

HEALTH BY-LAWS 1963 AS AMENDED



PART I General Sanitary Provisions

By-laws 1 to 2 repealed by Government Gazette on 14 October 2024.

Maintenance of Sanitary Conveniences

3. (1) The owner of premises shall maintain all works and services, fixtures, fittings and mechanisms that form part of or are appurtenant to sanitary conveniences, bathroom, laundry, or cooking facilities on those premises in good condition and available for use.
- (2) The occupier of premises shall maintain all sanitary conveniences and all works, fixtures, fittings, pipes and drains on those premises in a clean condition.

By-laws 4A repealed by Government Gazette on 14 October 2024.

- 4AA. The floor of the building or room in which laundry facilities are situated shall be graded 1 to 100 to a waste outlet set in the floor and shall be constructed of-
- (a) concrete three inches thick rendered to a smooth surface, or
 - (b) a layer of bituminous industrial compound not less than three-quarters of an inch thick laid on a base comprising-
 - (i) tongue and groove hardwood floorboards; or
 - (ii) concrete not less than one and a half inches thick laid in a solid foundation; or
 - (iii) aggregate base consolidated by covering with at least two inches of gravel firmly bedded down and sealed with road primer; or
 - (c) material which is of similar strength and impermeable qualities.

By-laws 4AB to 35aA repealed by Government Gazette on 14 October 2024.

Repairs to Dwelling-houses

- 35A. The owner or occupier of every dwelling-house shall maintain such dwelling-house and any laundries, bathrooms, privies or other structures used in connection therewith in sound condition and fit for use and in particular shall-
- a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
 - b) repair any foundations and walls, either external or internal, which are unsound by reason of fretting, cracking, dampness or other defect;
 - c) replace any missing, broken, decayed or ant-eaten timber in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound merchantable quality;
 - d) make good any defective brick, stone, mortar or cement work;
 - e) repair or replace any flashings or ant stops which are missing or defective;
 - f) maintain all ventilators in good order and repair;
 - g) maintain all floors even in surface and free from cracks;
 - h) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
 - i) maintain all doors and windows in good working order and weatherproof condition;
 - j) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of one square foot of lighting to each 10 square

feet of floor area;

k) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909, and all regulations and by-laws made thereunder; and

l) maintain all electric wiring and fittings in such state of repair and condition as shall comply in all respects with all of the requirements of the Fire Underwriters' Association of W.A.

By-laws 36 to 38 repealed by Government Gazette on 14 October 2024.

Penalties for Breaches of By-laws.

69. Where anything by this part of the by-law is directed to be done or forbidden to be done, or where authority is given to any officer to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone or such act forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of a breach of this part of the said by-laws. And every person guilty of a breach of this part of the said by-laws shall be liable for every such offence, besides any cost or expenses which may be incurred in the taking of proceedings against such person guilty of such offence, to a penalty not exceeding twenty pounds for every breach of any such by-law, or to a penalty not exceeding two pounds for each day during which such breach shall be committed or continued, and in addition to such penalty shall be liable to pay to the local authority any expense incurred by such authority in consequence of any breach or non-observance of any by-law, or in the execution of any work directed to be executed and not so executed.

Schedule A repealed by Government Gazette on 14 October 2024.

Part II Infectious Diseases repealed by Government Gazette on 14 October 2024.

Part III Private Hospitals repealed by Government Gazette on 14 October 2024.

Part IV Dairies and Milk Shops repealed by Government Gazette on 14 October 2024.

PART V LODGING HOUSE

1. Every person applying to be registered as a keeper of a lodging-house shall make application in the form of Schedule "A" hereto, and upon the granting of such application he shall receive from the local authority a certificate in the form of Schedule "B."

Every such registration shall operate only during the current calendar year, and after the thirty-first day of December of that year the premises shall, unless re-registered, become unregistered.

