



Government of **Western Australia**
Department of **Health**

Consultation summary

For the Discussion Paper - Managing the public health risks
related to offensive trades in Western Australia

October 2019



Contents

Executive Summary	2
Consultation Summary	3
Background	4
Objectives	5
Methodology	6
Methods for providing feedback	6
Summary of responses	6
Key observations	7
Recommendation	13
Next Steps	13
Appendix 1 – Complete list of current offensive trades	14
Appendix 2 – Stakeholder engagement list	15
Appendix 3 – Unedited comments from SBDC	16
Appendix 4 – Online citizen space questionnaire	17

Executive Summary

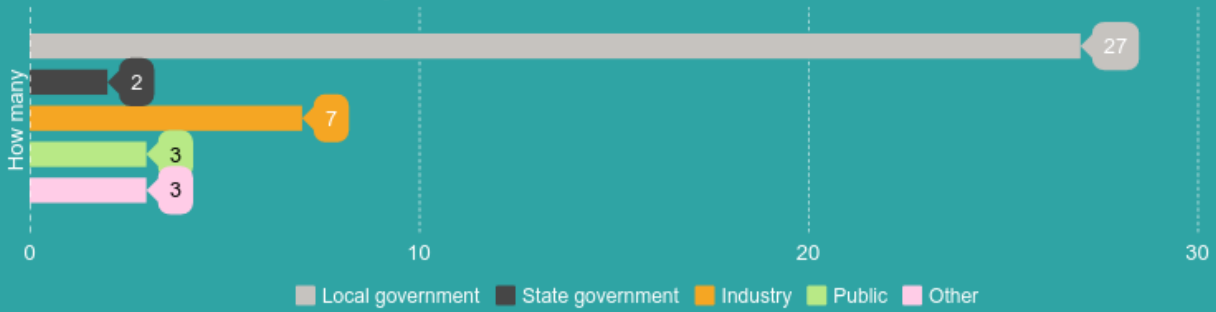
The discussion paper considered the public health risks related to offensive trades in Western Australia (WA) and the current management of these risks under the *Health (Offensive Trades fees) Regulations 1976* (Offensive Trades Regulations) and *Health (Miscellaneous Provisions) Act 1911* [Health (MP) Act].

Stakeholder consultation was undertaken by the Department of Health (DOH) to obtain feedback on the current and future management of these risks and has demonstrated strong support for Option C: to repeal the legislation and replace it with a Guideline to provide support to local government and industry.

If Option C is supported by the Minister for Health, the Offensive Trades Regulations will be repealed and a guideline for managing public health risks associated with these activities will be published by the Chief Health Officer (CHO). This Guideline will provide advice to assist local government in the application of the general public health duty of the Public Health Act, local laws under the *Local Government Act 1995* (Local Government Act) and relevant planning legislation. Assistance will also be provided to industry in how to comply with these requirements.

Consultation overview

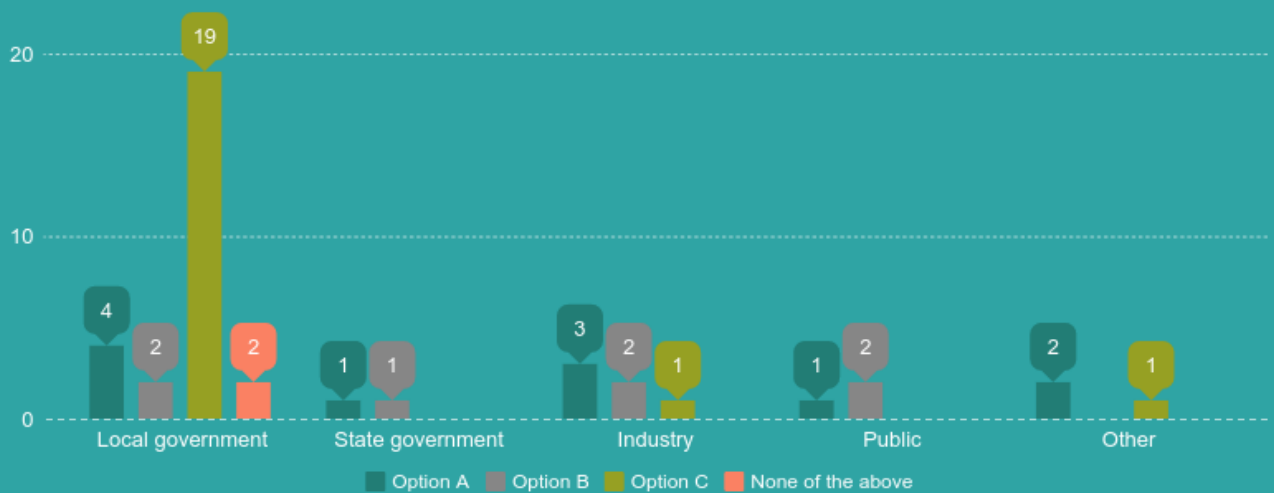
Total of 42 responses



What options were favoured?



