than 100 pigeons,

are kept on any one lot of land.

- (d) Birds other than pigeons and doves, kept in aviaries shall be located at least 9 metres from any adjacent dwelling other than that of their keeper; and
- (e) bird aviaries shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

**Removal of Non-Conforming Structure or Enclosure**

72. (1) If a structure or enclosure is used for the keeping of poultry, pigeons, doves or other birds contrary to the provisions of section 69 and 71, the Manager Health Services may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Manager Health Services under this Section.

**Restrictions on Pigeon Nesting or Perching**

73. (1) The Council may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the Council order under this Section.

*Division 5—Car Parks***Interpretation**

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

- “**attendant’s booth**” means a booth which is positioned inside a car park for the containment of a parking attendant;
- “**car park**” means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and
- “**occupier**” means a person having the charge, management or control of a car park.

**Ventilation**

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

- (a) natural ventilation; or
- (b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

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

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

(3) An occupier shall comply with a notice under subsection (2).

**Exhaust Air Discharge Points and Exhaust Registers**

76. An owner or occupier shall ensure that—

- (a) all exhaust air that is discharged from a car park shall be discharged—
  - (i) at discharge points—
    - (A) in accordance with AS1668.2 Part 2 1991; and
    - (B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2 Part 2 1991;
  - (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

- (b) exhaust registers are located—
  - (i) as far as possible from the source of supply air; and
  - (ii) so as to draw effluent away from staff working in the attendant's booth;
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation system is—
  - (i) maintained in good working condition; and
  - (ii) in operation at all times when the car park is in use.

#### **Car Park Attendant Booths**

77. (1) An owner or occupier shall ensure that an attendant's booth—
- (a) is provided with a fresh air supply ventilation system—
    - (i) with air flow rates that give a minimum of 40 air changes per hour; and
    - (ii) which is in operation whenever the booth is occupied;
  - (b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;
  - (c) has a capacity of not less than 5 cubic metres;
  - (d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and
  - (e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.
- (2) If, in the opinion of the Manager Health Services, an attendant's booth is not properly ventilated in accordance with subsection (1), the Council may by notice require the occupier to cease using the booth until it is properly ventilated.
- (3) An occupier shall comply with a notice under subsection (2).

## **PART 6—PEST CONTROL**

### *Division 1—Flies*

#### **Interpretation**

78. In this Division, unless the context otherwise requires—
- “**flies**” means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

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

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

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

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

#### **Officer may give Notice directing measures to be Taken**

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

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

#### **Council may Execute Work and Recover Costs**

82. (1) Where—
- (a) a person is required under this Division or directed by a notice given under section 81, to execute any work; and

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

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

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in Subsection (1) in relation to any action taken by the Council under this Section.

#### *Division 2—Mosquitoes*

#### **Interpretation**

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

“**mosquitoes**” means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

#### **Premises to be kept free of Mosquito Breeding Matter**

84. An owner or occupier of premises shall keep the premises free of—

- (a) refuse; and
- (b) water located so as to be,

liable to become the breeding place of mosquitoes.

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

85. An owner or occupier of premises—

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

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

86. An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

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

#### **Removal of Undergrowth or Vegetation**

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

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

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

88. Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

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

89. An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
  - (i) apply a larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an environmental health officer.
  - (ii) provide, and keep in sound condition at all times, wire mesh with apertures no larger than 1.2 millimetres covering any inlet vent to the tank.

#### **Drainage of Land**

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

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



*Division 3—Rodents***Interpretation**

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

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

**Measures to be taken to eradicate Rodents**

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

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

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

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

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

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

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

**Restrictions on materials affording harbourage for Rodents**

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

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

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

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

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

**Eating house etc. to be cleaned after Use**

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

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

96. (1) Subject to Subsection (2) an owner or occupier of premises shall not, on or from those premises—

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

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

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

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

- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- (b) if a rat escapes, forthwith comply with the requirements of section 92 and ensure that all reasonable steps are taken to destroy the rat.

