



HEALTH LOCAL LAW 2017

Local Government Act 1995

Shire of Gingin

Health Local Law 2017

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Local Government Act 1995

Shire of Gingin

HEALTH LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 18 April 2017 to make the following local law.

Part 1 - Preliminary

1.1 Title

This local law may be cited as the *Shire of Gingin Health Local Law 2017*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the entire district.

1.4 Repeal

The *Shire of Gingin Health Local Laws 2004* published in the *Government Gazette* on 28 June 2004 are repealed.

1.5 Interpretation

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

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

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

approved means approved by the local government;

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

AS/NZS ISO 717.1:2004 means the standard published by Standards Australia as AS/NZS ISO 717.1:2004 and called “Acoustics – Rating of sound insulation in buildings and of building elements – Airborne sound insulation”, as amended from time to time;

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

AS/NZS 1530.3:1999 means the standard published by Standards Australia as AS/NZS 1530.3:1999 and called “Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release”, as amended from time to time;

AS 1668.2-2012 means the standard published by Standards Australia as AS1668.2-2012 and called “The use of mechanical ventilation and air-conditioning in buildings – ventilation design for indoor air contaminant control”, as amended from time to time;

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

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

Building Code means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

CEO means the Chief Executive Officer of the local government;

district means -

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, harbour or other water deemed to be within the district of the local government under section 25 of the Act;

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

employee means an employee of the local government;

Environmental Health Officer means an Environmental Health Officer appointed by the local government under section 17 of the *Public Health Act 2016*;

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

habitable room means a room used for normal domestic activities, and –

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

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

local government means the Shire of Gingin;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

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

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

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

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

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, including the property of the local government;

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

toilet means a water closet, earth closet, privy or urinal and includes a room or cubicle in which 1 or more of these is located;

townsite means the townsites of Gingin, Guilderton, Lancelin, Ledge Point and Seabird which are –

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

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

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

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

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

Part 2—Sanitation

Division 1—Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires —

event includes a fair, function or festival;

organiser means a person —

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

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 an event; or

- (b) employees at construction sites or the like.

urinal may be —

- (a) an individual stall or wall-hung urinal; or
- (b) each 600 millimetre length of a continuous urinal trough; or
- (c) a closet pan used in place of a urinal.

2.2 Dwelling House

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

2.3 Premises other than a Dwelling House

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, 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 clause are situated within 90m 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 hand wash basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that —
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

- (c) each hand wash basin is provided with —
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.4 Outdoor Events

- (1) The organiser of an outdoor event shall provide sanitary conveniences in accordance with the Department of Health 'Guidelines for public buildings and mass gatherings'.
- (2) Where, under subsection (1), the number of sanitary conveniences to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The local government may vary the requirements of subclause (1) upon the written request of the organiser.

2.5 Toilets

- (1) Each toilet on the premises must be maintained in accordance with the following requirements —
 - (a) the door to a toilet, other than an internal toilet, must be properly screened to a continuous height of 1.8 metres from the floors;
 - (b) a toilet or its entrance which is visible from overlooking windows must be properly screened;
 - (c) the floor of any internal toilet must be -
 - (i) of concrete, or of other approved impervious material of an approved thickness as determined by the local government; 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 must be —
 - (i) of concrete or of other approved impervious material of an approved thickness as determined by the local government; 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) 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 have a Sound Transmission Class of not less than 50 as required by AS/NZS ISO 717.1:2004; and
- (b) where more than 1 toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary Works

A person who undertakes temporary work at any place must –

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, temporary sanitary conveniences in accordance with the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) remove the temporary sanitary conveniences at the conclusion of the work or at an earlier time in accordance with a direction from an Environmental Health Officer and ensure the site is left clean.

2.7 Maintenance of Sanitary Conveniences and Fittings

(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.

2.8 Ventilation of Toilets

- (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.
- (2) A mechanical ventilation system provided under subclause (1) must be maintained in good working order and condition.

2.9 Public Sanitary Conveniences

(1) A person shall not—

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

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

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

2.10 Lighting

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

2.11 Installation

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

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

(3) Each toilet and plumbing fixture must be connected into the public sewer, unless otherwise approved by the local government.

Division 2—Bathrooms, Laundries and Kitchens

2.12 Bathrooms

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

- (a) is adequately lined with an impervious material and has a ceiling that complies with the requirements of the Building Code;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and

- (c) is equipped with —
 - (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.
- (3) The floor of the bathroom must be properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to —
 - (a) the sewer of a licensed water service operator; or
 - (b) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

2.13 Laundries

- (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 and roofed;
 - (b) is adequately lined with an impervious material;
 - (c) has a floor of concrete or other approved impervious material of an approved thickness as determined by the local government;
 - (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;
 - (e) is not a room in which food is stored, prepared, served or consumed; and
 - (f) is provided with adequate ventilation.
- (2) The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations*.

2.14 Washing or keeping of clothes in kitchens

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

- (a) wash or permit to be washed any clothing or bedding; or

- (b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

- (1) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with cooking facilities and a sink supplied with hot and cold water which are adequate in the opinion of an Environmental Health Officer.
- (3) The occupier of a dwelling house shall ensure that the cooking facilities and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall —
 - (a) be installed in accordance with AS/NZS 3350.2:1999 and the Manufacturers' Specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Where mechanical extraction is provided in a kitchen, the exhaust air must be —
 - (a) carried to the outside air as directly as practicable; and
 - (b) ducted throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition.

