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

Management of public health risks related to offensive trades in Western Australia

Discussion Paper

April 2019

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Disclaimer

The views expressed in this document may not, in any circumstances, be interpreted as stating an official position of the Department of Health.

This document is intended to serve as the basis for further discussion with interested stakeholders, which includes other agencies whose regulations interface with the Regulations, or whose role is mentioned in the document.

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How to make a submission

The Department of Health (DOH) is seeking feedback on this discussion paper on proposed regulatory options for the management of public health risks associated with offensive trades.

The DOH is seeking ideas, suggestions and comments on the proposed options.

You are invited to read through the following paper and provide feedback through one of the following methods:

Electronic survey:	https://consultation.health.wa.gov.au/environmental-health-directorate/offensive-trades-regulation-review
Email:	publichealthact@health.wa.gov.au
Post:	Review of Offensive Trades Regulations Environmental Health Directorate Department of Health PO Box 8172 Perth Business Centre, WA 6849

For more information on the regulatory review, please visit the DOH's Regulation Review webpage https://ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act/Regulation-review-program

Guiding questions

This paper also contains a series of questions related to the proposed options. You do not have to comment on all the questions, and can focus on those areas that are important to you.

You are welcome to provide additional feedback that may not be related to any of the questions.

Please explain the reasons behind your suggestions, and where possible evidence to support your views (such as case studies or statistics), estimates of any costs that may relate to the proposal, and examples of solutions.

Submissions close

The closing date for submissions is **31 July 2019**

1 Executive summary

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 2016* (Public Health Act) in WA, environmental health legislation including the:

- *Health (Offensive Trades Fees) Regulations 1976* (Offensive Trades Regulations),
- *Health (Miscellaneous Provisions) Act 1911* [Health (MP) Act], 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.

Currently, offensive trades are specified under Schedule 2 of the Health (MP) Act. Trades can be added or deleted from Schedule 2 by proclamation (s.186(1)-(2)). Currently 13 trades are specified in Schedule 2 and there have been 13 variations by proclamation, 8 of which are additions. These include:

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).

The Offensive Trades Regulations prescribe the fees payable on the registration of

(a) the offensive trades specified in Schedule 2 of the Health (MP) Act; or
(b) any process or class of trade declared to be an offensive trade under section 186 of the Health (MP) Act.

Local governments have the statutory responsibility for approving the establishment (s.187) and the subsequent registration (s.191) of offensive trades. Under local laws (s.190), local governments can regulate the conditions on which an offensive trade may be carried on.

This paper considers three options for the future management of offensive trades in WA as follows:

- **Option A – Retain the status quo, in 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 Regulations under the Health (MP) Act and replace them with similar, updated regulations in the framework provided for 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* (Local Government Act). 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**
  Repeal the current provisions related to offensive trades under the Health (MP) Act and replace with 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.

  The general public health duty requires that a person must take all reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person. Non-compliance with the general duty is not an offence in itself but may lead to action such as the issuing of improvement notices and enforcement orders under Part 14 of the Public Health Act by an authorised officer. Guidelines may be used to clarify the application of the general public health duty and provide information about the measures that may constitute compliance or non-compliance. A person will not be taken to be in breach of the general duty if acting in a manner that accords with generally acceptable practices or in circumstances prescribed by regulations.

The WA Department of Health (DOH) would like to invite any parties interested in offensive trades to review and make comment on this discussion paper.

Organisations that are involved with or have an interest in any of the offensive trades listed above or that are associated with any of the following industries, are also encouraged to provide feedback on the discussion paper:

- public health
- meat processing
- meat farming
- small business
- urban planning
- urban development
- environmental science
- agriculture or law.

The extent to which these options will be implemented will depend on feedback in response to this paper and which option is preferred.

2 Aim

This discussion paper aims to determine the most effective option for managing the public health risks associated with offensive trades in WA to meet community needs into the future.

3 Objectives

The overall objective of managing the public health risks is to:

1. Prevent the spread of disease from animal handing and processing practices carried out in particular offensive trades
2. Minimise environmental impacts from incorrect handling of waste or emissions and any subsequent attraction of pest or vermin
3. Minimise the disruption to amenity of sensitive land uses surrounding any offensive trades
4. Ensure appropriate approval and/or enforcement options are in place to allow preventative or corrective action to be taken to manage the risks for anyone creating an offense from these trades.

4 Introduction – Regulation review program

The introduction of the Public Health Act in July 2016 requires all environmental health regulations created under the previous Health (MP) Act to be reviewed and then repealed or replaced with new regulations created under the new regulatory framework provided by the Public Health Act.

In the lead up to stage 5 of implementation of the Public Health Act, the Offensive Trades Regulations and Part VII, Division 2, Section 186 – 198 of the Health (MP) Act will be repealed.

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Therefore the DOH must determine the best option for ongoing management of the public health risks associated with offensive trades. As part of the review, this paper:

1. identifies public health risks that are managed under the current offensive trades legislation
2. outlines any alternative legislative tools that could manage these public health risks
3. identifies which risks would not be managed if these trades were not regulated
4. formulates options for the management of these public health risks
5. compares the advantages and disadvantages of these options
6. provides the basis for consultation with stakeholders through comment submissions.

Stakeholder comments on this discussion paper will assist in determining the most appropriate option.

5 Statement of the issue – the public health risk

5.1 Offensive trades background

Offensive trades were first described in the *Public Health Act (UK) 1848*. This Act allowed local health boards to control the *'business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, Tallow-melter, Tripe-boiler, or other noxious Business, Trade or Manufacture…'.* Offensive trades, such as these, have been regulated in many jurisdictions in the past.

There is no definitive definition of offensive and noxious trades and what they entail. In the Dictionary of Public Health [1] offensive trades are defined as:

> *An official designation used in some countries to describe an industry or trade that damages the health and/or economic interests of significant numbers of people in the neighborhood or environment of that industry. The term is usually applied to an industry that produces unpleasant odors, such as a tannery or rendering plant, which in many jurisdictions is subject to public health regulations dealing with abatement of nuisances.*

Originally trades were considered offensive and noxious primarily due to their odour. This was grounded in miasma theory. This theory suggests that diseases were caused by the presence of a miasma in the air; a poisonous vapour that contained suspended particles of decaying matter that was characterised by its foul smell. Offensive and noxious trades predominantly, but not exclusively, covered industries associated with the processing of animal carcasses and hides [2].

In WA, offensive and noxious trades were regulated in 1911 when the Health (MP) Act was implemented. Despite the significant industrial, technological and medical improvements over the last 100 years, these trades have been managed under the same legislation since then.

5.2 Public health risks of offensive trades

The Public Health Act defines a public health risk as 'a risk of harm to public health'. *Harm* is defined in this Act to mean 'physical or psychological harm to individuals, whether of long-term or immediate impact or effect'.

This definition covers a range of potential public health risks including:

- physical risk e.g. noise, mechanical hazards, radiation and vibration
- chemical risk from either naturally occurring or synthetic substances or
- biological risk e.g. viruses, bacteria and vermin.

Offensive trades may pose a number of public health risks depending on the trade. Traditionally, offensive trades involved malodorous industries associated with biological processes (e.g. animal and vegetable processing, human waste), however they are not restricted to these. Other industries such as laundries, dye works and brick works are considered or have been considered potential offensive trades under the Health (MP) Act.

Public health risks can arise from noise, odour, dust, disposal of animal carcasses, release of pathogens,chemicals, effluent or solid wastes, or emissions of gases, dusts and fumes that can pollute the water, land and air. Furthermore, disease can be spread by flies, rodents and other vermin. Public health issues can range from nuisance to the spread of infectious disease.

The offensive trades identified in the Health (MP) Act have been grouped under the following headings to simplify the identification of potential public health risks:

- Abattoirs and slaughterhouses
- Animal by-product processing
- Livestock farming and processing
- Fish and shellfish processing
- Piggeries
- Manure works
- Fellmongeries and tanneries
- Dye works
- Cleaning establishments and laundries
- Flock factories

5.2.1 Abattoirs or slaughter houses, and knackeries

mPotential environmental and health concerns arising from abattoirs and slaughterhouses include:

- dust
- odour
- solid wastes (faecal waste and carcasses)
- liquid wastes (waste water) and
- pests.

