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HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

HEALTH LOCAL LAW 2014

**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

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HEALTH LOCAL LAW 2014

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**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

CITY OF GREATER GERALDTON

HEALTH LOCAL LAW 2014

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the 24 June 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Greater Geraldton Health Local Law 2014*.

1.2 Commencement

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

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

Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board as amended from time to time, but not including explanatory information published with(r)8(al)-h 2o 2;1(me)11(,)16()TJ/5()2TJ0.Tc 0.0221 Tw -1.8

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

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

PART 2—SANITATION

Division 1—Sanitary conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—

festival includes a fair, function or event;

organiser means a person—

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

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

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

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

2.2 Dwelling house

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

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

2.3 Floor of wet areas

The owner of every premise shall ensure that the floor of every bathroom, en suite, laundry, toilet and any other ablation area within the building is properly surfaced and graded to a floor waste approved by the local government.

2.4 Premises other than a dwelling house

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

(a) the premises have toilets in accordance with the Building Code and this Part, including disabled facilities;

(b) the toilets required by this cil02 -0.5 s(6(1)3(0))6(T)716(s)3(n)5(e)-3(0)6(h(n)5(210(caa)6(Tp t)6(o)caa)f0.7a)-8(

2.6 Temporary works

A person who undertakes temporary work at any place shall—

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a

(3) Where there is an opening in a wall between a laundry and a kitchen or room where food is stored or consumed, the opening shall—

- (a) not be more than 1220 millimetres wide; and
- (b) have a door which when closed shall completely fill the opening.

2.14 Washing or keeping of clothes in kitchens

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

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

2.15 Kitchens

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

- (a) a cooking facility which is adequate in the opinion of an EHO;
- (b) a sink which shall—
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.

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

(3) A cooking facility shall—

- (a) be installed in accordance with the requirements of Energy Safety WA and the Manufacturers Specifications; and
- (b) not be installed or used in any room other than a kitchen.

(4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—

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

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

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of dwelling houses

3.1 Dwelling house maintenance

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

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;

3.9 Wells

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

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

3.10 Pollution

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

Division 4—Second-hand furniture, bedding and clothing

3.11 Prohibition on sale

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

3.12 Prohibition of possession

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

Division 5—Morgues

3.13 Licensing of morgues

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

PART 4—WASTE FOOD AND LIQUID REFUSE

Division 1—Liquid refuse

4.1 Interpretation

In this division, unless the context otherwise requires—

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

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

4.2 Deposit of liquid refuse

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

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

4.3 Disposal of liquid waste

(1) The owner or occupier of premises shall—

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

- (2) Liquid waste shall be disposed of by one of the following methods—
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director, Public Health.

*Division 3—Keeping of feedlots***5.16 Interpretation**

In this Division, unless the context otherwise requires—

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

5.17 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 distances in Table 1; and
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local

6.3 Measures to be taken by an occupier

An owner or occupier of premises shall ensure that—

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

- (c) whenever required by an EHO—
- (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
 - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an EHO.

Division 6—European Wasps

6.17 Interpretation

In this Division, unless the context otherwise requires—

European Wasp means a wasp *Vespula germanica*.

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

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

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

Division 7—Bee keeping

6.19 Interpretation

In this Division, unless the context otherwise requires—

bee means an insect belonging to any of the various hymenopterous insects of the superfamily Apoidea and commonly known as a bee; and

beehive means a moveable(T a)13(n E)-(m)-(yi)r-4(o)-tanmo of s-5(i)9a6(-5846(7)-8(" (s)a Tw -1 t)-1(h)6(s o)7(-5(5(ea)

7.2 EHO may disinfect or disinfect premises

(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Medical Officer may, if satisfied that it is necessary for the protection of the public, do all or any of the following things:

(3) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(4) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(5) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(6) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(7) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(8) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(9) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(10) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(11) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(12) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(13) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(14) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(15) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(16) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(17) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(18) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(19) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(20) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(21) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(22) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(23) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(24) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(25) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(26) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(27) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(28) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(29) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

(30) Order the person in charge of the premises to take such measures as may be necessary to prevent the spread of the disease.

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

(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper

8.13 Lounge room

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

- (a) with a floor area of—
 - (i) where the lounge 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

8.18 Sleeping accommodation—short-term hostels and recreational campsites

(1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory utilising beds; and

-
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug, and from 1 May to 30 September, not less than one additional blanket or rug; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause or allow any tiered beds or bunks to be used in a sleeping apartment.
- (3) The sheets and blankets required to be provided by subclause (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (4) In a short-term hostel or recreational campsite, the storage facilities required by subclause (1)(c)

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

8.28 Maintenance of a room by a lodger or resident

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

8.29 Cleaning and maintenance requirements

- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

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

Schedule 1
APPLICATION FOR LICENCE OF A MORGUE

[cl 3.13]

City of Greater Geraldton

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer
City of Greater Geraldton

I
(Full name of applicant)

of
(Residential address of applicant)

apply to licence the premises listed below as a Morgue.

Address of premises:

Name of premises:

.....
(Signature of applicant)

.....
(Date)

Schedule 2
DELETED

Schedule 3
DELETED

Schedule 4
APPLICATION FOR REGISTRATION OF A LODGING HOUSE

[cl 8.3]

City of Greater Geraldton

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Greater Geraldton

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

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

as a lodging house to be classified as—

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

(Tick which is to apply)

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

DESCRIPTION OF LODGING HOUSE—

Number of storeys:

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

Schedule 5

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

[cl 8.4]

City of Greater Geraldton

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

This is to certify that the premises situated at

.....

is registered as a Lodging house and classified as—

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

Schedule 7

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

[cl 8.6]

City of Greater Geraldton

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
City of Greater Geraldton

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

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

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

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

.....
(Date)

Schedule 8

REGISTER OF LODGERS

[cl 8.23]

City of Greater Geraldton

REGISTER OF LODGERS

Location of lodging house:

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

Schedule 9

LIST OF LODGERS

[cl 8.24]

City of Greater Geraldton

LIST OF LODGERS

To: Chief Executive Officer
City of Greater Geraldton

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

on
(Date)

Lodger's name—

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

.....
(Signature of keeper)

.....
(Date)

Schedule 10

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

[cl 8.25]

City of Greater Geraldton

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

To
(Full name of Keeper)

of
(Residential Address of Keeper)

For the registered lodging house situated at

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

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

.....
(Environmental Health Officer)

.....
(Date)

Schedule 11

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

[cl 9.2]

City of Greater Geraldton

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
City of Greater Geraldton

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 12

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

[cl 9.4]

City of Greater Geraldton

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Greater Geraldton

I/We
(Full name of applicant/s)

of
(Residential address of applicant/s)

apply for registration, for the year ended

of
(Location of premises)

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

.....
(Description of offensive trade)

under the business name of

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

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

.....
(Date)

Schedule 13

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

[cl 9.5]

City of Greater Geraldton

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

.....
(Environmental Health Officer)

.....
(Date)

Dated: 9 July 2014.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of —

I. CARPENTER, Mayor.
A. SELVEY, A/Chief Executive Officer.

Consented to—

TARUN WEERAMANTHRI, Executive Director, Public Health.

Dated this 21st day of July 2014.