

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

SHIRE OF MEEKATHARRA

HEALTH LOCAL LAW 2021

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

SHIRE OF MEEKATHARRA

HEALTH LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Meekatharra resolved on 20 August 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Meekatharra Health Local Law 2021*.

1.2 Commencement

This local law commences 14 days 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

This local law repeals the *Shire of Meekatharra Health Local Laws 2008* as published in the *Government Gazette* on 23 December 2008.

1.5 Interpretation

In this local law, unless the context otherwise requires—

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

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute;

approved means approved by the local government;

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

AS 3786 means Australian Standard for Smoke alarms using scattered light, transmitted light or ionization;

AS 2293.1 means Australian Standard for Emergency escape lighting and exit signs for buildings—System design, installation and operation;

AS 1530.2 means Australian Standard for Methods for fire tests on building materials, components and structures—Test for flammability of materials;

AS 1530.3 means Australian Standard for Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release;

AS 4282 means Australian Standard for Control of obtrusive effects of outdoor lighting;

Authorised Officer means a person appointed under

(a) the provisions of the *Public Health Act 2016*; or

(b) the *Local Government Act 1995*; and

(c) includes officers employed or contracted by the local government as an Environmental Health Officer, Acting Environmental Health Officer, Assistant Environmental Health Officer, Community and Development Services Manager and Principal Environmental Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

bed linen includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

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

Chief Executive Officer means the Chief Executive Officer of the local government;

Chief Health Officer means a person appointed to this position under the provisions of the *Public Health Act 2016*;

Council means the Council 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, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council;

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

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

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

(b) excludes a bathroom, laundry, toilet, 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 Meekatharra;

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

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, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

Schedule means a Schedule to this local law;

sewage means any kind of sewage, 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, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

toilet means a toilet bowl, or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the townsites within the district which are constituted under section 26(2) of the *Land Administration Act 1997* or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*; and

urinal may be—

(a) an individual stall or wall-hung urinal;

(b) each 600 millimetres length of a continuous urinal trough; or

(c) a toilet bowl used in place of a urinal.

1. 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 owner or occupier.

2. 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—

apparatus for the treatment of sewage has the same meaning as in section 3 of the Act;

event includes a fair, function or festival;

low lying land means land that has a height no more than 2 metres above Australian height datum;

organiser means a person—

(a) to whom approval has been granted by the local government to conduct the event; or

(b) responsible for the conduct of the event;

public sanitary convenience means a sanitary convenience to which the public ordinarily have access;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and includes the irrigation effluent disposal area of an aerobic treatment system; 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.

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 one 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 a reasonable distance and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or hand wash 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 the 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 Events

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's "Guidelines for concerts, events and organised gatherings".

2.5 Maintenance of sanitary conveniences and fittings

The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an Authorised Officer, effectively disinfect and clean; all sanitary conveniences including sanitary fittings in or on the premises.

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.

2.6 Public sanitary conveniences

1. A person shall not foul, damage or vandalise or 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.

2.7 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.

Division 2—Bathrooms, Laundries and Kitchens

2.8 Bathrooms

1. A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that is equipped with—

- (a) a hand wash basin; and
- (b) 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 unless otherwise approved, suitably trapped and discharging to—

- (a) the sewer of a licensed water service operator; or
- (b) an apparatus for the treatment of sewage approved by the local government.

2.9 Laundries

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

2. Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—

- (a) not be more than 1,220 millimetres wide; and
- (b) have a door which when closed shall completely fill the opening.

3. 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;
- (d) is properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—
 - (i) the sewer of a licensed water service operator; or
 - (ii) an on-site waste water disposal system of a type approved as approved by the local government; and
- (e) is provided with adequate ventilation.

4. The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations*.

5. In the case of a single occupancy dwelling, the laundry referred to in subclause (1) shall have—

- (a) either—
 - (i) two wash troughs;
 - (ii) a washing machine and either a wash trough or a sink; and
- (b) clothes drying facility comprising either a mechanical clothes dryer or not less than 20 metres of clothes line erected externally.

6. All wash troughs, sinks and washing machines shall be—

- (a) in a laundry and connected to an adequate supply of hot and cold water; and
- (b) installed to manufacturer's specifications, and;
- (c) all wash troughs shall have a capacity of at least 36 litres.

7. Sole or multiple occupancy units, each being a separate dwelling, shall have—

- (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
- (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

2.10 Washing or keeping of clothes in kitchens

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

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

2.11 Kitchens

1. A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—

- (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
- (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.

