

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC HEALTH (GENERAL SANITATION, MOSQUITO PREVENTION, RAT EXCLUSION AND PREVENTION) REGULATIONS

As in force at 1 July 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 July 2011. Any amendments that commence after that date are not included.

PUBLIC HEALTH (GENERAL SANITATION, MOSQUITO PREVENTION, RAT EXCLUSION AND PREVENTION) REGULATIONS

Regulations under the *Public and Environmental Health Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations*.

2 Regulatory offences

An offence of:

- (a) contravening or failing to comply with;
- (b) failing to comply with a direction contained in a notice served under; or
- (c) failing to carry out requirements for the carrying out of which a person is responsible under,

regulation 5, 6, 9, 10, 12, 13, 14, 16, 17, 20, 21(4), 22, 23, 24, 26, 27(2), (3) or (5), 29, 30, 32, 37, 38, 39, 40, 46, 47, 48, 64 or 67 is a regulatory offence.

Part II General sanitation

3 Definitions

In this Part, unless the contrary intention appears:

approved means approved by an authorised person.

approved device includes an earth closet or cesspit.

chemical closet means a closet in which, or in connection with which, there is a fixed or movable receptacle of watertight material containing a chemical which effectively and continuously maintains in a sterile and inodorous condition all excreta deposited therein.

closet means any structure whatsoever used for the purpose of or in connection with the reception of excreta.

Code means the Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent, November 1996, published by Territory Health Services.

domestic bird includes any fowl, duck, goose, turkey, guinea fowl and pigeon.

night-soil includes all human excrementitious or faecal matter, human urine and matters mixed with both or either of them and includes an effluent discharge from a septic tank, chemical closet or other apparatus used for the treatment of night-soil.

public place means any road or other place which the public are entitled to use.

refuse means dung, offal, garbage, dead animals, or any matter which is unwholesome or from which any offensive odour arises.

sanitary conveniences means water-closets, earth closets, privies and receptacles for the disposal of night-soil, and includes urinals.

septic tank means any tank or series of tanks through which sewage is passed, and in which it is detained for the purposes of sedimentation, disintegration or digestion and includes:

- (a) any associated pipes and effluent disposal system;
- (b) any apparatus or device for the reuse of effluent; and
- (c) any apparatus, device or system for the storage, treatment, disposal or reuse of sullage.

structure includes a septic tank, chemical toilet and any other device used for the storage or treatment of night-soil.

sullage means domestic waste water from a bath, shower, basin, laundry or kitchen and includes the floor waste water from those sources.

the sewerage system means the sewerage system provided by or under the authority of the Territory or the Commonwealth.

to dispose of, in relation to a dead animal, means effectively to burn, bury to a depth of at least 1 metre, or otherwise to remove by any other approved method.

4 Application of Regulations

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

5 Conveyance of refuse

A person shall not convey refuse, or cause refuse to be conveyed through, in or upon a public place, except in a vehicle or receptacle properly covered to the satisfaction of an authorised officer, or if the refuse is moist or contains any liquid, except in an approved covered watertight vehicle or receptacle so constructed as to prevent the escape of the contents thereof.

6 Carriage of food in vehicle or receptacle containing refuse

A person shall not place, carry or have in or upon a vehicle or receptacle which contains refuse, or which has contained refuse and has not since been thoroughly purified, food for human consumption, or a receptacle used for the reception or carriage of food.

7 Keeping of animals and domestic birds

- (1) A person shall not, without the written permission of an authorised officer, keep or permit an animal, other than a cat or dog, to be kept within a distance of 12 metres from a dwelling house, hospital or school building.
- (2) The owner of land where animals are kept shall, when so required by an authorised officer, provide such stabling or other accommodation for those animals as the Inspector thinks suitable.
- (3) In the City of Darwin a person shall not, without the written permission of an authorised officer, keep, or cause or permit to be kept, domestic birds, except in securely fenced yards or runs having an area of not less than 18 square metres and so fenced as to prevent their escape:

Provided that, where more than 12 birds are kept at one time, there shall be an additional space of 9 square metres for every 5 birds in excess of that number.

- (4) Every yard or run shall be a clear 15 metres from a dwelling house, hospital or school building, and an authorised officer may, upon reasonable notice to the occupier of property on which the yard or run is situated, require the occupier to remove or alter the yard or run so that no part shall be within 15 metres of a dwelling house, hospital or school building.
- (5) A structure for the keeping of a domestic bird or birds, shall not be erected or placed within 15 metres of a dwelling house, hospital or school building.
- (6) The occupier of property on which an animal or domestic bird is kept or housed, shall cause the place of keeping to be thoroughly cleansed as often as is necessary for the purpose of keeping the place in a clean, wholesome and sanitary state and condition.
- (7) The owner or person keeping or causing or permitting to be kept an animal or bird which develops a contagious or infectious disease injurious to human beings shall forthwith cause the animal or bird to be destroyed:

Provided that curative treatment to the satisfaction of an authorised officer shall be considered sufficient compliance with this subregulation in the case of a dog affected with the hydatid disease parasite.

