

**CERTIFICATE OF VALIDITY**

**SECTION 249 LOCAL GOVERNMENT ACT 1999**

I, KATE EMILY OLIVER of Norman Waterhouse Lawyers of Level 15, 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law, By-law No 9 – Lodging Houses, which the Corporation of the City of Adelaide intends to make, and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

the Local Government Act 1934, Section 667(3), paragraph XVI, LIV and 9.XVI

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the Local Government Act 1999 or any other Act.

**DATED** the 19<sup>th</sup> day of April 2011



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**Kate Emily Oliver, Legal Practitioner**

**THE CORPORATION OF THE CITY OF ADELAIDE**

*By-law made under the Local Government Act 1934*

**By-law No 9 – Lodging Houses**

*For the controlling, licensing, inspecting and regulating of lodging houses.*

**1. Definitions**

- 1.1 'Authorised Person' means a person appointed by Council under the Local Government Act 1999, the Development Act 1993 or the Public and Environmental Health Act 1987;
- 1.2 'Building' includes part of a building or cabin;
- 1.3 'Flat' includes any self-contained suite of rooms designed, intended or adopted, for separate occupation including bathroom and sanitary conveniences provided for that occupation;
- 1.4 'Licence' means a licence issued under this by-law;
- 1.5 'Lodging House' includes any building or part thereof of a building providing accommodation where the occupants share facilities (toilets, ablutions and kitchens) for individual use, but shall not include any building which comes within the definition of flat nor any motel, hotel, health care facility or any premises licenced under the Supported Residential Facilities Act 1992;

- 1.6 'Long Term Accommodation' means where lodgings are provided for ten or more consecutive days;
- 1.7 'Short Term Accommodation' means where lodgings are provided for less than ten consecutive days;
- 1.8 'Proprietor' in relation to a Lodging House means the owner of the undertaking carried on at the Lodging House.

## 2. **Licences**

- 2.1 A person must not let any building for lodgings or for the purpose of board or lodging without a Licence.
- 2.2 A Licence may be issued at the discretion of the Council, or such other person authorised by resolution of the Council for that purpose, and entitles the holder to conduct the business of a Lodging House at the Building specified in the Licence and on the conditions set out in the Licence.

## 3. **Licence Application Requirements**

- 3.1 Any person who wishes to operate a Lodging House, or renew the Licence of an existing Lodging House, must make application to the Council.
- 3.2 A person who applies for a Licence must, if required by the Council, or such other person authorised by resolution of the Council for that purpose, supply the Council with a sketch plan of the Building that is proposed to be used as a Lodging House.
- 3.3 The Sketch plan must:
  - 3.3.1 be drawn to a scale of not less than one to one hundred;
  - 3.3.2 show the position, dimensions and intended use of each room or compartment;
  - 3.3.3 show the ratio between the number of guests and the number of ablutions;
  - 3.3.4 show the configuration of sleeping compartments and how many people are intended to sleep in each compartment; and
  - 3.3.5 show any other details required by the Council.
- 3.4 A fire safety survey shall be undertaken prior to the issuing of a Licence pursuant to this by-law determining the current fire safety standard of the Lodging House. Thereafter, an annual survey shall be undertaken.
- 3.5 Subject to subparagraph 3.7, every application for renewal of a Licence of a Lodging House must, subject to any determination to the contrary by the Council, or such other person as the Council may authorise by resolution for that purpose, be deposited in the office of the Council on or before the 30th day of September in each year.
- 3.6 Subject to subparagraph 3.7, a Lodging House Licence expires on the 31st day of October in each year.

- 3.7 The Council, or such other person as the Council may authorise by resolution for that purpose, may, if in its discretion it sees fit, renew a Licence for a period not exceeding two years.

**4. Fees**

A person licensed under this by-law must pay to the Council an annual Licence fee fixed by the Council, payable upon the granting of an application for Licence or renewal of existing Licence.

**5. Licence Conditions, Revocation and Suspension**

- 5.1 A Lodging House Licence is subject to the conditions set out in the Licence and as the Council, or such other person authorised by resolution of the Council for that purpose, deems appropriate.
- 5.2 Conditions may be imposed, varied or deleted from such Licence by the Council, or such other person authorised by resolution of the Council for that purpose, at any time by notice in writing to the Licence holder.
- 5.3 A Licence holder must at all times comply with Licence conditions.
- 5.4 The Council, or such other person authorised by resolution of the Council for that purpose, may at any time, by notice in writing, revoke or suspend a Licence:
- 5.4.1 if the Council considers that the building in respect of which the Licence holder is licensed is, by reason of its condition, unsuitable to continue to be used as a Lodging House including, but not limited to the fire safety of the premises;
  - 5.4.2 if the Council has reasonable cause to believe that the Licence holder has committed an offence against this by-law, the Local Government Act 1934, the Local Government Act 1999, the Public and Environmental Health Act 1987, the Food Act 2001, the Development Act 1993 or the Supported Residential Facilities Act 1992;
  - 5.4.3 if the Council considers that the Licence holder is unsuitable to continue as the proprietor of the Lodging House;
  - 5.4.4 if the Licence holder breaches a condition of the Licence; or
  - 5.4.5 for any other reason the Council may deem necessary.

**6. Alterations**

- 6.1 A person must not, without the permission of the Council or an Authorised Person:
- 6.1.1 add to or alter any Lodging House; or
  - 6.1.2 use any part of a Lodging House for other than the purpose indicated on a sketch plan submitted under paragraph 3 or otherwise specified by the Council.

**7. Inspections**

- 7.1 An Authorised Person may at any reasonable time enter and inspect a Lodging House for the purposes of undertaking an inspection of the Lodging House.
- 7.2 The proprietor of a Lodging House or any person in a Lodging House must not hinder or obstruct any Authorised Person either alone or in the company of another person for the purposes of making an inspection of a Lodging House.
- 7.3 Every lodger must allow access to his or her room to any Authorised Person of the Council for the purposes of inspecting the room.

The foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Adelaide held on the 31<sup>ST</sup> day of MAY 2011 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



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Mr Peter Smith  
Chief Executive Officer