2. The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

3. A cooking facility shall—

- (a) be installed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety, and the manufacturer's specifications; and
- (b) not be installed or used in any room other than a kitchen.

4. Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—

- (a) carried to the outside air as directly as practicable; and
- (b) boxed throughout.

5. In this clause, a

cooking facility includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Dwelling Houses

3.1 Dwelling house maintenance

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

- (a) maintain all roofs 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 veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Authorised 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 floors even in surface and free from cracks;
- (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (i) maintain all doors and windows in good working order and weatherproof condition;
- (j) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (k) 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 *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
- (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
- (m) maintain all ventilators in good order and repair.

3.2 Guttering and downpipes

The owner or occupier of a dwelling house which has guttering and downpipes 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 from the guttering onto or over a footpath, street or other property.

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 Division 2 of Part 8.

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;
- (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, shed or area under a veranda or patio to be used for sleeping purposes.

3.5 Calculated 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 one time; and
- (b) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

Division 3—Water Supply

3.6 Water supply

1. The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from—

- (a) a licensed water service operator;

- (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.
2. The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
3. The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.7 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the Australian Drinking Water Guidelines developed by the National Health and Medical Research Council and in particular—

- (a) maintain in a clean condition—
 - (iii) the roof forming the catchment for the tank; and
 - (iv) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every 6 months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

3.8 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—Morgues

3.9 Licensing of morgues

1. All non-government morgues shall be licensed pursuant to the provisions of this clause.
2. An application for licence of a morgue shall be in a form as determined by the local government from time to time and shall be—
 - (a) made by the applicant;
 - (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Sections 6.16 to 6.19 of the *Local Government Act 1995*.
3. A Certificate of Licence of a Morgue shall—
 - (a) be in a form as determined by the local government from time to time; and
 - (b) expire on 30 June next after the date of its issue.
4. A Certificate of Licence of a Morgue shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
 - (e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 –LIQUID REFUSE AND LIQUID WASTE

4.1 Interpretation

In this division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

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

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

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.2 Deposit of liquid refuse

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

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

The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

Subclause (2) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised officer.

4.3 Disposal of liquid waste

The owner or occupier of premises shall—

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

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

- (a) discharging it into the sewage 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 approved by the Chief Health Officer or the local government; or
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this division, unless the context otherwise requires—

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

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

fertiliser includes manure;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor; and

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

5.2 Escape of smoke etc.

1. An owner or occupier of premises shall take reasonable measures to prevent the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

2. A person shall not on any land of an area 0.4 hectares or less, set fire to rubbish, refuse or other materials on rural residential zoned property unless—

- (a) written approval has first been obtained from the local government;
- (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
- (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
- (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and

- (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

3. Subclause (2) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

4. Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

5.3 Public vehicles to be kept clean

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;
- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

5.4 Prohibition against spitting

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

5.5 Dust management

1. If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, the owner or occupier shall—

- (a) submit to an authorised officer a Dust Management Plan in accordance with "A guideline for managing the impacts of dust and associated contaminants from land development sites, remediation and other related activities (2011)" as produced by the Department of Water and Environmental Regulation, and amended from time to time; and
- (b) obtain written approval of the Dust Management Plan from an authorised officer before commencement of any work.

2. An owner and or occupier of land must take effective measures to—

- (a) stabilise dust on the land;
- (b) contain all liquid waste on the land;
- (c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and
- (d) notify the owners or occupiers of adjoining land in writing 48 hours prior to the commencement of any activity that has the potential to cause the release or escape from the land of dust or liquid waste giving details of:
 - (v) the nature of the activity;
 - (vi) the proposed commencement time, frequency, duration time and location of the activity; and
 - (vii) the name of the person responsible for carrying out the activity and how and where that person may be contacted.

3. The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following—

- (a) comply with subclause (2)(a) or (2)(b);
- (b) clean up and properly dispose of any released or escaped dust or liquid waste;
- (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
- (d) take effective measures to stop any further release or escape of dust or liquid waste.

4. The requirements set out in a notice issued under subclause (3) must be complied with—

- (a) within 48 hours of service of the notice where no other time is specified;
- (b) within such other period as is specified in the notice; or
- (c) immediately, if the notice so specifies.

5. Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on the owner and or occupier of the land and or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

6. Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

5.6 Emission or reflection of light

1. Where artificial light is emitted or reflected from anything on a lot so as to contravene the requirements of Australian Standard AS 4282, then every owner and occupier of the lot commits an offence.