8 Keeping offensive matter near dwelling-house

The owner or occupier of premises or land shall not keep, nor permit nor suffer to remain, on the premises or land, matter whatsoever which is unwholesome or from which an offensive smell arises, or any matter or thing in such a condition, or used or kept in such a manner, as to be dangerous, injurious or prejudicial to health.

9 Drainage, &c., of stables

The owner of a stable, cow-yard or cattle-shed shall, within one month after the service upon him of a notice by the Chief Health Officer, requiring him so to do:

- (a) where the stable, yard or shed has not a floor impervious to water and rats – cause the stable, yard or shed to be sufficiently paved, flagged or floored with stone, concrete or other material impervious to water and rats; and
- (b) where the stable, yard or shed is not sufficiently drained – cause it to be so drained and to have proper sewer connections where practicable.

10 Cleansing of stables, &c.

- (1) The occupier or owner of premises or land which contains a stable, horse-yard, cow-yard or cattle-shed shall provide an approved box or bin for the reception of all dung or refuse in the stable, yard or shed, and shall, if the stable, yard or shed is used as such, cause it to be cleansed daily.
- (2) The occupier of the premises or land shall cause all such dung or refuse to be disposed of in accordance with the direction of an authorised officer and in such a manner as to prevent the breeding of flies, and, if not removed immediately, to be placed in the box or bin provided in pursuance of subregulation (1).
- (3) The occupier of the premises or land shall cause the box or bin provided in pursuance of subregulation (1) to be kept covered, and, if used, to be emptied and cleansed once at least in each week, or at more frequent intervals if an authorised officer so requires, and shall not at any time allow flies to breed in the box or bin or allow the box to become insanitary.

11 Premises to be kept clean

- (1) The occupier or, where there is no occupier, the owner of premises or land shall keep the premises or land, as the case may be, and all cellars, stables, sheds, outbuildings and sanitary conveniences belonging to the premises or in the curtilage thereof in a clean condition and free from any accumulation of decomposing, organic, fluid or solid matter or stagnant water and in a serviceable condition, and shall, when required in writing by an authorised officer, carry out to the satisfaction of an authorised officer, within the time specified in the requisition, such cleansing operations or repairs as are specified in the requisition:

Provided that nothing in this subregulation shall prevent the occupier of the premises or land from storing garden manure thereon in pursuance of and subject to the conditions of a permit issued by an authorised officer.

- (2) Where the occupier or owner, as the case may be, has not at the expiration of the time specified in the requisition caused the cleansing operations to be carried out, an authorised officer may carry out the operations and recover the cost thereof from the occupier or owner, as the case may be, in any court of competent jurisdiction.

12 Overcrowding of dwelling-house

Where, in the opinion of an authorised officer, a dwelling-house is so overcrowded as to be dangerous to the health of the inmates, the occupier of the house shall, within such time as is specified in a notice in writing by the authorised officer served upon the occupier, abate the overcrowding to the extent specified in the order.

13 Premises unfit for human habitation

Where, in the opinion of an authorised officer, a building used as a dwelling-house is in such a condition as to be dangerous to the health of the inmates, the authorised officer may, by notice in writing served on the inmates and the owner respectively, require the inmates to leave the building and the owner to cease using the building as a dwelling-house, and the inmates and the owner shall comply with the order accordingly within the time specified in the order.

14 Rats and vermin

The occupier or, if there is no occupier, the owner of premises upon which conditions favourable to the breeding and existence of rats, mice, flies, mosquitoes or other vermin exist shall, within the time specified in a notice in writing by an authorised officer served upon the occupier or owner, as the case may be, remove those conditions.

15 Deposit of rubbish on public places

A person shall not throw, cast or lay, or cause to be thrown, cast or laid, in or upon a public place, refuse, soot, ashes, rubbish, broken glass, bottles, night-soil, blood, filth, paper or rags, or any offensive, noxious or dangerous matter or thing.

16 Disposal of dead animals

If an animal dies in a public place or on unleased land of the Territory or the Commonwealth, the owner of the animal shall cause it to be immediately disposed of, and where an animal dies on other land, the occupier of the land shall so dispose of the carcass:

Provided that where, in the opinion of the Chief Health Officer, it is necessary or desirable in the interests of public health or convenience, the Chief Health Officer may cause the dead animal to be disposed of, and the owner of the dead animal shall, on demand, pay to the Chief Health Officer the amount fixed by him as the cost incurred by him in the disposal of the dead animal.

17 Disposal of night-soil or refuse

A person shall not deposit night-soil or refuse at a place unless:

- (a) the permission of an authorised officer so to do has been first obtained;
- (b) such place is a night-soil depot or refuse depot established by the Territory or other place approved by the Chief Health Officer.