Who preferred each option?



Background

The Discussion Paper '[Management of public health risks related to offensive trades in Western Australia](#)' was released in April 2019.

The discussion paper determined the public health risks associated with offensive trades listed in the legislation and those added by proclamation.

Currently 13 offensive trades are specified in Schedule 2 of the Health (MP) Act and there have been 13 variations by proclamation, 8 of which are additions. A complete list of these offensive trades can be found in [Appendix 1](#).

The Health (MP) Act currently requires industry to apply for consent to establish an offensive trade (section 187) and provides for the subsequent registration of specified offensive trades (section 191) within local government districts. The Offensive Trades Regulations prescribe the fees payable to the local government on registration of the offensive trade. The local government has the statutory responsibility for approving the establishment prior to registration. Local laws are then used by local governments to set specific requirements for the relevant offensive trades within their district and often include controls around possible disruption to amenity from these businesses.

Western Australia is currently the only state regulating these businesses in health legislation. In the other states/territories these establishments are managed under environmental and/or planning legislation, for planning and licensing purposes.

The discussion paper grouped the offensive trades into the following ten categories, for ease of risk identification and analysis:

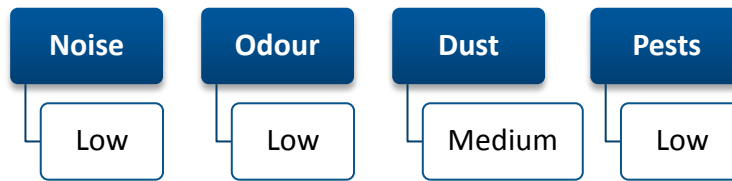


The public health risks identified in the discussion paper were consistently related to disruption of amenity from noise, odour, dust and pests for members of the public living in close proximity to the offensive trades.

The Environmental Health Directorate has adopted the risk assessment model provided by the [2011 Health Risk Assessment \(Scoping\) Guidelines, Department of Health WA](#). This model is based on the principles of the [Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards. enHealth, June 2012](#). The application of this risk assessment model provides greater surety that risks are assessed in a systematic, consistent and transparent manner across different hazards in WA.

The risk matrix model used defines the risks as either very low, low, moderate/medium, high or extreme. This provides the foundation as to why certain management requirements, such as a regulation or guideline, may be necessary for the higher ranked risk categories. The complete outline and explanation of these risk levels and the risk assessment process is provided in the discussion paper '[Management of public health risks related to offensive trades in Western Australia](#)'.

The overall public health risk level for offensive trades was assessed using the public health risk assessment tools and determined to be low – moderate as outlined in the figure below:



Low risk classification indicates that ‘*some mitigation/management may be required – no detailed assessment of health hazards required but addressed with routine controls*’.

Medium risk classification indicates that ‘*substantial mitigation/management required – assessment required of health hazards*’.

The Discussion Paper outlined three potential future management options and was released in order to obtain stakeholder feedback on these listed options. The three options for managing public health risks associated with offensive trades were:

- **Option A – Retain the status quo, in the updated framework**
Replace the current regulatory system with similar requirements under the Public Health Act as much as practicable. This option would repeal the Offensive Trades provisions within the Health (MP) Act (Part VII, Division 2, Sections 186 -198) and Offensive Trades Regulations and replace them with similar, updated regulations in the framework provided by the Public Health Act.
- **Option B – Repeal health legislation related to offensive trades in the Health (MP) Act and develop model local laws & a guideline**
Repeal the current provisions related to offensive trades under the Health (MP) Act and develop model local laws with licensing/registration provisions specific to offensive trades under the *Local Government Act 1995*. This option would allow local governments to autonomously manage the public health risks and adopt model local laws according to the types of offensive trades in their districts.
- **Option C – Repeal the current provisions related to offensive trades in the Health (MP) Act and develop a guideline**
This option would allow local governments to manage the public health risks from these businesses using the general public health duty (GPHD) along with the enforcement tools of the Public Health Act. The GPHD is set out in Part 3 of the Public Health Act and requires that a person must take all reasonable and practical steps to prevent or minimise any harm to public health. A guideline would provide clarification on the application of the GPHD for local governments and what constitutes compliance and non-compliance with the GPHD.

Objectives

The key objectives for consulting on the management of public health risks associated with offensive trades in Western Australia were to:

1. assess the public health risk related to offensive trades
2. seek input on the three options for future management
3. provide an opportunity for stakeholders to comment on the issue.