2. Where natural light is reflected from anything on a lot so as to create or be a nuisance to any—
 - (a) owner or occupier of land; or
 - (b) person using a thoroughfare as a thoroughfare, then every owner and occupier of the lot commits an offence.
3. All lighting installations as defined within the Australian Standard AS 4282 must be maintained in good working order and repair at all times.
4. An owner and or occupier of a lot on which floodlights, lighting installations or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.
5. The local government may give a notice to the owner and or occupier of a lot—
 - (a) requiring that any reflective surfaces creating a nuisance within clause 5.6(1) be painted or otherwise treated so as to abate the nuisance; and
 - (b) on which floodlights, lighting installations or other exterior lights are erected, requiring—
 - (i) the hours of use of the lighting to be limited to the hours specified in the notice; or
 - (ii) the direction in which the lights are shining to be altered as specified in the notice.

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;
- (b) human faeces; or
- (c) urine.

Division 2—Keeping of Animals

5.8 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.

5.9 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 or of which the drainage flows to the walls or foundations of any building.
2. The owner or occupier of premises where animals or birds are kept shall, when directed by an Authorised Officer, pave, grade and drain 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 premises where an animal is kept must ensure that each animal is kept in a suitable enclosure that effectively prevents it from escaping.
4. The owner or person in charge of livestock shall not permit livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

5.10 Disposal of dead animals

1. An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
2. An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
3. The requirements of subclauses (1) and (2) shall not apply to farmers, pastoralists and the like who dispose of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.
4. 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.

Division 3—Keeping of Approved Animals

5.11 Interpretation

In this division, unless the context otherwise requires—

- approved animal** includes a horse, cow, pig, sheep, camel, alpaca, llama, deer, goat or other large animal;
- cow** includes an ox, calf or bull;
- horse** includes an ass, mule, donkey or pony; and
- natural shelter** means a mature tree or belt of trees.

5.12 Keeping of approved animals and provision of stables

1. An owner or occupier of premises shall not keep an approved animal within a ssd with the requirements of the Building Code, and which—
 - (a) is not situated within 15 metres of a house;

- (b) has exclusive space for each animal of 0.2 hectares;
 - (c) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
 - (d) provides adequate natural ventilation;
 - (e) prevents the animal from escaping; and
 - (f) subject to subclauses (6) and (8), has a floor, which—
 - (i) is constructed of a material approved by an Authorised Officer; and
 - (ii) has a fall which effectively drains liquid wastes into a trapped gully situated outside the stable and discharged in a manner approved by an Authorised Officer.
2. An application for approval to keep an approved animal shall include the following information—
- (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building on another lot, or commercial premises;
 - (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal; and
 - (c) a detailed written plan for the management of manure which addresses—
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours.
3. The local government may vary the conditions of approval after it has been issued, and shall give notice of such variation to the owner or occupier within 14 days of such variation.
4. The local government may cancel its approval in the event that the owner or occupier—
- (a) fails to comply with any condition of the approval; or
 - (b) breaches this clause.
5. The owner or occupier of premises on which a stable is located shall—
- (a) maintain the stable in a clean and hygienic condition at all times;
 - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
 - (c) comply with the relevant requirements of the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019* (as amended from time to time by the Department of Primary Industries and Regional Development).
6. The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.
7. The owner or occupier of premises that contains a stable is to ensure a stable shall—
- (a) have a proper separate stall for each horse or cow;
- and
- (i) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subclause (8)(f); and
 - (ii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subclause (8)(f);
- (d) have each wall and roof constructed of an approved impervious material;
 - (e) have a roof that covers the entire floor area of the stall;
 - (f) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;
 - (g) subject to subclause (8)(f), have a floor, the upper surface of which shall—
 - (i) be at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials; and
 - (iii) have a fall ratio of 1:100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government; or
 - (h) have a sand floor, if permitted by the local government, subject to the following—
 - (i) the site must be well drained with the highest known water table at least 0.6 metres below the sand floor level, which may be achieved artificially;
 - (ii) a 300 millimetres thick bed of aggregate approved by an authorised officer shall be laid under the sand of the stable;
 - (iii) sand, whether natural or imported, must be clean, coarse and free from dust;
 - (iv) footings to each stable shall be a minimum of 450 millimetres below ground level;
 - (v) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
 - (vi) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally; and

- (vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
- (i) Where an owner had lawful authority to keep an approved animal on their premises prior to this local law coming into operation, they are not required to obtain approval under this clause; however they will not substitute or replace any approved animal once that animal—
 - (i) dies; or
 - (ii) is permanently removed from the premises.