The release of pathogenic microorganisms can be a major concern for public health as these can be released into the environment in solid, liquid and gaseous wastes and spread by vermin or pests attracted to the environment.

Despite the presence of pathogens in abattoir effluent, a public health risk would only be present if there was external contamination of the environment beyond the abattoir. There have been no reports from local governments to the DOH of soil or water contamination beyond the external perimeter of any abattoir in WA for at least the past 10 years.

Dust, noise and nuisance odour pollution from these trades can affect the amenity of the public surrounding these businesses, causing distress and in the extreme case; possible psychological impacts.

5.2.2 Animal by-product processing

The following offensive trades have been grouped under the heading ‘animal by-product processing’ as they present similar public health concerns:

- Bone mills or bone manure deposits;
- Fat rendering;
- Works for boiling down meat, bones, blood, or offal;
- Places for storing, drying, or preserving bones, hides, hoofs or skins;
- Tripe-boiling establishments.

These animal by-product processing trades present public health concerns similar to those associated with abattoirs and slaughterhouses; pests (insects and rodents), noise and possible release of pathogens from solid and liquid waste.

Odour can present a substantial nuisance to the surrounding population from these processing facilities due to the malodours and gaseous emissions associated with rendering and processing animal by-products.

5.2.3 Livestock farming and processing

The following offensive trades have been grouped under the heading ‘Livestock farming and processing’ as they present similar public health concerns:

- Poultry farming employing the caged system of poultry housing
- Premises where poultry are plucked, hung, dressed or cleaned
- Premises used in connection with the sale of livestock
- Rabbit farming premises using the caged system of rabbit housing.

Odour, noise, dust, pests and subsequent pathogens can present public health and amenity issues to the properties surrounding these trades.

Poultry farming and processing can present public health risks with potential exposure to pathogens. The particular pathogens of concern have been identified as *Campylobacter* and *Salmonellae spp* [3], which have been found to occur at varying levels of contamination at each stage of poultry farming and processing. Exposure to these bacteria within a business would be an occupational risk and the public health risks associated with exposure to food contaminated with these bacteria would be managed under State food legislation.

Amenity issues associated with poultry farming have been identified by local governments as being particularly common. Poultry farming that does not use the caged system of housing is not captured within the offensive trades regulations. These alternative methods of laying or rearing include litter-based systems, where birds are kept directly on absorbent material rather than in a cage suspended above the floor [4]. These businesses are not registered as offensive trades in WA; therefore, the public health amenity risks associated with these businesses are not being managed under the current offensive trades legislation.

Stable fly has been highlighted by some local governments as a particular nuisance to properties surrounding poultry farms.

5.2.4 Fish and shellfish processing

The following offensive trades have been grouped under the heading ‘fish and shellfish processing’ as they present similar public health concerns:

- Fish curing establishments
- Fish canning and fish canning establishments
- Fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared
- Shellfish and crustacean processing establishments (not including retail fish shops).

Odour and pests attracted to solid and liquid waste products associated with fish and shellfish processing can present possible public health risks.

5.2.5 Piggeries

Under the Health (MP) Act, piggeries are not required to be registered as an offensive trade unless they are situated in an area where they are prescribed to be registered, as set out in the *Piggeries Regulations 1952* (Piggeries Regulations), or if they are fed wholly or partly of pig-swill.

Each local government intending to have all or part of its district prescribed for the purposes of registering piggeries as offensive trades (section 191) notifies the DOH and requests inclusion in the Schedule of the Piggeries Regulations. Amendment regulations would add or delete areas as required. The Piggeries Regulations have no other purpose.

Most conflicts between pig farms and neighbours relate to odour but they can also relate to noise, dust, flies and rodents, pathogens or visual amenity. Feed milling, hand feeding, ventilation systems and transport inherently generate noise [5].

There have been no reports to the DOH of soil or water contamination from WA piggeries in the last 10 years.

5.2.6 Manure works

The release of odour and dust into the environment surrounding manure works and associated pests may present a public health risk to people in close proximity to the trade property. Stable fly has been highlighted by some local governments as a particular nuisance to properties surrounding manure works.

5.2.7 Fellmongeries and tanneries

Fellmongering traditionally involves the dealing of sheepskins and the removal of the wool from the skins in preparation to sell or for tanning [6]. Now, however, fellmongering includes the preparation and processing of all animal skins and hides.

Traditional concerns with these trades relate predominantly to odours and water pollution from untreated discharges. Fellmongeries and tanneries use a range of chemical compounds to preserve, unhair and tan hides and skins.

Chrome tanning is the major form of tannage world-wide. Tannery processes produce effluents containing dirt and biological materials in addition to surplus, spent or washed-out chemicals (including salt, chrome, nitrogen, ammonia, and sulphur compounds). Untreated tannery effluent is high in total dissolved solids (TDS), suspended solids (SS) and biochemical oxygen demand (BOD), as well as chromium (Cr), grease, surfactants and pesticides.

Chromium, predominantly Cr-III but also Cr-VI, is one of the most frequent metal contaminants from industrial processes such as plating, alloying, tanning of animal hides and pigments. Most health concerns are related to Cr-VI but Cr-III has been shown to be genotoxic [7].

Air emissions of odours, as well as solvent vapours from finishing operations (organic solvents such as toluene, xylene, hexane, methyl ethyl ketone and methyl butyl ketone [8]) and gas emissions from incineration of wastes have also been a concern.

5.2.8 Dye works

A range of health effects have been observed with exposure to some hazardous dyestuffs used in textile finishing. These include irritation, respiratory sensitisation and cancer, however these present occupational risks rather than public health risks. The main concern for environmental pollution, and potential human exposure, from the textile industry is the release of untreated dye effluent into natural waterways [9].

In 1995, dye works that discharge their liquid waste into the public sewer were exempt by proclamation from the offensive trades provisions of the Health (MP) Act as it was determined that this would have the least environmental and public health impact.

5.2.9 Cleaning establishments and laundries

Hazards associated with cleaning establishments and laundries mostly relate to the use of liquid perchloroethylene (PERC), and the kinds and sources of PERC wastes that are produced by the dry cleaning process. PERC is an irritant and classified as a 2a carcinogen (probably carcinogenic to humans)[10].

Air emissions of PERC from the dry cleaning industry can occur during transfer of clothes from the washer to the dryer and the venting of the dryer exhaust airstream. PERC liquid wastes can contaminate water and land. Pollution may result from improper storage of waste, accidental or illegal discharge, and during transport.

Most modern equipment eliminates many of these public health risks by using completely closed-loop systems of treating clothes, which can recycle PERC and minimise environmental and personal exposures.

The reduced risk from updated dry cleaning systems was reflected in the regulations when dry cleaning establishments using PERC and Arklone under ‘given conditions’ (that run on a full cycle, completely enclosed) were exempt from the offensive trades’ legislation in 1969 and 1987, respectively.

Laundries could also present amenity issues to surrounding properties due to noise, odour and dust.

5.2.10 Flock factories

Dusts and noise are potential amenity concerns from flock factories.

Flock workers lung is an occupational disease intermittently observed in workers of flock manufacturing [11]. This is most likely caused by inhalation of very fine synthetic fibres generated during the manufacturing process. It is a very rare disease and has only been observed in workers.

5.3 Public health risk assessment

Applying a health risk assessment matrix is necessary to understand the severity of the risks associated with offensive trades, before proposing new management measures.

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 application of the risk matrix model to the various risks associated with offensive trades is provided in Table 2, below. 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.

Table 1 Definition of risk levels

Risk Level	DOH management requirements
Very Low Public Health Risk	No further assessment required
Low Public Health Risk	Some mitigation/management may be required – no detailed assessment of health hazards required but addressed with routine controls
Moderate/Medium Public Health Risk	Substantial mitigation/management required – assessment required of health hazards
High Public Health Risk	Not an acceptable risk. The DOH needs to be involved in the management of high public health risks. Major mitigation/management (including offsets) may be required – assessment required of health hazards
Extreme Public Health Risk	Potentially unacceptable: modification of proposal required

In accordance with the *Public Health Act 2016*, the Chief Health Officer has a responsibility to implement the objects and principles of the Act. The objects and principles guide decision making to ensure the Act is administered in a manner that maximises the protection, promotion and improvement of public health and the reduction of preventable illness. They help to recast an Act from being simply reactive – about health protection – to being proactive, looking ahead to the structures and initiatives necessary to avoid problems and keep the community healthy.