*Division 4—Cockroaches***Interpretation**

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

“**cockroach**” means any of the various *orthopterous* insects commonly known as cockroaches—

**Measures to be taken to eradicate Cockroaches**

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

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

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

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

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

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

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

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

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

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

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

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

**Measures to be taken to keep premises free from European Wasp Nest**

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

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

*Division 7—Bee Keeping***Interpretation**

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

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

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

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

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

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



**Limitation on numbers of Hives**

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

(2) Subject to Subsections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The Council may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(4) A person shall comply with any conditions imposed by the Council under subsection 3.

**Restrictions on keeping of Bees in Hives**

105. A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept—
  - (i) outside, and at least 10 metres from, any building other than a fence;
  - (ii) at least 10 metres from any footpath, street, private street or public place; and
  - (iii) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

**Bees which cause a nuisance not to be kept**

106. (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.

(2) The Council may direct any person to remove any bees or beehives which in the opinion of the Manager Health Services are causing a nuisance.

(3) A person shall comply with a direction under this section within the time specified.

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

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

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

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*)
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).
- (f) any other insect prescribed by the Council.

**Responsibility of the Owner or Occupier**

108. The owner or occupier of premises shall—

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

**PART 7—INFECTIOUS DISEASES***Division 1—General Provisions***Environmental Health Officer may visit, inspect and report**

109. An Environmental Health Officer—

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

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

110. (1) The Council or the Manager Health Services may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

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

or both, to the satisfaction of an Environmental Health Officer.

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

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

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

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

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

(4) The Council 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 Council or any of its staff or employees under this section.

#### **Insanitary houses, premises and things**

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

(3) Where an Environmental Health Officer considers that—

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

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

- (i) the owner or occupier of the house or premises to amend any insanitary condition; or
  - (ii) the owner or occupier of the thing to destroy or amend it,
- within the time and in the manner specified in the notice.

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

#### **Medical Officer may authorise disinfecting**

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

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

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

114. 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 Council or the Medical Officer may issue;
- (b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
- (c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

#### **Declaration of infected house or premises**

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

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

#### **Destruction of infected animals**

116. (1) The Manager Health Services, 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 subsection (1) shall comply with the terms of the notice.

#### **Disposal of a body**

117 (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 subsection (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.

#### **Council may carry out work and recover costs**

118. (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 Council may carry out the work or arrange for the work to be carried out.

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

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

*Division 2—Disposal of used condoms and needles*

**Disposal of used condoms**

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

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by the Manager Health Services.

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

**Disposal of used needles**

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

*Division 3—Skin Penetration*

**Interpretation**

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

“**Code of Practice for Skin Penetration Procedures**” means the Code of Practice for Skin Penetration Procedures as published by the Health Department of WA.

“**instrument**” means any appliance, implement, needle or tool which may come into contact with the area of skin on which a tattooing procedure is being or is to be carried out; and

“**tattooing establishment**” means premises within which a procedure involving skin penetration by tattooing is, or is intended to be carried on.

**Duties on Practitioner**

122. A person shall not carry on the business of, or any process or procedure involved in the business of, a tattooing establishment other than in accordance with the *Health (Skin Penetration) Regulations 1987* and the “Code of Practice for Skin Penetration Procedures”.

**Duties on owner or occupier**

123. An owner or occupier of a tattooing establishment shall ensure that—

- (a) each shelf, bench or table on which instruments, tools or utensils are, or may be placed, are finished with a durable, smooth and impervious material;
- (b) a sufficient number of cupboards, cabinets, shelves or similar fittings, finished with durable, smooth and impervious materials are provided for the storage of clean articles;
- (c) there is at all times on the premises a sufficient number of suitable receptacles—
  - (i) constructed of durable, smooth and impervious materials;
  - (ii) with tight fitting lids;
  - (iii) marked in permanent and prominent letters of not less than 50 millimetres in height either—
    - (A) “SOILED LINEN”; or
    - (B) “WASTE”;
- (d) all soiled linen, towels, clothes and cloths are deposited in, and only in, the receptacle or receptacles marked “SOILED LINEN”;
- (e) all hair, paper and other trade wastes are deposited in, and only in, the receptacle or receptacles marked “WASTE”;
- (f) one hand wash basin is provided for each customer’s cubicle; and
- (g) each hand wash basin is provided with an adequate supply of hot and cold water.