Methodology

The Discussion Paper was distributed to a large (>400) stakeholder network. This included all 138 local governments, relevant business associations, and any businesses listed in the yellow pages which are associated with industries currently listed as offensive trades.

The survey was also distributed through the Environmental Health Listserver which has over 400 subscribers, including state and local governments, and made publically available on the DOH website.

The complete list of stakeholders is shown in [Appendix 1](#).

Methods for providing feedback

Stakeholders were provided a link to the DOH's corporate website www.health.wa.gov.au directing the respondent to provide feedback by one of three methods:

1. Completing the questions on the online citizenspace survey
2. Submitting a personalised response by emailing the publichealthact@health.wa.gov.au email address
3. Writing a letter addressed to the Chief Health Officer

Summary of responses

The DOH received a total of **42** responses from various stakeholder groups. Of these responses, 38 were submitted via the online Citizenspace survey and 4 were submitted via email.

Stakeholder	Responses
Local government	27
State government	2
Industry representative	7
Public	3
Other	3
Total	42

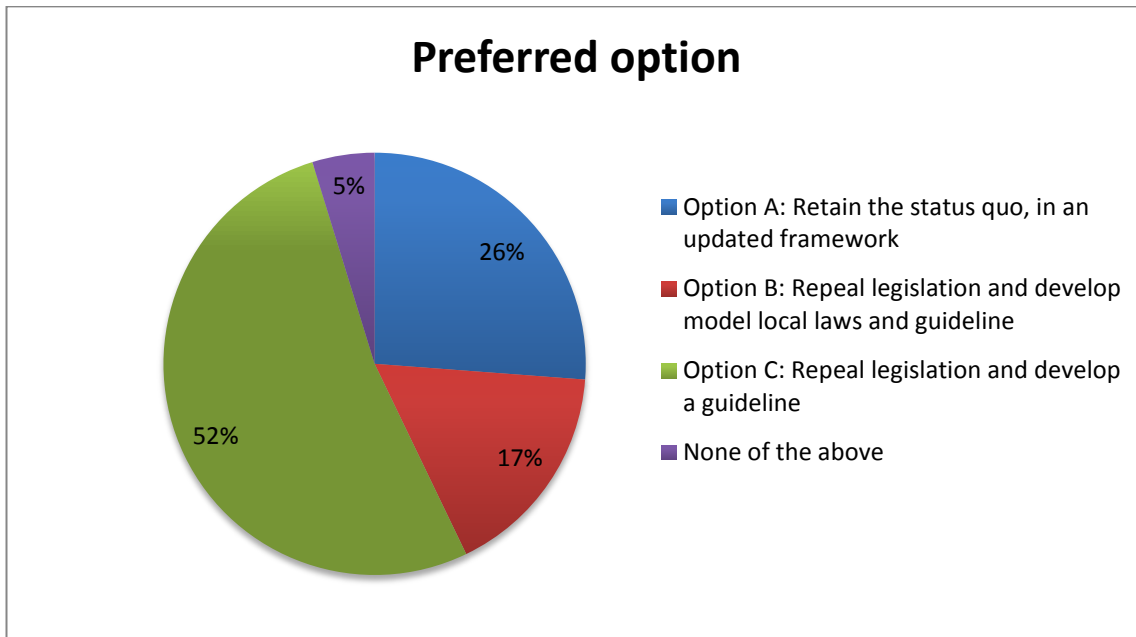
Respondents were asked to nominate one of the three possible options for the future management of offensive trades or a 'None of the above' option. Although respondents were asked to respond to all of the questions included, not all fields were completed in some of the responses. This may present as irregularities in the data summary.

One industry representative provided input on the discussion paper but opted not to respond to the survey questions or select an option.