Part 3—Housing and General

Division 1—Maintenance of dwelling houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any 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 and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Country Areas Water Supply Act 1947*, *Water Services Act 2012* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the energy provider.

3.2 Maintenance of guttering and downpipes and disposal of rainwater

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, and ensure stormwater is disposed of directly into an appropriate water tank, drain or soak well or directly onto a paved surface provided the surface has an adequate fall away from any building structure.

Division 2—Ventilation of houses

3.3 Exemption for short term hostels and recreational campsites

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

3.4 Overcrowding

The owner or occupier of a house shall not permit —

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

3.5 Calculating sufficient space

For the purpose of clause 3.4, 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 1 time; and
- (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.6 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of —
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS 1668.2-2012.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is —
 - (a) maintained in good working condition and in accordance with AS/NZS 3666.2:2011; and
 - (b) in use at all times the house is occupied, if it is a house without approved natural ventilation.

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

3.7 Sub-floor ventilation

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

3.8 Water supply

- (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house, or on the site on which the house is located.
- (3) The water supply to toilets, or for garden use, may be from an alternative source, not necessarily drinking water.

3.9 Rain water tanks

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

- (a) maintain in a clean condition —
 - (i) the roof 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) annually clean any tank the water from which is used for human consumption; and

- (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.

3.10 Wells

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

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

3.11 Pollution

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

3.12 Prohibition on sale

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

3.13 Prohibition on possession

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

3.14 Requirement for licence

A person other than the State, must not own or operate a morgue unless it is licensed by the local government under this Division.

3.15 Application for licence

- (1) A person who is required to obtain a licence under this Division must apply for the licence in accordance with subclause (2).
- (2) An application for a licence must be —
 - (a) made in writing in the form approved by the local government; and

- (b) forwarded to the CEO together with –
 - (i) the fee as fixed from time to time by resolution of the local government under section 344C of the Act; and
 - (ii) a floor plan and specifications of the morgue which must include the following details –
 - (a) the use of each room;
 - (b) the structural finish of each wall, floor and ceiling;
 - (c) the position and type of each fitting and fixture; and
 - (d) all ventilation inlets and outlets.
- (3) Before determining an application for a licence, the local government may require an applicant –
 - (a) to provide additional information reasonably related to the application; and
 - (b) to give local public notice of the application.
- (4) The local government may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) have not been satisfied.

3.16 Decision on application for licence

- (1) The local government may –
 - (a) approve an application for a licence unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a licence.
- (2) A licence is not to be granted by the local government in respect of any premises unless –
 - (a) provision has been made for the keeping of bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other material as approved by the local government;
 - (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 comply with the zoning and development provisions of the local planning scheme.
- (3) If the local government approves an application for a licence, it is to issue to the applicant a Certificate of Licence in the form approved by the local government.
 - (4) If the local government refuses to approve an application for a licence, it is to give written notice of that refusal to the applicant.
 - (5) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licence holder.

3.17 Inspection of morgues

An Environmental Health Officer may conduct an annual inspection of a morgue.

3.18 Cancellation of a licence

- (1) Subject to subclause (3), the local government may, at any time, cancel the licence of a morgue for any reason which, in the opinion of the local government, justifies the cancellation.
- (2) Without limiting the generality of subclause (1), the local government may cancel a licence on any 1 or more of the following grounds –
 - (a) that the morgue has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the owner or occupier of the morgue has –
 - (i) been convicted of an offence against this local law, or any other written law, in respect of a morgue;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of the licence;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the owner or occupier is not a fit and proper person; or
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the morgue is such as to render it, in the opinion of the local government, unfit to remain licensed.

- (3) Before cancelling the licence for a morgue under this clause, the local government must give notice to the owner or occupier requiring him or her, within a time specified in the notice, to show cause why the licence should not be cancelled.
- (4) If the local government cancels the licence for a morgue, it must give the owner or occupier notice of the cancellation and the licence is to be revoked as from the date on which the notice is served on the owner or occupier.

Part 4 — Liquid Refuse and Waste

Division 1—Liquid refuse

4.1 Interpretation

In this division, unless the context otherwise requires —

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

liquid waste means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, 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.

4.2 Deposit of liquid refuse

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

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

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall —
 - (a) provide, by 1 of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by 1 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 Chief Health Officer or the local government; and
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

Division 2—Transport of butchers' waste

4.4 Interpretation

In this Division, unless the context otherwise requires, **butchers' waste** includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

4.5 Restriction of vehicles

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

- (a) a vehicle or container not approved by the local government; or
- (b) a vehicle used for the transport of food or drugs; or
- (c) anything intended to be used for the packing or handling of food or drugs.

4.6 Transport of butchers' waste

(1) A person shall not transport butchers' waste other than in —

- (a) a compartment complying with the following specifications—
 - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
 - (ii) all joints to be sealed and made watertight;
 - (iii) the loading doors, if any, to be watertight and kept closed at all times except when loading; and
 - (iv) the top to be completely covered by a tarpaulin or other impervious material approved by the local government, 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 sealed container fitted with a lid, which can be tightly closed.

- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause, are —
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to —
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

Part 5—Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires—

fertiliser includes manure; and

public vehicle means a vehicle used by a public or private corporation that provides a service to the public.

5.2 Footpaths etc, to be kept clean

An owner or occupier of premises must keep any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from refuse and other obstacles which —

- (a) are or have been in the possession or control of the owner or occupier; and
- (b) the owner or occupier has caused or allowed to be on the footpath, pavement, area or right of way.

5.3 Escape of smoke etc.

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

5.4 Public vehicles to be kept clean

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.

5.5 Prohibition against spitting

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

5.6 Transportation, use and storage of offal, blood or other offensive material

- (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.
- (2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odours therefrom.
- (3) Every person using any sealed containers or vehicle in the removal of any offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

5.7 Use or storage of fertiliser

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

- (a) pig manure, within 200m of townsite boundaries, or within townsites, unless it has been effectively treated to the satisfaction of the Environmental Health Officer;
- (b) human faeces; or
- (c) urine.

5.8 Storage and dispatch of artificial fertiliser

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 all internal surfaces are constructed of durable and non-absorbent materials finished internally with a smooth surface;

- (ii) that protects it from the absorption of moisture; and
- (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser despatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of fertiliser in a dwelling house

The owner or occupier of a dwelling 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 or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an Environmental Health Officer.

Part 6 – Keeping Animals

Division 1—General provisions

6.1 Interpretation

In this Division, unless the context otherwise requires—

animal includes cats, dogs, rabbits and ferrets or the like; and

bird includes galahs, parrots, budgerigars, finches, pigeons and doves or the like.

6.2 Cleanliness

An owner or occupier of premises, in or on which an 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 or other vectors of disease;
- (b) dispose of excrement, filth, food waste or other matter in an approved manner;

- (c) when so directed by an Environmental Health Officer, clean and disinfect the premises;
- (d) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

6.3 Vehicles used for transporting of animals and birds

Unless transporting a pet animal or bird, no person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

Division 2 – Limit on number of animals kept

6.4 Limit on numbers

A person must not keep animals, or permit animals to remain on any property in such numbers that they are, or are likely to be, a nuisance, injurious or dangerous to health.

6.5 Animal enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the local government, 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.
- (3) The owner or occupier of a premises where a rabbit is kept must ensure that each rabbit is kept in a suitable enclosure that effectively prevents it from escaping.

6.6 Slaughter of animals

- (1) Subject to subclause (2) a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to —
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) slaughter of animals for the purposes of pet meat and game meat operations;

- (c) slaughter of animals for human consumption in abattoirs approved by the local government;
- (d) farming or grazing property occupiers preparing meat for their own consumption; and
- (e) slaughter of animals at a knackery approved and licensed by the local government.

6.7 Disposal of dead animals

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall immediately remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care of, any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (4) The requirements of subclauses (2) and (3) shall not limit the practice of farmers, pastoralists and the like of disposing of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.

Division 3 - Keeping of large animals

6.8 Interpretation

In this Division, unless the context otherwise requires -

approved animal includes a horse, cow or large animal the subject of an approval by the local government under clause 6.9;

cow includes an ox, calf, or bull;

horse includes an ass, mule, donkey or pony; and

large animal includes a pig, sheep, goat, deer or camel, cow, horse, llama, emu, ostrich, alpaca, kangaroo or the like, including miniature species of the same animal.

6.9 Conditions for keeping of an animal

- (1) An owner or occupier of premises within a townsite shall not keep –
 - (a) any large animal, other than a sheep or goat;

(b) more than 3 sheep; or

(c) more than 3 goats,

on those premises without approval of the local government.

(2) An owner or occupier of premises shall not keep within a townsite an approved large animal or specified number of sheep or goats unless -

(a) subject to subclause (4), the premises has an area of not less than 0.2 hectares of alienated land; and

(b) the approved animal does not approach within 20 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.

(3) The owner or occupier wanting to keep more than the above number of animals, on a block of land 0.2 hectares or larger and within a townsite, can do so only by obtaining the written approval of the local government. The approval will stipulate the maximum number of animals that may be kept. The number of animals will be calculated using the following rate -

(a) 4 large animals and 2 of their offspring up to the age of 12 months; or

(b) 12 sheep or 12 goats per 0.2 hectares or part thereof.

(4) The local government may approve the keeping of a large animal on a premises that has an area of less than 0.2 hectares within a townsite, subject to conditions as deemed appropriate by the local government.

6.10 Stables

(1) The owner or occupier of premises within a townsite who has an approved animal shall provide for its use a stable, which shall not be situated within 20 metres of a dwelling house or other premises.

(2) The owner or occupier of any premises on which a stable is located shall -

(a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;

(b) keep all parts of the stable so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.

6.11 Manure receptacle

An owner or occupier of premises on which an approved animal is kept shall -

- (a) provide, in a position convenient to the stable, a receptacle for manure which is constructed of smooth, impervious, durable, easily cleanable materials and provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved by an Environmental Health Officer.