**PART 8—LODGING HOUSES**

*Division 1—Registration*

**Interpretation**

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

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

“**bunk**” means two sleeping berths arranged vertically;

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

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

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

“**lodging house**” means any, or any part of any, building or structure, permanent or otherwise, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper or manager, for hire or reward, and the term includes; a serviced apartment and a short term hostel, but does not include—

- (a) premises licensed as hotels under the *Liquor Licensing Act 1988*;

(b) premises used as a boarding school approved under the *Education Act 1928*; or

(c) any building comprising residential flats;

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

“**register of lodgers**” means the register kept in accordance with Section 158 of the Act and this Part;

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

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

“**short term hostel**” means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days.

“**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, and head lice.

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

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

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the Council under section 127;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either—
  - (i) the keeper; or
  - (ii) a manager who, with the written approval of the Chief Executive Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

#### **Application for registration**

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

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee prescribed in Schedule 11; and
  - (ii) detailed plans and specifications of the lodging house.

#### **Approval of application**

127. The Council may approve, with or without conditions, an application under section 126 by issuing to the applicant a certificate in the form of Schedule 2.

#### **Renewal of registration**

128. 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 Council for the renewal of the registration of the lodging house; and
- (b) pay the fee prescribed in Schedule 11 at the time of making each application for renewal.

#### **Notification upon sale or transfer**

129. If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

#### **Revocation of registration**

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

(2) Without limiting the generality of Subsection (1), the Council may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
  - (i) been convicted of an offence against these Local Laws in respect of the lodging house;
  - (ii) not complied with a requirement of this Part; or
  - (iii) not complied with a condition of registration.

- (c) that the lodging house has been conducted in a manner that interferes with the peace and good order of the neighbourhood or other occupiers of the lodging house;
- (d) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
- (e) 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 Manager Health Services, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the Council 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 Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

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

#### **General Construction Requirements**

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

#### **Sanitary conveniences**

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

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

in accordance with the requirements of the Building Code.

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

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

#### **Laundry**

133. (1) A keeper shall—

- (a) subject to subsection (2), provide on the premises for the use of each 15 lodgers, a laundry in accordance with the requirements of Subsection 16(2) of these Local Laws;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink, and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

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

#### **Kitchen**

134. Where it is intended that food be prepared, the keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
  - (i) where lodgers prepare their own meals—0.65 square metres per person;
  - (ii) where meals are provided by the keeper or manager—0.35 square metres per person; or
  - (iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- (b) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (c) and complies with the requirements of the *Health (Food Hygiene) Regulations 1993*;



- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

### Cooking Facilities

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

No. of Lodgers	Ovens	4-Burner Stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
over 60	2	4+1 for each additional lodger (or part thereof) over 60

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

(3) The keeper of a lodging house which has or has approval to have 15 or more lodgers shall provide, maintain and clean, a hood or mechanical exhaust system, in accordance with the *Health (Food Hygiene) Regulations 1993*, over each stove, oven and cooking appliance.

### Dining Room

136. Where required by the Manager Health Services, the keeper of a lodging house shall provide in that lodging house a dining room—

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

### Lounge Room

137. Where required by the Manager Health Services, the keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area of—
  - (i) where the lounge is not combined with the dining room—not less than 0.6 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.

### Fire prevention and control

138. (1) A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
  - (i) in such a position and of such a pattern, as approved by the Manager Health Services; and
  - (ii) which shall 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; and
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the Council.

### Obstruction of passages and stairways

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

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

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

### Fitting of locks

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

**Restriction on use of rooms for sleeping**

141. (1) Subject to subsection (3) and section 155, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) which contains food;
- (b) Which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at ratio of less than 0.05 square metre of outlet of unobstructed ventilating area to every 10 square metres of floor area;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Manager Health Services.

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

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

**Sleeping Accommodation Short Term Hostel**

142. A keeper of a short term hostel shall provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory containing beds; and
- (b) 2.5 square metres per person in dormitories using bunks.

**Furnishing etc. of sleeping apartments**

143. (1) A keeper shall—

- (a) arrange the placement of beds and bunks so that there is a minimum distance of—
  - (i) 750 millimetres between beds; and
  - (ii) 900 millimetres between double bunks;
- (b) ensure that there is a passage way of 1.2 metres between each row of beds or bunks;
- (c) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
- (d) ensure that each bed—
  - (i) has a bed head, mattress and pillow.
  - (ii) is provided with a pillow case, two sheets, blankets or rugs.
- (e) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel.