18 Protection of water-courses, &c.

- (1) A person shall not cast or place a dead animal, or any animal with intent to drown the animal, into any watercourse, reservoir, storage tank, dam, sewer, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.
- (2) The occupier or, if there is no occupier, the owner of premises shall not suffer filth of any kind or offensive matter to issue from the premises into a public place or into a watercourse, reservoir, storage tank, dam, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.
- (3) The occupier or, if there is no occupier, the owner of premises shall not, without the permission of the Chief Health Officer, suffer impure water to issue from the premises into a public place, or suffer or cause, by means of pipes, chutes, channels or other contrivances, impure water to flow from the premises into a watercourse, reservoir, storage tank, dam, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.
- (4) Where an animal dies in or upon the banks of a watercourse, reservoir, storage tank, dam, waterhole, river, creek, storm-water drain or channel, canal or surface gutter, the owner or person in charge of the animal shall forthwith, upon the fact becoming known to him, remove the carcass and so dispose of it as to prevent the danger of pollution of the watercourse, reservoir, storage tank, dam, waterhole, river, creek, storm-water drain or channel, canal or surface gutter.
- (5) Where an animal becomes bogged or caught on the banks of or in the waters of a watercourse, reservoir, storage tank, dam, waterhole, river, creek, storm-water drain or channel, canal or surface gutter, the owner or person in charge shall forthwith remove the animal.

19 Protection of water supply

A person shall not bathe, wash or dip, or throw, cast or place, or cause to be thrown, cast or placed, rubbish, earth, bottles, stone, glass, paper or offensive matter, or any animal or thing whatsoever, in or into or within 30 metres of a reservoir, dam or water channel of the water supply system of the Territory.

20 Protection of drinking fountains

A person shall not:

- (a) break or damage, or remove a part of, a drinking fountain;
- (b) wash at a drinking fountain; or
- (c) place any offensive or obnoxious substance in or on a drinking fountain.

21 Sanitation in connection with camping and picnicking

- (1) A person camping or picnicking in any place shall not deposit rubbish or organic refuse upon the ground.
- (2) A person shall bury under at least eight inches of soil, or effectively burn, rubbish or organic refuse resulting from a camp or picnic.
- (3) A person shall, if he is not within reasonable walking distance of a public sanitary convenience, bury, or cause to be buried, at least 30 metres from a waterhole, creek, stream or any collection of standing or running water, all faecal matter and urine evacuated by him.
- (4) The owner or occupier of a camp shall carry out such instructions with respect to the sanitary conditions and cleanliness of the camp as are given by an authorised officer.

22 Abatement of insanitary conditions

Where a stable, cow-yard, horse-yard or pigsty, or an enclosure, place or thing becomes insanitary, an authorised officer may by notice in writing direct the owner or occupier of the premises in which the stable, yard, pigsty, enclosure, place or thing is situated to abate the insanitary condition within 7 days after service of the notice, and the owner or occupier shall abate the insanitary condition accordingly.

23 Sanitary conveniences to be installed

The owner of premises or of occupied land shall install sanitary conveniences on the premises or land as the Chief Health Officer thinks suitable.

24 Temporary sanitary accommodation

A building or other work requiring the assembly of a number of employees shall not be commenced until the employer has provided sanitary accommodation, sufficient and suitable for use by his employees and in accordance with the *Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations*.

25 Sanitary conveniences and sullage not connected with sewerage system

- (1) Where the sanitary conveniences on premises or occupied land are not connected with the sewerage system, the owner or occupier of the premises or land must ensure that they are connected to a septic tank, chemical toilet or other device used for the storage or treatment of night-soil that has been approved by the Chief Health Officer for use in the Territory under regulation 26.
- (2) Where sullage from premises or occupied land is not disposed of into the sewerage system, the owner or occupier of the premises or land must ensure that it is disposed of into a septic tank that has been approved by the Chief Health Officer for use in the Territory under regulation 26.

26 Approval of septic tanks

- (1) A person must not sell or offer for sale, or the owner or occupier of premises or land must not install or permit to be installed on the premises or land, a septic tank, chemical toilet or other device used for the storage or treatment of night-soil unless it is of a type that has been approved by the Chief Health Officer for use in the Territory.
- (2) An application for an approval under this regulation is to be made in the approved form to the Chief Health Officer by the manufacturer of, or a person who wishes to sell, the type of septic tank, chemical toilet or other device used for the storage or treatment of night-soil and is to be accompanied by the fee specified in Schedule 1 for the approval.
- (3) On receiving an application under this regulation, the Chief Health Officer may approve or refuse to approve the type of septic tank, chemical toilet or device used for the storage and treatment of night-soil for use in the Territory.

