(b) cause a further copy of the certificate to be kept at the building for inspection by any person authorised by this Ordinance to inspect that copy.

(5) Any person:
(a) who fails to comply with the provisions of this clause; or
(b) who, in purported compliance with the provisions of this clause, furnishes a certificate containing information that the person knows to be false or misleading,
is guilty of an offence and liable to a penalty not exceeding $1,000.

Essential services to be maintained

59.6. (1) This clause applies to all buildings to which clause 59.2, 59.3 or 59.4 applies, that is:
(a) all buildings for the erection of which the Council gives its approval on or after 1 July 1988; and
(b) all buildings for the structural alteration of which the Council gives its approval (as referred to in clause 1.6) or for the change of use of which the Council gives its approval (as referred to in clause 6.6) on or after 1 July 1988; and
(c) all buildings in respect of which the Council makes an order under section 317D (1) of the Act on or after 1 July 1988.

(2) A building to which this clause applies shall not be occupied or used unless each of the essential services installed in the building is maintained at a standard not less than that to which it was originally designed and installed.

(3) The owner of any building:
(a) who occupies or uses the building; or
(b) who permits the occupation or use of the building,
in contravention of subclause (2) is guilty of an offence and liable to a penalty not exceeding $1,000.

(4) This clause is prescribed for the purposes of section 317J (7) of the Act and consequently empowers the New South Wales Fire Brigades to exercise the powers conferred by that subsection in relation to any building to which this clause applies.

Offences relating to fire exits

59.7. (1A) This clause applies to all buildings whenever erected.

(1) Any person:
(a) who places anything which may impede the free passage of persons:
   
   (i) in a path of travel leading to a required exit; or
   
   (ii) in a stairway, passageway or ramp serving as or forming part of a required exit;

(b) who interferes with, or causes obstruction or impediment to, the normal operation of any self-closing fire doors providing access to a stairway, passageway or ramp serving as or forming part of a required exit; or

(c) who removes, damages or otherwise interferes with a notice displayed, in accordance with the requirements of clause 24.14 (3), adjacent to a doorway providing access to a fire-isolated stairway, fire-isolated passageway or fire-isolated ramp serving as or forming part of a required exit,

is guilty of an offence and liable to a penalty not exceeding $1,000.

(2) Any person:

(a) who locks or otherwise interferes with any door that:
   
   (i) serves as or forms part of a required exit; or
   
   (ii) is situated in a path of travel, in such a manner as to render the door incapable of being operated in accordance with the requirements of this Ordinance; or

(b) who obstructs any doorway that:
   
   (i) serves as or forms part of a required exit; or
   
   (ii) is situated in a path of travel, in such a manner as to render the doorway incapable of being used in accordance with the requirements of this Ordinance,

is guilty of an offence and liable to a penalty not exceeding $1,000.

(3) The owner of any building:

(a) who fails to ensure that:

   (i) any path of travel leading to a required exit; and
   
   (ii) any stairway, passageway or ramp serving as or forming part of a required exit,

is kept clear of anything which may impede the free passage of persons;

(b) who fails to ensure that any self-closing fire doors providing access to any stairway, passageway or ramp serving as or forming part of a required exit are capable of normal operation; or
(c) who fails to ensure that any notice required by clause 24.14 (3) to be displayed adjacent to any doorway providing access to a stairway, passageway or ramp serving as or forming part of a required exit is so displayed,
is guilty of an offence and liable to a penalty not exceeding $1,000.

(4) This clause is prescribed for the purposes of section 317J (7) of the Act and consequently empowers the New South Wales Fire Brigades to exercise the powers conferred by that subsection in relation to any building to which this clause applies.

PART 60—Buildings containing atriums

PART 61—Accreditation of materials, methods of construction, designs and components

Form of application

61.1. An application under section 309G of the Act for the accreditation of a material, method of construction, design or component:

(a) shall be in writing; and

(b) shall include a description of the material, method of construction, design or component to which the application relates; and

(c) shall be accompanied by:

(i) in the case of an application relating to a material, method of construction, design or component that is the subject of a certificate of accreditation issued by the Building Accreditation Authority of Victoria—a copy of the certificate; or

(ii) in any other case—documentary evidence of any test procedures, results, performances or appraisals relevant to the proposed accreditation that have been obtained from a recognised appraisal body.

Provision of information by applicant

61.2. Before deciding whether or not to accredit a particular material, method of construction, design or component, the Authority may require the applicant to submit such information relating to the material, method of construction, design or component (including information describing any relevant method of installation, attachment or construction) as the Authority considers appropriate.
Fees

61.3. (1) For the purposes of section 309G (2) of the Act, the prescribed fee for an application for the accreditation of a material, method of construction, design or component is:

(a) in the case of an application relating to a material, method of construction, design or component that is the subject of a certificate referred to in clause 61.1 (c) (i)—$50; or
(b) in any other case—$475.

(2) For the purposes of section 309J (2) of the Act, the prescribed fee for a duplicate certificate is $25.

(3) For the purposes of section 309K (2) (a) of the Act, the prescribed fee for an application for a renewal of accreditation is $120.

PART 62—Approvals and Licences etc.

Division 1—Preliminary

Division of Part

62.1. This Part contains the following Divisions:
Division 1—Preliminary
Division 2—Places of public entertainment
Division 3—Temporary structures
Division 4—Boarding-houses

Definitions

62.2. In this Part:
“approval” means an approval issued under Division 4BA of Part 11 of the Act;
“authorised officer” has the same meaning as it has in Division 4BA of Part 11 of the Act;
“Secretary” means the Secretary of the Department of Local Government.

