

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF KENT

HEALTH LOCAL LAW 2011

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HEALTH ACT 1911
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SHIRE OF KENT

HEALTH LOCAL LAW 2011

Made by the Council of the Shire of Kent under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the "*Shire of Kent Health Local Law 2011*".

1.2 Interpretation

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

"Act" means *Health Act 1911*;

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

"approved" means approved by the local government;

"AS" means Australian Standard published by the Standards Association of Australia;

"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 Shire of Kent and includes an Acting Chief Executive Officer;

"Council" means the Council of the Shire of Kent;

"district" means the district of the Shire of Kent and includes any area placed under the jurisdiction of the local government pursuant to Section 22 of the Act;

"dwelling house" means a place of residence or house 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;

"EHO" means an Environmental Health Officer appointed by the local government under the Act and includes an Acting or Assistant Environmental Health Officer;

"habitable room" means a room used for normal domestic activities; and

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

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

“hot water” means water at a temperature of at least 75 degrees Celsius;

“local government” means the Shire of Kent;

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

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

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

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

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

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

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

“water” means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and

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

- (2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2—SANITATION
Division 1—Sanitary Conveniences

2.1.1 Interpretation

In this Part, unless the context otherwise requires—

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

“**organiser**” means a person—

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

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

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

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

“**urinal**” may be—

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

2.1.2 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 lighting.

2.1.3 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 section are situated within 90m and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

- (v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that—
- (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.1.4 Outdoor Festivals

- (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—
- (a) for the first 250 males—
 - (i) one water closet for each 150;
 - (ii) one urinal stall for each 50; and
 - (ii) one hand wash basin for each 50;
 - (b) for additional males—
 - (i) one water closet for each 200;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 200;
 - (c) for the first 250 females—
 - (i) one water closet for each 40; and
 - (ii) one hand wash basin for each 50;
 - (d) for additional females—
 - (i) one water closet for each 100; and
 - (ii) one hand wash basin for each 200.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the local government.

2.1.5 Toilets

Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended.

2.1.6 Temporary Works

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

2.1.7 Maintenance of Sanitary Conveniences and Fittings

(1) The occupier of premises shall—

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

(2) The owner of premises shall—

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

2.1.8 Ventilation of Toilets

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

2.1.9 Public Sanitary Conveniences

(1) A person shall not—

- (a) foul
- (b) damage or vandalise; or
- (c) write on or otherwise deface, a public 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 the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.1.10. Lighting

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

2.1.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewage and Drainage Act 1909 and the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and shall have an adequate supply of water.

Division 2—Bathroom, Laundries and Kitchens

2.2.1 Bathrooms

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
 - (a) is adequately lined with an impervious material and has an adequate ceiling;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
 - (c) is equipped with—
 - (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.2.2 Laundries

- (1) A laundry must conform to the provisions of the Building Code.
- (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.

2.2.3 Washing or Keeping of Clothes in Kitchens

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

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

2.2.4 Kitchens

- (1) In this section, “a cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
 - (a) adequate cooking facilities as determined by an EHO; and
 - (b) a sink which shall—
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.

- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
 - (a) be installed in accordance with the requirements of Energy Safety; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

3.1.1 Dwelling House Maintenance

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

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an EHO to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps, which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of Energy Safety.

3.1.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstructions; and

- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2—Ventilation of Houses

3.2.1 Exemption for Short Term Hostels and Recreational Campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 1 of Part 8.

3.2.2 Overcrowding

The owner or occupier of a house shall not permit—

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

3.2.3 Calculated Sufficient Space

For the purpose of Section 3.2.2, in calculating the space required for each person—

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

3.2.4 Ventilation

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

- (a) provide a different, or additional method of ventilation; or
 - (b) cease using the house until it is properly ventilated.
- (5) the owner shall comply with a notice made under subsection (4).