5.13 Proximity of approved animals to a dwelling house

An owner or occupier of premises shall not permit an approved animal to approach within 30 metres of a dwelling house.

5.14 Manure receptacles

An owner or occupier of premises on which a stable is constructed shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight fitting hinged cover, and with no part of the floor 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 coming 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 Authorised Officer.

Division 4—Keeping of Poultry and Pigeons

5.15 Interpretation

In this division, unless the context otherwise requires—

poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;

pigeons are birds that are classified within the family Columbidae and includes doves; and

miscellaneous birds include all birds other than poultry and pigeons.

1. This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.
2. Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.16 Limitation on numbers of pigeons, poultry and miscellaneous birds

1. An owner or occupier of premises in a townsite shall not keep a combined total of more than 12 poultry and 12 pigeons on any one lot of land, unless approved by an Authorised Officer.
2. An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a townsite or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.
3. An Authorised Officer may increase the number of poultry or pigeons kept on any one lot of land if satisfied that a health nuisance does not exist.
4. An owner or occupier shall not keep more than 20 miscellaneous birds on any premises within the district unless otherwise approved.
5. An owner or occupier shall not keep pigeons, poultry or miscellaneous birds so as to create a nuisance.
6. An Authorised Officer may apply relevant conditions, or require a reduction of the approved number of poultry, pigeons, or miscellaneous birds on any premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or miscellaneous birds on a particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.
7. An owner or occupier shall comply with a direction of an authorised officer under this clause.
8. Subclause (4) does not apply to premises used for veterinary purposes or as a pet shop.

5.17 Conditions of keeping poultry

1. A person who keeps poultry or permits poultry to be kept shall ensure that—
 - (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
 - (b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (c) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.
2. A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

5.18 Roosters, Geese, Turkeys, Peafowl and Gamebirds

1. An owner or occupier of premises shall not within a townsite or on properties with an area of 2 hectares or less, keep or permit to be kept on those premises, any one or more of the following birds without the written approval of the local government—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen; and
- (e) a gamebird (includes emus and ostriches).

2. An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of birds under this clause.

3. An Authorised Officer may rescind approval for the keeping of birds under this clause if they cause a nuisance.

5.19 Conditions of keeping pigeons

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

- (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres.

5.20 Removal of nonconforming structures or enclosures

If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.17 or 5.19, as applicable, an Authorised Officer may direct the owner or occupier to amend it or remove it.

5.21 Restrictions on pigeon nesting or perching

An Authorised Officer may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.

5.22 Restrictions on feeding wild birds

1. A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird—

- (a) so as to cause a nuisance or be injurious or dangerous to health; or
- (b) with a food or substance that is not a natural food of a bird.

2. Where an authorised officer forms the opinion that a person has not complied with subclause (1) the authorised officer may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Division 5—Feedlots

5.23 Interpretation

In this division, unless the context otherwise requires—

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

animal includes cattle, sheep, goats, deer and the like; and

sensitive land use means land use sensitive to emissions from industry and infrastructure, and includes land uses of residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

5.24 Premises to be approved

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

2. Notwithstanding subclause (1), cattle feedlots with more than 500 animals are to be licensed under Schedule 1 (Category 1) of the *Environmental Protection Regulations 1987*.

5.25 Management of beef cattle feedlots

Beef cattle feedlots are to be operated and managed in accordance with the *National Guidelines for Beef Cattle Feedlots in Australia (2012)*.

5.26 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

PART 6—PEST CONTROL*Division 1—Flies***6.1 Interpretation**

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

6.2 Control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the Fly Eradication Regulations.

*Division 2—Mosquitoes***6.3 Interpretation**

In this division, unless the context otherwise requires **mosquitoes** means any of the two-winged insects constituting the family *Diptera Clicidae* commonly known as mosquitoes.

6.4 Measures to be taken to prevent mosquito breeding

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 Authorised Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication of mosquitoes; and
 - (iii) effectively preventing the breeding of mosquitoes; and
- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.5 Measures to be taken by occupier

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

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime. Where it appears to the authorised officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the authorised officer may direct the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.6 Removal of undergrowth or vegetation

Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.7 Filling in excavations etc.