Division 2—Places of public entertainment

Application

62.3. This Division applies to places of public entertainment within the meaning of Division 4BA of Part 11 of the Act.
S. 530A prescribed matters

62.4. For the purposes of section 530A (2) (g) of the Act, a refusal to issue an approval, and a decision to suspend or cancel an approval, are prescribed matters.

Approvals

62.5. (1) On application made by or on behalf of the owner of any place of public entertainment, the council may give the owner an approval in respect of that place of public entertainment.

(2) An application for an approval may form part of a building application in respect of the same building.

(3) An application for an approval must be accompanied by the fee (if any) fixed by the council in that regard.

(4) An approval may be given subject to such reasonable and relevant conditions (being conditions relating to matters concerning the management and use of the place of public entertainment) as the council determines.

(5) An approval with respect to a building for which a certificate of classification has been issued may be endorsed on the certificate of classification for the building.

(6) Subject to any suspension, an approval remains in force until it is cancelled.

(7) An approval is subject to payment of an annual fee of such amount (if any) as the council may determine in that regard.

Notices of irregularity

62.6. (1) If, in the opinion of the council:

(a) any matter or thing at or in relation to the place of public entertainment contravenes the requirements of Part 11 of the Act or of this Ordinance; or

(b) the owner or occupier of the place of public entertainment contravenes Division 4BA of Part 11 of the Act or of this Ordinance; or

(c) the place of public entertainment becomes unsightly, untidy or in such a state as to become a danger to the health or safety of persons using the place of public entertainment,

the council may serve on the owner or occupier of the place of public entertainment a notice of irregularity.
(2) A notice of irregularity:
   (a) must be in writing; and
   (b) must specify clearly and in ordinary language the nature of the irregularity and what should be done to rectify it; and
   (c) must specify any relevant provision of the Act or of this Ordinance which is allegedly being contravened; and
   (d) must state a time within which the person to whom the notice is addressed is required to comply with the notice; and
   (e) must state the penalty provided by the Act or this Ordinance for failure to comply with the notice.

(3) A copy of any notice of irregularity addressed to a person other than the owner of the place of public entertainment must at the same time be furnished to the owner.

(4) The council may, by a subsequent notice, revoke or vary a notice of irregularity.

Suspension and cancellation of approvals

62.7. (1) The council may suspend an approval pending compliance by the owner or occupier of the place of public entertainment with:
   (a) a condition of the approval; or
   (b) any requirements contained in a notice of irregularity under clause 62.6 (whether or not the time limited by that notice for compliance with the requirement has expired); or
   (c) a notice to upgrade under section 317D of the Act (whether or not the time limited by that notice for compliance with the requirement has expired).

(2) While an approval is suspended, the premises to which it relates must not be used as a place of public entertainment.

(3) The council may cancel an approval if it is satisfied:
   (a) that the approval was improperly obtained; or
   (b) that the owner or occupier of the place of public entertainment has failed to comply with:
      (i) a condition to which the approval is subject; or
      (ii) a notice of irregularity under clause 62.6; or
      (iii) a notice to upgrade under section 317D of the Act; or
      (iv) an emergency closure order under section 317JN of the Act; or
   (c) an annual fee for the approval has not been paid.
(4) A notice of suspension or cancellation of an approval must be given to the owner of the building and (if the owner is not also the occupier) to the occupier.

(5) The suspension or cancellation of an approval takes effect when written notice of it has been received by the occupier of the building (or, if the notice so stipulates, on a later date specified in the notice).

(6) Suspension of an approval may be lifted by the council by notice in writing served on the occupier of the building.

Information to be sent to Secretary of Department

62.8. The council must, as soon as practicable, send to the Secretary:
(a) a copy of:
(i) each approval; and
(ii) each notice of suspension or cancellation of an approval; and
(iii) each emergency closure order under section 317JN of the Act,
issued by the council; and
(b) notice of each change of ownership of a place of public entertainment.

Register

62.9. (1) The council must keep a register, in respect of each place of public entertainment for which it gives an approval, containing particulars of:
(a) the date on which the approval was given; and
(b) the name and address of the owner of the place of public entertainment; and
(c) the approved capacity of the place of public entertainment; and
(d) if the approval is suspended or cancelled, the date of the suspension or cancellation and the reason therefor.

(2) The register is to be available for inspection by any member of the public at the office of the council during office hours.

Division 3—Temporary structures

Application of Division

62.10. This Division applies to temporary structures within the meaning of Division 4BA of Part 11 of the Act.
Division binds Crown

62.11. This Division binds the Crown.

S. 530A prescribed matters

62.12. For the purposes of section 530A (2) (g) of the Act, a refusal to issue an approval, and a decision to suspend or cancel an approval, are prescribed matters.

Approvals

62.13. (1) On application made by or on behalf of the owner of any temporary structure, the Secretary may give the owner an approval, or a renewal of an approval, in respect of the temporary structure.

(2) An application for an approval or for renewal of an approval must be accompanied by the fee (if any) fixed by the Secretary in that regard.

(3) An application for the renewal of an approval must be made at least 40 days before the approval would, if not renewed, expire.

(4) An approval may be given subject to such reasonable and relevant conditions (being conditions relating to matters concerning the management and use of the temporary structure) as the Secretary determines.

(5) Subject to any suspension or cancellation, an approval remains in force for such period (not exceeding 12 months from the date of its issue or renewal) as may be specified in the approval or, if an application for renewal of the approval has been made, but not determined, within that period, until the application is finally determined.

(6) An approval is subject to payment of an annual fee of such amount (if any) as the Secretary may determine in that regard.