Table 2 outlines the various public health risks associated with offensive trades. The information provided in this table includes:

- The potential causes of these risk
- Persons who are most at risk
- Severity of the impact of the risk
- Likelihood of impact
- Risk level e.g. very low, low, moderate, high, extreme
- Whether there is current legislation in place to effectively deal with the risk.

Refer to Appendix 2 for a summary of the risk matrix model applied in Table 2.

Table 2: Public health risk assessment of risk associated with disruption to amenity from offensive trades

Public Health Risk Amenity	Cause	Who is at risk	Severity of impact*	Likelihood of impact**	Risk Level***	Offensive trades applicable	Legislation in place that could deal with the risk
Disruption to amenity from noise	Nuisance noise emissions from manufacturing and processing machinery and livestock	Members of the public living in close proximity to offensive trades	Negligible/slight	Almost certain	Low	All offensive trades	*Environmental Protection (Noise) Regulations 1997* *Local laws made under the Local Government Act 1995* *Food Act 2008*
Disruption to amenity from odour	Nuisance odour emissions from processing, storage and transport	Members of the public living in close proximity to offensive trades	Negligible/slight	Almost certain	Low	All offensive trades	*Local laws made under the Local Government Act 1995*
Disruption to amenity from dust	Stack and fugitive dust emissions from processing, storage and transport	Members of the public living in close proximity to offensive trades	Minor	Almost certain	Medium	Abattoirs and slaughterhouses Animal by-product processing Livestock farming and processing Piggeries Manure works Fellmongeries and tanneries Cleaning establishments Flock factories	*Local laws made under the Local Government Act 1995*
Disruption to amenity from pests	Attraction and breeding of pests and vermin from poor pest control management	Members of the public living in close proximity to offensive trades, consumers of resulting products	Minor	Likely	Low	Abattoirs and slaughterhouses Animal by-product processing Livestock farming and processing Piggeries Manure works Fellmongeries and tanneries	*Environmental Protection (Noise) Regulations 1997* *Food Act 2008*

* Health consequence table adapted from the 2011 Health Risk Assessment (Scoping) Guidelines, Department of Health WA (refer to Appendix 2)
** Risk likelihood table adopted from the 2011 Health Risk Assessment (Scoping) Guidelines, Department of Health WA (refer to Appendix 2)
*** Final risk rating from the risk matrix (refer to Appendix 2)

6 Current management of offensive trades

6.1 Western Australian legislation

6.1.1 *Health (Miscellaneous Provisions) Act 1911* and *Health (Offensive Trades Fees) Regulations 1976*

Offensive trades are regulated under the Health (MP) Act (Pt VII, Division 2, s.186 – s.198), and are specified under Schedule 2 of this Act. Offensive trades can be added or deleted from Schedule 2 by proclamation (s.186 (2)(a)-(b)).

Currently 13 trades are specified in Schedule 2 and there have been 13 variations by proclamation. The details of proclamation are published in the Gazette, outlining the trades that are added, deleted or exempt from the Health (MP) Act. The variations by proclamation are available in Table 3A of Appendix 3.

The Offensive Trades Regulations set out the prescribed fees for the offensive trades specified in Schedule 2 of the Health (MP) Act. Currently, there are 22 offensive trades fees in the Offensive Trades Regulations. The list of prescribed fees is set out in Appendix 4.

Due to the nature of proclamations in the Gazette, the variations to Schedule 2 do not automatically become updated in the Health (MP) Act unless there is a specific amendment to this Act. This has never occurred for Schedule 2 so the offensive trades added by proclamation are not listed in the Health (MP) Act.

Objectives of the legislation

The objectives of the offensive trades legislation(s) are to:

- prevent deaths associated with offensive trades
- prevent the spread of blood-borne viruses and other infections associated with offensive trades
- prevent or mitigate negative environmental impact from offensive trades
- prevent or mitigate negative affects to amenity from offensive trades emissions.

6.1.2 Local laws

Local law refers to the law that operates over a particular locality, which is the district of the local government making the law. A local law is established by a community, through its local government, to regulate itself and is limited in application to that district. A local law must be consistent with any regulation or any provision within an Act on the same subject.

Local laws can be developed to manage the public health risks associated with the specific offensive trades located within each local government district. This provides autonomy and flexibility for local governments as they can tailor the local law according to the type of trades located in their district and the risks they present.

The *Public Health Act 2016* does not include provisions to allow local laws to be made. However, the *Local Government Act 1995* (Local Government Act) has been amended to enable local governments to make local laws relating to public health under that Act. Under the Local Government Act, local laws may include mechanisms such as licensing requirements and infringement notices.

Local laws do not provide consistency throughout the state because it is up to each local government to develop, enact and enforce these laws. This inconsistency in the implementation of laws can impair the effectiveness of control measures and enforcement.

Model local laws

Model local law provisions could be developed to allow local governments to regulate offensive trades in their area. Model provisions may complement existing local laws (e.g. nuisance, animals, dust, waste) or be stand-alone public health local laws.

The development of model local laws may assist local governments and reduce the inconsistencies in local law applications between districts.

Example of an offensive trade local law regarding fish premises	The occupier of a fish premises shall— (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them; (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

6.1.3 *Planning and Development Act 2005*

Under section 5AA of the now repealed *Town Planning and Development Act 1928,* whenever a local government amends or reviews a scheme or prepares a new district scheme it must pay due regard to the Statement of Planning Policy: State Industrial Buffer (SPP No. 4.1). The *Planning and Development Act 2005* succeeds this repealed Act and adopts any SPPs that were captured therein.

Noxious industry was previously defined by the Western Australian Planning Commission (WAPC) in the SPP No. 4.1 as *'an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended).'*

However, this SPP was updated and renamed SPP 4.1 Industrial Interface in December 2016. The reference to noxious industry was removed from SPP 4.1 and SPP 2.5 Rural Planning was released outlining the required use of the terms 'noxious' and 'hazardous' in schemes. The WAPC recommends that these terms:

- Should not be used in region and local planning schemes
- Should be removed from scheme when reviewed and replaced with definitions that accurately describe land use
- Should not be used for animal premises applications
- Where the term exists and no other land uses can be applied, land use should be dealt with as 'use not listed'.

Local governments are also able to put conditions of approval on new development applications to ensure any impacts on the amenity of surrounding land uses and the environment are managed and minimised. This requires adequate communication between local government authorised officers (i.e. EHOs) and planning departments to ensure that the health expertise of authorised officers is utilised when setting the conditions of approval.

For the local government to prosecute based on a breach of the conditions of approval, the conditions must refer to a requirement, and subsequent breach, of health legislation. This was previously accomplished through the requirements of the Health (MP) Act, however it may be achieved through reference to health related local laws under the Local Government Act.

Although this can be a useful tool for local government planners when assessing new development applications, local governments are unable to put conditions on pre-approved land uses or retrospectively remove planning approval. This has been highlighted by local governments as particularly challenging as planning approval for land uses persists indefinitely. The encroachment of sensitive land uses (e.g. residential development) on urban industries is a particular concern for offensive trade industries. Many of the complaints received surrounding these trades are disputes between land uses.

6.1.4 *Environmental Protection Act 1986* and *Environmental Protection Regulations 1987*

The Department of Water and Environment Regulation (DWER) is responsible for regulating industrial emissions and discharges to the environment through a works approval and licensing process.

Certain industrial premises with the potential to cause emissions and discharges to air, land or water are known as 'prescribed premises' and trigger regulation under the *Environmental Protection Act 1986* (EP Act).

Prescribed premises are identified in Schedule 1of the *Environmental Protection Regulations 1987* (EP Regulations). There are currently 86 prescribed premises, 10 of which overlap to some degree with offensive trades in Schedule 2 of the Health (MP) Act.

There is a minimum production or design capacity for an industry to be a prescribed premises under the Schedule 1 of the EP Act. For example, intensive piggeries are defined under categories 2 and 69, as piggeries of 1,000 or more animals and between 500 and 1,000 respectively. Operators with production or design capacity below those specified in Schedule 1 will therefore not be a prescribed premise for the purpose of the EP Act.

The offensive trades captured by the EP Act and Regulations and their thresholds are detailed in Table 3 below.

Any *new* proposal that has a significant emission of noise or odour can be a proposal of prescribed class (EP Regulations) and can be referred to the Environmental Protection Authority (EP Act, s38(5) (5c)) for assessment.

