

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC HEALTH (SHOPS, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS

As in force at 21 March 2007

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 21 March 2007. Any amendments that commence after that date are not included.

PUBLIC HEALTH (SHOPS, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS

Regulations under the *Public Health Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Public Health (Shops, Boarding-houses, Hostels and Hotels) Regulations*.

2 Regulatory offences

An offence of contravening or failing to comply with a provision of, or a direction under, regulation 38(3), 41 or 47(1), (b), (f), (g), (h), (j), (l) or (n) is a regulatory offence.

Part II Shops

3 Definitions

In this Part, unless the contrary intention appears:

shop means a building, stall, tent, vehicle or caravan in which, or in any portion of which, goods are offered or exposed for sale by retail, and includes a portion of a shop. The term includes premises occupied by hairdressers and barbers, but does not include the sample-rooms of a commercial traveller.

shopkeeper means the person having the charge, management or control of a premises. The term includes an agent, manager, foreman, or other person acting or apparently acting in the general management or control of any shop.

4 Use of shop for sleeping

- (1) The shopkeeper of a shop shall not use, or permit to be used, an apartment of that shop as a residential or sleeping apartment for himself or any other person or as an apartment for any domestic use whatsoever, if that apartment contains any goods intended for sale.
- (2) The shopkeeper of a shop who contravenes or fails to comply with subregulation (1) shall be guilty of an offence, and shall be liable, upon conviction, to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

5 Sanitary accommodation

- (1) A shopkeeper or owner of every building in which persons are employed or are intended to be employed in any trade or business shall provide the building with suitable accommodation as may be required from time to time by the Chief Health Officer in the way of urinals, closets, and privies; where both sexes are employed separate accommodation shall be provided with separate approaches thereto.
- (2) A shopkeeper or owner who contravenes or fails to comply with subregulation (1) shall be guilty of an offence, and shall be liable, upon conviction, to a penalty not exceeding \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

6 Averment

In any proceedings consequent upon a complaint in which an offence against regulation 4 is alleged, the averment of the prosecution or plaintiff contained in the information declaration or claim that the goods referred to in the complaint were goods intended for sale shall be deemed to be proved in the absence of proof to the contrary.

7 Hours for inspection

A Health Surveyor or other officer appointed under these Regulations may visit and inspect any shop at any time during which business is carried on and no person shall prevent or obstruct the Health Surveyor or officer in the performance of his duties or in the exercise of his powers.

Penalty: \$1,000.

8 Powers and duties of Health Surveyor

- (1) A shopkeeper or owner of a shop shall afford to the Health Surveyor all reasonable facilities and all information as may reasonably be required by him for the exercise of his powers under the provisions of these Regulations.

Penalty: \$1,000.

- (2) The Health Surveyor before entering in pursuance of the powers conferred by these Regulations, without the consent of the shopkeeper, any room or place in actual use as a shop, shall obtain a written authority to do so from a stipendiary magistrate.
- (3) On application made in that behalf, a stipendiary magistrate, if satisfied that there is good cause to suspect that any regulation relating to the public health is contravened in any room or place, may grant an authority authorising the Health Surveyor at any time within 30 days from the date of the application to enter therein, and to exercise the powers of inspection and examination conferred by these Regulations.

9 Obstruction of Health Surveyor

Every person who:

- (a) wilfully impedes, obstructs, or delays a Health Surveyor in the exercise of any power under the provisions of these Regulations; or
- (b) wilfully makes any false reply to any question put to him by the Health Surveyor, having reference to the provisions of these Regulations,

shall be deemed to obstruct a Health Surveyor in the execution of his duty under these Regulations, and shall be liable to a penalty not exceeding \$1,000. Provided that no person shall be required under this or regulation 8 to answer any question or give any evidence tending to criminate himself.

10 Application of Regulations

This Part shall apply to any area of the Territory which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

Part IV Boarding-houses, hostels and hotels

34 Definitions

In this Part, unless the contrary intention appears:

approved means approved by the Chief Health Officer.

boarding-house includes any house, licensed premises under the *Liquor Act*, lodging house, hostel, residential flat, motel, tent, caravan, building, structure, whether permanent or otherwise, or any other premises, and any part thereof, in which 3 or more persons, exclusive of the family of the proprietor thereof, are lodged or boarded for hire or reward from week to week or for more than a week.

boarder includes lodger or paying guest, and every person who is resident, either temporarily or permanently, on the premises of a boarding-house.

proprietor means the proprietor of a boarding-house, and includes the owner, occupier or any person having the management or control thereof.

registered means registered under this Part.

room includes a **sleep-out** verandah.