Notices of irregularity

62.14. (1) If, in the opinion of an authorised officer:

(a) any matter or thing at or in relation to the temporary structure contravenes the requirements of Part 11 of the Act or of this Ordinance; or

(b) the owner of the temporary structure contravenes Division 4BA of Part 11 of the Act or of this Ordinance,

the authorised officer may serve on the person to whom the relevant approval was issued a notice of irregularity.
(2) A notice of irregularity:
(a) must be in writing; and
(b) must specify clearly and in ordinary language the nature of the irregularity and what should be done to rectify it; and
(c) must specify any relevant provision of the Act or of this Ordinance which is allegedly being contravened; and
(d) must state a time within which the person to whom the notice is addressed is required to comply with the notice; and
(e) must state the penalty provided by the Act or this Ordinance for failure to comply with the notice.

(3) An authorised officer may, by a subsequent notice, revoke or vary a notice of irregularity.

Suspension and cancellation of approvals

62.15. (1) An authorised officer may suspend an approval pending compliance by the owner of the temporary structure with:
(a) a condition of the approval; or
(b) any requirements contained in a notice of irregularity under clause 62.14 (whether or not the time limited by that notice for compliance with the requirement has expired).

(2) While an approval is suspended, the structure to which it relates must not be used for the purpose of providing public entertainment.

(3) An authorised officer may cancel an approval if he or she is satisfied:
(a) that the approval was improperly obtained; or
(b) that the owner of the temporary structure has failed to comply with:
(i) a condition to which the approval is subject; or
(ii) a notice of irregularity under clause 62.14; or
(iii) an emergency closure order under section 317JN of the Act; or
(c) an annual fee for the approval has not been paid.

(4) A notice of suspension or cancellation of an approval must be given to the person to whom the relevant approval was issued and (if that person is not also in possession of the temporary structure) to the person for the time being in possession of the temporary structure.

(5) The suspension or cancellation of an approval takes effect when written notice of it has been received by the person in possession of the
temporary structure (or, if the notice so stipulates, on a later date specified in the notice).

(6) Suspension of an approval may be lifted by an authorised officer by notice in writing served on the person to whom the relevant approval was issued.

Register

62.16. (1) The Secretary must keep a register, in respect of each temporary structure for which the Secretary gives an approval, containing particulars of:

(a) the date on which the approval was given; and
(b) the period for which the approval is to remain in force; and
(c) the name and address of the person to whom the approval is issued; and
(d) the approved capacity of the temporary structure; and
(e) the type of public entertainment that the approval allows to be conducted in the temporary structure; and
(f) if the approval is suspended or cancelled, the date of the suspension or cancellation and the reason therefor.

(2) The register is to be available for inspection by any member of the public at the offices of the Department during office hours.

Division 4—Boarding-houses

Application of Division

62.17. This Division applies to Class 3 boarding-houses.

S. 530A prescribed matters

62.18. For the purposes of section 530A (2) (g) of the Act, a refusal to issue a licence, and a decision to cancel or suspend a licence, are prescribed matters.

Licences

62.19. (1) On application made by or on behalf of the owner of a boarding-house, the council may issue a licence to the owner in respect of the boarding-house.

(2) An application for a licence must be accompanied by the fee (if any) fixed by the council in that regard.
(3) A licence may be issued subject to such reasonable and relevant conditions (being conditions relating to matters concerning the management and use of the boarding-house) as the council determines.

(4) A licence with respect to a building for which a certificate of classification has been issued may be endorsed on the certificate of classification for the building.

(5) Subject to any suspension, a licence remains in force until it is cancelled.

Notices of irregularity

62.20. (1) If, in the opinion of the council:

(a) any matter or thing at or in relation to the building contravenes Part 10 or 11 of the Act or this Ordinance; or

(b) the owner contravenes Part 10 or 11 of the Act or this Ordinance; or

(c) the building becomes unsightly, untidy or in such a state as to become a danger to the health or safety of persons using the building,

the council may serve on the owner of the building a notice of irregularity.

(2) A notice of irregularity:

(a) must be in writing; and

(b) must specify clearly and in ordinary language the nature of the irregularity and what should be done to rectify it; and

(c) must specify any relevant provision of this Ordinance which is allegedly being contravened; and

(d) must state a time within which the person to whom the notice is addressed is required to comply with the notice; and

(e) must state the penalty provided by the Act or this Ordinance for failure to comply with the notice.

(3) The council may, by a subsequent notice, revoke or vary a notice of irregularity.

Suspension and cancellation of licences

62.21. (1) The council may suspend a licence pending compliance by the owner of the building with:

(a) a condition of the licence; or
(b) any requirements contained in a notice of irregularity under clause 62.20 (whether or not the time limited by that notice for compliance with the requirement has expired); or
(c) a notice to upgrade under section 317D of the Act (whether or not the time limited by that notice for compliance with the requirement has expired).

(2) The council may cancel a licence if it is satisfied:
(a) that the licence was improperly obtained; or
(b) that the owner the building has failed to comply with:
   (i) a condition to which the licence is subject; or
   (ii) a notice of irregularity under clause 62.20; or
   (iii) a notice to upgrade under section 317D of the Act.

(3) A notice of suspension or cancellation of a licence must be given at the same time to the owner of the building and (if the owner is not also the occupier) to the occupier.

(4) The suspension or cancellation of a licence takes effect when written notice of it has been received by the owner of the building (or, if the notice so stipulates, on a later date specified in the notice).

(5) Suspension of a licence may be lifted by notice in writing served on the owner or occupier of the building.

(6) The council must send to the Secretary:
(a) a copy of:
   (i) each licence; and
   (ii) each notice of suspension or cancellation of a licence, issued by the council; and
(b) notice of each change of ownership of a boarding-house.

