



Indian Ocean Territories Government Gazette

Territory of Christmas Island

Territory of Cocos (Keeling) Islands

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HEALTH ACT 1911(WA)(CI)
LOCAL GOVERNMENT ACT 1995(WA)(CI)

Shire of Christmas Island

HEALTH AMENDMENT LOCAL LAW 2010

Under the powers conferred by section 342 of the *Health Act 1911(WA)(CI)*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995(WA)(CI)* and all other powers enabling it, the Council of the Shire of Christmas Island resolved on 25 May 2010 to make the *Shire of Christmas Island Health Amendment Local Law 2010*.

The *Shire of Christmas Island Health Local Laws 2000* as published in the *Government Gazette* on 31 August 2000, is referred to as the principal local law. The principal local law is amended as follows:

1 General

Except in the definition of "water" in subsection 1.3(1), throughout the whole Local Laws delete the word "Council" wherever it appears and substitute "local government" or "the local government" as appropriate.

2. Section 1.2(1) - Interpretation

In subsection (1) of Section 1.3 delete the definition of "approved" and substitute the definition:

"approved" means approved by the local government;"

3. Section 1.2(1) - Interpretation

In subsection (1) of Section 1.3 insert in the appropriate alphabetical position the definition:

"local government" means the Shire of Christmas Island and includes the Council of the local government;"

4 Section 1.2(1) - Interpretation

In subsection (1) of Section 1.3 delete the definition of "water" and substitute the following definition:

"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 "

5 Section 2.1.4 - Outdoor Festivals

In subparagraph (ii) of paragraph (c) of subsection (1) of Section 2.1.4, delete the words "wash hand basin and substitute the words "hand wash basin".

6 Section 2.1.4 - Outdoor Festivals

In subparagraph (ii) of paragraph (d) of subsection (1) of Section 2.1.4, delete the words "wash hand basin and substitute the words "hand wash basin".

7. Section 2.1.5 – Toilets

In subsection (a) of Section 2.1.5, delete "AS1276" and substitute "AS/NZS ISO 7171.1: 2004"

8. Section 2.1.11 - Installation

In Section 2.1.11, delete the word "*Country*" from the title of the Act and substitute the word "*Metropolitan*".

9. Section 2.1.11 - Installation

In Section 2.1.11 after the year "1909" insert a comma and the words "the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*".

10 Section 2.2.1 – Bathrooms

In subparagraph (i) of paragraph (c) of subsection (1) of Section 2.2.1, delete the words "wash basin" and substitute the words "hand wash basin".

11 Section 2.2.1 – Bathrooms

In subsection (2) of Section 2.2.1, delete the words "hand basins" and substitute the words "hand wash basins".

12. Section 2.2.4 - Kitchens

In paragraph (a) of subsection (4) of Section 2.2.4, delete the words "the Office of Energy" and substitute the words "Energy Safety".

13. Section 3.1.1 – Dwelling House Maintenance

In paragraph (l) of Section 3.1.1, delete the word "*Country*" from the title of the Act and substitute the word "*Metropolitan*".

14. Section 3.1.1 – Dwelling House Maintenance

In paragraph (m) of Section 3.1.1, delete the words "the Office of Energy" and substitute the words "Energy Safety".

15. Section 3.2.4 – Ventilation

In paragraph (b) of subsection (2) of Section 3.2.4, delete "AS1668.2" and substitute "AS 1668.2:-2002".

16. Section 3.2.4 – Ventilation

In paragraph (a) of subsection (3) of Section 3.2.4, delete "AS3666-1989" and substitute "AS/NZS 3666.2: 2002".

17. Section 3.2.4 – Ventilation

In paragraph (b) of subsection (3) of Section 3.2.4, after the word "occupied", insert the comma and words ", if it is a building without approved natural ventilation".

18. Section 4.2.1 – Interpretation

In Section 4.2.1 delete the definition "approved enclosure".

19. Section 4.2.1 – Interpretation

In Section 4.2.1 delete the definition "building line".

20. Section 5.1.2 – Footpaths etc. to be kept clean

Delete Section 5.1.2 and substitute the following Section:

5.1.2 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 other things coming from or belonging to the premises.

21. Section 5.1.3 – Escape of Smoke etc

In subsection (1) of Section 5.1.3 delete the words "(1) Subject to subsection (2), an" and substitute the word "An". And delete the whole of "subsection (2) of section 5.1.3".

22. Section 5.1.6 - Transportation, Use and Storage of Offal, Blood or Other Offensive Material

In subsection (2) of Section 5.1.6 delete the last word "therefrom" and substitute the words "there from".

23. Section 5.2.4 – Cats

Delete the whole of Section 5.2.4 and renumber Sections 5.2.5 and 5.2.6 as Sections 5.2.4 and 5.2.5 respectively.

24. Section 5.2.6 – Disposal of Dead Animals

In subsections (2) and (3) of Section 5.2.6 delete the word "immediately" and substitute the words "as soon as possible".