- (4) An approval under this regulation is to be in writing and is subject to the conditions, if any, that the Chief Health Officer determines and specifies in the approval.
- (5) The manufacturer of, or a person who wishes to sell, a type of septic tank, chemical toilet or other device used for the storage or treatment of night-soil approved under this regulation may apply to the Chief Health Officer for the approval to be varied.
- (6) An application for an approval to be varied under this regulation is to be made in the approved form and is to be accompanied by the fee specified in Schedule 1 for the variation of the approval.
- (7) On receiving an application under this regulation for the variation of an approval, the Chief Health Officer may approve or refuse to approve the variation.
- (8) The variation of an approval under this regulation is to be in writing and is subject to the conditions, if any, that the Chief Health Officer determines and specifies in the variation of the approval.

27 Approval of installation of septic tanks

- (1) Except as provided in regulation 28, the owner or occupier of premises or land must not install or permit to be installed on the premises or land a septic tank, chemical toilet or other device used for the storage or treatment of night-soil unless he or she has the written approval of the Chief Health Officer to do so.
- (2) An application for approval to install a septic tank, chemical toilet or other device used for the storage or treatment of night-soil is to be made in the approved form to the Chief Health Officer and is to be accompanied by the fee specified in Schedule 2 for the approval.
- (3) The Chief Health Officer, on receiving an application under this regulation, may approve or refuse to approve the installation of the septic tank, chemical toilet or other device used for the storage or treatment of night-soil.
- (4) An approval under this regulation is to be in writing and is subject to the conditions, if any, that the Chief Health Officer determines and specifies in the approval.
- (5) Where approval has been given under this regulation, a person must not install the septic tank, chemical toilet or device used for the storage or treatment of night-soil other than in accordance with the approval and the conditions to which the approval is subject.

28 Installation of septic tanks without approval

- (1) The owner or occupier of premises or land may install or permit to be installed on the premises or land a septic tank, chemical toilet or device used for the storage or treatment of night-soil without an approval being given under regulation 27 where the septic tank, chemical toilet or device:
 - (a) discharges into the sewerage system;
 - (b) is installed in accordance with the requirements of the *Building Act*; or
 - (c) is installed in accordance with the requirements of subregulation (2) by a person who meets the requirements of subregulation (3).
- (2) For the purposes of subregulation (1)(c), the requirements are:
 - (a) the septic tank, chemical toilet or other device used for the storage or treatment of night-soil is of a type that has been approved under regulation 26;
 - (b) the septic tank, chemical toilet or other device used for the storage or treatment of night-soil is installed in accordance with the Code;
 - (c) the owner or occupier submits a notice, in the approved form, to the Chief Health Officer of his intention to install the septic tank, chemical toilet or other device used for the storage or treatment of night-soil at least 7 days before commencing to install the septic tank, chemical toilet or other device;
 - (d) the owner or occupier does not cover the septic tank, chemical toilet or other device used for the storage or treatment of night-soil after it is installed when directed by the Chief Health Officer within 2 days of submitting the notice referred to in paragraph (c); and
 - (e) the owner or occupier submits a notice, in the approved form, to the Chief Health Officer of having completed the installation of the septic tank, chemical toilet or other device used for the storage or treatment of night-soil not later than 14 days after completing the installation.
- (3) For the purposes of subregulation (1)(c), the requirements are that the person:
 - (a) holds a licence issued under the *Plumbers and Drainers Licensing Act*,

- (b) is a building practitioner, within the meaning of the *Building Act*; and
- (c) holds an approved insurance policy that will indemnify an owner or occupier of premises or land against the installation of a septic tank, chemical toilet or other device used for the storage or treatment of night-soil to a Class 1 or Class 10 building not complying with the Code.

28A Notice prohibiting certain persons installing septic tanks

- (1) The Chief Health Officer may, by notice served on a person referred to in regulation 28(1)(c), prohibit the person installing a septic tank, chemical toilet or other device used for the storage or treatment of night-soil in accordance with that regulation where the Chief Health Officer is satisfied that the person has installed a septic tank, chemical toilet or other device used for the storage or treatment of night-soil in contravention of the requirements of that regulation.
- (2) A person served with a notice under subregulation (1) who installs a septic tank, chemical toilet or other device used for the storage or treatment of night-soil in contravention of the notice is guilty of an offence.

28B Maintenance of septic tanks

The owner or occupier of premises or land where a septic tank, chemical toilet or other device used for the storage or treatment of night-soil is installed must maintain it in accordance with:

- (a) the Code; and
- (b) the conditions, if any, of an approval given under regulation 26 or 27 in relation to the septic tank, chemical toilet or other device.

29 Ventilation of chemical closets

An owner of premises on which a chemical closet has been constructed shall ensure that the closet is directly ventilated by a ventilation pipe at least 80 millimetres in diameter communicating directly with the outer air.