Division 4 - Keeping of poultry and pigeons

6.12 Interpretation

In this Division, unless the context otherwise requires **poultry** includes bantams, ducks and other domestic fowls.

6.13 Limitation on numbers of poultry and pigeons

An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons, without the approval of the local government, on any 1 lot of land.

6.14 Conditions for keeping poultry in limited numbers

A person who keeps poultry or permits poultry to be kept shall ensure that -

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;

- (d) no poultry are able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of 2 or more streets, the local government has approved a lesser distance;
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

6.15 Roosters, geese, turkeys, peafowl and gamebirds

- (1) An occupier of premises within a townsite shall not, without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl -
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen; or
 - (e) a gamebird (includes emus and ostriches).
- (2) The local government may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any 1 or more birds as specified in subclause (1).
- (3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he or she is the occupier thereof.
- (4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

6.16 Pigeons or doves

A person who keeps, or permits to be kept, pigeons or doves shall ensure that -

- (a) none are 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; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dovecote that -

- (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
- (iii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

6.17 Removal of non-conforming structure or enclosure

- (1) If a structure or enclosure is used for the keeping of poultry, pigeons or doves contrary to the provisions of clauses 6.14 and 6.16, the local government may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the local government under this clause.

6.18 Restrictions on pigeon nesting or perching

- (1) A local government may order an owner or occupier of a premises in or on which pigeons are, or are in the habit of, nesting or perching to take reasonable steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with a local government order made under this clause.

6.19 Restrictions on feeding wild birds

A person must not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.

Division 5 – Feedlots

6.20 Interpretation

In this Division, unless the context otherwise requires –

animal includes sheep, lambs, goats, deer, cattle and buffalo;

birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches; and

feedlot means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain.

6.21 Premises to be approved

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

- (2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 1.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

6.22 Site conditions

- (1) The owner or occupier of the approved feedlot must ensure the premises –
 - (a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;
 - (b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;
 - (c) has a minimum groundwater clearance of 3 metres;
 - (d) drainage diverts all uncontaminated stormwater from the general waste stream; and
 - (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.
- (2) The owner or occupier of the approved feedlot must take reasonable measures to prevent the discharge of dust which may involve –
 - (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust;
 - (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
 - (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

Division 6 – Piggeries

6.23 Interpretation

In this Division, unless the context otherwise requires –

intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds; and

piggery in relation to premises shall include any portion of premises to which the pigs have access.

6.24 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Schedule 2; or if it is an intensive piggery, the minimum separation distances listed in Schedule 3.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

6.25 Site conditions

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

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

Part 7—Pest Control

Division 1—Flies

7.1 Interpretation

In this Division, unless the context otherwise requires **flies** means any of the 2 winged insects constituting the order Diptera commonly known as flies, excluding stable fly (*Stomoxys calcitrans*).

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

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

7.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that —

- (a) rubbish receptacles are kept clean and tightly sealed 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.

7.4 Officer may give notice directing measures to be taken

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

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

of flies.

7.5 Local government may execute work and recover costs

(1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 7.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

- (2) The costs and expenses incurred by the local government in the execution of a power under subclause (1), may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).
- (3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, except to the extent the person has suffered loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 2—Mosquitoes

7.6 Interpretation

In this Division, unless the context otherwise requires **mosquitoes** means any of the 2 winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

7.7 Measures to be taken to prevent mosquitoes breeding

- (1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall —
 - (a) follow any direction or notice of an Environmental Health Officer for the purpose of —
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication of mosquitoes; or
 - (iii) effectively preventing the breeding of mosquitoes; and
 - (b) assist an Environmental Health Officer to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or occupier of any premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall —
 - (a) frequently change the water; and
 - (b) keep the water clean and free from vegetable matter and slime.
- (3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in a sound condition at all times, and that mesh having openings no larger than 1.2 millimetres covers any educt vent to the system.
- (4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

7.8 Local government may execute work and recover costs

(1) Where —

(a) a person is required under this Division or directed by a notice given under clause 7.7 to execute any work; and

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

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

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

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

Division 3—Rodents

7.9 Interpretation

In this Division, unless the context otherwise requires **rodents** means those animals belonging to the order *Rodentia* and includes rats, mice and rabbits but does not include animals kept as pets in an enclosure designed for the purpose of keeping as pet animals of that kind.

7.10 Measures to be taken to eradicate rodents

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

(2) 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, must —

(a) take reasonable measures to keep the premises free from rodents including —

(i) protecting stored foodstuffs;

(ii) removing accumulated refuse or a potential rodent food source;

(iii) using a rodenticide bait or a properly baited trap if found to be effective; and

- (iv) minimising rodent access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, must –
 - (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 reasonable measures for the eradication of rodents.
- (2) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this clause.

7.11 Food and wastes to be kept in rodent proof receptacles

No person shall store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

7.12 Restrictions on the keeping of rodents

A person or body who keeps rodents shall —

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

7.13 Food premises etc., to be cleaned after use

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

7.14 Restrictions on materials affording harbourage for rodents

- (1) An owner or occupier of premises must cause –

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

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

- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier must, within the time specified, comply with a direction given by an Environmental Health Officer under this clause.