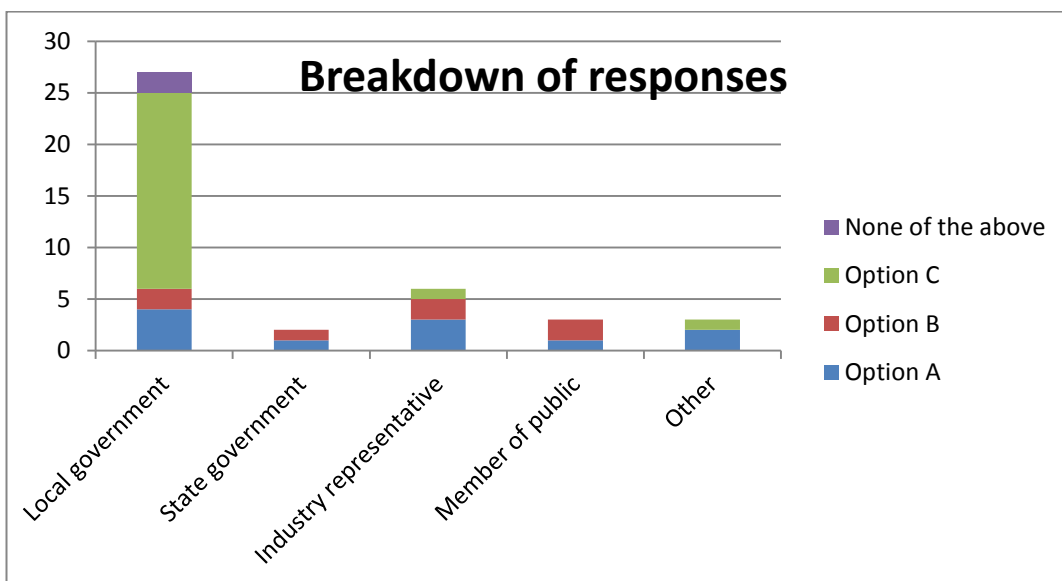
Key observations

The majority (**52%**) of respondents support Option C, to repeal the Offensive Trades Regulations and replace with a guideline, as shown in the diagram below.

In addition, **17%** of respondents supported Option B, to repeal the legislation and develop model local laws and a guideline. This gives a total of **69%** of respondents supporting the repeal of this legislation in some form and replacement with non-regulatory management options for these trades in the future.



Local government enforcement agencies provided the greatest number of responses and the majority preferred Option C, as shown below.



A summary of the key opinions and responses for each of the options is provided below.

Option A: Retain the status quo, in the updated framework.

Eleven respondents (26%) chose Option A; 4 from local government, 1 from state government, 3 industry representatives, 1 member of the public and 2 who selected 'other'.

The benefits of Option A commonly cited by stakeholders were:

Consistency – A number of respondents who selected Option A as their preferred option highlighted that state regulations prescribing registrable trades would allow for greater consistency in WA when compared to local laws. It was noted that this would reduce the likelihood of different legislative controls being implemented across neighbouring local governments and give industry an 'even playing field' regarding compliance.

Regulatory control – The regulatory control provided to local governments through the annual registration of offensive trades, and the ability to review compliance with the legislation, was noted as a benefit to Option A. It was highlighted that local governments would have greater regulatory control as they could refuse to register or re-register a business until compliance with legislation was satisfactory.

Reduced burden to industry – It was emphasised that for businesses spanning multiple jurisdictions, a more consistent regulatory approach, provided for by Option A, would reduce the burden to industry. Businesses would not be required to meet different requirements, multiple costs and increased red tape across neighbouring local governments.

Respondents highlighted that the disadvantages of this option were as follows:

- The offensive trades' legislation is outdated and many of the activities and associated risks are managed under planning and environmental legislation.
- Western Australia is currently the only state registering these trades and managing these risks under state health legislation. Nationally, the risks associated with these activities are managed under planning and environmental legislation.
- The Public Health Act provides adequate enforcement options for these types of activities and the additional regulation of these businesses would be duplication of existing legislative controls.

Other comments and suggestions

- The management of these businesses could be structured in a similar way to the *Health (Skin Penetration Procedure) Regulations 1998*, where an overarching state regulation could require compliance with a Code of Practice/Guideline. It was suggested that this would enable amendment to the Code/Guideline, without the time consuming requirement of regulatory review.
- The DOH only assesses the impacts of the offensive trades which are not Prescribed Premises under Schedule 1 of the *Environmental Protection Regulations 1987*. In these instances, it was suggested that DOH assess the health, pest and pathogen impacts of these activities and the Department of Water and Environmental Regulation (DWER) assess the environmental impacts; noise, dust and odour.
- A risk based approach was highlighted as helpful for small businesses that exist within the metro area.

Option B: Repeal health legislation related to offensive trades in the Health (MP) Act and develop model local laws & a guideline.

Seven respondents (17%) preferred Option B; 2 from local government, 1 from state government, 2 industry representatives and 2 members of the public.

The **Small Business Development Corporation (SBDC)** submitted a response through the online survey in support of Option B. The SBDC noted that *'From a small business perspective, repealing the offensive trades provisions is unlikely to have a detrimental impact on businesses currently captured by the regulations.'* The unedited SBDC response has been provided in [Appendix 3](#).

The common benefits of Option B cited by stakeholders were:

National consistency – It was noted that no other Australian jurisdiction has provisions specific to offensive trades and deregulation would bring WA in-line with the other states and territories.

State-wide consistency – The development and adoption, where relevant, of model local laws was highlighted by stakeholders as beneficial in that it would allow local governments to autonomously and flexibly manage the offensive trades in their districts. The adoption of a state-wide guideline was also encouraged to assist in increasing this consistency across local governments.