30 Closet not in accordance with Regulations

The owner of premises upon which there is a closet which is not in accordance with the provisions of the *Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations* shall, when required by the Chief Health Officer, alter, repair, demolish or

remove the closet and provide a closet which is in accordance therewith.

31 Dangerous septic tank

- (1) When the Chief Health Officer considers that a septic tank is, or is likely to become dangerous to health, he may:
 - (a) by notice in writing served on the owner of the land on which the septic tank is situated, direct the owner to repair, cleanse, desludge, empty or remove the septic tank on or before a date specified in the notice; and
 - (b) by notice in writing served on the occupier of the land on which the septic tank is situated, direct the occupier not to use or to suffer a person to use the septic tank:
 - (i) where the owner is directed to remove the septic tank, after a date specified in the notice; and
 - (ii) where the owner is directed to repair, cleanse, desludge or empty the septic tank, after a date specified in the notice and until permission in writing to use the septic tank again is granted by the Chief Health Officer.
- (2) When the Chief Health Officer considers that a septic tank is or is likely to become dangerous to health and that septic tank is situated on land on which there is a dwelling house which is leased by the Territory or the Commonwealth to a person who is an employee of the Territory or the Commonwealth, for the purpose of residence by that person as an employee of the Territory or the Commonwealth, the Chief Health Officer may, by notice in writing served on that person, direct that person not to use or to suffer a person to use the septic tank after a date specified in the notice and until permission in writing to use the septic tank again is granted by the Chief Health Officer.
- (3) A notice under this regulation may be served personally or by registered post.

32 Penalty

A person who contravenes or fails to comply with a direction contained in a notice served on him under regulation 31 is guilty of an offence and shall be liable, upon conviction, to a penalty of \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

33 Service of notices, &c.

Service of a notice, requisition, direction or order under this Part shall be deemed to have been duly effected if the notice, requisition, direction or order or a true copy thereof is:

- (a) delivered to the person to whom it is directed personally;
- (b) delivered to a person apparently over the age of 16 years on, and apparently an occupant of, the premises of which the person to whom it is directed is the occupier or an inmate;
- (c) posted by prepaid registered post to the person to whom it is directed at his last known place of abode; or
- (d) affixed in a prominent position on the premises to which it relates.

34 Penalty for offences

A person who contravenes or fails to comply with a provision of this Part shall be guilty of an offence, and shall, unless some other penalty is provided, upon conviction, be liable to a penalty not exceeding \$1,000, and, where the offence consists in the failure to comply with any notice, requisition, direction or order lawfully given under these Regulations, to a penalty not exceeding \$100 for each day during which the offence continues, unless it is proved that all due diligence has been used to comply with the notice, requisition, direction or order.

Part III Mosquito prevention**36 Application of Regulations**

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

37 Tanks, &c., to be covered with wire gauze

A tank, cistern, or other similar receptacle, whether above or below ground, used or capable of being used for holding or storing water or other liquid of any description in which mosquitoes are liable to breed, shall be kept constantly and effectively protected against the ingress or egress of mosquitoes by means of brass or bronze wire gauze not coarser than 7 meshes to the centimetre each way and of 33 gauge wire placed over every opening into the tank, cistern or receptacle.

38 Tanks, &c., not to be fitted unless covered with wire gauze

A person shall not provide, fix or place, whether above or below ground, on any premises a tank or similar receptacle used or capable of being used for the holding or storing of water or liquid of any description in which mosquitoes are liable to breed, unless the tank or receptacle is fitted with mosquito-proof screens of wire gauze as specified in regulation 37.

39 Wells to be covered

A well shall be covered and protected against the ingress and egress of mosquitoes by wire gauze as specified in regulation 37, by flap valves, or by other means approved by the Chief Health Officer, and shall be provided with some form of pump for raising the water.

40 Ponds, &c., to be prevented from becoming breeding places

A pond, pool, puddle, trough, drain, sewer, flush-tank, garden barrel, fountain or other place or receptacle of a similar character which habitually or occasionally contains water or liquid of any description in which mosquitoes are liable to breed shall be continuously and effectively prevented by the owner or occupier from acting as a breeding place for mosquitoes by:

- (a) keeping the water or other liquid constantly covered or treated with kerosene or other oil or substance approved for that purpose by the Chief Health Officer;
- (b) keeping the water or other liquid constantly stocked with mosquito-larvae destroying fish or other aquatic creatures of a species approved by the Chief Health Officer;
- (c) covering up all openings into the place or receptacle with protective wire gauze as specified in regulation 37; or
- (d) completely draining off and emptying water from the place or receptacle and allowing the interior to dry not less frequently than twice in each week.

41 Certain swamps, &c., to be filled in or drained

- (1) Whenever on land there is a swamp, pool, pond, puddle or other accumulation, whether permanent or not, of water or liquid of any description in which mosquitoes are liable to breed and the Chief Health Officer gives notice in writing to the owner of the land that it cannot be effectively and continuously prevented from being a breeding place for mosquitoes other than by draining and filling in, the owner of the land shall drain and fill in every such swamp, pool,

puddle or other accumulation of water or other liquid to the satisfaction of the Chief Health Officer.