Division 4—Cockroaches

7.15 Interpretation

In this Division, unless the context otherwise requires **cockroach** means any of the various orthopterous insects commonly known as cockroaches.

7.16 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take reasonable measures to eradicate any cockroaches in or on the premises.
- (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 Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this clause.

Division 5—Argentine Ants

7.17 Interpretation

In this Division, unless the context otherwise requires **Argentine Ant** means an ant belonging to the species *Limepithema humile* (formerly *Iridomyrmex humilis*) and commonly known as an Argentine Ant.

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

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

- (a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- (c) whenever required by an Environmental Health Officer—

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

Division 6—European Wasps

7.19 Interpretation

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

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

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

- (a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7—Arthropod vectors of disease

7.21 Interpretation

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*).

7.22 Responsibility of the owner or occupier

The owner or occupier of premises shall —

- (a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

- (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

Part 8—Infectious Diseases

Division 1—General provisions

8.1 Purpose of exercise of powers

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

8.2 Requirements for an owner or occupier to clean, disinfect and disinfest

- (1) The local government or an Environmental Health Officer 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 subclause (1).

8.3 Environmental Health Officer may disinfect or disinfest premises

- (1) Where the local government or an authorised person is satisfied that any case of infectious disease has occurred on any premises, the local government or the authorised person may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
- (4) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff or employees under this clause, except to the extent the person has suffered loss or damage because the action taken by the local government or any of its staff or employees was negligent or in breach of duty.

8.4 Insanitary dwelling houses, premises and things

- (1) An owner or occupier of any dwelling house or premises must maintain the dwelling house or premises free from any insanitary condition or thing.
- (2) If an Environmental Health Officer considers that a dwelling house, premises or thing is insanitary, he or she may, by notice in writing –
 - (a) direct an owner of the dwelling house, premises or thing, within the time and in the manner specified in the notice, to demolish or otherwise destroy the dwelling house, premises or thing; or
 - (b) direct an owner or occupier of the dwelling house, premises or thing, within the time and in the manner specified in the notice, to amend, clean or secure the dwelling house, premises or thing.
- (3) A person to whom a notice has been given under subclause (2) shall comply with the terms of the notice.

8.5 Authorised person may authorise disinfecting

- (1) Where an authorised person believes that a person is or may be infected by an infectious disease, the authorised person may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the authorised person.
- (2) A person shall comply with any direction of an authorised person under this clause.

8.6 Persons in contact with an infectious disease sufferer

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

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

8.7 Declaration of infected dwelling house or premises

- (1) To prevent or check the spread of infectious disease, the local government or an authorised person may from time to time declare any dwelling house or premises to be infected.

- (2) A person shall not enter or leave any dwelling house or premises declared to be infected without the written consent of an authorised person or an Environmental Health Officer.

8.8 Destruction of infected animals

- (1) An Environmental Health Officer, 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 reasonable steps be 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 that is the subject of a notice under subclause (1) shall comply with the terms of the notice.

8.9 Disposal of a body

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by an authorised person.
- (2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

8.10 Local government may carry out work and recover costs

- (1) Where —
 - (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement,that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered in a court of competent jurisdiction from the person referred to in subclause (1)(a).

- (3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in subclause (1)(a) in relation to any action taken by the local government under this clause, except to the extent the person has suffered loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 2—Disposal of used condoms and needles

8.11 Disposal of used condoms

- (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are —
- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by the local government.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

8.12 Disposal of used needles

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

Part 9—Lodging-houses

Division 1—Registration

9.1 Interpretation

- (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 2 single beds;

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

certificate of registration means a certificate of registration of a lodging-house issued under clause 9.4;

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

keeper means a person whose name appears on the register of keepers, in respect of a lodging-house, as the keeper of that lodging-house;

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

lodging-house has the same meaning as is given to that expression in the Act;

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

recreational campsite means a lodging house —

- (a) situated on a campsite principally used for —
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

vectors of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

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

9.2 Lodging-house not to be kept unless registered

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 local government under clause 9.4;
- (c) the name of the person keeping or proposing to keep the lodging-house is entered in the register of keepers; and
- (d) when required by the local government either —
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of an Environmental Health 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 are 1 or more lodgers in the lodging-house.

9.3 Application for registration

An application for registration of a lodging-house shall be —

- (a) in the form approved by the local government;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by —
 - (i) the fee as fixed from time to time by the local government under section 344C of the Act; and
 - (ii) detailed plans and specifications of the lodging-house.

9.4 Approval of application

The local government may approve, with or without conditions, an application under clause 9.3 by issuing to the applicant a certificate in the form approved by the local government.

9.5 Renewal of registration

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

- (a) before 30 June in each year apply to the local government for the renewal of the registration of the lodging-house; and
- (b) pay the fee as fixed from time to time by the local government under section 344C of the Act, at the time of making each application for renewal.

9.6 Notification upon sale or transfer

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

9.7 Revocation of registration

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging-house for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any 1 or more of the following grounds —
 - (a) that the lodging-house has not, to the satisfaction of local government, 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 this local law in respect of the lodging-house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging-house is such as to render it, in the opinion of the Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging-house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government revokes the registration of a lodging-house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and use requirements

9.8 General construction requirements

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

9.9 Kitchen

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

- (a) has adequate—
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
- (b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code; and
- (c) has a hand wash basin and a double bowl sink or dish washing facility, each provided with an adequate supply of hot and cold water.