3.2.5 Sub-Floor Ventilation

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

Division 3—Water Supply

3.3.1 Water Supply

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

3.3.2 Rainwater Tanks

The owner or occupier of a house where part of the water supply is drawn from a rainwater tank shall—

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) annually clean any tank, which is used to store water for human consumption;
- (d) when directed by an EHO, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

3.3.3 Wells

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

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

3.3.4 Pollution

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

Division 4—Secondhand Furniture, Bedding and Clothing

3.4.1 Prohibition of Sale

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

3.4.2 Prohibition of Possession

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

PART 4 — LIQUID WASTE

4.1.1 Interpretation

In this Division, unless the context otherwise requires—

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

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

4.1.2 Deposit of Liquid Refuse

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

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

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1.1 Interpretation

In this Division, unless the context otherwise requires—

“**fertiliser**” includes manure.

5.1.2 Footpaths etc. to be kept clean

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

5.1.3 Escape of Smoke etc.

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

5.1.4 Public Vehicles to be kept clean

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

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

5.1.5 Prohibition against Spitting

A person shall not spit—

- (a) on a footpath, street or public place; or
- (b) in a train, bus or other public transport.

5.1.6 Transportation, Use and Storage of Offal, Blood or other Offensive Matter

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

5.1.7 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.

5.1.8 Storage and Dispatch of Artificial Fertiliser

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

- (a) keep all artificial fertiliser in a building—
 - (i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
 - (ii) that protects it from the absorption of moisture; and
 - (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser despatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

5.1.9 Storage of Fertiliser in a House

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

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an EHO.

5.1.10 Vehicles Used for Transporting of Animals and Birds

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

Division 2—Keeping of Animals and Birds

5.2.1 Interpretation

In this Division, unless the context otherwise requires—

“**animal**” includes cats, dogs, rabbits and ferrets; and

“**bird**” includes galahs, parrots, budgerigars, finches, pigeons and doves.

5.2.2 Cleanliness

An owner or occupier of premises, excluding an extensive farming premises, in or on which an animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises;
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

5.2.3 Animal Enclosures

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

5.2.4 Cats

- (1) Subject to subsection (6), a person shall not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land within the district.
- (2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subsection (1).
- (3) The local government shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this Section shall specify—
 - (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises.
- (5) A person who is granted an exemption under subsection (3) may be required by the local government to:
 - (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—
 - (i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and
 - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;
 - (b) ensure every shelter and enclosure is situated at a distance of not less than—
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;
 - (ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;
 - (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an EHO from time to time.
- (6) A person may keep more the 2 cats on premises used for veterinary purposes or as a pet shop.

5.2.5 Slaughter of Animals

- (1) Subject to subsection (2), a person shall not slaughter any animal within the district. (2) Subsection (1) does not apply to—
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) slaughter of animals for the purposes of pet meat and game meat;
 - (c) slaughter of animals for human consumption in abattoirs approved by the local government; and
 - (d) farming or grazing property occupiers preparing meat for their own consumption.

5.2.6 Disposal of Dead Animals

- (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.
- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall as soon as possible remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.

Division 3—Keeping of Large Animals

5.3.1 Interpretation

In this Division, unless the context otherwise requires—

“**approved animal**” includes a horse, cow or large animal the subject of an approval by the local government under Section 5.3.2;

“**cow**” includes an ox, calf, or bull;

“**horse**” includes an ass, mule, donkey or pony; and

“**large animal**” includes a pig, sheep, goat, deer or camel.

5.3.2 Conditions for keeping of an animal

- (1) An owner or occupier of premises, within a townsite shall not keep a horse, cow or large animal on those premises without approval of the local government.
- (2) An owner or occupier of premises who has an approved animal shall ensure—
 - (a) the premises has an area of not less than 0.2 hectares for the exclusive use of the approved animal; and
 - (b) the approved animal does not approach within 30 metres of a dwelling.