- (2) All drains made for the purposes of subregulation (1) shall be kept by the owner in good order and free from obstruction, so that water shall not remain on any portion of the land, but shall flow into the drain or drains without obstruction.

42 Water in vessels to be emptied twice weekly

At least twice in each week, all water in any can, bowl, bottle, tub, bucket, pot, barrel, jug, vase, flowerpot, safe, dish or other similar receptacle kept on any premises shall be completely emptied by the owner or occupier or caused to be completely emptied by the owner or occupier and shall be thoroughly dried and cleansed before the receptacle is again filled.

43 Rubbish to be removed

The owner or occupier of premises shall ensure that a tin, bottle, can or other receptacle or rubbish, which by holding or collecting water, or other liquid, may serve as a breeding place or harbour for mosquitoes, shall not be allowed to remain on the premises.

44 Vessels may be condemned

An authorised person may condemn as unnecessary or unsuitable a receptacle holding or capable of holding water or other liquid which may serve as a breeding place for mosquitoes, and a person shall not continue to use the receptacle so condemned after notice in writing by the authorised person.

45 Mosquito larvae may be destroyed

- (1) An authorised officer shall take immediate action to destroy mosquito-larvae on any premises, allotment or land where they are found, and shall take action to render any accumulation of water unfit to be a breeding place for mosquitoes.
- (2) The cost of this action may be recovered from the owner or occupier of any premises, allotment or land.

46 Certain gutters, &c., to be reconstructed

A gutter, drain, roof, spouting, roof-gutter, or other similar place or channel which for any reason enables water to stand on it so as not to drain off thoroughly, shall be reconstructed, altered, or repaired by the owner or occupier to the satisfaction of the Chief Health Officer, so as effectively to prevent water from remaining or standing in such a manner that mosquitoes are liable to breed

therein.

47 Gutters to be cleansed

A gutter, drain, roof spouting, or roof gutter, or other similar place or channel, shall be kept cleansed and free from any obstruction by the owner or occupier which might retain water or prevent water from draining freely away.

48 Chief Health Officer may require undergrowth to be removed

The owner or occupier of premises or land shall, when so required by the Chief Health Officer, cut down and remove undergrowth or vegetation which, in the opinion of the Chief Health Officer, is likely to harbour mosquitoes or to obstruct watercourses, and shall cut back, trim or otherwise treat, as directed by the Chief Health Officer, branches of trees which overhang and deposit leaves and debris in roof gutters, tank tops, drains, and other similar places where the free flow of water or liquid may be obstructed upon premises or land.

49 General means to prevent mosquitoes breeding to be taken

Without prejudice to the generality of the preceding provisions of this Part, the owner or occupier of premises or land shall take all reasonable means for draining off, filling in, screening, oiling or otherwise protecting collections of water or other liquid, liable to act as breeding places, to prevent mosquitoes from breeding therein.

50 Excavations to be filled in

Any person who cuts turfs or removes soil or other material from public or private lands or premises shall forthwith finish off level with the surface of the surrounding ground, unless written permission to the contrary is obtained from the Chief Health Officer.

51 Interference with drains, screens, &c.

A person who interferes with, obstructs, damages, or destroys a drain made in pursuance of these Regulations, or wilfully damages, destroys, or removes a screen or protective covering affixed to a tank or other receptacle in pursuance of these Regulations so as to defeat the intention of these Regulations, 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 and, in addition, to the cost of making good the damage.

52 Owner and occupier responsible for compliance with Regulations

For the purposes of this Part, the owner or occupier of premises shall be responsible for carrying out the requirements of these Regulations in respect of those premises.

53 Power to serve notice on occupier of premises

An authorised officer may serve notice in writing on the occupier or owner of premises in relation to which any provision of this Part is not being complied with, requiring or directing such occupier or owner, within the time specified in the notice, to do any act or thing or perform work which the authorised officer deems necessary for the purpose of carrying out the provisions.

54 Failure to comply with notices

In the event of non-compliance with a notice in writing given under this Part of these Regulations within the time specified in the notice, an Inspector may, without further notice, take immediate steps to carry out the terms of the notice, and any expense incurred in so doing may be recovered from the person in default, as a debt to the Territory.

57 Penalty

A person who:

- (a) contravenes or fails to comply with any of the provisions of this Part;
- (b) fails to carry out any requirements of this Part for the carrying out of which he is responsible;
- (c) fails to comply with any order or notice given under this Part and applicable to him,

shall be guilty of an offence and shall be liable upon conviction to a penalty of \$1000 and, where the offence is a continuing offence, to an additional penalty not exceeding \$100 for every day during which the offence continues.

Penalty: 100 dollars.