**Ventilation**

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

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

**Numbers to be placed on Doors**

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

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

(2) The numbers to be placed on the doors under subsection (1) shall be—

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

*Division 3—Management and Care***Keeper or manager to reside in the lodging house**

146. Whenever there is one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house.

**Register of lodgers**

147. (1) A keeper shall keep a register of lodgers in the form of Schedule 4

(2) The register of lodgers shall be—

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

**Keeper report**

148. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

**Certificate in respect of sleeping accommodation**

149. (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7

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

(3) When required by the Manager Health Services, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

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

**Duplicate keys and inspection**

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

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

**Room occupancy**

151. (1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, or permit to be placed or kept in any sleeping apartments—
  - (i) a larger number of beds; or
  - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- (c) use or cause, or permit to be used for sleeping purposes a room that—
  - (i) has not been certified for that purpose; and
  - (ii) the environmental health officer or the Medical Officer has forbidden to be used as a sleeping apartment.

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

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

152. (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 Subsection (1), the keeper shall—

- (a) inspect each room the subject of the permission or agreement at least once a week; and
- (b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

**Cleaning and maintenance requirements**

153. (1) A keeper shall in relation to the lodging house—

- (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 or treated so as to maintain a smooth impervious washable surface;
  - (d) ensure that all laundry, toilet and kitchen floors are cleaned daily;
  - (e) ensure that—
    - (i) all bed linen, towels, and house linen in use is 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 is 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 and insects is not used as a sleeping apartment;
  - (f) when so directed by the Manager Health Services, ensure that—
    - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
    - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
  - (g) ensure that the yard is kept clean at all times;
  - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
    - (i) comply with any direction, whether orally or in writing, given by the Manager Health Services or an Environmental Health Officer.
- (2) In this section—  
 “bed linen” includes sheets and pillow cases and in the case of short term hostel, mattress protectors.

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

154. A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to section 155—
  - (i) keep, store, prepare or cook food in any sleeping apartment; or
  - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
  - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

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

155. (1) The Manager Health Services 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 vectors of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## PART 9—OFFENSIVE TRADES

### *Division 1—General*

#### **Interpretation**

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

“**occupier**” in relation to premises includes the person registered as the occupier of the premises in the Schedule 10 Certificate of Registration;

“**offensive trade**” means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments—

- (a) any trade as defined by section 186 of the Act; and
- (b) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and

“**premises**” includes houses.

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

157. (1) A person seeking the consent of the Council under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his intention to apply for consent in accordance with section 158; and
- (b) lodge with the Chief Executive Officer an application in the form of Schedule 8

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

#### **Notice of Application**

158. A notice required under Subsection 157(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a newspaper that is circulated within the district at least two weeks but not more than one month before the application under Subsection 157(1)(b) is lodged with the Chief Executive Officer.

#### **Registration of Premises**

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

- (a) in the form of Schedule 9;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976*; and
- (c) lodged with the Chief Executive Officer.

#### **Certificate of Registration**

160. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 10.

#### **Change of Occupier**

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

#### **Alterations to Premises**

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

#### **Occupier Includes Employee**

163. Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

### *Division 2—General Duties of an Occupier*

#### **Interpretation**

164. 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 offensive trade is carried on; and

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

#### **Cleanliness**

165. The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

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

#### **Rats and Vectors of disease**

166. The occupier shall—

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

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

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

#### **Painting of Walls etc.**

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

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

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

#### **Offensive Material**

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

#### **Storage of Materials**

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

#### **Specified Offensive Trades**

172. (1) For the purposes of this section, “**specified offensive trade**” means one or more of the offensive trades carried on in or connected with the following works or premises—

- (a) fish curing, fish canning, or fish processing establishments 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; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
- (c) cause all liquid refuse to be—
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
  - (ii) directed through such screening or purifying treatment as the Manager Health Services may from time to time direct.

**Directions**

173. (1) The Manager Health Services may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard public health.

(2) The occupier shall comply with any directions given under this section.

**Other Duties of Occupier**

174. 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 him.