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.8 Drains, channels and septic tanks

An owner or occupier of land shall—

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

6.9 Drainage of land

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

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

*Division 3—Rodents***6.10 Interpretation**

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

6.11 Measures to be taken to eradicate rodents

- (a) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (b) A person must not 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 compartment.
- (c) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

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

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

6.13 Measures to be taken to eradicate cockroaches

1. An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
2. An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
3. An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

*Division 5—Argentine Ants***6.14 Interpretation**

In this division Argentine ant means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humilis*).

6.15 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

*Division 6—European Wasps***6.16 Interpretation**

In this division **European wasp** means a wasp belonging to the species *Vespula germanica*.

6.17 Measures to be taken to keep premises free from European wasp nest

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

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

*Division 7—Bee Keeping***6.18 Interpretation**

In this division—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.19 Limitation on numbers of hives

1. A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
2. Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
3. An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
4. A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

6.20 Restrictions on keeping of bees in hives

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

- (a) an adequate and permanent supply of water is provided on the lot which is readily accessible to bees;
- (b) no more than 2 hives are kept on land of less than 2,000 square metres in area unless otherwise approved;
- (c) the hive is kept—
 - (i) outside, and at least 10 metres from, any building other than a fence;
 - (ii) at least 10 metres from any footpath, street, private street or public place; and
 - (iii) at least 5 metres from the boundary of the lot;
- (d) the hive is enclosed on all sides by a fence, wall or other enclosure to encourage bees to fly at a height over the property boundary; and
- (e) the person is registered as a beekeeper if required by the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

6.21 Bees which cause a nuisance not to be kept

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

2. An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

*Division 8—Arthropod Vectors of Disease***6.22 Interpretation**

In this division *arthropod vectors of disease* includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularious*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).

6.23 Responsibility of the owner or occupier

The owner or occupier of the 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 Authorised Officer to treat the premises, or anything on the premises, for the purpose of destroying any vectors of disease.

6.24 Local government may execute work and recover costs

Where—

- (a) a person is required under this part or directed by a notice given under this part 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.

1. 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.

2. 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.

PART 7—INFECTIOUS DISEASES*Division 1—General Provisions***7.1 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

7.2 Authorised Officer may visit, inspect and report

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, outbuildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

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

An Authorised 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 Authorised Officer.

7.4 Authorised Officer may disinfect or disinfest the premises

1. Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Authorised 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 Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
3. The local government may recover 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 is not 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 of any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.5 Insanitary houses, premises and things

1. An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
2. Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
3. Where an Authorised Officer considers that—
 - (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) anything is insanitary, the officer may, by notice in writing, direct, as the case may be—
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
4. A person who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.6 Medical Officer may authorise disinfecting

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

7.7 Persons in contact with an infectious disease sufferer

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

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

7.8 Declaration of infected house or premises

1. To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.
2. A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Authorised Officer.

7.9 Destruction of infected animals

An Authorised 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 of writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

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

7.10 Disposal of a body

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

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

Division 2—Disposal of Used Condoms and Needles

7.12 Disposal of used condoms

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

7.13 Disposal of used needles

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

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

In this part—

accommodation means one or more buildings used for boarding purposes referred to in this part;

bed means a sleeping berth consisting of—

- (a) a single berth; or
- (b) a double berth provided for the use of couples, which shall have the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two beds arranged vertically;

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

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

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

laundry unit means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specifications;

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

lodging house includes a recreational campsite, a serviced apartment and a short-term hostel and has the same meaning as defined in Section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

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

manufacturer's specifications means a data sheet describing the technical characteristics of a product which is published by a manufacturer to help consumers use the product;

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;

- (c) but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with this Part;

register of keepers means a register by the local government in which is registered the names and residences of the keepers of all accommodation within its district and the situation of every such accommodation and the number of persons authorised by the local government to be resident therein;

resident means a person, other than a lodger, who resides in accommodation;

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;

sleeping apartment means a room used for lodgers to sleep in; and

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

8.2 Accommodation not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept accommodation unless—

- (a) the accommodation is constructed in accordance with the requirements of this Part;
- (b) the accommodation is registered by the local government under clause 8.4; and
- (c) the name of the person keeping the accommodation is entered in the register of keepers.

8.3 Application for registration

An application for registration of accommodation shall be—

- (a) in the form as determined by the local government from time to time;
- (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 Sections 6.16 to 6.19 of the *Local Government Act 1995*; and
 - (ii) detailed plans and specifications of the accommodation.