Part IV Rat exclusion and prevention**58 Application of Regulations**

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

60 Waste food or garbage not to be left out

An owner or occupier shall not place, throw, leave or suffer to remain on his premises waste food, garbage, waste matter or thing, which would have a tendency to encourage or attract rats to visit or frequent premises, or to form, or afford harbourage or shelter for rats.

61 Litter and other rat shelter not to accumulate

Whenever upon premises, litter, hay, straw, packing material, manure, building material, produce, timber, bags, tin, old iron, paper, packing cases, or similar material is kept, or stored in a way as to afford, or form shelter or harbourage for rats, it shall be removed by the owner or occupier or so stacked, stowed, arranged, or protected by him, as to no longer afford, or form shelter or harbourage for rats.

62 Rat-proof containers for feed, &c.

Waste food, garbage, edible trade waste, horse-feed, cowfeed (except hay), food intended for birds and other animals, or similar material, shall not be kept by the owner or occupier, or allowed to remain on premises unless it is contained in rat-proof receptacles, or compartments which are kept effectively covered or closed against access by rats.

63 Drains to be rat-proof

An opening from or into a covered drain, or sewer within the curtilage of premises, and an opening from or into a pipe, covered conduit, or covered channel (whether or not used for drainage) which affords, or is likely to afford access, shelter or harbourage for rats, shall be trapped, or otherwise protected by the owner or occupier, as to prevent effectively the ingress or egress of rats.

64 Old drains to be made rat-proof

A disused covered drain, disused covered sewer, disused covered conduit, disused pipe, or disused covered channel, within the curtilage of any premises, which affords or is likely to afford access, harbourage, or shelter for rats, shall upon notice to that effect being given by the Chief Health Officer to the owner, or occupier of the premises, be taken up, repaired, blocked, or otherwise so dealt with in the manner specified in such notice as to effectively prevent the access, harbourage, or shelter of rats therein.

65 Rat shelters inside house to be got rid of

Wherever in any building the floors, skirtings, wainscots, walls, partitions, ceilings, or like internal fittings, or any of these, are so constructed or in such a condition as to permit the access, shelter, or harbourage of rats in, under or about such building, the floors, skirtings, wainscots, walls, partitions, ceilings, or like internal fittings shall be removed, refitted, reconstructed, altered, or repaired by the owner or occupier, as to prevent, as far as practicable, the access, sheltering or harbouring of rats in, under, or about such building.

66 Hotels, restaurants and shops

- (1) An hotel, restaurant, butcher's shop, small goods shop, baker's shop, grocer's shop, fruit shop, fish shop, oyster saloon, produce store, hide store, flour mill, stable or slaughter house shall be so protected, altered or refitted by the owner or occupier in accordance with the orders of the Chief Health Officer, as to effectively prevent rats from gaining access to, of harbouring in, or about the building or buildings thereof.
- (2) Holes or openings in the external walls of such buildings, which are of such nature as to permit the entry of rats, shall be blocked with cement, or protected with half-inch mesh, stout galvanized wire-netting, or metal, in such a manner as effectively to prevent the entry of rats.

67 Traps for hotels, restaurants, &c.

- (1) The owner or occupier of an hotel, restaurant, butcher's shop, small goods shop, baker's shop, grocer's shop, fruit shop, fish shop, oyster saloon, produce store, hide store, flour mill, stable or slaughter house shall when directed provide at least 2 rat traps, of a pattern approved by the Chief Health Officer, or as many more as may be required from time to time by the Chief Health Officer, and each trap shall be baited with fresh bait, at least twice in each week, and shall be kept set.

- (2) The owner or occupier or his agent or servant shall inspect each trap daily and he shall kill all rats found therein and shall dispose of their carcasses forthwith, so as not to cause a nuisance, and he shall reset and rebait the trap or traps.
- (3) An owner or occupier shall use all reasonable means, by blocking all access ways, destroying harbourages, protecting food-stuffs, poisoning, trapping, the use of rat-killing dogs, cats, or other animals, and otherwise, to keep the premises occupied by him free from rats, and to discourage the access to, or harbouring of rats in, or about the premises.

68 Penalty

If an owner or occupier fails to comply with a provision of this Part, the Chief Health Officer or a person authorised by him in that behalf may enter upon the premises and cause all requirements to be complied with, and any expenses incurred by the Chief Health Officer in so doing may be recovered by him from the owner or occupier in any court of competent jurisdiction:

Provided that, in the case of occupied premises of which the owner is not also the actual occupier, the actual occupier in the first instance shall comply with the provisions of this Part, and if he fails so to do, the Chief Health Officer may serve notice of default on the occupier, and the owner of the premises shall, for the purpose of enabling him to comply with such requirements, have the right to enter, himself, his agents, or servants, upon the premises, and to remain thereon as long as may be necessary, and all expenses incurred by him, not being in respect to drainage works or structural defects, shall be recoverable by him from the actual occupier as a debt.