Register

62.22. (1) The council must keep a register, in respect of each licensed boarding-house, containing particulars of:
(a) the name and address of the proprietor, from time to time, of the boarding-house; and
(b) the address of the boarding-house; and
(c) the number of rooms in the boarding-house; and
(d) the number of bedrooms in the boarding-house for the use of boarders or lodgers; and
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(e) the maximum number of boarders or lodgers that may be accommodated in the boarding-house; and

(f) the maximum number of residents, other than boarders or lodgers, that may be accommodated in the boarding-house.

(2) The council must keep a schedule for each licensed boarding-house showing the maximum number of persons that may be permitted to be accommodated in each bedroom or dormitory.

(3) The register is to be available for inspection by any member of the public at the office of the council during office hours.

PART 63—Management and use of premises etc.

Division 1—Preliminary

Division of Part

63.1. This Part contains the following Divisions:
Division 1—Preliminary
Division 2—Places of public entertainment
Division 3—Temporary structures
Division 4—Boarding-houses

Definitions

63.2. In this Part:
“promoter”, in relation to a place of public entertainment or temporary structure in which any entertainment or meeting is being promoted or conducted, means the person who is promoting or conducting the entertainment or meeting;
“proprietor”, in relation to a boarding-house, means the person who has the day-to-day control and management of the boarding-house.

Division 2—Places of public entertainment

Application

63.3. This Division applies to places of public entertainment within the meaning of Division 4BA of Part 11 of the Act.

Copy of approval to be displayed

63.4. The occupier of a place of public entertainment must ensure that a copy of the approval for the place of public entertainment is conspicuously displayed in the place of public entertainment.
Fire safety officers

63.5. (1) A promoter must ensure that:

(a) if the place of public entertainment has a grid or means of flying scenery over the stage and an approved capacity of more than 2,000 persons; or

(b) if the council so directs,

there is on duty, at all times while the place of public entertainment is open to the public for a stage performance, such number of competent fire safety officers as the council may determine in respect of the place of public entertainment.

(2) A fire safety officer referred to in subclause (1):

(a) must wear a distinctive uniform identifying that person as such; and

(b) must ensure that fire fighting equipment:

(i) is in the correct location; and

(ii) is in an operative condition; and

(c) must report to the owner of the premises, or occupier, any fire hazard or situation which that person considers may be prejudicial to public safety.

(3) Whenever the public is in attendance at the premises, a fire safety officer referred to in subclause (1) is not to be required to carry out duties other than those referred to in subclause (2).

Stage hands

63.6. (1) A promoter must ensure that at least one suitably trained person is in attendance in the stage area at all times during a stage performance for the purpose of operating, whenever necessary, the proscenium safety curtain, drencher system and smoke exhaust system.

(2) Except where a fire safety officer is on duty in accordance with the requirements of clause 63.5 (1), the person referred to in subclause (1) must, in addition to the requirements of that subclause, perform the duties specified in clause 63.5 (2) (b) and (c).

Projection suites

63.7. A promoter must ensure that:

(a) at least one suitably trained person is in attendance in the projection suite at all times while a film is being exhibited; and
(b) no member of the public is permitted to enter or remain in the projection suite at any such time.

**Smoking and drinking**

63.8. (1) Subject to subclauses (2)–(4), a promoter must ensure that persons do not smoke or consume liquor in the auditorium, projection suite, stage area or wings, or in a plant room, store room or property room.

(2) Subclause (1) does not apply to smoking where the place of public entertainment is being used for the purposes of a public meeting or for the purposes of:

(a) a public entertainment being conducted at a place where meals or liquor are being served; or

(b) a public entertainment that consists of public dancing,

and if the occupier of the place of public entertainment consents to persons smoking.

(3) Subclause (1) does not apply to smoking by persons who are doing so as a necessary part of a performance being conducted on stage or in an auditorium.

(4) Subclause (1) does not apply to the consumption of liquor:

(a) at licensed premises within the meaning of Division 4BA of Part 11 of the Act; or

(b) at premises in respect of which there is in force a permit that has been issued by a member of the police force of or above the rank of sergeant and that permits the consumption of liquor at those premises.

**Naked flames**

63.9. (1) Subject to subclauses (2) and (3), a promoter must ensure that persons do not:

(a) expose flame; or

(b) carry, or have in their possession, an explosive, flammable liquid or gas,

in a place of public entertainment.

(2) Subclause (1) does not apply to:

(a) the striking of matches or the use of cigarette lighters in connection with smoking where smoking is permitted in accordance with clause 63.8; or
(b) the exposure of flame in connection with the preparation and serving of meals in approved areas; or
(c) the exposure of flame in connection with the use of a heater; or
(d) the carrying of flammable liquid or gas in a cigarette lighter.

(3) The council may, subject to such conditions as it may determine, permit the use of:
(a) exposed flame; or
(b) explosives; or
(c) flammable liquid or gas,
by a performer or performers for the purpose of a performance being conducted.

(4) Where smoke, gas, other chemical or a similar substance is used for the purpose of a performance, it must be used in such a way as not to:
(a) create a hazard; or
(b) cause alarm or discomfort to the audience.

Dangerous performances

63.10. (1) A promoter must not promote or conduct a performance that involves danger to the public.

(2) In particular, a promoter must not cause or allow any nitrate film to be exhibited in a place of public entertainment.

Marking of aisles and cross-overs

63.11. Where it is intended that the audience at a performance be seated on the floor, a promoter must ensure that aisles and cross-overs are clearly defined on the floor.

Aisle lights to be energised

63.12. A promoter must ensure that aisle lights referred to in NSW Variation H 101.20.3 of the Building Code of Australia are energised when:
(a) the public is in attendance; and
(b) the main auditorium lighting is dimmed or extinguished.

Locks

63.13. (1) A promoter must ensure that any key-operated fastening fitted to an exit door or gate used by the public as a main entrance is so
arranged that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

(2) A promoter must ensure that all required smoke doors are kept closed at all times when not in actual use.