35 Proprietor of boarding-house to be registered

A person shall not act as the proprietor of a boarding-house unless the boarding-house has been duly registered and his name has been entered as the proprietor in accordance with this Part.

36 Registration

- (1) A person applying for the registration of a boarding-house and the entry of his name as the proprietor shall make an application to the Chief Health Officer in accordance with Form A in the Schedule and shall forward a fee of, where the application relates to a boarding-house where the number of rooms intended for use as a sleeping apartment for boarders:
 - (a) is more than 2 and not more than 10 – 100 revenue units; or
 - (b) is more than 10 but not more than 20 – 125 revenue units; or
 - (c) is more than 20 but not more than 40 – 150 revenue units; or
 - (d) is more than 40 – 250 revenue units.

-
- (2) The Chief Health Officer may, in his discretion, register any boarding-house.
 - (3) Upon the granting of the application, the Chief Health Officer shall supply the proprietor with a certificate of registration in accordance with Form B in the Schedule.
 - (4) Subject to this Part, a certificate of registration shall continue in force for 12 months from the date of the certificate issued.
 - (5) The proprietor to a boarding-house that is registered under this regulation shall, not later than 28 days before the registration expires, make application to renew the registration.
 - (6) The Chief Health Officer may, at any time during the currency of any certificate, cancel the registration of the proprietor.

37 Constructional provisions

A person shall not be registered as the proprietor of a boarding-house unless:

- (a) the external walls and roof of the boarding-house are weatherproof and watertight;
- (b) each internal wall is complete from the floor to ceiling;
- (c) each passage is at least 1,210 millimetres in width;
- (d) each main stairway is at least 1,060 millimetres in width, and:
 - (i) the risers thereof do not exceed 166 millimetres in height; and
 - (ii) the treads thereof are not less than 253 millimetres in width;
- (e) each stairway is provided with handrails 810 millimetres above the nosing of the heads on both sides thereof;
- (f) separate sanitary conveniences are, where the Chief Health Officer so directs, provided for persons of opposite sexes, and so situated and screened as to ensure proper privacy;
- (g) each sanitary convenience is, during the hours of darkness, sufficiently lighted by artificial light;
- (h) approved ablutionary conveniences are provided;
- (i) the inner surfaces of all walls are so constructed that they may, without sustaining injury, be washed; and

- (j) the house to be occupied as a boarding-house, hostel or lodging-house has been approved by the Chief Health Officer.

38 Sleeping apartments to be numbered

- (1) Each room intended for use as a sleeping apartment for boarders shall bear a distinguishing number.
- (2) The proprietor shall cause a distinguishing number to be conspicuously displayed in figures on each side of the door of every such room.
- (3) The proprietor shall provide every door of every room occupied by a boarder with a lock and key. The lock shall be kept in good repair and working order at all times and the key available.

39 Number of occupants of sleeping apartments

- (1) The proprietor shall not permit:
 - (a) more than 2 boarders above the age of 7 years to occupy one bedroom unless the room has a cubic space of at least 28.31 cubic metres;
 - (b) more than 3 persons above the age of 7 years to occupy a bedroom the cubic space of which is less than 42.47 cubic metres; or
 - (c) any member of his family to occupy a bedroom already used as such by more than one boarder.
- (2) The Chief Health Officer may from time to time vary the number of boarders to be received into any room used as a sleeping apartment.
- (3) Where the Chief Health Officer varies the number of boarders to be received into any such room, he shall cause a notice of the variation to be served on the proprietor.

40 Sleeping apartment to be specified

The proprietor of a boarding-house shall not permit any room to be used as a sleeping apartment for boarders other than a room specified as a bedroom on the certificate of registration.

41 Alterations to sleeping apartments

Except with the consent of the Chief Health Officer, a proprietor shall not make any structural alterations to any room used as a sleeping apartment for boarders.