*Division 3—Fish Premises***Interpretation**

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

“**appliance**” includes a utensil, an instrument, a cover, a container or apparatus;

“**fish**” means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include—

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not higher than minus 15 degrees Celsius;

“**fish premises**” may include a fish processing establishment, fish curing establishment, fish canning establishment and a shellfish and crustacean processing establishment; but not a retail fish shop that only sells fish without processing.

“**fish processing establishment**” means a place where fish are cleaned, part cleaned, scaled and/or cut up;

“**fish curing establishment**” means a place where, for the purpose of sale, fish may be part cleaned, scaled or cut up for preservation by salting, drying, smoking, or other means;

“**fish canning establishment**” means a place where, for the purpose of sale, fish are cleaned, part cleaned, scaled and/or cut up and placed in hermetically sealed containers and heat treated;

“**fish transport vehicle**” includes—

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

“**portable box**” means a box for the transport or storage of fish and includes a fish transport vehicle.

**Bench**

176. The occupier of a fish curing or fish processing or fish canning establishment shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

**Disposal of Waste**

177. 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 section 170 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

**Fish Containers**

178. The occupier of a fish premises shall not allow any box, basket or other 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.

**Cooking of Fish**

179. Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain a mechanical extraction system that complies fully with AS 1668.2-1991;

**Fly Screening**

180. The occupier of a fish premises shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

**Use of an Approved Portable Box**

181. The Manager Health Services may permit an approved portable box to be used for the transport or storage of fish.

**Fish Transport Vehicle**

182. A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

(a) the frame is made of durable, smooth and impervious materials;

- (b) all internal surfaces—
  - (i) are made from smooth, impervious and durable materials;
  - (ii) are smoothly finished;
  - (iii) are rigidly secured with a solid backing; and
  - (iv) have floor and vertical angles coved with not less than a 25 millimetre radius,
 but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
  - (i) continuously welded; or
  - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a non-toxic sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a),(b),(c) and (d) of this section, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed to allow for easy cleaning;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibre glass, or approved non-toxic plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

*Division 4—Flock Factories*

**Interpretation**

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

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

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

**New and Used Material**

184. (1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 20 minutes.

**Collection and Removal of Dust**

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

**Building Requirements**

186. The occupier shall cause each building on the premises to comply with the following requirements—

- (a) the floor shall be of concrete;
- (b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and
- (c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

**Unclean Rags**

187. A person shall not—

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

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

**Bedding and Upholstery**

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

- (a) used bedding; or
- (b) upholstery,

which is unclean, offensive, or vectors of disease-infested, unless the—

- (c) material of which the bedding is made; or
- (d) filling material of which the upholstery is made,

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



*Division 5—Laundries, Dry Cleaning Establishments and Dye Works***Interpretation**

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

“**dry cleaning establishment**”—

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) 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 laundry**” means a laundry in respect of which Council has certified in writing to be exempt from the provisions of this Part;

“**exempt laundromat**” means a premises in which—

- 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;
- laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- 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 laundry or an exempt laundromat.

**Receiving Depot**

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

**Reception Room**

191. (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 Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

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

**Walls and Floors**

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

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

**Laundry Floor**

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

**Escape of Dust**

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

**Precautions Against Combustion**

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

**Trolleys**

196. The occupier of a 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.

**Sleeping on Premises**

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

**PART 10—OFFENCES AND PENALTIES**

**Penalties**

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

(Section 126)

**Schedule 1**

CITY OF MELVILLE

*Health Act 1911*

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
City of Melville

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;or
- serviced apartments

(Specify which is to apply)

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

**DESCRIPTION OF LODGING HOUSE**

Number of storeys.....

**Rooms for private use**

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

**Number of Sanitary Conveniences for male lodgers**

Toilets \_\_\_\_\_  
 Urinals \_\_\_\_\_  
 Baths \_\_\_\_\_  
 Showers \_\_\_\_\_  
 Wash hand basins \_\_\_\_\_

**Number of Sanitary Conveniences for female lodgers**

Toilets \_\_\_\_\_  
 Baths \_\_\_\_\_  
 Showers \_\_\_\_\_  
 Wash hand basins \_\_\_\_\_

**Number of Laundry Facilities**

Washtroughs \_\_\_\_\_  
 Washing machines \_\_\_\_\_  
 Drying cabinets \_\_\_\_\_  
 Clothes lines \_\_\_\_\_ (metres)

**Additional Details**

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

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

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

(Section 127)

**Schedule 2**  
 CITY OF MELVILLE  
*Health Act 1911*

**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

This is to certify that the premises situated at ..... are registered as a Lodging House and classified as:

- a lodging house
- a short term hostel
- serviced apartments

until 30 June 19 ....., on the following conditions—

1. That ....., whose name is entered on the register of keepers of the City of Melville, continues to be the keeper of the lodging house;
2. that ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the 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 Act and Health Local Laws of the City of Melville and is not transferable.