2. Every such person shall with such application lodge a fee as prescribed by Schedule "C" hereto, and shall annually, in the first week of January, make application for the renewal of registration of his premises, and with such application shall pay a fee in accordance with the said Schedule.

Provided that if the registration for any year shall commence on or after the first day of July of that year only half fees shall be payable by the applicant.

3. No keeper of a lodging-house shall permit a greater number of persons to occupy any sleeping apartment in such house at any one time than will admit of each such person having at least 500 cubic feet of air space.

For the purpose of this clause two children under 10 years of age shall be counted as one person.

4. No house shall be registered as a lodging-house unless each room intended for use as a sleeping apartment for lodgers shall bear a distinguishing number, and the keeper of such house shall cause such distinguishing number to be conspicuously printed in two-inch figures on each side of the room door.
5. (a) The local authority shall issue to every keeper of a lodging-house a certificate in respect of each separate room, and such certificate shall specify the maximum number of lodgers which shall be permitted to occupy each such room respectively as a sleeping apartment at any one time.
(b) The local authority may from time to time vary the number of lodgers to be received into any such room, and a notice shall be served on the keeper of such lodging-house specifying such a varied number of lodgers, and such keeper shall not allow a greater number of lodgers into such room than is specified on such notice, after the time stated therein.
(c) The certificates and notices to be given under the provisions of this by-law shall be in the form of Schedules "D" and "E" respectively.
6. The keeper of every lodging-house shall at all times keep the certificate or notice mentioned in the last preceding by-law exhibited in a conspicuous place in the sleeping apartment in respect of which any such certificate or notice shall have been issued.
7. No keeper of a lodging-house shall permit any room to be used as a sleeping apartment for lodgers other than a room certified for that purpose.
8. No keeper of a lodging-house shall make any alterations to any such room except with the consent of the local authority.
9. No room shall be registered as a sleeping apartment for lodgers if it be situated in a basement or below the level of the ground, or if it be used as a kitchen, scullery, dining or general sitting room or unless such room is lit by windows placed in the external walls having a ratio of not less than 1 square foot of unobstructed glass to each 10 square feet of floor area.
10. No room shall be certified as a sleeping apartment for lodgers unless such room is sufficiently ventilated, and the keeper shall maintain all such means of ventilation as have been approved, in good order and efficient action.
11. No keeper of a lodging-house shall allow persons of different sexes to occupy together the same sleeping apartment, except in the case of children under the age of 10 years, or of married couples, in which latter case no other person above the age of 10 years, and not more than one married couple, shall be

allowed to occupy the same sleeping apartment at any one time.