Rope barriers

63.14. A rope barrier may be used across or at the side of an aisle provided that:

(a) it is secured with spring clips which become unfastened when pressure is exerted on the rope; and

(b) it has a centre fastening only; and

(c) it does not trail on the floor when released.

Proscenium curtains

63.15. A promoter must ensure that, where a proscenium safety curtain is installed:

(a) there is no obstruction to the opening or closing of the safety curtain; and

(b) the safety curtain is operable at all times.

Authorised officers may exercise certain functions

63.16. An authorised officer within the meaning of Division 4BA of Part 11 of the Act may exercise the functions of a council under this Division.

Penalties

63.17. Any person who contravenes a provision of this Division is guilty of an offence and liable to a penalty not exceeding $1,000.

Council may require fire-safety information

63.18. The council may at any time require the owner or occupier of the building to furnish a certificate from the National Building Technology Centre, or other approved testing authority, as to the early fire hazard or flammability properties of the finish of a wall, ceiling or floor, or of a curtain, blind or cinematograph screen.
Division 3—Temporary structures

Application of Division

63.19. This Division applies to temporary structures within the meaning of Division 4BA of Part 11 of the Act.

Application of clauses 63.4–63.18 to temporary structures

63.20. Clauses 63.4–63.18 apply to temporary structures in the same way as they apply to places of public entertainment.

Division 4—Boarding-houses

Application of Division

63.21. This Division applies to Class 3 boarding-houses.

Licensing

63.22. (1) The owner of a building must not cause or permit the building to be used as a boarding-house unless it is the subject of a licence that is in force.

(2) This clause does not prevent the owner of a boarding-house in respect of which an approval is suspended from allowing the persons who were residing there, immediately before the approval was suspended, to continue residing there during the period of suspension.

Notice of change of particulars

63.23. The owner of a boarding-house must notify the council of any change of proprietor of the boarding-house forthwith after the change occurs.

Maximum number of boarders or lodgers

63.24. The proprietor of a boarding-house must ensure that the number of boarders or lodgers (exclusive of children under the age of 5 years):

(a) does not exceed the maximum number of persons allowed by the licence to be accommodated in each bedroom or dormitory; and

(b) does not exceed the maximum number of persons allowed by the licence to be accommodated in the boarding-house.

Copy of licence and schedule to be displayed

63.25. The proprietor of a boarding-house must ensure that:

(a) a copy of the licence; and
(b) a schedule showing the numeral designating each bedroom and
dormitory and the number of persons permitted to be
accommodated in each,
are conspicuously displayed in the boarding-house.

Sleeping facilities

63.26. (1) The proprietor of a boarding-house must ensure that the
maximum number of persons accommodated in a bedroom, or in a
cubicle of a dormitory, does not exceed the number determined by
allowing a minimum floor area of 5.5 square metres for each person.

(2) The proprietor of a boarding-house must ensure that each bedroom
is numbered in accordance with the schedule required by clause 62.22
and that there is clearly displayed on the door of or in each bedroom the
maximum number of persons allowed to be accommodated in the
bedroom.

Partitions

63.27. The proprietor of a boarding-house must ensure that all
partitions forming cubicles in a dormitory are adequately constructed and
provide adequate ventilation.

Hygiene

63.28. (1) Where facilities are provided for the preparation of food,
the proprietor of the boarding-house must keep any kitchen facilities and
utensils for the storage or preparation of food in a clean and healthy
condition, in good repair, free from foul odours and, as far as practicable,
free from dust, flies, insects and vermin.

(2) The proprietor of a boarding-house must ensure that the floor of
any kitchen has an approved impervious surface.

Garbage disposal

63.29. The proprietor of a boarding-house must ensure that:
(a) the pans, receptacles or other garbage devices are kept covered
    and are maintained in a clean and healthy condition; and
(b) all garbage and refuse is deposited in appropriate pans, receptacles
    or other garbage devices.
General cleanliness and lighting

63.30. The proprietor of a boarding-house must ensure that:

(a) all parts of the boarding-house and all appurtenances (including furniture, fittings, bedsteads, beds and bedlinen) are kept in a clean and healthy condition, and free from vermin; and

(b) adequate light and ventilation is maintained.

Furniture and fittings

63.31. The proprietor of a boarding-house must ensure that appropriate furniture and fittings are provided and are maintained in good repair and, in particular, must ensure that:

(a) an adequate number of beds, each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing; and

(b) adequate storage space; and

(c) blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy,

are provided for the boarders or lodgers.

Penalties

63.32. Any person who contravenes a provision of this Division is guilty of an offence and is liable to a penalty not exceeding $1,000.
FIRST-FOURTH SCHEDULES

* * * * *

FIFTH SCHEDULE—FORMS

(Cit. 1.3 (3))

Form 1

(Cit. 6.3, 6.3.1)

CERTIFICATE OF CLASSIFICATION
Local Government Act 1919
Ordinance No. 70

Certificate No.: .................................................................
Application reference: ..........................................................
*City/Municipality/Shire: ......................................................
Date of certificate: ............................................................
Building No. or Name: ....................................................... Street: ........................................
*District/Town/Village: ..................................................... Postcode: ..................................
*Lot/Portion: ..................... Section: .................. *D.P./S.P.: ...........................................
Volume: ........................................... Folio: ..................
County: ........................................ Parish: ..................
Site area: .................................................................
**Approved capacity: .....................................................
Owner’s Name: ................................................................
Owner’s Address: ..........................................................

Applicant’s Name: .............................................................
Applicant’s Address: ........................................................

*I certify that, for the purposes of Ordinance No. 70, the whole of the building described above is a Class ........................................ building.

