

ATTACHMENT B – DEPARTMENT OF HEALTH WESTERN AUSTRALIA

CITY OF GREATER GERALDTON HEALTH LOCAL LAW 2013

The above local laws have been reviewed and the following problems noted and recommendations made:

1. The proposed local law will be ‘made’ in 2014, therefore, it would be appropriate to change the title to *City of Greater Geraldton Health Local Law 2014*.
2. Clause **1.4** needs modification. When repealing existing health local laws be careful that the wording does not attempt to revoke the *Model By-Laws Series “A”*. No Council can do this. What they can do is revoke their Health Local Laws, which were made by adopting model by-laws. Once adopted, the Local Laws are no longer “model”. A suggested wording for clause **1.4** is:

“The following local laws are repealed -

 - (a) The *City of Geraldton Health Local Laws 2004* made by the Council of the City of Geraldton at a meeting of the Council on 29 July 2003 and published in the *Government Gazette* (N^o 163) on 10 September 2004.
 - (b) The Health Local Laws adopted by the Mullewa Road Board on 27 April 1928 and published in the *Government Gazette* (N^o 23) on 11 May 1928, and amended from time to time.
 - (c) The Health Local Laws adopted by the Mullewa Road Board on 22 February 1952 and published in the *Government Gazette* (N^o 47) on 2 May 1952, and amended from time to time.
 - (d) The Health Local Laws adopted by the Mullewa District Road Board on 17 October 1956 and published in the *Government Gazette* (N^o 5) on 25 January 1957, and amended from time to time; and
 - (d) The Health Local Laws adopted by the Mullewa Shire Council on 15 April 1964 and published in the *Government Gazette* (N^o 76) on 3 September 1964, and amended by amendments published in the *Government Gazette* on 14 June 1974; 23 November 1979; 17 February 1984; 31 March 1989; 9 December 1990; 9 August 1991; 9 March 1993; 17 September 1996 and 4 October 1996.”
3. In subclause **1.5** (1), the definition of “**water**”, requires upgrading. In the title of the Guidelines, the year “2004” should now be “2011”, as this later version of the Guidelines is now accepted as the standard for use in WA.
4. The Joint Standing Committee on Delegated Legislation has previously told other local governments to provide a consistent use of one of the terms ‘wash hand basin’, ‘hand wash basin’, ‘hand basin’ and ‘wash basin’. The City of Greater Geraldton has mostly used the term ‘hand wash basin’. To maintain consistency

the following change should now be made. - In subclause **2.4** (1) (c) (iii), change “basin” to “hand wash basin”;

5. Clause **2.5** is inconsistent with the Guidelines provided by the Department of Health, therefore delete Clause **2.5** and substitute:

“Outdoor Festivals

2.5 (1) The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health’s ‘*Guidelines for concerts, events and organised gatherings*’; and

- (2) Where, under subclause (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.”

6. In November 2013 and on 1 January 2014, the *Water Services Legislation Amendment and Repeal Act 2012* came into operation. It has repealed certain legislation and as a consequence the following changes must be made:

Clause **2.11** includes a reference to the *Country Areas Water Supply Act 1947* and the *Country Towns Sewerage Act 1948*. This reference should be changed to the *Country Areas Water Supply Act 1947* and the ‘*Water Services Act 2012*’.

7. Similarly, in Clause **3.1**, paragraph (l) includes a reference to the *Metropolitan Water Supply, Sewage and Drainage Act 1909*. This will need to be changed. The replacement Act is the ‘*Water Services Act 2012*’.
8. In Part 5, Division 4 – Piggeries, Tables 2 & 3 describe various buffer distances that originally were referenced from a 1989 document: “Environmental management guidelines for animal based industries – PIGGERIES”. That document has been superseded by the “National Environmental Guidelines for Piggeries”, so the City of Greater Geraldton may wish to reconsider the provisions of Division 4.
9. In subclause **8.1** (1), definition of “**laundry unit**”, in paragraph (d) (i), change “75 °C” to “65 °C” to conform to the definition of “**hot water**” in subclause **1.5** (1).
10. Subclause **9.16**. (2) (c) (i) includes a reference to the *Metropolitan Water Supply, Sewage and Drainage By-laws 1981*. This reference should be changed to the ‘*Water Services Act 2012*’.