12. No keeper of a lodging-house shall cause or allow any bed in any room which may be used as a sleeping apartment by persons of the male sex above the age of 10 years to be occupied at any one time by more than one such person.
13. No keeper of a lodging-house shall cause or allow any lodger to occupy any bed in such house at any time within a period of eight hours after such bed shall have been vacated by the last pre-ceding occupant thereof, unless such bed shall be provided with fresh bed linen.
14. No keeper of a lodging-house shall absent himself from such house, unless he leaves some reputable person in charge thereof.
15. The keeper of every lodging-house shall-
 - (a) cause the floor of every room or passage and every stair in such house to be kept thoroughly clean, and to be at least once a week thoroughly washed;
 - (b) cause the yard and out-premises to be swept daily, and to be kept at all times clean;
 - (c) cause the seat and floor of every privy on his premises to be scrubbed and washed daily, and the walls to be limewashed at least once in each month;
 - (d) cause every window, every fixture, or fitting of wood, stone or metal, and every painted surface in such house to be thoroughly cleansed at least once a week, or so much more frequently as may be directed by an inspector;
 - (e) provide a sufficient number of lavatory appliances and clean towels, and a sufficient quantity of clean water and soap for ablutionary purposes, in the case of female lodgers supplied in their sleeping compartments, and in the case of male lodgers either supplied in their sleeping apartments, or in a convenient room set apart and fitted exclusively for that purpose; and he shall cause all such articles to be kept in good order and clean, and shall renew the supply of water and soap and clean towels as often as may be requisite;
 - (f) disinfect such towels as may be required by an inspector;
 - (g) cause all faeces, urine, or other refuse to be removed from every room once at least in every day before the hour of 10 in the forenoon, and every vessel, utensil, or other receptacle for such faeces, urine, or refuse shall be thoroughly cleansed at least once in every day;
 - (h) cause all beds, bedsteads, blankets, rugs, covers, sheets, towels and house linen to be kept clean, free from vermin, and in a wholesome condition;
 - (i) cause every sheet and all house linen to be washed at least once in every week;
 - (j) furnish every sleeping apartment with a sufficient number of toilet utensils and bedsteads and sufficient bedding so that each bed shall be provided with a mattress, two sheets, a blanket or rug, and in winter time not less than one additional blanket or rug;
 - (k) cause the doors and windows of every sleeping apartment to be opened and kept fully opened for at least 4 hours during each day;
 - (l) cause the bed clothes of every bed to be removed there- from as soon as conveniently may be after each bed shall have been vacated by any lodger, and such bed clothes and bed to be freely exposed to the air during two hours at least of each day;
 - (m) cause any room, together with its contents, or any other portion of the premises to be cleansed and disinfected whenever directed so to do by an inspector;
 - (n) exhibit in a suitable and conspicuous position upon the premises copies of all by-laws received from the local authority, so that the contents may be clearly and distinctly legible;

- (o) permit any inspector or any police officer or constable to inspect any portion of the premises at any time and truthfully answer all inquiries made by such inspector, police officer, or constable;
 - (p) cause any part of his premises or any fittings thereon to be painted at such times and in such manner as is directed by the medical officer.
16. The keeper of every lodging-house shall prevent all bedding, linen, blankets, and other similar articles which have been used by a person suffering from an infectious disease, from coming in contact with similar articles used by other inmates of the premises, and shall forthwith efficiently disinfect all such articles, and in the course of such disinfection shall obey any directions issued by the medical officer or an inspector.
17. The keeper of every lodging-house shall, so soon as it comes to his knowledge that any person on the premises is suffering from an infectious disease, effectively isolate such person, and he shall provide separate knives, forks, spoons, plates, and other articles used in the consumption of food for the use of such persons, and such articles shall immediately after use be efficiently disinfected.
18. The keeper of every lodging-house shall, immediately upon the vacating of any room which has been occupied by a person suffering from an infectious disease, effectively disinfect such room, and shall take such other measures in respect of such room or the contents thereof as an inspector may direct.
19. The keeper of every lodging-house shall provide and maintain fire-extinguishing appliances of the number and pattern, and situated in such position as the local authority may direct.
20. The keeper of every lodging-house in which provision is made to accommodate persons above the ground floor shall provide, on each floor above the ground floor, at least one stairway leading from such floor to the floor below, other than the main stairway so situated and constructed of fire-resisting material as may be directed by the local authority.
21. No premises shall be registered as a lodging-house unless-
- (a) the external walls and roof thereof are weatherproof and water-tight;
 - (b) every wall including every partition wall, is provided with a damp-proof course;
 - (c) every part of the floor, if of wood, is at least 12 inches above the surface of the ground; or if of concrete, the upper surface shall be at least three inches above the surface of the ground;
 - (d) every internal wall is completed from floor to ceiling;
 - (e) every passage is at least four feet in width;
 - (f) every main stairway is at least four feet in width, the risers not greater than six and one-half inches in height, and the treads not less than 10 inches in width, and every such stairway shall be free from winders.
 - (g) every stair flight is provided with handrails on both sides thereof, the handrail to be two feet eight inches above the nosing of the treads;
 - (h) separate sanitary conveniences are provided for each sex, and so situated and screened as to insure sufficient privacy;
 - (i) each such convenience, during the hours of darkness, is sufficiently lighted by artificial light;
 - (j) the inner surfaces of all walls are so constructed that they can, without sustaining injury, be washed.