The DWER also regulates noise under the *Environmental Protection (Noise) Regulations 1997*.

Abattoirs that have design capacity >100 and <1,000 tonnes per year are also captured under the *Environmental Protection (Abattoir) Regulations 2001* [EP (Abattoir) Regulations]. This legislation outlines strict provisions for the management and disposal of solid and liquid waste materials, the control of pests and vermin and the management of dust, noise and other emissions from the abattoir.

Table 3 Offensive trades captured under prescribed premises of the EP Act and Regulations

Offensive trade	Categories of prescribed premises in EP Regulations	Category number	Production or design capacity
Abattoirs or slaughterhouses	Abattoir: premises on which animals are slaughtered.	15	1,000 tonnes or more per year Abattoirs with production and design capacity between 100 and 1,000 tonnes per year are captured under the EP (Abattoir) Regulations 2001
Piggeries	Intensive piggery: premises on which pigs are fed, watered and housed in pens	2 69	1,000 animals or more More than 500 but less than 1,000 animals
Bone mills or bone manure depots	Rendering operations: premises on which substances from animal material are processed or extracted.	16	100 tonnes or more per year
Fat rendering establishments	Edible oil or fat processing: premises on which vegetable oil or oil seed or animal fat is processed and from which liquid waste is or is to be discharged onto land or into waters.	19	200 tonnes or more per year
Fish curing establishments **Fish canning and fish canning establishments** **Fish processing establishments in which whole fish are cleaned and prepared** **Shellfish and crustacean processing establishments**	Seafood processing: premises (other than a fish wholesaler) on which fish or other seafood is processed and from which liquid waste is or is to be discharged onto land or into waters.	22	200 tonnes or more per year
Manure works	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land. Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use. Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	61A 62 67A	1,000 tonnes or more per year 500 tonnes or more per year 1,000 tonnes or more per year
Dye works	Textile operations: premises on which — a. carpet or yarn is manufactured; or b. cotton ginning or milling occurs; or c. textiles are bleached, dyed or	26	1,000 tonnes or more per year

Offensive trade	Categories of prescribed premises in EP Regulations	Category number	Production or design capacity
	finished.		
Tanneries	Tannery: premises on which animal skins or hides are tanned, dressed, finished or dyed and from which liquid waste is or is to be discharged onto land or into waters.	50	1,000 skins or hides or more per year
Premises used in the connection with the sale of livestock	Livestock saleyard or holding pen: premises on which live animals are held pending their sale, shipment or slaughter.	55	10,000 animals or more per year
Fellmongeries	Fellmongering: premises on which animal skins or hides are dried, cured or stored.	83	1,000 skins or hides or more per year

6.1.5 *Food Act 2008*, *Food Regulations 2009* and associated Australian Standards

Some offensive trades activities fall within the scope of WA food legislation. The *Food Act 2008* (Food Act), *Food Regulations 2009* (Food Regulations), the Australia New Zealand Food Standards Code (Food Standards Code) and some adopted Australian Standards may address many of the waste management, pest and vermin control and safe processing requirements for the following offensive trades:

Abattoirs and slaughterhouses

Abattoirs that slaughter meat for human consumption are also required to be registered by the appropriate enforcement agency as a food business under the Food Act and Food Regulations. The Food Act and Regulations adopt the Food Standards Code which contains the Primary Production and Processing Standards for Meat and Meat Products (Standard 4.2.3). In the event of a food safety incident, Standard 4.2.3 "…*allows for regulators to investigate food safety matters through the entire meat supply chain"*.

The Food Regulations also adopt a number of Australian Standards for the hygienic production, transportation and processing of different meat and meat products for human consumption, which provide detailed instruction for the management and control of the business process to ensure the safe production of food.

Livestock farming and processing

The Food Standards Code contains the Primary Production and Processing Standards for Poultry Meat (Standard 4.2.2), Egg and Egg Products (Standard 4.2.5) and Meat and Meat Products (Standard 4.2.3). These Standards, along with the state legislation adopting them, require these food businesses to ensure the appropriate management and disposal of waste and waste products and control of pests and vermin.

These Standards contain requirements for meat, egg and poultry primary production and processing businesses to develop a documented Food Safety Program (meat and meat products) or Food Safety Management System (egg and poultry) that identifies the potential hazards throughout the production activities and outlines the necessary control measures that must be implemented.

Fish and shellfish processing

The Food Standards Code, adopted by the Food Act and Regulations, contains Standard 4.2.1 – Primary Production and Processing Standard for Seafood. This Standard sets out the requirements for the safe and suitable production and processing of seafood, including the appropriate disposal of waste products and control of pests, however it does not contain provisions for minimising odour and the prevention of seafood materials becoming offensive.

6.2 Role of regulatory agencies

6.2.1.1 Role of the Department of Health

Operational services

The DOH does not have a major operational role in the management of public health risks associated with offensive trades.

Policy and system manager role

The DOH provides a number of policy and system manager supporting roles for key stakeholders, in particular local government enforcement agencies, to assist with managing the public health risks associated with offensive trades in WA. These include:

- Providing policy advice and support to the public, industry, state and local government
- Reviewing, maintaining, managing and updating the regulations, by considering emerging and innovative technologies, assessment of public health risks, and advice from local government
- Issuing media statements about specific issues, events, or other happenings.

If a trade will unavoidably result in fumes, dust, vapour, gas or other chemical elements likely to be injurious to health, section 194 of the Health (MP) Act gives the Chief Health Officer (CHO) the power to proclaim any area surrounding that trade as unsuitable for a dwelling house or unsuitable for the collection of rainwater for human consumption.

A system manager role ensures the DOH provides guidelines, develops management systems and provides guidance on the legislative requirements to support enforcement agencies.

6.2.1.2 Role of local government

Local governments have the statutory responsibility for approving the establishment (s.187 of the Health (MP) Act) and the subsequent registration (s.191) of offensive trades. Local governments can regulate the conditions on which an offensive trade may be carried out under local laws (s.190).

The current regulatory framework allows local governments to assess applications for consent to register offensive trades, prior to a planning application being submitted. This gives local governments control over where these businesses will be located and the ability to proactively assess the impacts they may have on surrounding properties, prior to their development.

Local governments employ authorised officers who are responsible for ensuring enforcement and compliance with the legislation.

A full list of the fees specified in the Offensive Trades Regulations is available in Appendix 4.

6.2.1.3 Requirements for industry

The number of offensive trades in WA is outlined in Table 4. This data was collected by the Department of Health in the financial years 2015/16 and 2016/17. As only 61 local governments

provided responses the data has been extrapolated for the State using an average for each metropolitan local government and population size for those local governments outside the metropolitan area.

Table 4 Estimated number of offensive trade premises in WA

Offensive trade categories	Offensive trades in category*	Number of premises*
Abattoirs, slaughterhouses andknackeries	Abattoirs & slaughterhouses Knackeries	26 5
Animal by-product processing		15
Livestock farming and processing	Connected with the sale of livestock Poultry farming Where poultry are plucked, hung dressed or cleaned	5 56 5
Fish and shellfish processing	Fish canning Fish processing Shellfish processing	2 20 11
Piggeries		51
Manure works		23
Fellmongeries and tanneries		2
Dye works		2
Cleaning establishments and laundries		30
Flock factories		1
Total number of offensive trades in WA		**254**

*Projected estimated number of offensive trades businesses from combined data between 2015-2017

The process of extrapolating a total reported number into a projected number lacks precision due to the irregular nature of each offensive trade industry and the varied requirements they exhibit based on population, location and industry zoning. However this is the best available estimate of the number of these trades in WA, based on the small number of survey respondents.

6.2.1.4 Concerns of public / consumers

Local governments were given the opportunity to provide additional information on offensive trades in the *Public Health Act 2016* Optional Reporting Survey 2016/17. Some of the survey questions addressed the number and type of complaints received in the reporting year.

Table 5 below outlines the number and type of complaints received by local governments, specific to the offensive trades located in their district. These complaints are from the 40% of local governments who responded to the optional reporting questions.