42 Basement room, kitchen, &c., not to be used as sleeping apartment

Any room which is situated in a basement, or below the level of the ground, or used as a kitchen, dining, general sitting room, bathroom, or laundry, or which is lighted by windows having an area of less than 0.093 square metres of glass to each 0.464 square metres of floor area shall not be registered as a sleeping apartment for boarders.

43 Ventilation of sleeping apartment

- (1) A room shall not be used as a sleeping apartment for boarders unless the room is sufficiently ventilated.
- (2) The proprietor shall maintain all approved means of ventilation in good order and efficient action.
- (3) The cubic space of a bedroom is deemed to be the volume of space which would be contained within the bedroom if the walls were extended from the floor to the ceiling or roof of the bedroom as the case may be with a continuous flat surface measured from the floor to a vertical height of 2,740 millimetres and measuring not less than 3,048 millimetres wide and 3,048 millimetres long of floor area.

44 General maintenance

The proprietor shall cause all ventilators, windows and skylights to be kept free from obstruction.

45 Restriction on use of verandahs, &c.

The proprietor shall not permit:

- (a) any verandah, balcony, balconette, portico or stair landing to be used as a kitchen or for cooking purposes; or
- (b) any verandah, balcony, balconette or portico to be enclosed or used so as permanently to interfere (directly or indirectly) with the lighting or ventilation of the premises.

46 Prohibition of certain linings

Any premises wherein any wall or ceiling is lined with paper, or any similar material, shall not be used as a boarding-house unless the paper is close adherent to solid boarding or other approved material.

47 Duties of proprietor

A proprietor shall:

- (a) provide sufficient refrigeration as, in the opinion of a Medical Officer of Health, is necessary;
- (b) provide a properly equipped kitchen and scullery approved by an authorised officer;
- (c) provide a suitable larder or larders of sufficient capacity for the storage of food, satisfactorily constructed, lighted and ventilated, and so situated as not to be in direct communication with any living room, bedroom, laundry, wash-house or sanitary convenience, or under a stairway, and cause the larder or larders at all times to be maintained in a clean and wholesome condition, free from flies, vermin or dust and protected from the admission of steam fumes, offensive or unwholesome vapours and gases;
- (d) not permit any unsound, stale or mouldy articles of food, or offensive substances, to be placed or kept in the larder or larders;
- (e) cause all drainage from the premises to be disposed of in such manner as not to be a nuisance, dangerous to health or offensive;
- (f) cause the roofs, skylights, rain-water spouting and down pipes to be kept in good repair and condition so that the rain water shall not enter or lodge under the building;
- (g) cause all sinks, gullies and grease traps to be kept at all times in a sanitary condition; and the seat and floor of every sanitary convenience and floor of every bathroom to be scrubbed and washed with soap and water daily;
- (h) cause the premises and every ice-chest or refrigerator safe or locker and all appliances or articles used in the preparation of food to be kept at all times, to the satisfaction of the Chief Health Officer, in a clean and sanitary condition, and in a proper state of repair;
- (i) cause every bed, bedstead, blanket, rug, cover, bed linen, mosquito net, house linen and towel to be kept at all times in good repair and thoroughly clean and free from vermin and in a wholesome condition;

- (j) cause every sheet, pillow case, towel and house linen to be washed at least once weekly or as often as required by a Health Surveyor;
- (k) provide every sleeping apartment with a sufficient number of bedsteads and bedding so that each bed shall be provided with a mattress, 2 sheets, pillow and pillow case and a blanket or rug and mosquito net;
- (l) cause any room together with its contents and any other portion of the premises to be cleansed and disinfected whenever directed by a Health Surveyor so to do;
- (m) permit a Health Surveyor to inspect any portion of the premises at any time and truthfully answer all inquiries made by the Health Surveyor;
- (n) cause any part of his premises or any fittings thereon to be painted at such times and in such manner as is directed by a Medical Officer of Health.