5.3.3 Stables

- (1) The owner or occupier of premises within a townsite, who has an approved animal shall provide for its use a stable which shall—
 - (a) not be situated within 30 metres of a house or other premises;
 - (b) have a proper separate stall—
 - (i) for each horse or cow; and
 - (ii) and vertically, unless it has a sand floor provided in accordance with subsection (2);
 - (iii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subsection (2);
 - (c) have each wall and roof constructed of an approved impervious material;
 - (d) have a roof that covers the entire floor area of the stall;
 - (e) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;
 - (f) subject to subsection (2), 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;
 - (iii) have a fall of 1 in 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.
- (2) A stable constructed with a sand floor may be permitted by the local government, subject to the following—
 - (i) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;
 - (ii) a 300mm thick bed of crushed limestone 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 450mm 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;
 - (vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
- (3) The owner or occupier of any premises on which a stable is located shall—
 - (a) maintain the stable in a clean condition and when so directed by an EHO, clean, wash and disinfect it;
 - (b) keep all parts of the stable so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - (c) when so ordered by an EHO, spray the stable or such parts as may be directed, with a residual insecticide.

5.3.4 Manure Receptacle

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

- (a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by

spraying with a residual insecticide or other effective means; and

- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4—Keeping of Poultry and Pigeons

5.4.1 Interpretation

In this Division, unless the context otherwise requires—
“poultry” includes bantams, ducks and other domestic fowls;

5.4.2 Limitation on Numbers of Poultry and Pigeons

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

5.4.3 Conditions for Keeping Poultry in Limited Numbers

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

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance;
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an EHO.

5.4.4 Roosters, Geese, Turkeys, Peafowls and Gamebirds

(1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl—

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

(2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1).

- (3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.
- (4) The local government may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

5.4.5 Pigeons or Doves

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

- (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that—
 - (i) Is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
 - (iv) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

5.4.6 Removal of Non-Conforming Structure or Enclosure

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provisions of Section 5.4.3 and 5.4.5, the local government may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the local government made under this Section.

5.4.7 Restrictions on Pigeon Nesting or Perching

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

Division 5—Feedlots

5.5.1 Interpretation

For the purpose of this Division—

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

“**animal**” includes sheep, lambs, goats, deer, cattle and buffalo;

“**birds**” includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

5.5.2 Premises to be approved

- (1) No premises shall be used as a feedlot unless approved by the local government;
- (2) Subject to subsection (3), no premises shall be approved as a feedlot by the local

government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and

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

Table 1. Required Buffer Distances for Feedlots

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

5.5.3 Site Conditions

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

Division 6—Piggeries

5.6.1 Interpretation

For the purpose of this Division—

“intensive piggery” means pigs are housed, fed and watered in breeding and growing pens

in sheds;

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

5.6.2 Premises to be Approved

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

Table 2. Required Buffer Distances for Piggeries

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

5.6.3 Site Conditions

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

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

5.6.4 Prevention of Nuisances

In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances listed in Table 3.

Table 3. Required Buffer Distances for Intensive Piggeries

Table 3
Required Buffer Distances for Intensive Piggeries

	Townsite boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/ rural water impoundments	Bores/wells Soaksinking water supply	Stock Irrigation Supply
Piggeries and facilities catering for more than 5000 pigs	5000m	300m	200m	50m	Not permitted	300m	300m	100m
500—5000 pigs	3500m	300m	150m	50m	Not permitted	300m	300m	100m
50—499 pigs	2000m	300m	100m	50m	Not permitted	300m	300m	100m
Less than 50 pigs	500m	300m	50m	50m	Not permitted	200m	300m	100m
Land used to dispose of raw or partly treated wastes	1000m	300m	100m	300m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100m

PART 6—PEST CONTROL

Division 1—Flies

6.1.1 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.

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

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

6.1.3 Measures to be taken by an Occupier

An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;

- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

6.1.4 Officer may give Notice directing Measures to be Taken

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

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

of flies.