Reduced financial burden – Some respondents commented that model local laws would result in greater consistency between jurisdictions and reduced financial burden for smaller local governments by providing a template to follow.

Reduced regulatory burden – Stakeholders noted that they supported the deregulation of offensive trades as it would reduce the regulatory burden on both local governments and industry and would allow the management of offensive trades to be based on the risk to public health rather than solely on the activity undertaken.

Respondents highlighted that the disadvantages of this option were as follows:

- Local laws are limited in that they allow for lower prosecution fees in comparison to those provided under the Offensive Trades Regulations.
- In contrast to the above benefit, some respondents cited that the varying application of model local laws across jurisdictions could cause increased inconsistency across WA, with a subsequent increased financial and regulatory burden on industry.
- Concerns were raised that local governments may determine companies to be in non-compliance with health standards but then lack the resources, skills or technical expertise to undertake the necessary compliance and enforcement actions.
- Increased regulatory burden for the DWER if local governments lack the resources or skills to manage non-compliance.

Other comments and suggestions

- It was recommended that the local laws disclose that further action can be taken under the general public health duty of the Public Health Act.
- It was highlighted by the SBDC that *'...in Option B, fees may still be charged under local laws through the development of licensing/registration provisions. The SBDC would encourage the Department of Health to set a recommended fee structure for local governments to adopt, and to monitor how fees are set to ensure there are no unexpected increases in fees across local government areas that may adversely impact on affected businesses.'*
- A recommendation was made that specific information on the relationship between planning and health legislation is outlined, as reliance on planning legislation may not

include adequate consideration of the public health risks. *‘...for example detailed information of acceptable buffer distances from residential zones etc.’*

- One respondent highlighted that advice on wastewater and nuisance control should be included to encourage state-wide consistency on best practice management.
- A hierarchical approach was highlighted as required to ensure the mitigation of public health risks from large scale activities which may be injurious to health.
- The development of a guideline was supported by respondents who noted that it would provide a consistent approach for the management of these industries and the appropriate application of existing relevant legislation (model local laws, general public health duty, environmental and planning). The guideline would manage the nuisance potential of offensive trades.

Option C: Repeal the current provisions related to offensive trades in the Health (MP) Act and develop a guideline.

Twenty two respondents (52%) chose Option C; 19 from local government, 1 industry representative and 1 who selected ‘other’.

The common benefits of Option C cited by stakeholders were:

Up-to-date legislative framework – Respondents consistently highlighted that the Offensive Trades Regulations are outdated and that the historical risks from these businesses are reduced through technological improvements and managed by alternative existing legislation. It was noted that Option C represented the most modern and flexible approach and that the power to refuse registration of an offensive trade is rarely used.

National consistency – As with Option B, it was noted that no other Australian jurisdiction has provisions specific to offensive trades and deregulation would bring WA in-line with the other states and territories.

Reduced regulatory burden – It was noted that the deregulation of offensive trades would remove unnecessary duplication, as many of the risks associated with these industries are not unique to offensive trades and are managed through existing environmental, food and planning legislation. Where a health risk is identified, the general public health duty would be sufficient to manage the risks.

Respondents highlighted that the disadvantages of this option were as follows:

- Increased difficulty in getting industries to abide by specific operating standards.
- As with Option B, increased regulatory burden for the DWER if local governments lack the resources or skills to manage non-compliance.
- Increased inconsistency if local governments vary in their adoption, amendment and enforcement of local laws.

Other comments and suggestions

- As with Option B, the development of a guideline was supported by respondents who noted that it would provide consistent approach for the management of these industries and the appropriate application of existing relevant legislation (local laws, general public health duty, environmental and planning).

- One respondent suggested that Option C be supported with the development and adoption of a model local law where inspection and registration is required.
- It was noted that a guideline would be more adaptable and allow for amendments according to the technological advancement of an industry.
- It was suggested that a guideline to assist the approvals process could be similar to the Water Quality Protection Notes for Public Drinking Water Source Areas developed by DWER.
- It was noted by one respondent that Section 49 – Causing pollution and unreasonable emissions of the *Environmental Protection Act 1986* (EP Act) could be utilised in the management of nuisance emissions. However this would require possible authorisation amendments by the DWER for local government authorised officers.
- A state nuisance regulation or nuisance local laws under the Local Government Act were also suggested for the management of these trades and odours if the DWER could not authorise local government authorised officers under the EP Act.
- The inclusion of conditions of approval on new developments was highlighted as an important tool during the development assessment stage. It was noted that expert reports on issues of amenity may be requested under the *Planning and Development Act 2005* and any recommendations may be used to place conditions on approvals. It was recommended that the process be included in the guideline.
- It was suggested that the infringement penalties be high enough to discourage non-compliance and the ability for local governments to recoup the cost of prosecution and enforcement be included.
- One respondent highlighted that the fees enacted by regulations can deter small businesses from undertaking low standard operations or pay for cost of continued monitoring.
- It was noted by multiple respondents that many of the issues regarding offensive trades concern nuisance odour. These complaints are investigated regardless of whether the premises is an offensive trade or not and it was highlighted that these complaints could be managed with the Environmental Protection Act.