25. Section 5.5.2 – Ventilation

In subsection (1) of Section 5.5.2, delete "AS1668.2 Part 2 1991" and substitute "AS 1668.2:-2002"

26. Section 5.5.3 – Exhaust Air Discharge Points and Exhaust registers

In sub paragraphs (A) and (B) of paragraph (i) of subsection (a) of Section 5.5.3, delete "AS1668.2 Part 2 1991" and substitute "AS 1668.2:-2002".

27. Section 6.1.5 – Local Government may Execute Work and Recover Costs

In subsection (3) of Section 6.2.3, after the last word "Section" insert a comma and the words ", other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty".

28. Section 6.2.3 – Local Government may Execute and Recover Costs

In subsection (3) of Section 6.1.5, after the last word "government" insert a comma and the words ", other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty".

29. Section 6.3.3 – Food and Wastes to be kept in rodent proof Receptacles

Delete Section 6.3.3 and substitute the following Section:

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

30. Section 7.1.2 – Environmental Health Officer may disinfect or disinfest premises

In subsection (4) of Section 7.1.2, after the last word "Section" insert a comma and the words ", other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty".

31. Section 7.1.4 - Medical Officer may authorise disinfecting

Delete the whole of Section 7.1.4 and renumber Sections 7.1.5 to 7.1.10 as Sections 7.1.4 to 7.1.9 respectively.

32. Section 7.1.9 – Local Government may carry out work and recover costs

In subsection (3) of Section 7.1.9, after the last word "Section" insert a comma and the words ", other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty".

33. Section 8.1.1 - Interpretation

In subsection (1) of Section 8.1.1, insert the following definition in the appropriate alphabetical position:

"'Food Standards Code' means the Australian New Zealand Food Standards Code as defined in the *Commonwealth Food Standards Australia New Zealand Act 1991*,"

34. Section 8.2.2 – Kitchens

In paragraph (b) of Section 8.2.2, delete the words "the requirements of the *Health (Food Hygiene) Regulations 1993*" and substitute the words "any of the requirements of Standard 3.2.3 of the Food Standards Code".

35. Section 8.2.5 – Sanitary Conveniences

Delete paragraph (b) of subsection (1) of Section 8.2.5 and substitute the following paragraph:

"(b) bathrooms, each fitted with a hand wash basin and either a shower or a bath".

36. Section 8.2.7 – Fire Prevention and Control

In subsection (2) of Section 8.2.7, delete the words "as advised by the Western Australian Fire Brigades Board and approved by the local government" and substitute the words "in accordance with the Building Code of Australia".

37. Section 8.2.12 – Furnishing etc. of Sleeping Apartments

After subsection (2) of Section 8.2.12, insert the following new subsections:

"(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 or her 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."

38. Section 8.3.9 - Responsibilities of Lodgers and Residents

In paragraph (b) of Section 8.3.9 delete the comma and the word ", obnoxious".

39 Section 8.3.9 – Responsibilities of Lodgers and Residents

In subsection (c) of Section 8.3.9, delete the words "wash hand basin" and substitute the words "hand wash basin".

40. Section 9.1.1 – Interpretation

In Section 9.1.1, delete paragraph (d) of the definition of "offensive trade", then insert the word "and" after the semi-colon at the end of paragraph (b) and delete the word "and" at the end of paragraph (c).

41. Section 9.1.4 - Registration of Premises

In paragraph (b) of Section 9.1.4, delete the title "*Offensive Trades (Fees) Regulations 1976*" and substitute the title "*Health (Offensive Trade Fees) Regulations 1976*".

42. Section 9.1.8 - Occupier Includes Employee

Delete the whole of Section 9.1.8.

43. Section 9.2.4 - Sanitary Conveniences and Wash Basins

In the title of Section 9.2.4, delete the words "Wash Basins" and substitute the words "Hand Wash Basins" and in line two of the Section, delete the words "wash hand basins" and substitute the words "hand wash basins".

44. Section 9.4.1 - Interpretation

In Section 9.4.1, in paragraph (c) of the definition of "exempt laundromat", delete the word "therefrom" and substitute the words "there from".

45. Schedule 1 - Application for Registration of a Lodging House

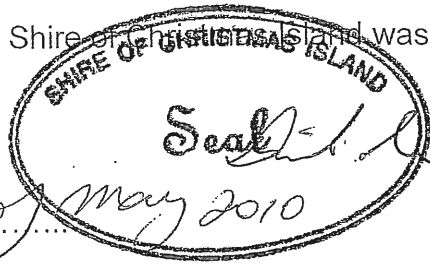
In Schedule 1, delete the words "Wash hand basins" the two times it appears and in both places substitute the words "Hand wash basins".

46. Schedule 2 - Certificate of Registration of a Lodging House

In the clause designated "1." In Schedule 2, delete the words "Shire of Waroona" and substitute the words "Shire of Christmas Island".

Passed at an ordinary Meeting of the Council of the Shire of Christmas Island held on this 25/5/10.....

The Common Seal of the Shire of Christmas Island was placed here in the presence of -



Jordan Thomson
Shire President.
Chief Executive Officer.

On this 25th Day of May 2010

Consented to -

[Signature]
Executive Director of Public Health.


Dated this *7 June 2010*