71 General penalties

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

Schedule 1

regulation 26

	Fee (revenue units)
1. Approval of a septic tank, chemical toilet or other device for the storage or treatment of night-soil:	
Concrete, fibreglass or plastic septic tank	300
Waterless composting toilet	200
Aerated wastewater treatment system	500
Aerobic sand filter	500
Chemical toilet	150
Any other device not otherwise referred to	150
Any other on-site septic tank not otherwise referred to	500
2. Variation of approval	150

Schedule 2

regulation 27

Fee
(revenue
units)

Approval of installation of septic tank, chemical toilet or other
device for the storage or treatment of night-soil

400

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
<i>Gaz</i> = <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 (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 13, 1960)***

Notified	14 December 1960
Commenced	31 December 1960 (<i>Cth Gaz</i> , 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 (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 50, 1978)

Notified	29 December 1978
Commenced	1 January 1979 (r 1)

Amendments of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 8, 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 <i>Gaz G17</i> , 30 April 1982, p 10)

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), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

Amendments of Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 44, 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 (*Gaz* G17, 30 April 1997, p 2)

Amendments of Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 49, 1998)

Notified 11 November 1998
 Commenced 11 November 1998

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

Notified 21 March 2007
 Commenced 21 March 2007

Public and Environmental Health Act 2011 (Act No. 7, 2011)

Assent date 16 March 2011
 Commenced 1 July 2011 (*Gaz* S28, 3 June 2011)

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 7 *Amendments of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations (SL No. 50, 1978)*

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 3, 7, 10, 21, 22, 26, 27, 29, 32, 33, 34, 37, 38, 39, 40, 41, 51, 56, 57, 67, 70 and 71

5 LIST OF AMENDMENTS

r 2 sub Act No. 68, 1983, s 32
 r 3 amd No. 50, 1978, r 2; No. 8, 1982, r 2; Act No. 17, 1997, s 18; No. 49, 1998, r 2; Act No. 7, 2011, s 147
 r 4 amd No. 50, 1978, r 3
 r 5 amd Act No. 7, 2011, s 147
 r 7 amd No. 49, 1998, r 5; Act No. 7, 2011, s 147
 r 9 amd Act No. 17, 1997, s 18
 rr 10 – 14 amd Act No. 7, 2011, s 147
 r 16 amd No. 50, 1978, r 4; Act No. 17, 1997, s 18
 r 17 amd No. 50, 1978, r 5; Act No. 17, 1997, s 18; Act No. 7, 2011, s 147
 r 18 amd Act No. 17, 1997, s 18
 r 19 amd No. 49, 1998, r 5
 r 21 amd No. 49, 1998, r 5; Act No. 7, 2011, s 147
 r 22 amd Act No. 7, 2011, s 147
 r 23 amd Act No. 17, 1997, s 18
 r 25 amd Act No. 17, 1997, s 18
 sub No. 49, 1998, r 3
 rr 26 – 28 amd Act No. 17, 1997, s 18
 sub No. 49, 1998, r 3
 rr 28A – 28B ins No. 49, 1998, r 3

ENDNOTES

r 29	amd No. 49, 1998, r 5
r 30	amd Act No. 17, 1997, s 18
r 31	amd No. 50, 1978, r 4; Act No. 17, 1997, s 18
r 32	sub No. 44, 1996, r 2
r 34	amd No. 44, 1996, r 3
r 35	rep Act No. 7, 2011, s 142
r 36	amd No. 50, 1978, r 3
r 37	amd No. 49, 1998, r 5
r 39	amd Act No. 17, 1997, s 18
r 40	amd Act No. 17, 1997, s 18; No. 49, 1998, r 5
r 41	amd Act No. 17, 1997, s 18
rr 43 – 45	amd Act No. 7, 2011, s 147
rr 45 – 46	amd Act No. 17, 1997, s 18
r 48	amd Act No. 17, 1997, s 18
r 50	amd Act No. 17, 1997, s 18
r 51	amd No. 44, 1996, r 4
r 52	amd Act No. 7, 2011, s 147
r 53	amd Act No. 17, 1997, s 18; Act No. 7, 2011, s 147
r 54	amd No. 50, 1978, r 6
rr 55 – 56	amd Act No. 17, 1997, s 18 rep Act No. 7, 2011, s 142
r 57	amd No. 44, 1996, r 5
r 58	amd No. 50, 1978, r 3
r 59	rep Act No. 7, 2011, s 142
r 64	amd Act No. 17, 1997, s 18
rr 66 – 68	amd Act No. 17, 1997, s 18
rr 69 – 70	amd Act No. 17, 1997, s 18 rep Act No. 7, 2011, s 142
r 71	amd No. 44, 1996, r 6
sch 1 – 2	ins No. 49, 1998, r 4 amd No. 6, 2007, r 2