Table 5 Recorded complaints from public concerning offensive trades 2016/2017

Premises type	Number of complaints 2016/2017*	Type of complaint**
Abattoirs and slaughterhouses	2	• An employee contracted Q fever***
Fish processing	2	
Shellfish/crustacean processing	1	
Manure works	97	• Odour and dust problems. • Repeat complaints regarding same few premises
Poultry farming	28	• Complaints influenced by personal land development motives • Odour from egg farm • Conflicting land uses causing complaints (rural industry and residential urban development)
Piggeries	20	• The keeping of pigs in a town site
Total	**150**	

*Number of complaints recorded by Public Health Act Optional Reporting 2016/17
** Where the local government has described the type of complaint in the comments section
*** This risk would be managed under Occupational Health and Safety legislation

The majority of the reported complaints received regarding these trades, concerned disruption to amenity from dust, odour, noise and pests/vermin.

6.3 Current Australian legislation

Specific offensive trades' regulations are mostly no longer part of health legislation/regulations in other Australian jurisdictions. Indeed, for planning and licensing purposes most of the 'trades' are captured in either environmental and/or planning legislation.

The shift of offensive and noxious industries from public health to environmental management regulations was outlined in the 2000 review of the Northern Territory Public Health Act:

'At the turn of the previous century, when the Act was written, it might have made sense to include regulations on noxious trades within the Public Health Act. But in recent years, environmental protection legislation has been developed to cover emissions from noxious industries and in turn public health. It would therefore seem more sensible to include such regulations as part of environmental protection legislation.' [13]

However, as with prescribed premises in the WA EP Regulations, there are often minimum production or design capacities for industries identified under respective environmental protection legislation in other states.

Regulations of offensive trades for each Australian State and Territory jurisdiction are presented in table 15 below.

Table 6 Australian public health, environmental and planning legislation for offensive and noxious trades

State/Territory	Act	Regulation	Specific provisions for offensive trades	Comments
Australian Capital Territory	*Public Health Act 1997*	*Public Health Regulation 2000*	No	Offence to create 'insanitary condition'
	Environment Protection Act 1997	*Environmental Protection Regulations 2007*	No	Provisions for 'activities requiring environmental authorisation'
	Planning and Development Act 2007	*Planning and Development Regulations*	No	Public Health Ministerial declaration on proposal
New South Wales	*Public Health Act 2010*	*Public Health Regulation 2012*	No	Powers to 'deal with a public health risk generally'
	Protection of the Environment Operations Act 1997	*Various*	No	Provisions for 'scheduled activities requiring a licence'
	Environmental Planning and Assessment Act 1979	*Environmental Planning and Assessment Regulation 2000*	No	SEPP for Hazardous and Offensive Development Guidelines
Northern Territory	*Public and Environmental Health Act 2016*	*Public and Environmental Health Regulations 2014*	No	Defines public health risk activity and provisions for public health nuisances
	Environmental Assessment Act 2013	*Environmental Assessment Administrative Procedures 2013*	No	
	Planning Act 2017	*Planning Regulations 2016*	No	Provisions for the assessment and minimisation of amenity disruption
Queensland	*Public Health Act 2005*	*Public Health Regulations 2005*	No	Defines public health risk
	Environmental Protection Act 1994	*Various*	No	Act defines environmental nuisances and Regulations prescribe environmental relevant activities
	Planning Act 2016		No	

State/Territory	Act	Regulation	Specific provisions for offensive trades	Comments
South Australia	*South Australian Public Health Act 2011*	*South Australian Public Health (General) Regulations 2013*	No	Provisions for General Duty to Public Health and defines serious and material public health risks
	Environmental Protection Act 1993	*Environmental Protection Regulations 2009*	No	Includes prescribed activities of environmental significance
	Development Act 1993		No	Mentions reduction of impacts to amenity
Victoria	*Public Health and Wellbeing Act 2008*	*Public Health and Wellbeing Regulations 2009*	No	Provisions for nuisances in the Act
	Environmental Protection Act 1970	*Environmental Protection (Scheduled Premises) Regulations 2017*	No	Scheduled premises prescribed in Regulations for purposes of Act
	Planning and Environment Act 1987		No	Provisions in Act must be considered by planning schemes
Tasmania	*Public Health Act 1997*		No	Provisions to register or licence public health risk activities
	Environmental Management and Pollution Control Act 1994		No	Provisions for the assessment of environmental impacts (level 1 and 2)
	Land Use Planning and Approvals Act 1993			
Western Australia	*Health (Miscellaneous Provisions) Act 1911*	*Health (Offensive Trades Fees) Regulations 1976*	Yes	Offensive trades are prescribed in the Act
		Various		
	Environmental Protection Act 1986	*Environmental Protection (Abattoirs) Regulations 2001*	No	Prescribed premises are included with design and production capacity cut-offs
		Various		

State/Territory	Act	Regulation	Specific provisions for offensive trades	Comments
	Planning and Development Act 2005	*Various*	No	

6.3.1 Australian Capital Territory (ACT)

The ACT *Public Health Act 1997* and associated *Public Health Regulation 2000* do not prescribe offensive or noxious trades. Part 3 of this Act describes procedures for the declaration, licencing and registration of public health risk activities but these activities are not specified. It an offense to create an 'insanitary condition' (Part 4) which is defined as;

> *a condition, state or activity in relation to any of the following that a reasonable person would consider to be, or to be liable to become, a public health risk, damaging to public health or offensive to community health standards: a building or structure; land, water or land covered by water; an animal, including a bird; refuse; noise or an emission; any other matter or thing.*

Neither the ACT *Environment Protection Act 1997* nor the *Environmental Protection Regulations 2007* refer to offensive or noxious trades. Schedule 1 of this Act outlines 'activities requiring environmental authorisation' which include design or production limits.

Section 125 of the ACT *Planning and Development Act 2007* allows the Public Health Minister to make a declaration for a development application for a development proposal if the Minister considers the proposed development would be likely to have a significant affect on public health (s134(2) *Public Health Act 1997*).

6.3.2 New South Wales (NSW)

Offensive trades are managed under environment and planning legislation. The NSW *Public Health Act 2010* and *Public Health Regulation 2012* do not make reference to offensive or noxious trades. Part 2 of this Act provides powers to deal with public health risk generally but does not define a public health risk in the Act or Regulation.

Schedule 1 of the NSW *Protection of the Environment Operations Act 1997* sets out scheduled activities requiring a licence for a premise (s.48) and activities undertaken at a premise (s.49). The scheduled activities have capacity criteria of an assigned production amount per year. The relevant scheduled activities relating to offensive trades include; agricultural processing, composting, livestock intensive activities, and livestock processing activities. Waste classifications under Schedule 1 include; animal waste, effluent, manure, and organics.

The subsidiary legislation to this Act contains specific provisions for the control of general, noise and air emissions.

The *Environmental Planning Legislation Act 1979* and *Environmental Planning Legislation Regulation 2000* do not mention offensive or noxious trades. However, a State Environmental Planning Policy for Hazardous and Offensive Development Guidelines (SEPP 33) does exist. SEPP 33 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.

Developments identified as a 'potentially offensive industry' must meet the requirements for licensing by the Department of Environment Climate Change and Water or other relevant authority. If a development cannot obtain the necessary pollution control licences or other permits, then it may be classified as 'offensive industry', and may not be permissible in most zonings.

A development is 'potentially offensive industry' when, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence.

6.3.3 Northern Territory (NT)

There is no legislation specific to offensive trades. The NT *Public and Environmental Health Act* 2016 and *Public and Environmental Health Regulations 2014* do not specify noxious or offensive trades. The Act defines public health risks (Pt 2) and the Minister can declare an activity to be a public health risk activity (s.9 (1)), which *may be an activity that might: result in the transmission of disease; or otherwise be a public health risk* (s.9(2)).

The Act also includes general provisions for public health nuisances (Pt 3) that are defined as anything that: puts at risk or damages public health; or has put at risk or damaged public health; or is likely to put at risk or damage public health. A public health nuisance may relate to a place; water or land covered by water; an animal, whether dead or alive; refuse; dust, fumes, vapour or any other emission.

Environmental Assessment Act 2013 and *Environmental Assessment Administrative Procedures Regulations 2013* do not prescribe any offensive or noxious trades. This legislation sets out the provisions for the assessment of environmental issues in conjunction with the NT Environmental Protection Authority.

The *NT Planning Act 2009* does not mention offensive or noxious trades. This Act contains requirements for the assessment of the impact to amenity from the development and the minimisation of these impacts.