9.10 Cooking facilities

- (1) The keeper of a lodging-house where lodgers prepare their own meals must provide a kitchen with electrical, gas or other stoves and ovens approved by an Environmental Health Officer in accordance with Schedule 4.
- (2) The keeper of a lodging-house where meals are provided by the keeper or manager must provide a kitchen with cooking appliances of a number and type approved by an Environmental Health Officer.

9.11 Dining room

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

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
- (c) which shall be —
 - (i) adequately furnished to accommodate, at any 1 time, half of the number of lodgers; and

- (ii) provided with a suitable floor covering.

9.12 Lounge room

The keeper of a lodging-house shall provide in that lodging-house a lounge room

-

- (a) with a floor area -

- (i) where the lounge room is not combined with a 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 1 time, half of the number of lodgers; and
- (ii) provided with a suitable floor covering.

9.13 Sanitary conveniences

- (1) In this clause, unless the context otherwise requires –

communal bathroom means a room which has more than 1 shower or more than 1 bath or any combination of more than 1 shower and 1 bath, whether or not they are divided by cubicles designed with the intention that the bathroom may be used by more than 1 person at any particular time;

communal toilet means a room which has more than 1 toilet with each toilet being divided from the other toilets with a cubicle surrounding it, whether or not the walls of that cubicle extend to the floor or the ceiling or both of the room;

individual bathroom means a room which has only 1 shower, or only 1 bath, or only 1 shower and 1 bath, and is designed to be used by only 1 person at any particular time; and

individual toilet means a room that has walls extending from the floor to the ceiling and contains a single toilet.

- (2) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

- (a) 1 or more communal toilets, or 1 or more individual toilets, or both; and

- (b) 1 or more communal bathrooms, or 1 or more individual bathrooms, or both, each fitted with a hand wash basin and either a shower or a bath,

in accordance with the requirements of the Building Code.

- (3) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subclause (1).
- (4) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (5) 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.
- (6) Subject to subclause (8), each communal toilet and communal bathroom must –
 - (a) be 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.
- (7) Subject to subclause (8), each individual toilet and individual bathroom must –
 - (a) be situated, separated and screened so as to ensure privacy;
 - (b) be fitted with a mechanism by which the door may be locked from inside the individual toilet or individual bathroom as approved by an Environmental Health Officer; and
 - (c) be provided with adequate electric lighting.
- (8) Subclauses 6(a), (b) and (c) and 7(a) and (b) do not apply to a serviced apartment.

9.14 Laundry

- (1) In this clause, unless the context otherwise requires –

laundry unit means a group of facilities consisting of –

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) 1 wash trough of not less than 36 litres, connected to both hot and cold water; and

- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that –
 - (d) is capable of delivering 136 litres of water per hour at a temperature of at least 65 degrees Celsius for each washing machine provided with the communal facilities; and
 - (e) has a delivery rate of not less than 18 litres per minute for each washing machine.
- (2) A keeper shall —
- (a) subject to subclause (2) —
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least 1 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry is properly surfaced with an impervious material with an even fall to a floor waste.
- (3) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

9.15 Fire prevention and control

- (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 shall be approved by an Environmental Health Officer; 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;

- (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times; and
 - (d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.
- (2) A keeper shall ensure that all buildings comprising the lodging-house are fitted with fire protection equipment in accordance with the Building Code.

9.16 Obstruction of passages and stairways

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.

9.17 Fitting of locks

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

9.18 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 9.32, and unless otherwise approved by an Environmental Health Officer, 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, lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows which have an area of less than 10 per cent of the floor area of the room;

- (g) which has an unobstructed ventilating area which is less than 5 per cent of the floor area of the room;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Environmental Health Officer.
- (2) For the purposes of this clause, 2 children under the age of 10 years shall be counted as 1 lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

9.19 Sleeping accommodation, short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than —
- (a) 4 square metres per person in each dormitory utilising beds;
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there are ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide —
- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or

- (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.
- (6) The keeper of any short term hostel or recreational campsite shall provide —
- (a) when required by the local government beds with a minimum size of —
 - (i) in short term hostels — 800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites — 750 millimetres x 1.85 metres.
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall —
- (a) maintain at all times a minimum distance of 750 millimetres between beds and a minimum distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and passageway of at least 2 metres between each row of bunks;
 - (c) ensure that the passageway is kept clear of obstruction at all times; and
 - (d) ensure all doors, windows and ventilators are kept free of obstruction at all times.
- (8) The keeper of a short term hostel or recreational campsite shall ensure that —
- (a) materials used in dormitory areas comply with AS 1530.2 – 1993 and AS 1530.3 - 1999 as follows —
 - (i) Drapes, curtains, blinds and bed covers
 - a maximum Flammability Index of 6;
 - (ii) Upholstery and bedding —
 - a maximum Spread of Flame Index of 6;
 - a maximum Smoke Developed Index of 5;
 - (iii) Floor coverings —
 - a maximum Spread of Flame Index of 7;
 - a maximum Smoke Developed Index of 5;