8.4 Certificate of Registration of accommodation

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of accommodation in a form as determined by the local government from time to time.

8.5 Renewal of registration

A person who keeps accommodation which is registered under this Part shall—

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the accommodation; and
- (b) pay the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995* at the time of making each application for renewal.

8.6 Notification upon sale or transfer

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

8.7 Revocation of registration

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

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

- (a) that the accommodation has not, to the satisfaction of an Authorised Officer, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house; or
 - (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 or renovate, the condition of the accommodation is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.

3. Before revoking the registration of accommodation under this clause, 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 accommodation, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and use requirements

8.8 General construction requirements

The general construction requirements of accommodation shall comply with the Building Code.

8.9 Insect screening

The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.10 Sanitary conveniences

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

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

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

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

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

5. Each toilet and bathroom in a lodging house shall—

- (a) be so situated, separated and screened so as to ensure privacy; and
- (b) be provided with adequate electric lighting.

8.11 Laundry unit

1. A keeper of a lodging house shall subject to subclause (2)—

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

2. An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.12 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008*, *Food Regulations 2009* and Standards 3.1.1, 3.2.2, and 3.2.3 of the Food Standards Code as determined by an Authorised Officer.

8.13 Cooking facilities

The keeper of accommodation where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.14 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—

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

8.15 Lounge room

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

- (a) with a floor area of—
 - (i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person; or

- (ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person;
- (iii) but in either case having a minimum of 13 square metres; and
- (iv) which shall be adequately furnished to accommodate, at any one time, half the number of lodgers and provided with a suitable floor covering.

8.16 Fire prevention and control

1. A keeper shall—

- (a) ensure smoke alarms complying with *AS 3786* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
- (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
- (c) provide evacuation lighting if required by the Building Code to be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
- (e) ensure if required by the Building Code that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1* and which are maintained in good working order at all times; and
- (f) provide firefighting equipment in accordance with the requirements of the Building Code and ensure that the equipment is clearly visible, accessible and maintained in good working order at all times.

2. No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.

3. A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.

4. The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that materials used in bedrooms and dormitory area comply with *AS 1530.2* and *AS 1530.3* as updated from time to time.

8.17 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.

8.18 Fitting of locks

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

8.19 Restriction on use of rooms for sleeping

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

- (a) which contains food;
- (b) which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;
- (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
- (g) which is not ventilated in accordance with the requirements of the Building Code;
- (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 Authorised Officer.

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

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

8.20 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; or
- (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 is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

5. The keeper of any short-term hostel or recreational campsite shall provide—

- (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
- (b) each dormitory 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
- (c) mechanical ventilation in lieu of fixed ventilation.

6. The keeper of any short-term hostel or recreational campsite shall provide—

- (a) beds with a minimum size of—
 - (i) in short term hostels—800 millimetres x 1.9 metres;
 - (ii) in recreational campsites—750 millimetres x 1.85 metres; and
- (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

7. The keeper of any short-term hostel or recreational campsite shall—

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

8.21 Furnishing etc. of sleeping apartments

A keeper of a lodging house shall, unless otherwise approved by the local government—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow;
 - (ii) is provided with a pillowcase, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.22 Ventilation

If, in the opinion of an Authorised 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.

8.23 Numbers to be placed on doors

1. A keeper shall number each room available to a lodger in a lodging house or provide an alternative means of identification approved by an Authorised Officer.

2. The numbering system or alternative means of room identification is to be legible and easily identified.

*Division 3—Management and Care***8.24 Keeper or manager to reside in the lodging house**

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

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

8.25 Register of lodgers

1. A keeper shall keep a register of lodgers in a form as determined by the local government from time to time.
2. The register of lodgers shall be—
 - (a) kept in the accommodation; and
 - (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.26 Keeper report

A keeper shall, whenever required by the local government, provide, in a form as determined by the local government from time to time, the name of each lodger who lodges in the accommodation during the preceding day or night.

8.27 Certificate of Sleeping Accommodation

1. An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in a form as determined by the local government from time to time, or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in a form as determined by the local government from time to time.
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 one time.
3. When required by an Authorised 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 allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.28 Duplicate keys and inspection

Each keeper and manager of accommodation shall—

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

8.29 Room occupancy

1. A keeper shall not—
 - (a) allow more than the maximum number of persons permitted by the Certificate of Registration of accommodation to be lodged at any one time in the accommodation;
 - (b) allow to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bed linen than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) allow to be used for sleeping purposes, a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.
2. For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

8.30 Infectious disease

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

8.31 Maintenance of a room by a lodger or resident

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

8.32 Cleaning and maintenance requirements

A keeper of accommodation 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 toilets, including toilet seats, cisterns and associated plumbing; and

- (b) maintain in a clean and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) all windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use 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 Authorised 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 that is infested 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 Authorised Officer.