6.1.5 Local government may Execute Work and Recover Costs

(1) Where—

- (a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

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

- (2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Mosquitoes

6.2.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.2.2 Measures to be taken to prevent mosquitoes breeding

- (1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—
 - (a) follow any direction of an EHO for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication; or

- (iii) effectively preventing the breeding of mosquitoes.
 - (b) assist the EHO to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or 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.
- (3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.
- (4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

6.2.3 Local government may Execute and Recover Costs

- (1) Where—
- (a) a person is required under this Division or directed by a notice given under Section 6.2.2. to execute any work; and
 - (b) that person fails or neglects to comply with the requirement, the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.
- (2) The costs and expenses incurred by the local government in the execution of a power under Section (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 3—Rodents

6.3.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.3.2 Measures to be taken to eradicate Rodents

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

6.3.3 Food and Wastes to be kept in rodent proof Receptacles

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.

6.3.4 Restrictions on the Sale or Keeping of Rats

- (1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises
 - (a) keep or permit to be kept a rat; or
 - (b) sell or offer for sale or permit to be sold or offered for sale a rat.
- (2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—
 - (a) a university or school;
 - (b) a person approved by the local government; or
 - (c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.
- (3) A person or body specified in subsection (2), which keeps rats, shall—
 - (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
 - (b) if a rat escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rat.

6.3.5 Food Premises etc. to be cleaned after Use

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

6.3.6 Restrictions on materials affording harbourage for Rodents

- (1) An owner or occupier of premises shall cause—
 - (a) any part of the premise; or
 - (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the EHO, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this Section.

Division 4 —Cockroaches

6.4.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.4.2 Measures to be taken to eradicate Cockroaches

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

Division 5—Argentine Ants

6.5.1 Interpretation

In this Division, unless the context otherwise requires—

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

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

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

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

Division 6—European Wasps

6.6.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.6.2 Measures to be taken to keep premises free from European Wasp Nests

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

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

Division 7—Bee keeping

6.7.1 Interpretation

In this Division, unless the context otherwise requires—
“bees” means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

6.7.2 Restrictions on keeping of Bees in 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 the local government.
- (2) If, in the opinion of an EHO, the approved beehives are causing a nuisance, the local government may direct any bees or approved beehives to be removed.
- (3) A person shall comply with a direction within the time specified.

Division 8—Arthropod Vectors of Disease

6.8.1 Interpretation

In this Division, unless the context otherwise requires—
“**Arthropod vectors of disease**” includes—

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

6.8.2 Responsibility of the Owner or Occupier

The owner or occupier of premises shall—

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

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfect

- (1) The local government or an EHO may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—
 - (a) the premises; or
 - (b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an EHO.
- (2) An owner or occupier shall comply with a notice given under subsection (1).

7.1.2 EHO may disinfect or disinfest premises

- (1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an EHO, other local government officer or other person to disinfect and 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 EHO, other local government officer or other person to carry out the direction given under subsection (1).
- (3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out.
- (4) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

7.1.3 Insanitary houses, premises and things

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

7.1.4 Medical Officer may authorise disinfecting

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

7.1.5 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;
- (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.1.6 Declaration of infected house or premises

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

7.1.7 Destruction of infected animals

- (1) The EHO, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and that all steps be taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—
 - (a) in the manner and within the time specified in the notice; and
 - (b) by the person in whose possession, or upon whose premises, the animal is located.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.1.8 Disposal of a body

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

7.1.9 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 Section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, 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

7.2.1 Disposal of used condoms

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

7.2.2 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

8.1.1 Interpretation

- (1) In this Part, unless the context otherwise requires—
- “**bed**” means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;
 - “**bunk**” means a sleeping berth comprising one of two 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 Australian 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 a lodging house, as the keeper of that lodging house;
 - “**lodger**” means a person who obtains, for hire or reward, board or lodging in a lodging house;
 - “**lodging house**” includes a recreational campsite, a serviced apartment and a short-term hostel.
 - “**manager**” means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;
 - “**recreational campsite**” means a lodging-house—
 - (a) situated on a campsite principally used for —
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions. and
 - (b) where the period of occupancy of any lodger is not more than 14 consecutive days; and includes youth camps, youth education camps, church camps and riding schools;
 - “**register of lodgers**” means the register kept in accordance with Section 157 of the Act and this Part;
 - “**resident**” means a person, other than a lodger, who resides in a lodging house;
 - “**serviced apartment**” means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;
 - “**short term hostel**” means a lodging house where the period of occupancy of any lodger

is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

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

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

8.1.2 Lodging House Not to be Kept Unless Registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under Section 8.1.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either—
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of an EHO, has been appointed by the keeper to have the care and management of the lodging house;

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

8.1.3 Application for Registration

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
 - (ii) detailed plans and specification of the lodging house.