6.3.4 Queensland (QLD)

Offensive trades are managed under planning legislation. The QLD *Public Health Act 2005* and *Public Health Regulations 2005* do not prescribe noxious or offensive trades. Chapter 2 of the Act defines a public health risk with detailed explanations of this definition. The previous Health Act also contained a notice on the abatement of a nuisance. This notice continues in force as a public health order under the new Act (s 469).

Environmental Protection Act 1994 describes environmental nuisances as;

> *unreasonable interference or likely interference with an environmental value caused by—*
> *(a) aerosols, fumes, light, noise, odour, particles or smoke; or*
> *(b) an unhealthy, offensive or unsightly condition because of contamination; or*
> *(c) another way prescribed by regulation.*

Subdivision 4 of this Act describes environmentally relevant activities which are prescribed in Schedule 2 of the *Environmental Protection Regulations 2008*. They include traditional offensive trades such as; intensive animal feedlotting, pig keeping, poultry farming, food processing, seafood processing, tanning, textile manufacturing, and composting and soil conditioner manufacturing.

The QLD *Planning Act 2016* does not mention offensive or noxious trades, however mentions the preservation of amenity and health throughout the legislation.

6.3.5 South Australia (SA)

Offensive trades are managed under planning legislation. The SA *Public Health Act 2011* and *South Australian Public Health (General) Regulations 2013* do not prescribe or mention offensive or noxious trades. Part 6 of this Act outlines a General Duty for Public Health similar to general public health duty (Pt 3) of WA Public Health Act. Offences for material (Pt 7) or serious (Pt 8) public health risks are also described, which are similar to those set out in Part 4 of the WA Public Health Act.

The *SA Environmental Protection Act 1993* includes prescribed activities of environmental significance (Schedule 1). These require an environmental authorisation in the form of a licence (s.36). Relevant prescribed activities include; Activities producing wastes such as agriculture or horticulture, and dry cleaning; animal husbandry; and food production and animal and plant processing.

The SA *Development Act 1993* does not mention offensive or noxious trades but does make mention of the consideration and minimisation of disruption to amenity.

6.3.6 Victoria (Vic)

Offensive trades are managed under Environment and Planning legislation. The Victorian *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing Regulations 2009* do not contain provisions related to offensive or noxious trades; however previous public health acts did specify offensive trades.

Part 6 of this Act contains provisions for nuisances, including nuisances which are, or are liable to be, dangerous to health or offensive. Section 60 also outlines the duty of the council to remedy nuisances.

The *Environmental Protection (Scheduled Premises) Regulations 2017* prescribe scheduled premises for the purposes of the *Environmental Protection Act 1970*, which include; composting, intensive animal industries, abattoirs, rendering, animal skin tanning, seafood processing, edible oil or fat processing works, textiles, and general emissions to air.

Planning schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the *Planning & Environment Act 1987*, including provisions to *secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria* (s 4(1)(c)).

6.3.7 Tasmania (Tas)

Offensive trades are managed under environment and planning legislation. The Tasmania *Public Health Act 1997* does not specify noxious or offensive trades. Registration (Pt 5 Div 3) or licensing (Pt 5 Div 4) may be required to carry out a specified public health risk activity; however the public health risk activities are not prescribed.

The *Environmental Management and Pollution Control Act 1994* contains provisions for the assessment of environmental impacts (Pt3, Div 1). There are two levels of activities that may be referred to the board of the Tasmanian Environmental Protection Authority for approval. These are level 1 (s24) and level 2 (s25) activities.

Permissible level 1 activity means an activity which a planning authority has the discretion to refuse a permit; or is bound to grant a permit either unconditionally or subject to conditions.

Level 2 activities are prescribed in Schedule 2 of the Act. These include trades such as abattoirs, fish processing, produce processing, rendering or fat extraction, and wool scours, tanneries, and fellmongers.

The *Land Use Planning and Approvals Act 1993* does not mention offensive or noxious trades. The objectives of the planning process established by this Act include: …*to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*.

6.4 Current international legislation

Internationally, the regulation of traditional offensive trades has generally moved out of public health legislation to environmental and land-use planning legislation.

6.4.1 Canada

In a review of health legislation, the British Columbian Ministry of Health identified sections of their current Health Act requiring removal because they were covered by modern legislation or were no longer needed. This included the establishment of offensive trades because *'...there are many local, provincial, and federal statutes that now regulate the establishment and operation of these types of businesses.'* [14]

Very few Canadian provinces refer to offensive trades in their public health legislation. Saskatchewan has sanitation regulations under its *Public Health Act 1994* that include some traditional offensive trades, specifically the slaughter of animals, while under the *Health and Community Services Act* of Newfoundland and Labrador, the Minister for Health can make regulation in respect of and for the purpose of securing health in industrial and commercial establishments, including distances between industries and residences, removal of waste and control of emissions.

6.4.2 United Kingdom

The United Kingdom had the first offensive trades legislation (*Public Health Act 1866*). Offensive trades remained part of public health legislation (s107 and s108, *Public Health Act 1936*) until they were repealed by the *Environmental Protection Act 1990*.

Under the *Environmental Protection Act 1990*, an offensive trade is *'a trade which constitutes a prescribed process designated for local control for the carrying on of which an authorisation is required…*' under that Act.

This Act also contains comprehensive nuisance provisions which allow for adequate justification and parameters to demonstrate when a nuisance has been caused to surrounding land uses.

7 Future options to manage offensive trades in WA

The Better Regulation Unit (BRU) administers the Regulatory Impact Assessment (RIA) process in WA. The BRU assists State Government agencies in achieving best practice in accordance with RIA requirements. The RIA process is designed to improve the quality of regulation by ensuring that the decision maker is fully informed when approving new and amended regulatory instruments.

As part of the RIA process the DOH must consider a number of policy options for WA and seek feedback from key stakeholders.

The following options have been considered for the management of public health risks associated with offensive trades in WA.

1. **Option A:** Retain the status quo, in an updated framework
2. **Option B:** Repeal the offensive trades provisions in the *Health (Miscellaneous Provisions) Act 1911* and develop model local laws and a guideline

3. **Option C:** Repeal the offensive trades provisions in the *Health (Miscellaneous Provisions) Act 1911* and replace with a guideline

Each option is discussed in detail below with consideration given to the advantages and disadvantages of each option.

7.1 Option A: Retain status quo, in an updated framework

Retain the status quo, that is, replace the current regulatory system for offensive trades with similar requirements under the Public Health Act. This option would repeal the Offensive Trades Regulations under the Health (MP) Act and replace them with similar, updated regulations in the conceptual framework provided for by the Public Health Act.

Many of the offensive trades specified in the Health (MP) Act are no longer located in WA, or present negligible risk to public health due to updated processing technologies and management systems. Stakeholders would be consulted prior to any regulations being drafted to determine which of the specified offensive trades are still relevant today and which new and emerging trades or activities should also be captured in the regulations.

A guideline would also be developed for use by state and local government agencies and others to assist in the transition to the new regulations.

7.2 Option B: Repeal the offensive trades provisions in the Health (MP) Act and develop model local laws and a guideline

Repeal the current provisions related to offensive trades under the Health (MP) Act and develop model local laws specific to offensive trades under the Local Government Act. This option would allow local governments to autonomously manage the public health risks in their jurisdiction and adopt the model local laws according to the types of offensive trades in their districts.

The DOH would draft the model local laws in consultation with local governments to determine which offensive trades are still relevant today and which new and emerging trades or activities should also be captured.

The enforcement tools available under Local Government Act local laws include penalties, infringement notices and permits or licencing/registration provisions. These tools would allow local governments to address non-compliance in a similar manner to that under the existing legislation. Local governments would also have the ability to prosecute under the Public Health Act when a breach of the general public health duty can be demonstrated.

As outlined in Section 6.1.3 of this document, local governments also have the ability to set conditions of approval on new planning applications. These conditions can be used to ensure any impacts on the amenity of surrounding land uses and the environment are managed and minimised.

An Offensive Trades Guideline for use by government agencies and other stakeholders would be developed by the DOH as the primary guidance material to assist in the management of offensive trades. This guideline would be the main reference document to assist in the management of offensive trades using model local laws, the general public health duty and planning conditions. The guideline could also contain information on generally accepted practice, to ensure compliance with the general public health duty and relevant information related to offensive risk activities.