Dated ..... 19.....

.....  
 Manager Health Services  
 City of Melville

Fee received: \$.....



(Section 129)

**Schedule 3**

CITY OF MELVILLE

*Health Act 1911*

**NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

To: Chief Executive Officer  
City of Melville

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

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

am/are the new owner/s of premises situated at.....  
which are registered in the name of .....  
for the carrying on of the lodging house business.

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

.....  
(Date)

(Section 147)

**Schedule 4**

CITY OF MELVILLE

*Health Act 1911 (Section 157)*

**REGISTER OF LODGERS**

Location of Lodging House: .....

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of departure

(Section 148)

**Schedule 5**

CITY OF MELVILLE

*Health Act 1911*

**LIST OF LODGERS**

The Chief Executive Officer  
City of Melville

The following is the name of every person who resided in the lodging house at .....  
.....  
on the ..... day of ..... 19.....

(Signed).....

(Keeper)

Date: .....



(Section157)

**Schedule 8**

CITY OF MELVILLE

*Health Act 1911*

**APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE**

To: Chief Executive Officer  
City of Melville  
P.O. Box 130  
APPLECROSS WA 6953

I; .....  
(Name of Applicant)

of.....  
(Residential Address of Applicant)

hereby make application for consent to the establishment of an offensive trade of the nature, and upon the premises as set out hereunder.

As required by the provisions of the "Health Act 1911" plans and specifications of the building proposed to be used or erected in connection with such trade are submitted herewith:

Nature of Offensive Trade: .....

Premises proposed to be used: .....

Application advertised (State name of newspaper and date of publication)

Dated this.....day of .....19.....

.....  
(Signature of Applicant)

(Section 159)

**Schedule 9**

**APPLICATION FOR REGISTRATION OF AN OFFENSIVE TRADE PREMISES**

To: Chief Executive Officer  
City of Melville  
P.O. Box 130  
APPLECROSS WA 6953

I; .....  
(Name of Proprietor)

of.....  
(Residential Address of Proprietor)

hereby make application for registration of the premises specified hereunder, for the purpose of the trade of:

.....  
for the year ended 31st December ..... and deposit herewith the sum of \$..... as registration fee in accordance with the City of Melville Health Local Laws .

ADDRESS OF THE PREMISES IN WHICH REGISTRATION IS SOUGHT:

NAME OF PREMISES:.....

ADDRESS OF PREMISES:.....

Dated this.....day of .....19.....

.....  
(Signature of Applicant)

**OFFICE USE ONLY**

Receipt No:.....

Date:.....

(Section 160)

**Schedule 10**  
CITY OF MELVILLE  
*Health Act 1911*

**CERTIFICATE OF REGISTRATION OF PREMISES FOR  
OFFENSIVE TRADE**

This is to certify that the premises situated at .....  
.....of which.....  
is the occupier, are registered for the carrying on of the trade of .....

Trade Name.....

This registration expires on the .....19.....

Dated this ..... day of .....19.....

.....  
Manager Health Services  
City of Melville

**Schedule 11**  
CITY OF MELVILLE  
*Health Act 1911*

**PRESCRIBED FEES**

Schedule	Description	Prescribed Fee
1	Registration of Lodging House	\$180.00
8	Registration of Offensive Trade	

Passed by resolution at a meeting of the Council of the City of Melville held on 17 June 1997.  
Dated on 25 November 1997.

The Common Seal of the City of Melville was hereunto affixed in the presence of—

KATIE MAIR, Lord Mayor.  
JOHN McNALLY, Chief Executive/Chief Executive Officer.

Consented—

V. P. DAWES, Executive Director, Public Health.