8.1.4 Approval of Application

The local government may approve, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate in the form prescribed in Schedule 2.

8.1.5 Renewal of Registration

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

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and

- (b) pay the fee as fixed from time to time by the local government under Section 344C of the Act at the time of making each application for renewal.

8.1.6 Notification upon Sale or Transfer

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

8.1.7 Revocation of Registration

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

Division 2—Construction and Use Requirements

8.2.1 General Construction Requirements

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

8.2.2 Kitchen

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

- (a) has adequate—

- (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
- (b) may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.

8.2.3 Dining Room

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

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

8.2.4 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, but in either case having a minimum of 13 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.2.5 Sanitary Conveniences

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—
 - (a) toilets; and
 - (b) bathrooms, each fitted with a hand wash basin and either a shower or a bath.
- (2) A bathroom or toilet, which is used as a private bathroom or toilet to the exclusion of other lodgers or residents, shall not be counted for the purposes of subsection (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height

of 1.8 metres above the floor level.

- (5) Each toilet and bathroom shall—
- (a) be situated, separated and screened as to ensure privacy;
 - (b) be apportioned to each sex;
 - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (d) be provided with adequate electric lighting.
- (6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

8.2.6 Laundry

- (1) A keeper shall—
- (a) subject to subsection (2) —
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.
- (2) An EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this section —

“laundry unit” means a group of facilities consisting of —

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that —
 - (i) Is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.2.7 Fire Prevention and Control

- (1) A keeper shall—
- (a) in each passage of the lodging house provide an emergency light—
 - (i) in such a position and of such a pattern, as shall be approved by an EHO; and

- (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times;
 - (d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as required by the Building Code.

8.2.8 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.

8.2.9 Fitting of Locks

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

8.2.10 Restriction on use of Rooms for Sleeping

- (1) Subject to subsection (3) and Section 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
- (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;
 - (c) which is used as a kitchen, scullery, store room, dining room, general sitting room, lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
 - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or

other floor treatment approved by an EHO.

- (2) For the purpose of this Section, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.2.11 **Sleeping Accommodation, Short Term Hostels and Recreational Campsites**

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
 - (a) 4 square metres per person in each dormitory utilising beds;
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subsection (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 subsection (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 metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as practicable;
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
 - (a) beds with a minimum size of—
 - (i) in short term hostels—800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites—750 millimetres x 1.85 metres.
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
 - (a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and

- (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of any short term hostel or recreational campsite shall ensure that—
 - (a) materials used in dormitory areas comply with AS 1530.2 – 1993 and AS 1530.3: 1999 as follows—

Drapes, curtains, blinds and bed covers	- a maximum Flammability Index of 6;
Upholstery & bedding	- a maximum Spread of Flame Index of 6 - a maximum Smoke Developed Index of 5
Floor coverings	- a maximum Spread of Flame Index of 7 - a maximum Smoke Developed Index of 5

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

- (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
- (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
- (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
- (b) emergency lighting is provided in accordance with the Building Code;
- (c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;
- (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

8.2.12 Furnishing etc. of Sleeping Apartments

- (1) The keeper shall—
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) The keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.
- (3) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be

deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

- (4) In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room.

8.2.13 Ventilation

- (1) If, in the opinion of an EHO, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.2.14 Numbers to be Placed on Doors

- (1) A keeper shall, place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—
 - (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
 - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under subsection (1) shall be—
 - (a) not less than 40 millimetres in height;
 - (b) 1.5 metres from the floor; and
 - (c) permanently fixed either by being painted on the doors or by other legible means.