8.33 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 or 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 bed linen; or
 - (ii) keep or permit to be kept any soiled clothing or bed linen;
- (h) subject to clause 8.34—
 - (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, bed linen or furniture, that is infested with vermin or 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.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

In this part—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 in a form as determined by the local government from time to time;

occupier in relation to premises includes the person registered as the occupier of the premises in a form as determined by the local government from time to time;
offensive trade means any of the trades listed in Schedule 1; and
premises includes houses.

9.2 Consent to establish an offensive trade

1. A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his intention to apply for consent in accordance with clause 9.3; and
- (b) lodge with the Chief Executive Officer an application in a form as determined by the local government from time to time.

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

9.3 Notice of application

A notice required under subclause 9.2(1) (a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) published in accordance with regulation 3A (2) (c) of the *Local Government (Administration) Regulations 1996* at least two weeks but not more than one month before the application under clause 9.2 (1) (b) is lodged with the Chief Executive Officer.

9.4 Registration of premises

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

- (a) in a form as determined by the local government from time to time;
- (b) accompanied by—
 - (i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
 - (ii) a comprehensive management plan; and
- (c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration of Premises for Offensive Trade

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in a form as determined by the local government from time to time.

9.6 Change of occupier

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

9.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration to the premises other than minor repairs, installations or interior refurbishment.

Division 2—General Duties of an Occupier

9.8 Interpretation

In this Division—

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

9.9 Cleanliness

The occupier shall—

- (a) 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) keep 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.

9.10 Rats and other vectors of disease

The occupier shall—

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

9.11 Sanitary conveniences and hand wash basins

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

9.12 Painting of walls etc.

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

9.13 Effluvia, vapours or gases

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

9.14 Offensive material

The occupier shall—

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

9.15 Storage of materials

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

9.16 Directions

An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

Division 3—Fat Rendering Establishments

9.17 Interpretation

In this Division—

fat rendering establishments means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.18 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (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 shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.19 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.20 Rendering of walls

The occupier shall 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 4—Laundries, Dry Cleaning Establishments and Dye Works

9.21 Interpretation

In this Division—

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 machine operating on a full cycle and fully enclosed basis;

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

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (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 or card operated washing machines, spin dryers or dry-cleaning machines; and

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

9.22 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.

9.23 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 Authorised Officer to be thoroughly disinfected.

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

9.24 Walls and floors

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

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

9.25 Laundry floor

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

9.26 Escape of dust

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

9.27 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 Authorised Officer for that purpose.

9.28 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.

9.29 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.

Division 5—Abattoirs

9.30 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

Division 6—Piggeries

9.31 Interpretation

In this Division, unless the context otherwise requires—

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened, and shall include any portion of the premises to which pigs have access; and

sensitive land use means land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

9.32 Limitations to registration

Unless otherwise approved, no premises shall be registered as a piggery unless it has been granted approval under the Local Planning Scheme.

9.33 Conditions of registration

Any person intending to establish a piggery within the district shall ensure an application made in a form as determined by the local government from time to time, is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and
- (c) details of the method by which cleanliness of the piggery shall be maintained.

9.34 Sties, enclosures or sheds

1. The occupier of every piggery shall provide either—

- (a) sties and enclosures;
- (b) enclosures; or
- (c) sheds; within which pigs shall be kept.

2. Where sties and enclosures are provided—

- (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials;
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
- (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than 3 times the area of the sty or group of sties to which it is appurtenant.

3. Where enclosures only are provided, then—

- (a) the fences of such enclosures shall be movable; and
- (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Authorised Officer.

4. Where one or more sheds are provided, then—

- (a) the floor of every shed shall comply with subclause 2(a);
- (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
- (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.35 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.36 Feed

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughterhouse or butcher's wastes or other putrescible pig feed.

9.37 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.38 Water supply

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.39 Feeding troughs

1. Every such occupier shall—

- (a) where sties and enclosures are provided under the provisions of clause 9.34(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
- (b) where enclosures are provided under the provisions of clause 9.34(3), provide feeding troughs in every such enclosure;
- (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
- (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.

2. Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

PART 10—OFFENCES AND PENALTIES**10.1 Offences and penalties**

1. A person who—

- (a) fails to do anything required or directed to be done under this local law; or
- (b) fails to comply with the requirements of a notice issued under this local law by an authorised officer; or
- (c) does anything which under this local law that person is prohibited from doing; commits an offence.

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

- (a) a penalty which is not more than \$5,000 and not less than—
 - (i) in the case of a first such offence, \$500; and
 - (ii) in the case of a second such offence, \$1000; and
 - (iii) in the case of a third or subsequent such offence, \$2,500 and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$500 and not less than \$250.

3. An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

4. The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

10.2 Form of infringement notices

1. Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;

2. The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

3. The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

10.3 Other enforcement actions

1. In addition to a penalty imposed under clause 10.1, 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.

10.4 Power of entry into private property

1. This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 11—OBJECTION AND APPEAL

11.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel an approval.

Schedule 1

OFFENSIVE TRADES

[clause 9.1]

Offensive trades are any of the trades, businesses or occupations usually carried on, in or connected with the undermentioned works or establishments—

- Abattoirs or slaughter houses;
- Bone mills or bone manure depots;
- Bones, hides, hoofs or skins storing, drying, or preserving establishments;
- Cleaning establishments, dye works;
- Fat rendering establishments;
- Fellmongeries, tanneries;
- Flock factories;
- Gut scraping, preparation of sausage skins;
- Knackeries;
- Laundromats, dry cleaning establishments;
- Livestock saleyards;
- Manure works;
- Piggeries;
- Poultry processing establishments;
- Poultry farming employing caged poultry housing;
- Tripe-boiling establishments; and
- Works for boiling down meat, bones, blood, or offal.

Schedule 2

PRESCRIBED OFFENCES

[Clause 10.1]

Item No.	Clause No.	Description	Modified Penalty \$
1.	4.2	Deposited or allowed to be deposited liquid refuse from land	\$250
2.	4.3	Released or allowed the escape of liquid waste from land	\$500
3.	5.2	Permitted the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$200
4.	5.5(1)	Commenced works involving clearing of land without an approved Dust Management Plan	\$500
5.	5.6(2)	Emitted light so as to create or cause a nuisance	\$250
6.	5.6(4)	Erected or used lighting installations other than in accordance with this local law	\$500
7.	5.8(a)	Failed to keep premises free from matter likely to be offensive or injurious to health or attracts vermin or insects	\$500
8.	5.8(b)	Failed to keep premises clean and disinfected when directed by an Authorised Officer	\$500

Item No.	Clause No.	Description	Modified Penalty \$
9.	5.8(c)	Failed to keep premises free of flies, or when directed by an Authorised Officer, spray premises with means to kill or repel flies	\$500
10.	5.9(1)	Failed to keep enclosures effectively drained	\$200
11.	5.9(3)	Failed to keep property fenced in a manner capable of confining livestock	\$500
12.	5.9(4)	Permitted livestock to stray, or be at large in a street, public place or private property without consent	\$500
13.	5.12(1)	Kept an approved animal without approval	\$200
14.	5.12(6)	Failed to maintain stable	\$200
15.	5.16(1)	Failed to comply with limitations on number of birds	\$200
16.	5.16(5)	Kept birds so as to create a nuisance	\$250
17.	5.17	Kept, or permitted to be kept, any poultry, not in accordance with conditions of this local law	\$200
18.	5.18(1)	Kept, or suffered to remain in a townsite or lot of 2 hectares or less, a rooster, turkey, goose or geese, gamebird or peafowl	\$200
19.	5.21	Failed to prevent pigeons nesting or perching	\$200
20.	5.22(1)(a)	Fed a wild bird so as to create or cause a nuisance	\$200
21.	5.22(1)(b)	Fed a wild bird a food/substance that is not a natural food	\$200
22.	6.19(1)	Kept bees without approval	\$200
23.	6.19(4)	Failed to comply with a condition of approval to keep bees	\$200
24.	6.21(1)	Created a nuisance from keeping of bees or bee hives	\$200
25.	6.21(2)	Failed to comply with a notice to remove bees or bee hives for contravention of local law	\$200
26.	10.1(1)(b)	Failed to comply with notice	\$500
27.		All other offences not specified	\$250

Dated this 22nd day of August 2022.

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

HARVEY NICHOLS, Shire President.
KELVIN MATTHEWS, Chief Executive Officer.