7.3 Option C: Repeal the offensive trades provisions in the *Health (Miscellaneous Provisions) Act 1911* and replace with a guideline

Repeal the current provisions related to offensive trades in the Health (MP) Act and replace with a guideline. This option would allow local governments to manage the public health risks from these businesses with the general public health duty of the Public Health Act (Part 3). The guideline would provide assistance on how the general public health duty can be used by local governments to manage public health risks from industry.

With this option, the DOH would not draft model local laws but local governments could develop and implement their own local laws should they wish to.

As with Option B local governments would also have the ability to prosecute under the Public Health Act when a breach of the general public health duty can be demonstrated. Conditions of approval on new planning applications can also be used to ensure any impacts on the amenity of surrounding land uses and the environment are managed and minimised.

An Offensive Trades Guideline for use by government agencies and other stakeholders would be developed by the DOH as the primary guidance material to assist in the management of offensive trades. This guideline would provide guidance on the use of the general public health duty, local laws and planning conditions. The guideline could also contain information on accepted practice, to ensure compliance with the general public health duty and relevant information related to offensive risk activities.

7.4 Options summary

Option	Advantages	Disadvantages
Option A - Retain status quo, in an updated framework	• Local and state government and industry are familiar with the structure of the current regulatory framework. • Regulations that capture these trade industries will ensure the provisions for registration and licensing remain. • Trades that fall below the design and production capacity of prescribed premises in the EP Act and Regulations will still be registered with the local governments. • Certainty and consistency between local governments in the registration of offensive trades. • Local governments will continue to receive the registration fees associated with offensive trades. • Local governments are able to put conditions on registration of these trades and are able to utilise all of the enforcement tools available under the Public Health Act. • Larger penalties are available for non-compliance with Regulations than those available for non-compliance with local laws under the *Local Government Act 1995*.	• Most prescribed offensive trades are no longer operating in WA. • Local governments are restricted to registering only those trades specified in the regulations, this does not account for new and emerging industries that present a risk to public health. • Businesses are not managed and registered according to the risk they present; they are registered as an offensive trade without consideration of their activities and risk management systems. • Continues the confusion that exists due to the duplication and or/contradiction of requirements by health, planning and environment legislation. • Prescription by industry type, without consideration of their scale or impact does not align with the risk-based performance nature of the Public Health Act. • Specification of trades is restrictive and inflexible. Changes to the list would require amending the regulations. • Greater costs to industry due to maintenance of specified registration fees and larger penalties. • Prescription of some trades as 'offensive' would prevent public health

Option	Advantages	Disadvantages
		risks from other trades being managed under the Public Health Act.
Option B - Repeal the offensive trades provisions in the Health (MP) Act and develop model local laws and a guideline	• Reduce the regulatory burden in WA regarding offensive trades. • Deregulation of offensive trades would bring WA in-line with other national jurisdictions and how these trades are managed in other states/territories. • The general public health duty is capable of capturing known public health risks as well as new and emerging threats. • Model local laws will allow local governments to use enforcement tools such as infringement notices, penalties and permits or licensing/registration provisions. • Reduced cost to industry through removal of registration fees, though fees may also be charged under local laws. • Potential emissions from any source could be managed; not just specified activities. • This risk-based approach is consistent with the objectives of the Public Health Act. • There would be no duplication between health and planning legislation.	• Could create uncertainty and inconsistency between local governments with differing use of model local laws and in the application of the general public health duty. • Local laws provide for much smaller penalties in comparison to those available through regulatory enforcement options; however greater penalties can be served by prosecution through planning legislation.
Option C - Repeal the offensive trades provisions in the *Health (Miscellaneous Provisions) Act 1911* and replace with a guideline	• Reduce the regulatory burden in WA regarding offensive trades. • Removing specific health legislation related to offensive trades would bring WA in-line with other national jurisdictions and how these trades are managed in other states/territories. • The general public health duty is capable of capturing known public health risks as well as new and emerging threats. • Local governments could develop their own local laws, specific to their jurisdiction, should they wish to. • Reduced cost to industry through removal of registration fees. • Potential emissions from any source could be managed; not just specified activities. • This risk-based approach is consistent with the objectives of the Public Health Act. • There would be no duplication between health and planning legislation.	• Could create uncertainty and inconsistency between local governments with different local laws for the same trades or activities. This may be minimised by developing model local laws (as provided in Option B). • The application of the general public health duty could also be inconsistent between local governments. • Local governments will not receive registration fees associated with offensive trade activities.

7.5 Questions

The online consultation asks a number of questions to provide you with the opportunity to have your say about this review. These questions are outlined below.

Question 1	Please indicate your preferred option for managing public health risks associated with offensive trades in WA. ▪ **Option A – Retain the status quo, in an updated framework** Replace the current regulatory system with similar requirements under the Public Health Act. This option would repeal the Offensive Trades Regulations under the Health (MP) Act and replace them with similar, updated regulations in the conceptual framework provided for by the Public Health Act. ▪ **Option B –Repeal health legislation related to offensive trades and develop model local laws** Repeal the provisions related to offensive trades under the Health (MP) Act and develop model local laws including licensing/registration provisions specific to offensive trades under the *Local Government Act 1995* (Local Government Act). 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 health legislation related to offensive trades and develop a guideline** Repeal the provisions related to offensive trades under the Health (MP) Act and replace with a guideline. This option would allow local governments to manage the public health risks from these businesses with the general public health duty of the Public Health Act (Part 3). The guideline would provide assistance on how the general public health duty can be used by local governments.
Question 2	Based on your answer to question 1, please indicate why this is your preferred option?
Question 3	Do you have a suggestion for alternative options?
Question 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?
Question 5	Do you have any comments or advice about costs and benefits of the options, including any alternative option suggested under Question 3?
Question 6	Do you consider that any trades should be added to or deleted from the list of offensive trades?

8 Implementation and evaluation strategy

After analysis of all submissions, a determination of which option to adopt will be made. A consultation summary paper containing information on the responses received and the determination made will subsequently be published on the DOH website.

The following summaries provide an indication of how each option might be implemented:

- **Option A: Retain the status quo, in updated framework**
  Assuming approval is granted to proceed with the development of regulations, drafting of the regulations and guideline will begin. This process is likely to take at least several months and will involve consultation with key stakeholders. The DOH will advise when the consultation period is open and when the draft regulations have been developed.

- **Option B**: **Repeal the offensive trades provisions in the Health (MP) Act and develop model local laws and a guideline**
  Development of the model local laws and guideline will begin following evaluation of the preferred option and will then involve further consultation with key stakeholders to refine. Once completed, the model local laws and guideline will be provided to local governments to adopt should they wish to. The guideline will outline how to manage the public health risks from offensive trades using the general public health duty and local laws.

- **Option C**: **Repeal the offensive trades provisions in the Health (MP) Act and develop a guideline**
  Development of the guideline will begin and will involve further consultation with key stakeholders to refine. Once completed, the guideline will be published for local governments to start utilising. The guideline will outline how to manage the public health risks from offensive trades using the general public health duty and local laws.

9 Glossary of terms

Health (MP) Act	*Health (Miscellaneous Provisions) Act 1911*
LG Act	*Local Government Act 1995*
Offensive Trades Regulations	*Health (Offensive Trades Fees) Regulations 1976*
Public Health Act	*Public Health Act 2016*
DOH	Western Australian Department of Health
Malodorous	Unpleasant smelling
EP Act	*Environmental Protection Act 1986*
EP Regulations	*Environmental Protection Regulations 1987*
EP (Abattoir) Regulations	*Environmental Protection (Abattoir) Regulations 2001*
Food Act	*Food Act 2008*
Food Regulations	*Food Regulations 2009*
EP Noise Regulations	*Environmental Protection (Noise) Regulations 1997*
Food Standards Code	Australia and New Zealand Food Standards Code
Piggeries Regulations	*Piggeries Regulations 1952*
PERC	Perchloroethylene
EHD	Environmental Health Directorate
CHO	Chief Health Officer
SPP	Statement of Planning Policy
DWER	Department of Water and Environmental Regulation
BRU	Better Regulation Unit
RIA	Regulatory Impact Assessment