22. Every keeper of a lodging-house shall take such measures for the destruction of vermin as may be directed by an inspector.

Penalties for Breaches of By-laws.

23. When anything by this part of the by-laws is directed to be done or forbidden to be done, or where authority is given to any officer to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone or such act forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of a breach of this part of the said by-laws. And every person guilty of a breach of this part of the said by-laws shall be liable, for every such offence, besides any costs or expenses which may be incurred in the taking of proceedings against such person guilty of such offence, to a penalty not exceeding twenty pounds for every breach of any such by-law or to a penalty not exceeding two pounds for each day during which such breach shall be committed or continued and in addition to such penalty shall be liable to pay to the local authority any expense incurred by such authority in consequence of any breach or non-observance of any by-law, or in the execution of any work directed to be executed and not so executed.

**Schedule A
(By-Law 1)**

Form of Application for Registration of A Lodging-House

To the Secretary Local Health Authority

I, _____, hereby make application for the registration of the premises described hereunder as a lodging-house, and the entry of my name as the keeper thereof: -

Situation of premises _____

Materials of construction _____

Maximum number of lodgers to be accommodated _____

	No. of Room	Measurement in feet – length, width, height.	Cubic Capacity in feet	No. of Boarders
Particulars to be given in respect of each room to be used by lodgers as a sleeping apartment.				

Signature _____

Address _____

Date _____

**Schedule B
(By-Law 1)**

Form of Certificate of Registration of a Lodging-House

This is to certify that the premises situate at _____ are registered as a lodging-house, and the name of _____ is entered as the keeper thereof.

The maximum number of lodgers shall be accommodated as under: -

Room No.	No. of Lodgers

_____ (Secretary)
Dated _____

**Schedule C
(By-Law 2)**

Scale of Fees to be Paid by on Registration and Annually Thereafter by Keepers of Lodging-Houses

	s	d
When the maximum number of lodgers to be accommodated does not exceed 20	10	0
When the maximum number of lodgers to be accommodated exceeds 20	20	0

**Schedule D
(By-Law 5)**

Local Health Authority

Lodging-house situate at _____
This room (number _____) is registered to accommodate _____ persons.

By order.

**Schedule E
(By-Law 5)**

Form of Notice of Variation of Number of Lodgers to be Accommodated at a Lodging-House

To _____
Of _____

You are hereby given notice that in connection with the Lodging-house situate at _____ and of which year the keeper, the number of lodgers to be accommodated in the rooms specified hereunder shall, on and after the _____ day of _____ be as prescribed herein:

Room No.	No. of Lodgers

Dated _____
_____(Secretary)

PART VI BOARDING HOUSE

1. Every person applying to be registered as a keeper of a boarding-house shall make such application in the form of Schedule "A" hereto, and upon the granting of such application he shall receive from the local authority a certificate in the form of Schedule "B".
2. Every such registration shall operate only during the current calendar year, and after the 31st day of December of that year the premises shall, unless re-registered, become unregistered.
3. Every such person shall annually, in the first week of January, make application for the renewal of registration of his premises, and with every application made under this or the preceding by-law shall lodge a fee as prescribed by Schedule "C" hereto: Provided that if the registration for any year shall commence on or after the first day of July of that year only one-half of the prescribed fee shall be paid by the applicant.
4. No keeper of a boarding-house shall permit a greater number of persons to occupy any sleeping apartment in such house at any one time than will admit of each such person having at least five hundred cubic feet of air space.

For the purpose of this clause two children under 10 years of age shall be counted as one person.

5. No house shall be registered as a boarding-house unless each room intended for use as a sleeping apartment for boarders shall bear a distinguishing number and the keeper of such house shall cause such distinguishing number to be conspicuously printed in two-inch figures on each side of the room door.
6. The local authority may from time to time vary the number of boarders to be received into each separate room used as a sleeping apartment, and a notice shall be served on the keeper of such boarding-house specifying such varied number of boarders, and

such keeper shall not allow a greater number of boarders into such room than is specified in such notice, after the time stated therein.

