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# 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](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>](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?