*I certify that, for the purposes of Ordinance No. 70, the several portions of the building described above are classified as follows:

<table>
<thead>
<tr>
<th>Portion</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

*Town/Shire Clerk
FIFTH SCHEDULE—FORMS—continued
Form 1—continued

**CONDITIONS OF APPROVAL

*Delete whichever does not apply.
**Applicable only to Class 3 boarding-houses and Class 9b places of public entertainment.

Form 2

(CL. 6.9)

STATEMENT OF CLASSIFICATION
Local Government Act 1919
Ordinance No. 70

Statement No.: .................................................................
Application reference: ..........................................................
*City/Municipality/Shire of .....................................................
Date of statement: ..............................................................
Applicant's Name: ..............................................................
Applicant's Address: ............................................................

I certify that a building designed, constructed or adapted for use for the purpose of—

.................................................................
.................................................................
.................................................................
would be a Class .......................................................... building.

*.................................................................
*Town/Shire Clerk

*Delete whichever does not apply.
APPLICATION FOR BUILDING CERTIFICATE
Local Government Act 1919
(Section 317AB)
Ordinance No. 70

The Town/Shire Clerk,
.......................................................................................... Council
(insert name of Council)

Application is made by ................................................................. (name of applicant)

.............................................................................................. (address of applicant)

for a building certificate under section 317AE of the Local Government Act 1919 in relation to the whole/part* of the building identified below.

The applicant is—

*(a) the owner of the building or part of the owner’s solicitor, architect or agent;
*(b) the purchaser under a contract for sale of property, which comprises or includes the building or part, or the purchaser’s solicitor or agent;
*(c) a public authority which has, before making this application, served a copy of the application on the owner;
*(d) a lawful occupier of Crown lands which comprise or include the building or part, being a person to whom the lands are lawfully contracted to be sold; or
*(e) a person with the consent in writing of the owner of the building or part or the owner’s solicitor or agent.

Consent of owner**

I, ................................................................. (insert name of owner or owner’s solicitor or agent)

of .......................................................................................... (insert address of owner or owner’s solicitor or agent)

being the owner/owner’s solicitor/agent*, consent to the making of this application.

................................................................. (Signature of owner or owner’s solicitor or agent)

................................................................. (Date)
FIFTH SCHEDULE—FORMS—continued

Form 3—continued

Identification of building

<table>
<thead>
<tr>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Street</td>
<td></td>
</tr>
<tr>
<td>Side of street</td>
<td></td>
</tr>
<tr>
<td>House No., Unit No., or name</td>
<td></td>
</tr>
<tr>
<td>Nearest cross street</td>
<td></td>
</tr>
</tbody>
</table>

Details of building

<table>
<thead>
<tr>
<th>Particulars</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Type of building</td>
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</tr>
<tr>
<td>Whole/part*</td>
<td></td>
</tr>
<tr>
<td>Floor area of building or part</td>
<td></td>
</tr>
<tr>
<td>Description of part (if applicable)</td>
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</table>

Description of land

<p>| | |</p>
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<td>Lot or Portion No.</td>
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<tr>
<td>Section</td>
<td></td>
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<tr>
<td>Deposited Plan, Strata Plan, or Estate</td>
<td></td>
</tr>
<tr>
<td>Lease No. and type of holding (if Crown land)</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
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<th></th>
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<td>County</td>
<td></td>
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<tr>
<td>Parish</td>
<td></td>
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</tbody>
</table>

(Signature of applicant)

(Date)

* Delete whichever is inapplicable.

** The consent in writing of the owner of the building or part or the owner’s solicitor or agent is necessary unless the applicant is a person referred to in paragraph (a), (b), (c) or (d) above.

Form 4

(Cl. 3.6. (2))

BUILDING CERTIFICATE
Local Government Act 1919
(Section 317AE)
Ordinance No. 70

The Council of the ........................................ of ........................................ certifies that, in relation to the building or part identified below, the Council—

(a) by virtue of anything existing or occurring before the date of inspection stated in this certificate; or

(b) within 7 years after that date by virtue of the deterioration of the building or part solely by fair wear and tear,
shall not—

(c) make an order under section 317B of the Local Government Act 1919 (Repair or demolition of existing buildings) in relation to the building or part;

(d) take proceedings for an order or injunction requiring the demolition, alteration, addition or rebuilding of or to the building or part; or

(e) take proceedings in relation to any encroachment by the building or part onto land vested in or under the control of the Council.*

Identification of building

Location
Street ........................................................................................................
Side of street ..............................................................................................
House No., Unit No., or name ....................................................................
Nearest cross street ....................................................................................

Particulars
Classification of building .........................................................................
Whole/part .................................................................................................
Description of part (if applicable) ..............................................................
....................................................................................................................
Owner ........................................................................................................
Date of inspection of building or part .......................................................  

Description of land
Lot or Portion No. ....................................................................................
Section ........................................................................................................
Deposited Plan, Strata Plan, or Estate .......................................................  
Lease No. and type of holding (if Crown land) ........................................
....................................................................................................................
District, town or village ............................................................................
County ....................................................................................................... 
Parish ...........................................................................................................

Schedule
The following written information was used by the Council in deciding to issue this certificate:

....................................................................................................................
....................................................................................................................
....................................................................................................................
....................................................................................................................
....................................................................................................................
....................................................................................................................
....................................................................................................................
....................................................................................................................
Ordinance No. 70—Local Government Act 1919

FIFTH SCHEDULE—FORMS—continued

Form 4—continued

Dated this ........................................ day of ........................................ 19 ...

........................................

(Town/Shire Clerk)

Fee $  
Receipt No.

Applicant’s name and address:

........................................

........................................