48 Duty of proprietor in cases of infectious disease

- (1) A proprietor shall, as soon as it comes to his knowledge that any person on the premises is suffering or is suspected to be suffering from an infectious disease, immediately notify a Medical Officer of Health of the circumstances and shall at once isolate the person from coming in contact with articles used by other inmates of the boarding-house.
- (2) The proprietor shall comply with every direction of a Medical Officer of Health, or an authorised officer, in respect of:
 - (a) the isolation or removal of any person suffering or suspected to be suffering from an infectious disease;
 - (b) cleansing and disinfection of the boarding-house, or of any bedding, linen, blankets, crockery, cutlery, or other articles used by such person; and
 - (c) any measures necessary for the prevention or eradication of any infection of the boarding-house or amongst the inmates thereof.

49 Penalties for offences

Any person who contravenes or fails to comply with any provision of or direction under this Part shall be guilty of an offence, and shall be liable, upon conviction, to a penalty not exceeding \$1,000; and, where the offence is a continuing offence, a penalty not exceeding \$100 for every day during which the offence continues.

50 Application of Regulations

This Part shall apply to any area of the Territory which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

Schedule

regulation 36

FORM A

NORTHERN TERRITORY OF AUSTRALIA

Public Health Act

PUBLIC HEALTH (SHOPS, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS

APPLICATION FOR REGISTRATION AS THE PROPRIETOR OF A BOARDING-HOUSE

Name in full of proprietor:

Locality, street and number:

Description of house:

| | | | | |
|----------------------------------|----------|------------------------|--------|----------------|
| Living rooms | Bedrooms | Bathrooms | Closet | Verandah space |
| Available for family | | | | |
| Available for Boarders | | | | |
| Totals | | | | |
| Members of proprietor's family – | | | | |
| Males | Females | Children under 7 years | Total | |

I, _____, hereby declare that the above particulars are true in every particular, and that I will comply with the provisions of the *Public Health Act* and the *Public Health (Shops, Boarding-houses, Hostels and Hotels) Regulations*. I hereby apply for registration of my premises as a boarding-house under the said Regulations. The registration fee of 100 revenue units/125 revenue units/150 revenue units/250 revenue units (delete whichever is inapplicable) is forwarded herewith in the form of cash/cheque/postal note.

Dated _____

Proprietor

regulation 36

FORM B

NORTHERN TERRITORY OF AUSTRALIA

Public Health Act

PUBLIC HEALTH (SHOPS, BOARDING-HOUSES, HOSTELS AND HOTELS) REGULATIONS

CERTIFICATE OF REGISTRATION OF BOARDING-HOUSE

This is to certify that the premises situated at _____ are registered as a boarding-house under and subject to the *Public Health Act* and the *Public Health (Shops, Boarding-houses, Hostels and Hotels) Regulations* thereunder until _____, 20____, unless sooner cancelled in accordance with the said Regulations and that the name of _____

is entered as the proprietor thereof.

Dated

Chief Health Officer

ENDNOTES

1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 17, 1960)

| | |
|-----------|--|
| Notified | 14 December 1960 |
| Commenced | 31 December 1960 (Cth Gaz, 31 December 1960) |

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

| | |
|-------------|------------------|
| Assent date | 11 December 1973 |
| Commenced | 11 December 1973 |

Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 46, 1978)

| | |
|-----------|--|
| Notified | 29 December 1978 |
| Commenced | 1 January 1979 (Gaz 52, 29 December 1978, p 5) |

Amendments of the Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 5, 1982)

| | |
|-----------|--|
| Notified | 12 March 1982 |
| Commenced | 1 May 1982 (r 1, s 2 <i>Public Health Amendment Act 1981</i> (Act No. 103, 1981) and Gaz G17, 30 April 1982, p 10) |

Amendments of the Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 52, 1982)

| | |
|-----------|--|
| Notified | 17 September 1982 |
| Commenced | 1 January 1983 (Gaz G37. 17 September 1982, p 5) |

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

| | |
|-------------|---|
| Assent date | 28 November 1983 |
| Commenced | 1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5) |

Amendments of Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 48, 1996)

| | |
|-----------|----------------|
| Notified | 1 October 1996 |
| Commenced | 1 October 1996 |

Statute Law Revision Act 1997 (Act No. 17, 1997)

| | |
|-------------|---|
| Assent date | 11 April 1997 |
| Commenced | s 16: 10 December 1997; rem: 1 May 1997 (<i>Gaz</i> G17, 30 April 1997, p 2) |