7. No keeper of a boarding-house shall permit any room to be used as a sleeping apartment for boarders other than a room certified for that purpose.
8. No keeper of a boarding-house shall make any alterations to any such room except with the consent of the local authority.
9. No room shall be registered as a sleeping apartment for boarders if it be situated in a basement or below the level of the ground, or if it be used as a kitchen, dining or general sitting room, or unless such room is lit by windows having a ratio of not less than one square foot of glass to each 10 square feet of floor area.
10. No room shall be certified as a sleeping apartment for boarders unless such room is sufficiently ventilated and the keeper shall maintain all such means of ventilation as have been approved in good order and efficient action.
11. No keeper of a boarding-house shall cause or allow any boarder to occupy any bed in such house after such bed shall have been vacated by the last preceding occupant thereof, unless such bed shall be provided with fresh bed linen.
12. No keeper of a boarding-house shall absent himself from such house unless he leave some reputable person in charge thereof.
13. The keeper of every boarding-house shall –
 - (a) cause the floor of every room or passage and every stair in such house to be kept thoroughly clean, and to be at least once a week thoroughly washed;
 - (b) cause the yard and the out-premises to be swept daily, and to be kept at all times clean and free from filth;
 - (c) cause the seat and floor of every privy on his premises to be scrubbed and washed daily, and the walls to be lime washed at least once in each month;
 - (d) cause every window, every fixture, or fitting of wood, stone, or metal, and every painted surface in such house to be thoroughly cleansed at least once a week or so much more frequently as may be directed by an inspector;
 - (e) provide a sufficient number of lavatory appliances and clean towels, and a sufficient quantity of clean water and soap for ablutionary purposes;
 - (f) disinfect such towels as may be required by an inspector;
 - (g) cause all faeces, urine, or other refuse to be removed from every room once at least in every day before the hour of ten in the forenoon, and every vessel, utensil, or other receptacle for such faeces, urine, or refuse shall be thoroughly cleansed at least once in every day;
 - (h) cause all beds, bedsteads, blankets, rugs, covers, sheets, towels and house linen to be kept clean, free from vermin, and in a wholesome condition;
 - (i) cause every sheet and all household linen to be washed at least once in every week;
 - (j) furnish every sleeping apartment with a sufficient number of toilet utensils and bedsteads, and sufficient bedding so that each bed shall be provided with a mattress, two sheets, a blanket or rug, and in wintertime not less than one additional blanket or rug;
 - (k) cause the doors and windows of every sleeping apartment to be opened and kept fully open for at least four hours during each day;
 - (l) cause the bed clothes of every bed to be removed therefrom as soon as conveniently may be after each bed shall have been vacated by any boarder, and such

bedclothes and bed to be freely exposed to the air during two hours at least of each day;

(m) cause any room, together with its contents, or any other portion of the premises to be cleansed and disinfected whenever directed so to do by an inspector;

(n) exhibit in a suitable and conspicuous position upon the premises copies of all by-laws received from the local authority, so that the contents may be clearly and distinctly legible;

(o) cause any part of his premises or any fittings there onto be painted at such times and in such manner as is directed by an inspector.