* NOTES:

1. An order made or proceedings taken in contravention of this certificate is of no effect.

2. The issue of a building certificate does not prevent proceedings being taken against any person under section 306, 310, 311 or 317 of the Local Government Act 1919 (which generally regulate the lawful erection of buildings) or an order being made under section 317D of that Act (which regulates fire safety).

Form 5

(Cl. 24.14)

NOTICE

OFFENCES RELATING TO FIRE EXITS

Local Government Act 1919

Ordinance No. 70

By virtue of clause 59.7 of Ordinance No. 70, it is an offence—

(a) to place anything in this exit which may impede the free passage of persons;

(b) to interfere with, or cause obstruction or impediment to, the normal operation of the doors providing access to this exit; or

(c) to remove, damage or otherwise interfere with this notice.

PENALTY: $1,000

Note: The words “OFFENCES RELATING TO FIRE EXITS” and “PENALTY: $1,000” should be in letters and figures of a height of 8 mm or more. The remaining words in the notice should be in letters and figures of a height of 2.5 mm or more.
CERTIFICATE OF COMPLIANCE
DESIGN AND INSTALLATION OF ESSENTIAL SERVICES
Local Government Act 1919
Ordinance No. 70

Application reference: .................................................................
*City/Municipality/Shire of ...........................................................
Date of certificate: .................................................................
Building No. or Name: ............................................................ Street: ............................................................ Postcode: ............................................................
*District/Town/Village: ............................................................ Owner’s Name: ............................................................
Owner’s Address: .................................................................

<table>
<thead>
<tr>
<th>Nature of essential service</th>
<th>Date of inspection or test</th>
<th>Name and address of person by whom service was inspected/tested</th>
<th>Was the service found to have been designed and installed, and to be capable of operating, to the relevant standard? (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

I, .................................................. of .................................................., certify that the persons who inspected and/or tested the services the subject of this certificate were, to the best of my knowledge and belief, competent to conduct those inspections and/or tests and that the information contained in this certificate is, to the best of my knowledge and belief, true and accurate.

Signed: .................................................. *(Owner/agent)

*Delete whichever is inapplicable.
CERTIFICATE OF COMPLIANCE
MAINTENANCE OF ESSENTIAL SERVICES
Local Government Act 1919
Ordinance No. 70

*City/Municipality/Shire of .................................................................
Date of certificate: ..............................................................................
Building No. or Name: ......................... Street: ................................
*District/Town/Village: ......................................... Postcode: ................
Owner's Name: .................................................................................
Owner's Address: ...............................................................................  

<table>
<thead>
<tr>
<th>Nature of essential service</th>
<th>Date of inspection</th>
<th>Name and address of person by whom inspected</th>
<th>Was the service found to have been maintained to the relevant standard? (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Path of travel, stairway, passageway or ramp</th>
<th>Date of inspection</th>
<th>Name and address of person by whom inspected</th>
<th>Was the path of travel, stairway, passageway or ramp clear of anything which may impede the free passage of persons? (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
I, ........................................... of ..........................................., certify that the persons who inspected the services the subject of this certificate were, to the best of my knowledge and belief, competent to conduct those inspections and that the information contained in this certificate is, to the best of my knowledge and belief, true and accurate.

Signed: ...........................................

(*Owner/agent)

* Delete whichever is inapplicable.
FIFTH SCHEDULE—FORMS—continued

Form 8

(Cit. 8.7)

CERTIFICATE OF COMPLIANCE WITH BUILDING STANDARDS
Local Government Act 1919
Ordinance No. 70

Building application number: .................................................................
City/Municipality/Shire of: .................................................................
Project: ................................................................................................
Project address: ..................................................................................
I, ...........................................................................................................
(insert name) of .................................................................
(insert address)

hereby certify:
1. I am a practising building surveyor within the meaning of clause 8.7 of Ordinance No. 70.
2. I am currently practising as a building surveyor with the following council, firm or company of which I am a director/principal/employee/partner/sole proprietor*.
(insert name of council, firm or company)
3. I have checked the building design described by the plans, specifications and documents specified hereunder and am satisfied that the building to which the design relates will comply with the building standards referred to in clause 8.7 of Ordinance No. 70 if the building is erected in accordance with the design.
(insert particulars of plans etc.)
4. This certificate covers:
   (a) all of the provisions of the building standards referred to in clause 8.7 of Ordinance No. 70; or
   (b) the following only of those provisions:
       ........................................................................................................
       ........................................................................................................
       ........................................................................................................
       (specify provisions covered)
5. I did not prepare the building design.
6. I am not employed by, nor do I have a direct or indirect pecuniary interest in, the firm or company that prepared the building design.
7. I am not employed by the Council of the area in which the building the subject of this certificate is situated.
8. I do not have a direct or indirect pecuniary interest in relation to the building the subject of this certificate.
FIFTH SCHEDULE—FORMS—continued
Form 8—continued

9. Annexed to this certificate are copies of:
   (a) my current certificate under clause 31M of Ordinance No. 4; and
   (b) the following documents:
       ........................................................................................................
       ........................................................................................................
       ........................................................................................................

       (specify documents)

Signed: ........................................... Date: ...........................................

* Delete whichever is inapplicable.

