

**THE SHIRE OF WYNDHAM-EAST KIMBERLEY**

**HEALTH (EATING HOUSES)  
LOCAL LAWS  
2003**

*Health Act 1911*

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Made by the Council of the Shire of Wyndham-East Kimberley under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

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## THE SHIRE OF WYNDHAM-EAST KIMBERLEY

### HEALTH (EATING HOUSES) LOCAL LAWS 2003

#### HEALTH ACT 1911

Made by the Council of the Shire of Wyndham-East Kimberley under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

#### PART 1 - PRELIMINARY

##### 1.1 Citation

These Local Laws may be cited as the *Shire of Wyndham-East Kimberley Health (Eating-Houses) Local Laws 2003*.

##### 1.2 Interpretation

In these Local Laws, unless the context otherwise requires-

“**Act**” means the *Health Act 1911*.

“**approved fee**” means the fee as fixed from time to time by the Local Government under Section 344C of the Act;

“**approved form**” means a form approved by the Local Government;

“**eating house**” shall have the same meaning as defined in Section 160 of the *Health Act 1911*;

“**licence**” means a licence to conduct an eating house issued by the Local Government under these Local Laws;

“**local government**” means the Shire of Wyndham-East Kimberley,

“**registration**” means the registration of an eating house issued by the Local Government under these Local Laws.

#### PART 2 – REGISTRATION AND LICENSING

##### 2.1 Prescribed Date

For the purpose of Section 163 of the Act, 30 June in each year is hereby prescribed as the date on or before which the registration of an eating house and a licence for the proprietor of an eating house shall be applied for annually.

##### 2.2 Requirement for registration and licensing

A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premise as an eating house unless and until-

(a) the premises are registered; and

(b) each of the proprietors of the premises is licensed,

in accordance with the provisions of these Local Laws.

### **2.3 Registration of an Eating House**

- (1) Any person seeking the registration of an eating house shall make application on the approved form and shall forward the application to the Local Government together with-
  - (a) subject to subclause (3), the approved fee;
  - (b) a floor plan and specification of the eating house which plan and specifications shall include the following details-
    - (i) the use of every room;
    - (ii) the internal finishes of every wall, floor and ceiling;
    - (iii) the position and type of every fitting and fixture;
    - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal;
  - (c) the proposed menu; and
  - (d) the estimated number of persons, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.
- (2) Where a person makes application for the registration of an eating house in respect of which a certificate of registration is current at the date of the application, the person shall not be required to forward the plan and specification referred to in paragraph (b) of sub-clause (1).
- (3) Where the registration for any year commences between 1 January and 30 June inclusive in that year, then the applicant shall be required to pay only one half of the approved fee.
- (4) Upon approval of an application for registration of an eating house, for any premises it considers suitable for the purpose, the Local Government shall provide the applicant with a certificate of registration.

### **2.4 Licence to conduct an eating house**

- (1) The proprietor of an eating house seeking the issue of a licence shall make application on the approved form and shall forward the application to the Local Government together with the approved fee.
- (2) Where there are two or more proprietors of an eating house-
  - (a) all proprietors names shall be included on the application; and
  - (b) the licence shall be issued in joint names.
- (3) If the application is approved, a licence shall be issued by the Local Government.
- (4) Any person seeking the transfer of a licence shall make application on the approved form and shall forward the application to the Local Government together with the approved fee. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

## **2.5 Licence conditions**

A licence shall be issued upon and subject to the condition that the holder of the licence shall-

- (a) display the licence and certification of registration of the eating house in a conspicuous place in the eating house;
- (b) notify the Local Government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house prior to the commencement of such alteration, addition or other work;
- (c) notify the Local Government in writing of any proposed changes to the menu that shall affect the classification under the *Health (Food Hygiene) Regulations 1993*;
- (d) notify the Local Government in writing of any proposed increase in staff numbers;
- (e) notify the Local Government of anything which may or has caused contamination of food; and
- (f) prevent public access to the food preparation and storage areas at all times.
- (g) not permit the reuse of any table napkin or serviette unless such table napkin has been thoroughly washed and cleansed since it was used.
- (h) not allow, animals or birds to be slaughtered and dressed or any poultry, pigeons or game to be plucked in any part of the premises.

## **2.6 Eating areas**

The proprietor of any eating house shall maintain the public's dining area in a clean and hygienic condition, including any outdoor eating area and shall, when directed by an Environmental Health Officer, thoroughly clean and disinfect any such area.

## **PART 3 - PENALTIES**

### **3.1 Penalties**

A person who commits a breach or fails to comply with any of the requirements of these local laws commits an offence and is liable to the penalties as follows –

- (a) a penalty which is not more than \$2,500 and not less than:
  - (i) in the case of a first offence \$250;
  - (ii) in the case of a second offence \$500; and
  - (iii) in the case of a third offence or subsequent offence \$1,250; and
- (b) if that offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

These Local Laws were made by the Shire of Wyndham-East Kimberley at an Ordinary Meeting held on 16 of September 2003.

The Common Seal of )  
the Shire of Wyndham-East Kimberley )  
was hereunto affixed by )  
authority of Council in the )  
presence of – )

on this ..... day of....., 2003

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B. JOHNSON, PRESIDENT

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C ADAMS, CHIEF EXECUTIVE OFFICER

Consented to 

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**EXECUTIVE DIRECTOR  
PUBLIC HEALTH**

dated this ..... day of....., 2003