- (b) Fire retardant coatings used to make a material comply with these indices must be —
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS2001.5.4-1987; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
- (c) emergency lighting is provided in accordance with the Building Code;
- (d) a lodger or other person does not smoke in any dormitory, kitchen, dining room, or other enclosed public place, within a short term hostel or recreational campsite; and
- (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

9.20 Furnishing etc. of sleeping apartments

- (1) A keeper shall when required by the local government —
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) except in the case of short term hostels and recreational campsites is provided with a pillow case, mattress cover, 2 sheets, 2 blankets or equivalent;
 - (c) in the case of a short term hostel or recreational campsite, ensure that there is for each bed a pillow case, 2 sheets and 2 blankets available for the use of lodgers either free of charge or on payment of a fee;
 - (d) in the case of a short term hostel or recreational campsite, ensure that lodgers use some form of bedding to cover the pillow and mattress;
 - (e) except in the case of a short term hostel or recreational campsite, furnish each bedroom so that there are adequate storage facilities for lodgers' belongings within the room; and

- (f) in the case of short term hostels and recreational campsites, ensure that there is a room or rooms provided for the secure storage of lodgers' luggage.
- (2) The keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging-house used exclusively as a short term hostel or recreational camp-site.

9.21 Ventilation

- (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 subclause (1) within such time as directed.

9.22 Numbers to be placed on doors

- (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 1) of the lodging-house.
- (2) The numbers to be placed on the doors under subclause (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

9.23 Keeper or manager to reside in the lodging-house

Whenever there are 1 or more lodgers in a lodging-house, a keeper or manager must —

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

9.24 Register of lodgers

- (1) A keeper shall keep a register of lodgers in the form approved by the local government.
- (2) The register of lodgers shall —
 - (a) include the details required by the local government;
 - (b) be kept in the lodging-house; and
 - (c) be open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

9.25 Keeper to report

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

9.26 Certificate in respect of sleeping accommodation

- (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form approved by the local government.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any 1 time.
- (3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this clause 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 clause to occupy the room to which it refers.

9.27 Duplicate keys and inspection

Each keeper and manager of a lodging-house shall —

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

9.28 Room occupancy

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

9.29 Maintenance of a room by a lodger or resident

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper shall —
 - (a) inspect each room the subject of the permission or contract at least once a week; and
 - (b) ensure that each room is being maintained in a clean and sanitary 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 and sanitary condition.

9.30 Cleaning and maintenance requirements

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

bed linen includes sheets, pillowcases, mattress protectors and mattress covers.

- (2) A keeper of a lodging-house shall —
- (a) maintain in a clean, sound and undamaged condition —
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order —
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and furniture;
 - (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
 - (d) whenever there are 1 or more lodgers in a lodging-house, ensure that the laundry floor is cleaned daily;
 - (e) ensure that —
 - (i) all bed linen, towels and house linen in use 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 are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
 - (f) when so directed by an Environmental Health Officer, ensure that —
 - (i) a room, together with its contents and any other part of the lodging-house, is cleaned and disinfected; and

- (ii) a bed or other article of furniture is removed from the lodging-house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

9.31 Responsibilities of lodgers and residents

A lodger or resident shall not —

- (a) use any room available to lodgers —
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging-house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept —
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 9.32 —
 - (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.

9.32 Approval for storage of food

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

Part 10 —Offensive Trades

Division 1—General

10.1 Interpretation

In this Part, unless the context otherwise requires —

occupier in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;

offensive trade means any trades as defined by section 186 of the Act; and

premises includes dwelling house.

Division 2 – Consent and registration

10.2 Interpretation

In this Division, unless the context otherwise requires –

Certificate of Registration means the certificate of registration of premises for offensive trade, issued under clause 10.6.

10.3 Consent to establish an offensive trade

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

10.4 False statement

A person who makes a false statement in an application under clause 10.3 shall be guilty of an offence.

10.5 Registration of premises

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

- (a) in the form approved by the local government;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with the CEO.

10.6 Certificate of registration

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

10.7 Change of occupier

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

10.8 Alterations to premises

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

Division 3—General duties of an occupier

10.9 Interpretation

In this Division, unless the context otherwise requires—

occupier means the occupier, or where there is more than 1 occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

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

10.10 Cleanliness

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.

10.11 Rats and other vectors of disease

The occupier shall —

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

10.12 Sanitary conveniences and hand wash basins

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

10.13 Painting of walls etc.

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

10.14 Effluvia, vapours, gases or dust

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

10.15 Offensive material

The occupier shall —

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any 1 day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by an Environmental Health Officer; and
- (e) cause all receptacles, after being emptied, to be cleaned immediately with an efficient disinfectant.

10.16 Storage of materials

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

10.17 Specified offensive trades

- (1) For the purposes of this clause, “specified offensive trade” means 1 or more of the offensive trades carried on, in or connected with the following works or premises-
 - (a) fat rendering premises
 - (b) fish processing premises, fish curing premises and shellfish and crustacean processing establishments (not including retail fish shops); and
 - (c) 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 material;
 - (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; and
 - (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 Board 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 an Environmental Health Officer may from time to time direct.

