

Telephone: (08) 9780 4200
Facsimile: (08) 9731 1677
Email: shire@donnybrook.wa.gov.au

Postal Address: PO Box 94
Cnr Bentley & Collins Streets
DONNYBROOK WA 6239
www.donnybrook-balingup.com.au



**EXTRACT FROM
SHIRE OF DONNYBROOK-BALINGUP
HEALTH LOCAL LAWS 1999
RELATING TO PART 8 - LODGING HOUSES**

Division 1 - Registration

Interpretation

8.1.1

(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;

“**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.

Lodging House Not to be Kept Unless Registered

8.1.2

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

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the Council under Section 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 Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house;

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

Application for Registration

8.1.3

An application for registration of a lodging house shall be -

- (a) in the form prescribed in Schedule (1);
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by -
 - (i) the fee prescribed in Schedule (12); and
 - (ii) detailed plans and specification of the lodging house.

Approval of Application

8.1.4

The Council 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).

Renewal of Registration

8.1.5

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

- (a) during the month of June in each year apply to the Council for the renewal of the registration of the lodging house; and
- (b) pay the fee prescribed in Schedule (12) at the time of making each application for renewal.

Notification upon Sale or Transfer

8.1.6

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 Council 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.

Revocation of Registration

8.1.7

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

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

- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has -

(i) been convicted of an offence against these local laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(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 Environmental Health Officer, unfit to remain registered;

(3) Before revoking the registration of a lodging house under this section, the Council shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

General Construction Requirements

8.2.1

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

Kitchen

8.2.2

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 Council to comply with the requirements of the *Health (Food Hygiene) Regulations 1993*.

Dining Room

8.2.3

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.

Lounge Room

8.2.4

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.

Sanitary Conveniences

8.2.5

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

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

in accordance with the requirements of the Building Code.

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

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

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

(5) Each toilet and bathroom shall -

(a) be 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;

(d) be provided with adequate electric lighting; and

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

Laundry

8.2.6

(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 Environmental Health Officer 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 -

(d) is capable of delivering 136 litres of water per hour at a temperature of at least 75⁰C for each washing machine provided with the communal facilities; and

(e) has a delivery rate of not less than 18 litres per minute to each washing machine.

Fire Prevention and Control

8.2.7

(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 Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;

(c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times;

(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 advised by the Western Australian Fire Brigades Board and approved by the Council.

Obstruction of Passages and Stairways

8.2.8

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

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

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

Fitting of Locks

8.2.9

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

Restriction on use of Rooms for Sleeping

8.2.10

(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 Environmental Health Officer.

(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.

Sleeping Accommodation, Short Term Hostels and Recreational Campsites

8.2.11

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

- (i) 4 square metres per person in each dormitory utilising beds;
- (ii) 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 on any short term hostel or recreational campsite shall provide:-

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable:

(b) mechanical ventilation in lieu of fixed ventilation, subject to Council'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;

(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 shall ensure that:

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows:-

(i) drapes, curtains, blinds and bed covers - maximum Flammability Index of 6;

(ii) upholstery & bedding - a maximum Spread of Flame Index of 6;
- a maximum Smoke Developed Index of 5;

and

(iii) 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.

Furnishing etc. of Sleeping Apartments

8.2.12

(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.

Ventilation

8.2.13

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

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

Numbers to be Placed on Doors

8.2.14

(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

Keeper or Manager to Reside in the Lodging House

8.3.1

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.

Register of Lodgers

8.3.2

(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 Environmental Health Officer.

Keeper Report

8.3.3

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

Certificate in Respect of Sleeping Accommodation

8.3.4

(1) An Environmental Health Officer 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 Environmental Health Officer, 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.

Duplicate Keys and Inspection

8.3.5

Each keeper and manager of a lodging house shall -

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purpose of inspection by the Officer.

Room Occupancy

8.3.6

(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 Council 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.

Maintenance of a Room by a Lodger or Resident

8.3.7

- (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.

Cleaning and Maintenance Requirements

8.3.8

- (1) In this Section -
- “**bed linen**” includes sheets, pillow cases, 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 is 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 Environmental Health Officer, ensure that -

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.

Responsibilities of Lodgers and Residents

8.3.9

A lodger or resident shall not -

(a) use any room available to lodgers -

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;

(c) use a bath or wash hand basin other than for ablutionary purposes;

(d) use a bathroom facility or 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.

Approval for storage of food

8.3.10

(1) An Environmental Health Officer may -

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

- END OF EXTRACT -