None of the above

Two (5%) respondents from local government chose this option and one industry representative provided input on the topic but opted not to respond to the survey questions or select an option.

One local government respondent suggested that the general provisions under the Public Health Act are sufficient to manage offensive trade issues as they predominantly concern odour.

Similarly, the second respondent from local government suggested that these industries should be managed under the Environmental Protection Act as most complaints concern odour and to a lesser extent noise. Amendments to how authorised officers administer this Act were highlighted as a requirement, with the suggestion of collaboration between the DoH, DWER and local government.

Trades to be added or removed from a list of offensive trades

Question 6 of the offensive trades survey asked respondents whether they considered that any trades should be added to or deleted from the list of offensive trades. The table below lists the suggestions provided by respondents. Some respondents suggested additions to the list, despite preferring the Options B and C (to repeal the legislation), in the event that the development of regulations was the preferred option.

Added		Removed
Industrial laundry / dry cleaning within accommodation facilities	Grain processing (pellet milling, grain milling)	Flock factories
Nail salons	Biosolids	Abattoirs or slaughter houses
Coffee roasting	Barn, free-range and broiler chicken farms	Fish processing
Brewery	Dog day care	

Although the majority preference (69%) has been for the repeal of the offensive trades legislation, this list can be used to assist in the identification of activities and businesses which may cause disruption to amenity. These activities may require specific local laws to control the risks and could be highlighted in a guideline.

Additional comments on list of trades

- The addition of chicken farms to the list of offensive trades was strongly opposed by one respondent who suggested that the nuisance of stable fly from chicken farms is over-estimated and would be managed with the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2018 under the *Biosecurity and Agriculture Management Act 2007*.
- The addition of biosolids to the trades list was queried by one respondent, who highlighted that they receive complaints regarding poultry farms. They commented that once birds reach the end of productivity, they are gassed and disposed of by combining the carcasses with manure. If this combination is handled incorrectly and not composted adequately and put on fields, it can cause strong odours and subsequent complaints.
- It was highlighted by some respondents that the term 'offensive' should be amended as the initial projected impression is that these industries are dirty and immediately offensive, without consideration of adequate management that can mitigate any offense. The terms 'Special Purpose' and 'prohibited pig feed' were suggested as alternative terms for a piggery offensive trade and swill feeding, respectively.
- It was recommended that the inclusion of 'other' trades be at the discretion of the Chief Health Officer, to cover local governments that have non-specified trades.
- It was highlighted by one respondent that the inclusion of a list would be dependent on whether the trades listed in the regulations can be adequately controlled under planning and environmental legislation. If the local governments do not have the necessary experience to manage these businesses, then a list may be required for guidance.

Recommendation

The DOH recommends that *'Option C - Repeal the current provisions related to offensive trades in the Health (MP) Act and develop a guideline'* is adopted.

Following multiple consultation periods with stakeholders, the responses have consistently highlighted that most of the complaints and issues surrounding these types of businesses concern the disruption to amenity from dust, noise, odour and pests. These issues are not often classified as public health related risks and the necessary controls are often established through conditions of approval under planning legislation and local laws under the Local Government Act, rather than the offensive trades provisions under the Health (MP) Act.

In addition to the provisions provided by planning legislation and local laws, local governments will also have the ability to register or license high risk businesses (or revoke these registrations or licences) using local laws under the Local Government Act in the same way that was provided for under the registration of offensive trades under the Health (MP) Act.

The development of regulations under the Public Health Act for these businesses would potentially duplicate the controls provided under existing requirements. This duplication is not permitted in the development of new regulations as it would subsequently increase regulatory burden and red tape.

Option C would bring WA in line with other national jurisdictions and reduce the unnecessary regulatory burden regarding offensive trades for both industry and local government. The management of these businesses by activity rather than risk, as currently occurs under the Health (MP) Act, does not align with the intent and objectives of the Public Health Act. The general public health duty of the Public Health Act is capable of capturing known, as well as new and emerging public health risks.

In the event that a business or activity presents a significant risk to public health to the extent that mandatory controls are required, new regulations for a specific activity or trade can be developed in the future.

A review of the legislative approach will occur two years after Stage 5 of implementation of the Public Health Act comes in to effect. During this assessment the DOH will identify any uncontrolled risks and the possible future management of these risks.

