

**LOCAL GOVERNMENT ACT 1995
CAT ACT 2011**

SHIRE OF BROOMEHILL-TAMBELLUP

HEALTH AMENDMENT LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broomehill-Tambellup resolved on 28 July 2022 to make the following local law.

PART 1—PRELIMINARY

1. Citation

This local law may be cited as the *Shire of Broomehill-Tambellup Health Amendment Local Law 2022*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law

This local law amends the *Shire of Broomehill-Tambellup Health Local Law 2020* as published in the *Government Gazette* on 5 March 2021.

PART 2—AMENDMENTS

4. Clause 5.2.4 amended

Delete clause 5.2.4(6) and replace with the following—

- (6) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

5. Clause 5.6.2 amended

Clause 5.6.2 is amended as follows—

- (a) In clause 5.6.2(1) replace the semi colon (;) with a full stop (.)
- (b) In clause 5.6.2(2) delete the semi colon (;) and 'and', and replace with a full stop (.)

6. Clause 6.1.4 amended

Delete clause 6.1.4 and replace with the following—

6.1.4 Officer may give Notice directing Measures to be Taken

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

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

of flies.

7. Clause 8.1.3 amended

Delete clause 8.1.3(c)(i) and replace with the following—

- (i) the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995*; and

8. Clause 8.1.5 amended

Delete clause 8.1.5(b) and replace with the following—

- (b) pay the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995* at the time of making each application for renewal.

9. Clause 8.1.7 amended

Delete clause 8.1.7 and replace with the following—

8.1.7 Revocation of Registration

- (1) The local government may revoke a registration upon any one or more of the following grounds—
- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has—
 - (i) been convicted of an offence against this local law in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (e) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an EHO, unfit to remain registered;
- (2) Before revoking the registration of a lodging house under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (3) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

10. Part 11—Objections and Appeals

Following Part 10—Offences and Penalties, add the following—

PART 11—OBJECTIONS AND APPEALS

11.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel an approval.

11. Schedule 1 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

12. Schedule 2 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

13. Schedule 3 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

14. Schedule 4 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

15. Schedule 5 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

16. Schedule 6 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

17. Schedule 7 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

18. Schedule 8 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

19. Schedule 9 amended

In the Schedule header, remove reference to the *Health (Miscellaneous Provisions) Act 1911*.

Dated 28 July 2022.

The Common Seal of the Shire of Broomehill-Tambellup was affixed by authority of a resolution of the Council in the presence of—

CR MICHAEL WHITE, Shire President.
ANTHONY MIDDLETON, Chief Executive Officer.