10.18 Directions by an Environmental Health Officer

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

10.19 Other duties of occupier

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

Division 4 – Fat rendering establishments

10.20 Interpretation

In this Division, unless the context otherwise requires –

fat rendering establishment means premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method.

10.21 Exhaust ventilation

The occupier must provide and maintain –

- (a) a hood which must –
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system –
 - (i) the point of discharge of which must be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and must not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which must discharge in such manner and in such a position that no nuisance is created.

10.22 Covering of apparatus

External parts of the fat rendering apparatus must be constructed or covered with a non-corrosive impervious material.

10.23 Rendering of walls

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

Division 5—Fish premises

10.24 Interpretation

In this Division, unless the context otherwise requires —

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

fish means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or partly 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 exceeding minus 15 degrees Celsius;

fish curing premises means a place where, for the purpose of sale, fish may be partly cleaned, scaled or cut up for preservation by salting, drying, smoking or other means; and

fish processing premises means a place where, for the purpose of trade, fish is cleaned, partly cleaned, scaled or cut up.

10.25 Fish preparation room

- (1) The fish preparation room of a fish processing premises or fish curing premises must have a self-closing door.
- (2) The occupier must ensure that all fish is prepared in the fish preparation room and that room is to be used solely for that purpose.

10.26 Disposal of waste

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

- (a) placed in the receptacles referred to in clause 10.15 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

10.27 Fish containers

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

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

Division 6 – Flock factories

10.28 Interpretation

In this Division, unless the context requires otherwise –

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

10.29 New and used material

- (1) Subject to subclause (2), the occupier must 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.

10.30 Collection and removal of dust

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

10.31 Unclean rags

A person must 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.

10.32 Bedding and upholstery

A person must not, for the purpose of sale or in the course of any business, remake, renovate, tease, retease, fill, refill or repair any –

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

which is unclean, offensive or infested with vectors of disease, unless the –

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

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

Division 7—Laundries, dry cleaning establishments and dye works

10.33 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment —

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

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 there from, into a public sewer;

exempt laundromat means a premises in which —

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

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

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

10.34 Receiving depot

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

10.35 Reception room

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

10.36 Walls and floors

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

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres with a smooth impervious surface;
- (b) the floor to be constructed of concrete and finished with a smooth impervious 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.

10.37 Laundry floor

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

10.38 Escape of dust

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

10.39 Precautions against combustion

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

10.40 Trolleys

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.

10.41 Sleeping on premises

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

Part 11—Offences And Penalties

11.1 Offences

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

11.2 Penalties

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under subclause (1) is liable to -
 - (a) a penalty which is not more than \$2,500 and not less than —
 - (i) in the case of a first such offence, \$250;

- (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third and subsequent such offence, \$1,250; and
- (b) if the offence is a continuing offence, a daily penalty, which is not more than \$250 and not less than \$125 for each day during which the offence continues.

11.3 Other enforcement actions

- (1) In addition to a penalty imposed under clause 11.2, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.
- (2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.

Schedule 1 – Required Buffer Distances for Feedlots
[Clause 6.21(2)]

Item	Buffer	Distances
1.	Townsite boundaries	5,000m
2.	Isolated rural dwellings, dairies and industries	1,000m
3.	Public roads and recreation areas	100m
4.	Neighbouring rural property boundaries	50m
5.	Major water course and water impoundments	300m
6.	Bores, wells or soaks used for drinking, stock or irrigation	300m
7.	Minor water courses	100m

Schedule 2 – Required Buffer Distances for Piggeries
[Clause 6.24(2)]

Item	Buffer	Distances
1.	Townsite boundaries	5,000m
2.	Isolated rural dwellings, dairies and industries	1,000m
3.	Public roads and recreation areas	100m
4.	Neighbouring rural property boundaries	50m
5.	Major water course and water impoundments	300m
6.	Bores, wells or soaks used for drinking, stock or irrigation	300m
7.	Minor water courses	100m

Schedule 3 – Required Buffer Distances for Intensive Piggeries

[Clause 6.24(2) and 6.26]

Item		Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores/wells, soaks, drinking water supply	Stock irrigation supply
1.	Piggeries and facilities for more than 5,000 pigs	5,000m	1,000m	200m	50m	Not permitted	300m	300m	100m
2.	500-5000 pigs	3,500m	1,000m	150m	50m	Not permitted	300m	300m	100m
3.	50-499 pigs	2,000m	1,000m	100m	50m	Not permitted	300m	300m	100m
4.	Less than 50 pigs	500m	1,000m	50m	50m	Not permitted	200m	300m	100m
5.	Land used for disposing of raw wastes or partly treated wastes	1,000m	1,000m	100m	300m	Not permitted	300m	300m	300m
6.	Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100m

Schedule 4 – Required Cooking Facilities
 [Clause 9.10(1)]

No. of Lodgers	Ovens	4 Burner Stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers over 60

Dated this day of

The Common Seal of the Shire of Gingin)
 was affixed by authority)
 of a resolution of the Council in the)
 presence of:)

D W ROE
 Shire President

J EDWARDS
 Chief Executive Officer