Next Steps

The information gathered from consultation and the recommendations indicate that there is a majority preference for the deregulation of offensive trades and the development of a supporting guideline for the management of these types of activities under the Public Health Act.

The recommended legislative approach from this report and supporting guideline will be considered by the Minister for Health.

Appendix 1 – Complete list of current offensive trades

Schedule 2 offensive trades

1. Abattoirs or slaughter houses;
2. Bone mills or bone manure depots;
3. Cleaning establishments, dye works;
4. Fat rendering establishments;
5. Fellmongeries, tanneries;
6. Fish curing establishments;
7. Flock factories;
8. Laundries;
9. Manure works;
10. Piggeries (under specified conditions)
11. Places for storing, drying, or preserving bones, hides, hoofs or skins;
12. Tripe boiling establishments;
13. Works for boiling down meat, bones, blood, or offal.

Added by Proclamation

1. Fish canning and fish canning establishments
2. Knackeries
3. Premises where poultry are plucked, hung, dressed or cleaned
4. Any of the trades, business or occupations usually carried on, in or connected with premises used in the connection with the sale of livestock
5. Poultry farming (under specified conditions)
6. Rabbit farming premises (under specified conditions)
7. Fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared
8. Shellfish and crustacean processing establishments (not including retail fish shops)

Appendix 2 – Stakeholder engagement list

The following stakeholders were targeted in communications designed to encourage a submission.

Local Government
138 local governments in WA
Public Health Act Reference Group
Western Australian Local Government Association WA
Perth Metropolitan Environmental Health Managers Group
State Government
Australian Fisheries Management Authority
Department of Local Government, Sport and Cultural Industries
Department of Primary Industries and Regional Development
Department of Water and Environment Regulation
Environmental Protection Authority
Landgate
Rural Business Development Corporation
Small Business Development Corporation
Businesses and associations/representatives within the following industries (>350 letters)
Agriculture and farming
Animal and animal product farming, production and processing
Dairy production and processing
Egg production and processing
Fertiliser, soil and composting
Laundry and dry cleaning
Seafood farming and processing
Environmental Health email distribution list- (>400 Subscribers)

Appendix 3 – Unedited comments from SBDC

The **Small Business Development Corporation** (SBDC) submitted a response through the online survey and commented that:

“The SBDC supports Option B - Repeal the offensive trades provisions in the Health (MP) Act and develop model local laws and a guideline.

The SBDC supports reducing the regulatory burden in WA regarding offensive trades and favours a risk-based approach.

The SBDC notes that no other Australian jurisdiction has specific provisions prescribed for offensive trades, and the deregulation of offensive trades would bring WA in-line with the other states and territories.

From a small business perspective, repealing the offensive trades provisions is unlikely to have a detrimental impact on businesses currently captured by the regulations.

Option B would allow local governments to autonomously manage the public health risks in their jurisdiction and give them flexibility to adopt the model local laws according to the types of specific offensive trades in their districts.

The development of model local laws may be beneficial for local governments, especially smaller local governments, who may benefit from having a template to follow. This may also result in greater consistency between local government areas.

The SBDC notes that prescribed registration fees will be removed with the repeal of the Health (Offensive Trades Fees) Regulations 1976, however in Option B, fees may still be charged under local laws through the development of licensing/registration provisions. The SBDC would encourage the Department of Health to set a recommended fee structure for local governments to adopt, and to monitor how fees are set to ensure there are no unexpected increases in fees across local government areas that may adversely impact on affected businesses.

The SBDC supports the development of an Offensive Trades Guideline for use by government agencies and other stakeholders to assist in the management of offensive trades using model local laws, the general public health duty and planning conditions.”

Appendix 4 – Online citizen space questionnaire

Citizenspace is the Department of Health's preferred online community consultation and citizen engagement software. This program was used to ask stakeholders 11 questions.

A total of **38** responses were received via Citizenspace.

The Citizenspace questionnaire is shown below:

Offensive Trades Regulation Review

Overview

The key focus of this review is to obtain stakeholder feedback on the most effective option for the management of public health risks associated with offensive trades in Western Australia (WA).

Please read the discussion paper entitled **Managing public health risks associated with offensive trades in Western Australia** <[user_uploads/management-of-public-health-risks-related-to-offensive-trades-in-western-australia.pdf](#)> before completing this survey.

The discussion paper outlines a number of options and recommendations for managing public health risks associated with offensive trades in WA.