SIXTH SCHEDULE—EMERGENCY SERVICES

(Cl. 1.3)

Access panels
Automatic sprinkler systems
Emergency lifts
Emergency lighting
Emergency warning and intercommunication systems
Exit signs
External wall-wetting sprinklers
Fire and smoke alarms
Fire dampers
Fire doors
Fire hydrants
Fire mains and water supply services
Fire shutters
Fire windows
Hose reels
Lightweight construction
 Mechanical ventilation and air-conditioning systems
Portable fire extinguishers
Pressurising systems
Required exit doors (automatic)
Self-closing fire hoppers
Smoke and heat vents
Smoke control systems
Smoke dampers
Smoke doors
Solid-core doors
Stand-by power systems
Ordinance No. 70—Local Government Act 1919

NOTES


Table of Amendments

| Cl. | 1.0—Ins. 1.11.1991(12). |
| Cl. | 1.4—Rep. 1.11.1991(12). |
| Cl. | 1.6—Am. 1.11.1991(12). |
| Cl. | 3.5—Am. 30.3.1984. Rep. 11.3.1988. |
| Cl. | 3.6—Ins. 28.8.1987(7). |
| Cl. | 4.1—Rep. 1.11.1991(12). |
| Cl. | 5.1—Rep. 1.11.1991(12). |
| Cl. | Part 5 (cll. 5.1—5.11)—Rep. 1.11.1991(12). |
| Cl. | 6.2.1—Ins. 28.8.1987(6). |
| Cl. | 6.3.1—Ins. 21.8.1987. |
| Cl. | 6.5—Am. 30.12.1977. |
| Cl. | 6.6—Am. 24.12.1976. |
| Cl. | 6.7.1—Ins. 28.8.1987(6). Am. 1.11.1991(12). |
| Cl. | 6.8—Am. 28.8.1987(6). |
| Cl. | 6.9—Ins. 21.8.1987. |
| Cl. | Part 7 (cll. 7.1, 7.2)—Rep. 1.11.1991(12). |
| Cl. | 8.1—Am. 2.1.1976. |
| Cl. | 8.3—Subst. 1.11.1991(12). |
| Cl. | 8.5—Ins. 1.11.1991(12). |
| Cl. | 8.6—Am. 1.11.1991(12). |
| Cl. | 8.6.1—Ins. 7.7.1989(9). |
| Cl. | 8.7—Ins. 29.6.1990(10). |
| Cl. | 9.1—Am. 12.9.1980; 29.6.1990(10); 1.11.1991(12). |
| Cl. | 9.3—Subst. 12.9.1980; 28.8.1987(7)). |

* Insertion of definition of "access for disabled people" effective on and from 1.1.1982.
NOTES—continued

Table of Amendments—continued

Cl. 9.3.1—Ins. 28.8.1987(7).
Cl. 9.4, 9.5—Ins. 21.8.1987.
Part 10, heading—Am. 29.8.1980.
Cl. 10.1—Rep. 1.11.1991(12).
Cl. 10.5—Ins. 31.8.1979.
Cl. 11.3—Am. 1.11.1991(12); 6.12.1991(11).
Cl. 11.4—Am. 1.11.1991(12).
Cl. 11.7, 11.8—Am. 1.11.1991(12); 6.12.1991(11).
Cl. 11.9—Am 31.8.1979; 1.11.1991(12).
Cl. 11.10—Am. 3.6.1983.
Cl. 11.11—Rep. 1.11.1991(12).
Cl. 16.2—Rep. 1.11.1991(12).
Cl. 16.4—Rep. 1.11.1991(12).
NOTES—continued

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Cl. 17.6—Rep. 1.11.1991(12).
Cl. 17.8—Rep. 1.11.1991(12).
Cl. 18.1, 18.2—Rep. 1.11.1991(12).
Cl. 18.6—Rep. 1.11.1991(12).
Cl. 18.8—18.10—Rep. 1.11.1991(12).
Cl. 19.5—Rep. 1.11.1991(12).
Cl. 19.9—Rep. 1.11.1991(12).
Cl. 20.1—Rep. 1.11.1991(12).
Cl. 20.6—Rep. 10.2.1978.
Cl. 20.7—Rep. 1.11.1991(12).
NOTES—continued

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1.11.1991(12).
Cl. 22.1—Rep. 1.11.1991(12).
Cl. 22.3—Rep. 1.11.1991(12).
Cl. 23.5—Subst. 7.7.1989(9). Rep. 1.11.1991(12).
Cl. 24.5—24.8—Rep. 1.11.1991(12).
NOTES—continued

Table of Amendments—continued

Cl. 24.14—Am. 20.9.1985(5); 18.3.1988; 1.11.1991(12).
Cl. 24.27.1—Ins. 29.6.1990(10). Rep. 1.11.1991(12).
Part 25, Div. 4, heading—Am. 7.7.1989.
NOTES—continued

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Cl. 25.8, 25.9—Rep. 1.11.1991(12).

Table 27.2—Subst. 29.6.1990(10). Rep. 1.11.1991(12).
Cl. 27.4.1—Ins. 20.9.1985(5); 28.8.1987(6). Rep. 1.11.1991(12).
Cl. 27.6—Subst. 1.6.1984(6). Rep. 1.11.1991(12).
Cl. 27.8, 27.9—Ins. 1.6.1984(6). Rep. 1.11.1991(12).

Part 29 (cl. 29.1)—Rep. 1.11.1991(12).
Cl. 30.2—Rep. 1.11.1991(12).
Cl. 31.4—Am. 15.10.1976.
Cl. 32.1—32.3—Rep. 1.11.1991(12).

Cl. 33.1—Rep. 1.11.1991(12).
**NOTES—continued**

Table of Amendments—continued

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<td>33.3</td>
<td>30.4.1976; 11.2.1977</td>
<td>1.11.1991</td>
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<td>Am.</td>
<td>2.1.1976; 30.1.1987</td>
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<td>Am.</td>
<td>30.12.1977; 10.2.1978</td>
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<td>Am.</td>
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<td>Am.</td>
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<td>Subst.</td>
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<td>Am.</td>
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(1) On and from 1.8.1978.
(2) On and from 1.1.1982.
(3) On and from 1.1.1983.
(4) On and from 2.7.1984.
(6) On and from 1.11.1987.
(8) On and from 1.5.1989.
(9) On and from 1.8.1989.
(10) On and from 1.9.1990.

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