Division 3—Management and Care

8.3.1 Keeper or Manager to Reside in the Lodging House

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

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

8.3.2 Register of Lodgers

- (1) A keeper shall keep a register of lodgers in the form prescribed in Schedule 4.
- (2) The Register of lodgers shall be—

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

8.3.3 Keeper Report

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

8.3.4 Certificate in Respect of Sleeping Accommodation

- (1) An EHO may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 6.
- (2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by an EHO, a keeper shall exhibit the certificate issued under this section in a conspicuous place.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this Section to occupy the room to which it refers.

8.3.5 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall—

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

8.3.6 Room Occupancy

(1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government or Medical Officer has forbidden to be used as a sleeping apartment.

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

8.3.7 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 subsection (1), the keeper shall—

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

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room

occupied by him or her, shall maintain the room in a clean and sanitary condition.

8.3.8 Cleaning and Maintenance Requirements

- (1) In this Section—
“bed linen” includes sheets, pillowcases, mattress protectors and mattress covers.
- (2) A keeper of a lodging house shall—
 - (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and furniture;
 - (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
 - (d) whenever there are one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
 - (e) ensure that—
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed, which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedheads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room, which is not free from vectors of disease, is not used as a sleeping apartment;
 - (f) when so directed by an EHO, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
 - (g) ensure that the yard is kept clean at all times;
 - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
 - (i) comply with any direction, whether orally or in writing, given by an EHO.

8.3.9 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 fixture for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to Section 8.3.10—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
- (j) store or keep items other than personal effects—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.3.10 Approval for storage of food

(1) An EHO may—

- (a) upon written application from a keeper, approve the storage of food within a

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

PART 9—OFFENSIVE TRADES

Division 1—General

9.1.1 Interpretation

In this Part, unless the context otherwise requires—

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

“**offensive trade**” means any trade as defined by Section 186 of the Act.

“**premises**” includes houses.

9.1.2 Consent to Establish an Offensive Trade

A person seeking the consent of the local government under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule 7 and in accordance with the local government’s Town Planning Scheme.

9.1.3 False Statement

A person who makes a false statement in an application under Section 9.1.2 shall be guilty of an offence.

9.1.4 Registration of Premises

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

- (a) in the form prescribed in Schedule 8;
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
- (c) lodged with the Chief Executive Officer.

9.1.5 Certificate of Registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form prescribed in Schedule 9.

9.1.6 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.

9.1.7 Alterations to Premises

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

Division 2—General Duties of an Occupier

9.2.1 Interpretation

In this Division, unless the context otherwise requires—

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

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

9.2.2 Cleanliness

The occupier shall—

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

9.2.3 Rats and Other Vectors of Disease

The occupier shall—

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

9.2.4 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.

9.2.5 Painting of Walls etc.

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

9.2.6 Effluvia, Vapours, Gases or Dust

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

9.2.7 Offensive Material

The occupier shall—

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

9.2.8 Storage of Materials

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

9.2.9 Specified Offensive Trade

- (1) For the purposes of this Section, "specified offensive trade" means any trade as defined by Section 186 of the Act.
- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—
 - (a) cause the floor of the premises to—
 - (i) be properly paved and drained with impervious material;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;
 - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
 - (c) cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and be in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as an EHO may from time to time direct.

9.2.10 Directions

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

9.2.11 Other Duties of Occupier

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

PART 10—OFFENCES AND PENALTIES

Division 1—General

10.1.1 Penalties

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to—
 - (a) a penalty which is not more than \$1,000 and not less than—
 - (i) in the case of a first such offence, \$100;
 - (ii) in the case of a second such offence, \$200; and
 - (iii) in the case of a third and subsequent such offence, \$500; and
 - (b) if the offence is a continuing offence, a daily penalty that is not more than \$100 and not less than \$50 for each day during which, the offence continues.