Amendments of Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations (SL No. 20, 2004)

| | |
|-----------|--|
| Notified | 30 June 2004 |
| Commenced | 1 July 2004 (r 1, s 2 <i>Food Act 2004</i> (Act No. 20, 2004) and <i>Gaz</i> G26, 30 June 2004, p 3) |

Health and Community Services Amendment (Revenue Units) Regulations 2007 (SL No. 6, 2007)

| | |
|-----------|---------------|
| Notified | 21 March 2007 |
| Commenced | 21 March 2007 |

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 3 *Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations* (SL No. 46, 1978)

r 10 *Amendments of Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations* (SL No. 48, 1996)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by s 11 of the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: rr 4, 6, 7, 8, 9, 13, 29, 31, 32, 34, 36, 37, 39, 42, 43, 47, 49, First and Second sch

5 LIST OF AMENDMENTS

| | |
|------------|--|
| r 1 | amd No. 20, 2004, r 3 |
| r 2 | rep No. 52, 1982, r 4 ins Act No. 68, 1983, s 36 amd No. 20, 2004, r 4 |
| r 4 | amd No. 52, 1982, r 4; No. 48, 1996, rr 2 and 9 |
| r 5 | amd No. 48, 1996, r 3; Act No. 17, 1997, s 18 |
| r 7 | amd No. 5, 1982, r 2; No. 52, 1982, r 4; No. 48, 1996, r 9 |
| r 8 | amd No. 5, 1982, r 2; No. 48, 1996, r 5 |
| r 9 | amd No. 5, 1982, r 2; No. 52, 1982, r 4; No. 48, 1996, r 9 |
| r 10 | amd No. 46, 1978, r 2; No. 52, 1982, r 4 |
| pt III hdg | rep No. 20, 2004, r 5 |
| r 11 | amd Act No. 17, 1997, s 18 rep No. 20, 2004, r 5 |
| r 12 | amd No. 52, 1982, r 4 rep No. 20, 2004, r 5 |

| | |
|------------|--|
| r 13 | amd No. 52, 1982, r 4; No. 48, 1996, rr 5 and 9; Act No. 17, 1997, s 18 rep No. 20, 2004, r 5 |
| rr 14 – 15 | amd Act No. 17, 1997, s 18 rep No. 20, 2004, r 5 |
| rr 16 – 28 | rep No. 20, 2004, r 5 |
| r 29 | amd No. 5, 1982, r 2; No. 52, 1982, r 4; No. 48, 1996, r 9 rep No. 20, 2004, r 5 |
| r 30 | amd No. 5, 1982, r 2 rep No. 20, 2004, r 5 |
| r 31 | amd No. 5, 1982, r 2; No. 52, 1982, r 4; No. 48, 1996, r 9 rep No. 20, 2004, r 5 |
| r 32 | amd No. 52, 1982, r 4; No. 48, 1996, r 6 rep No. 20, 2004, r 5 |
| r 33 | amd No. 52, 1982, r 4 rep No. 20, 2004, r 5 |
| r 34 | amd No. 52, 1982, r 4; Act No. 17, 1997, s 18 |
| r 35 | amd No. 52, 1982, r 4 |
| r 36 | amd No. 52, 1982, rr 2 and 4; No. 48, 1996, rr 7 and 9; Act No. 17, 1997, s 18; No. 20, 2004, r 6; No. 6, 2007, r 2 |
| r 37 | amd No. 52, 1982, r 4; Act No. 17, 1997, s 18 |
| r 39 | amd No. 52, 1982, r 4; Act No. 17, 1997, s 18 |
| r 41 | amd Act No. 17, 1997, s 18 |
| rr 42 – 43 | amd No. 52, 1982, r 4 |
| r 47 | amd No. 5, 1982, r 2; No. 52, 1982, r 4; Act No. 17, 1997, s 18 |
| r 49 | amd No. 52, 1982, r 4; No. 48, 1996, r 8 |
| r 50 | amd No. 46, 1978, r 2; No. 52, 1982, r 4 |
| sch 1 | amd No. 52, 1982, r 4; No. 48, 1996, r 9; Act No. 17, 1997, s 18 rep No. 20, 2004, r 7 |
| sch | amd No. 52, 1982, r 4; No. 48, 1996, r 9; Act No. 17, 1997, s 18; No. 20, 2004, r 8; No. 6, 2007, r 2 |