14. The keeper of every boarding-house shall prevent bedding, all linen, blankets, and other similar articles which have been used by a person suffering from an infectious disease from coming in contact with similar articles used by other inmates of the premises, and shall forthwith efficiently disinfect all such articles, and in so doing shall obey any directions given by the medical officer or by an inspector.
15. The keeper of every boarding-house shall, so soon as it comes to his knowledge that any person on the premises is suffering from an infectious disease, effectively isolate such person until removed to some hospital, and he shall provide separate knives, forks, spoons, plates and other articles used in the consumption of food for the use of such person, and such articles shall, immediately after use, be efficiently disinfected.
16. The keeper of every boarding-house shall, immediately upon the vacating of any room which has been occupied by a person suffering from an infectious disease, effectively disinfect such room, and shall take such other measures in respect of such room or the contents thereof as an inspector may direct.
17. The keeper of every boarding-house shall provide and maintain fire-extinguishing appliances of the number and pattern and situated in such position as the local authority may direct.
18. The keeper of every boarding-house in which provision is made to accommodate persons above the ground floor shall provide on each floor above the ground floor at least one stairway leading from such floor to the floor immediately below other than the main stairway, so situated and constructed of fire-resisting material as may be directed by the local authority.
19. No premises shall be registered as a boarding-house unless
 - (a) the external walls and roof thereof are weather-proof and water-tight;
 - (b) every wall, including every partition wall, is provided with a damp-proof course;
 - (c) every part of the floor, if of wood, is at least 12 inches above the surface of the ground; if of concrete, then the upper surface shall be not less than three inches above the ground;
 - (d) every internal wall is complete from the floor to ceiling;
 - (e) every passage is at least four feet in width;
 - (f) every main stairway is at least four feet in width; the risers not greater than six and a half inches in height, and the treads not less than ten inches in width, and every such stairway shall be free from winders;
 - (g) every stairway is provided with handrails on both sides thereof, the handrail to be two feet eight inches above the nosing of the treads;
 - (h) separate sanitary conveniences are provided for each sex, and so situated and screened as to ensure sufficient privacy;

- (i) Each such convenience during the hours of darkness is sufficiently lighted by artificial light;
- (j) the inner surface of all walls is so constructed that they can, without sustaining injury, be washed.

20. Every keeper of a boarding-house shall take such measures for the destruction of vermin as may be directed by an inspector.

Penalties for Breaches of By-laws.

21. Where anything by this part of the by-laws is directed to be done or forbidden to be done, or where authority is given to any officer to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone or such act forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of a breach of this part of the said by-laws. And every person guilty of a breach of this part of the said by-laws shall be liable, for every such offence, besides any costs or expenses which may be incurred in the taking of proceedings against such person guilty of such offence, to a penalty not exceeding twenty pounds for every breach of any such by-laws, or to a penalty not exceeding two pounds for each day during which, such breach shall be committed or continued, and in addition to such penalty shall be liable to pay, to the local authority any expense incurred by such authority in consequence of any breach or non-observance of any by-law, or in the execution of any work directed to be executed and not so executed.

**Schedule A
(By-Law 1)**

Form of Application for Registration of A Boarding-House

To the Secretary Local Health Authority

I, _____, hereby make application for the registration of the premises described hereunder as a boarding-house, and the entry of my name as the keeper thereof: -

Situation of premises _____
 Materials of construction _____
 Maximum number of boarders to be accommodated _____

	No. of Room	Measurement in feet – length, width, height.	Cubic Capacity in feet	No. of Boarders
Particulars to be given in respect of each room to be used by lodgers as a sleeping apartment.				

Signature _____
 Address _____

Dated _____

**Schedule B
(By-Law 1)**

Form of Certificate of Registration of a Lodging-House

This is to certify that the premises situate at _____ are registered as a boarding-house, and the name of _____ is entered as the keeper thereof.

The maximum number of lodgers shall be accommodated as under: -

Room No.	No. of Boarders

_____(Secretary)

Dated _____

**Schedule C
(By-Law 2)**

Scale of Fees to be Paid by on Registration and Annually Thereafter by Keepers of Boarding-Houses

	s	d
When the maximum number of lodgers to be accommodated does not exceed 20	10	0
When the maximum number of lodgers to be accommodated exceeds 20	20	0

Part VII Food repealed by Government Gazette on 14 October 2024.

Part VII Barber Shops and Hairdressing Establishments repealed by Government Gazette on 14 October 2024.

Part IX Offensive Trades repealed by Government Gazette on 14 October 2024.