Schedule 1
 Shire of Kent
 HEALTH ACT 1911
APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
 Shire of Kent

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

of
 (Residential address of Applicant/s)

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

 as a lodging house to be classified as-

- lodging house;
 - a recreational campsite;
 - a short term hostel; or
 - serviced apartments,
- (Specify which is to apply)

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

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining rooms
Kitchens
Sitting rooms
Other (specify)

Rooms for lodgers	Number	Area
Bedrooms
Dining rooms
Kitchens
Sitting rooms
Other (specify)

Sanitary conveniences for female lodgers

Toilets
Baths
Showers
Hand wash basins

Sanitary conveniences for male lodgers

Toilets
Urinals
Baths
Showers
Hand wash basins

Laundry facilities

Wash troughs
Washing machines.
Drying cabinets or clothes lines.

Additional details

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

Application fee of \$..... is attached.
..... (Signature of applicant/s)
.....

(Date)

Schedule 2
Shire of Kent
HEALTH ACT 1911
CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

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

- a lodging house;
- a short term hostel
- recreational campsite, or
- serviced apartments.

until 30 June, on the following conditions—

1. That....., whose name is entered on the register of keepers of the Shire of Kent, continues to be the keeper of the lodging house;
2. That, appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. That the certificate of registration is not cancelled or revoked;
4. That the maximum number of rooms to be used as sleeping apartments for lodgers is; and
5. That the maximum number of lodgers on the premises shall not exceed

This certificate of registration is issued subject to the Health Act and the Shire of Kent Health Local Law and is not transferable.

Dated

.....
Environmental Health Officer.

Fee Received: \$

Schedule 3
 Shire of Kent
 HEALTH ACT 1911
NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
 Shire of Kent

I/We,.....

(Full name of
 Applicant/s)

of

(Residential address of Applicant/s)

am/are the new owners of premises situated at

.....
 which are registered in the name of

.....
 for the carrying on of the lodging house business.

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

.....
 . (Date)

Schedule 4
 Shire of Kent
 HEALTH ACT 1911
REGISTER OF LODGERS

Location of Lodging House

.....

Date of Arrival	Name	Previous address	Signature	Room Number	Date of Departure
.....
.....
.....
.....

Schedule 5
Shire of Kent
HEALTH ACT 1911
LIST OF LODGERS

To: Chief Executive Officer
Shire of Kent

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

.....
on the day of

(Signed)

.....

(Keeper)

Date:

Schedule 6
Shire of Kent
HEALTH ACT 1911
CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

To: (Name of
Keeper)

of (Address of
Keeper)

For the registered lodging house situated at:

.....

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

ROOM NUMBER:

MAXIMUM OCCUPANCY

.....

.....

.....

.....

.....

..... Date:

.....

Environmental Health Officer

Schedule 7
Shire of Kent

HEALTH ACT 1911
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Kent

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

of (Residential
Address of Applicant/s)

apply for consent to establish an offensive trade being

.....
(Description of Offensive Trade)

in or upon
(Location of the House or Premises)

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

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

Schedule 8
Shire of Kent
HEALTH ACT 1911
APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Kent

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

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

apply for registration, for the year ended

.....
of

.....
..... (Location of Premises)

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

.....
.....

..... (Description of Offensive Trade)

under the business name of

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

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

.....
.. (Date)

Schedule 9
Shire of Kent
HEALTH ACT 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

.....
of which is the occupier;

are registered for the carrying on of the trade of

..... Trade Name

..... This registration

expires on Dated this

..... day of

.....
Environmental Health Officer
Shire of Kent

Passed at a meeting of the Council of the Shire of Kent held on theday of
.....2011

The Common Seal of the Shire of Kent was hereunto affixed in the presence of—

CATHERINE CROSBY
Shire President.

PETER BENTLEY
Chief Executive Officer.

On theday of 11

Consented to—.....

EXECUTIVE DIRECTOR PUBLIC HEALTH.

Dated this.....day of2011.