These options include:

- **Option A:** Retain status quo in an updated framework. In this option the Department of Health (DOH) would attempt to replicate the current regulatory requirements as far as practicable.
- **Option B:** Repeal health legislation related to offensive trades in the *Health (Miscellaneous Provisions) Act 1911* (Health (MP) Act) and develop model local laws & a guideline. In this option the DOH would repeal the current provisions related to offensive trades under the Health (MP) Act and develop model local laws with licensing/registration provisions specific to offensive trades under the *Local Government Act 1995*. This option would allow local governments to autonomously manage the public health risks and develop local laws according to the types of offensive trades in their districts.
- **Option C:** Repeal the current provisions related to offensive trades in the Health (MP) Act and develop a guideline. This option would allow local governments to manage the public health risks from these businesses using the general public health duty (Part 3) along with the enforcement tools of the *Public Health Act 2016* (Public Health Act). The guideline would provide assistance on how the general public health duty can be used by local governments.

The feedback obtained from this survey will be presented to the Department of Treasury's Better Regulation Unit to support the DOH's proposals for future management of events.

The survey should take approximately 20 minutes to complete. There are 6 questions. You do not have to comment on all of the questions, and can focus only on those areas that are important to you. If you would like to view the questions in full before beginning the survey, you can view the questions in PDF form [here](#).

Unless marked as confidential, all correspondence will be regarded as public. Documents may be made available on the DOH website or viewed by members of the public on request. If you wish for your response to remain confidential please check the box at the beginning of the survey.

Why we are consulting

The key focus of this review is to obtain stakeholder feedback on the most effective option for the management of public health risks associated with offensive trades in Western Australia (WA). This paper analyses various options for managing the public health risks associated with offensive trades, including the potential advantages and disadvantages of each option for industry, consumers and government.

With the introduction of the Public Health Act in WA, environmental health legislation including the:

- *Health (Offensive Trades Fees) Regulations 1976* (Offensive Trades Regulations),
- *Health (Miscellaneous Provisions) Act 1911*, Part VII, Division 2, Sections 186 – 198

is being reviewed and either repealed or replaced with new management strategies in accordance with the new regulatory framework.

You are welcome to provide additional feedback that may not be related to any of the questions, or options which have not been proposed in this review.

Please explain the reasons behind your suggestions and where possible, evidence to support your views, estimates of any costs that may relate to the proposal, and examples of solutions.

Consultation contents

Please read the discussion paper **Managing public health risks associated with offensive trades in Western Australia** <[user_uploads/management-of-public-health-risks-related-to-offensive-trades-in-western-australia.pdf](#)> before attempting to answer these questions.

You must complete the mandatory questions in the Introduction and Future management options sections. However, for the rest of the survey you do not have to comment on all of the questions and can focus on the areas that are important to you.

When you complete each section, you will be returned to this page. Once you have completed at least one section, a submit button will appear.

Please make sure that you click the 'Submit' button at the bottom of this page in order to send your answers.

Introduction

Would you like your responses to be confidential?

(Required)

Please select only one item

Yes No

What is your name?

What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Please indicate who you represent.

(Required)

Please select only one item

Local Government State Government Industry Representative
 Member of the Public Other

What is the name of the organisation you represent? If you are a member of the public please type 'public'. (Required)

Future management options

Options for the management of offensive trades are detailed in section 7 of the **discussion paper** [<user_uploads/management-of-public-health-risks-related-to-offensive-trades-in-western-australia.pdf>](#) .

The options examined are:

- **Option A: Retain status quo in an updated framework.**

In this option the DOH would attempt to replicate the current regulatory requirements as far as practicable.

- **Option B: Repeal health legislation related to offensive trades in the Health (MP) Act and develop model local laws and a guideline.**

In this option the DOH would repeal the current provisions related to offensive trades under the Health (MP) Act and develop model local laws with licensing/registration provisions specific to offensive trades under the *Local Government Act 1995*. This option would allow local governments to autonomously manage the public health risks and develop local laws according to the types of offensive trades in their districts.

- **Option C: Repeal the current provisions related to offensive trades in the Health (MP) Act and develop a guideline.**

This option would allow local governments to manage the public health risks from these businesses using the general public health duty (Part 3) along with the enforcement tools of the Public Health Act. The guideline would provide assistance on how the general public health duty can be used by local governments.

1 Please indicate your preferred option for managing public health risks associated with offensive trades in WA.

(Required)

Please select all that apply

Option A: Retain the status quo, in an updated framework.

Option B: Repeal health legislation related to offensive trades and develop model local laws.

Option C: Repeal the health legislation related to offensive trades and develop a guideline.

2 Based on your answer to Question 1, please indicate why this is your preferred option?

3 Do you have a suggestion for alternative options?

Further Considerations

4 Do you have any other comments about controlling the public health risks related to offensive trades in WA? (E.g. do you have any examples of complaints, health issues or other possible concerns that may need to be addressed into the future that may assist with this review?)

5 Do you have any comments or advice about costs and benefits of the options, including any alternative option suggested under Question 3?

6 Do you consider that any trades should be added to or deleted from the list of offensive trades?

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