10 References

1. Last, J.M., ed. *A Dictionary of Public Health*. 2006, Oxford University Press: New York.
2. Fitzgerald, S. *Royal Commission into Noxious and Offensive Trades 1882*. 2008 [cited 2016 8 April]; Available from: http://dictionaryofsydney.org/entry/royal_commission_into_noxious_and_offensive_trades_1882.
3. Zealand, F.S.A.N., *Primary Production and Processing Standard for Poultry Meat - Final Assessment Report* in *Proposal P282 - Primary Production and Processing Standard for Poultry Meat*. 2010.
4. Association, W.B.G., et al., *Environmental Code of Practice for Poultry Farms in Western Australia*, D.o. Environment, Editor. 2004, Department of Environment: Western Australia.
5. Limited, A.P., *National Environmental Guidelines for Piggeries*, in *REVIEW OF THE NATIONAL ENVIRONMENTAL GUIDELINES FOR PIGGERIES (2004)*, F. Consulting, Editor. 2010.
6. Richmond, T.F.C.o. *The Company of Fellmongers of Richmond Yorkshire*. 2017 11/07/2017]; Available from: http://www.fellmongers.org.uk/.
7. Song, Z., C.J. Williams, and R.G.J. Edyyean, *Sedimentation of Tannery Wastewater.* Water Research, 200. **34**(7): p. 2171-2176.
8. Baker, D., *Tanning and Leather Finishing*, in *ILO Encyclopaedia of Occupational Health and Safety*, M. McCann, Editor. 2011, International Labour Organization: Geneva.
9. Strother, J.M. and A.K. Niyogi, *Dyeing, Printing and Finishing*, in *ILO Encyclopaedia of Occupational Health and Safety*, A.L. Ivester and J.D. Neefus, Editors. 2011, International Labour Organization: Geneva.
10. Cancer, I.A.f.t.R.o., *Trichloroethylene, tetrachloroethylene, and some other chlorinated agents*, in *Monogr Eval Carcinog Risks Hum*, IARC, Editor. 2014: Lyon, France. p. 1–525.
11. SE, T., C. A, and e.a. Walsh R, *Flock worker's lung disease: natural history of cases and exposed workers in Kingston, Ontario.* Chest, 2013. **6**(143): p. 1642-1648
12. Inventory, N.P., *Emission Estimation Technique Manual for Coffee Roasting*, D.o.t.E.a. Energy, Editor. 1999, National Pollution Inventory.
13. Economics, C.f.I. *NCP review of the Northern Territory Public Health Act*. 2000.
14. Columbia, M.o.H.B. *Examples of Outdated Public Health Legislation*. 2008; Available from: https://archive.news.gov.bc.ca/releases/news_releases_2005-2009/2008HEALTH0037-000503-Attachment1.htm.
15. Standards Australia, *AS/NZS ISO 31000:2009 Risk management - Principles and guidelines*. 2009, Standards Australia/Standards New Zealand.
16. Government of Western Australia, *Health Risk Assessment (Scoping) Guidelines*, Department of Health, Editor. 2010: Perth, Western Australia.

11 Appendices

Appendix 1 – Regulatory tools provided by the *Public Health Act 2016*

Once fully implemented, the *Public Health Act 2016* has a number of mechanisms to deal with public health risk management and offences under the Act. These include:

- General public health duty
- Infringement notices
- Improvement notices and enforcement orders
- Prosecution; and
- Registration and licensing.

General public health duty

The general public health duty requires that a person must take all reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person.

Where the general duty is to be applied, there must be some clear *harm* (or foreseeable harm) to public health. In cases where matters are a nuisance or amenity problem but no health effect can be proven, such as unsightly yards, neighbourhood disputes and inconveniences, the general duty will not apply.

Non-compliance with the general duty is not an offence in itself, but may lead to the application of improvement notices and enforcement orders under Part 14 of the Public Health Act. Guidelines may be used to clarify the application of the general public health duty and provide guidance as to the measures that may constitute compliance or non-compliance with the general duty.

Infringement notices

An infringement notice is a written notice that a person has allegedly committed a specified offence which requires the payment of a fine within a specified time or the election to have the matter heard in court. Infringement notices provide a cost effective and efficient method of dealing with some offences.

The Public Health Act is silent on the ability to issue infringement notices. However, as it is a prescribed Act under the *Criminal Procedures Act 2004*, it enables the making of regulations that prescribe offences for which an infringement notice can be issued.

Infringement notices can only be issued where prescribed by a regulation.

Improvement notices and enforcement orders

An improvement notice is an order that either requires or prohibits a person from taking specified action. There may be a specified period in which the person has to comply with the improvement notice. While an authorised officer may extend the period given to take action, once that period has elapsed an authorised officer may:

- Issue a notice of compliance if the officer is satisfied, after carrying out an appropriate assessment that the improvement notice has been complied with.
- Issue a notice that sets out the reasons why the officer is not satisfied that the improvement notice has been complied with; and
- Report the non-compliance to the enforcement agency with a recommendation to issue an enforcement order.

An enforcement order is an order that either requires or prohibits a person from taking specified action. A prohibition with respect to specified action may be limited, absolute or conditional.

An enforcement order can be issued by an enforcement agency if it reasonably believes that an improvement notice has not been complied with, or if the issue of the order is necessary to prevent or mitigate a serious public health risk. An enforcement agency may issue an enforcement order in respect of non-compliance with an improvement notice irrespective of whether the improvement notice was issued by a person who was an authorised officer of that or another enforcement agency.

Prosecution

In accordance with Part 18, section 280 of the Public Health Act, an enforcement agency may commence proceedings for an offence under the Act or its regulations. A prosecution is separate from action under Part 14 relating to improvement notices and enforcement orders. So prosecution can be commenced irrespective of any action being undertaken under that part.

Registration and licensing

Part 8 of the Public Health Act provides a framework for the registration and/or licensing of activities declared by the regulations to be public health risk activities. The regulations will prescribe who the appropriate enforcement agency is for each registrable and/or licensable activity. This may be the local government, the Chief Health Officer or both. Regulations may prescribe offences in relation to an activity and provide modified penalties for which an infringement notice may be issued.

Appendix 2 - Public health risk assessment

A number of risk assessment tools need to be used to determine the risk level for each identified public health risk. These tools include a consequence category table (Table A2.1A2.1), a risk likelihood table (Table A2.2) and a risk qualitative matrix (Table A2.3).

This risk assessment tools are from AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines [15] and the Health Risk Assessment (Scoping) Guidelines [16].

Table A2.1 Health consequences table adapted from the 2011 Health Risk Assessment (Scoping) Guidelines, DOH WA

Category	Acute health consequences (per hazard or outbreak)	Chronic health consequences (per project lifecycle)
1 Catastrophic	• >1 fatality • OR >5 permanent disabilities • OR Non-permanent injuries requiring hospitalisation for 5 – 10 % of population at risk • OR Acute health effect requiring hospitalisation for 5 – 10 % of population at risk	Chronic health effect requiring medical treatment for 10 – 15 % of population at risk
2 Massive	• 1 fatality • OR 2 – 5 permanent disabilities • OR Non-permanent injuries requiring hospitalisation for 2 - 5 % of population at risk • OR Acute health effect requiring hospitalisation for 2 – 5 % of population at risk	Chronic health effect requiring medical treatment for 5 - 10 % of population at risk
3 Major	• No fatality • AND 1permanent disability • OR Non-permanent injuries requiring hospitalisation for 1 – 2 % of population at risk • OR Acute health effect requiring hospitalisation for 1 - 2 % of population at risk • OR Evacuation is necessary	Chronic health effect requiring medical treatment for 2 - 5 % of population at risk
4 Moderate/ Significant	• No fatality • AND No permanent disability • AND Non-permanent injuries requiring hospitalisation for 1 – 2 % of population at risk • OR Acute health effect requiring hospitalisation for 1 – 2 % of population at risk • AND No evacuation	Chronic health effect requiring medical treatment for 1 - 2 % of population at risk

Category	Acute health consequences (per hazard or outbreak)	Chronic health consequences (per project lifecycle)
5 Minor	• No fatality • AND No permanent disability • AND Non-permanent injuries requiring hospitalisation for 1 – 5 persons • OR No Acute health effect requiring hospitalisation • AND No evacuation	Chronic health effect requiring medical treatment for 0 - 1 % of population at risk
6 Negligible/ Slight	• No fatality • AND No permanent disability • AND No Non-permanent injuries requiring hospitalisation • AND No Acute health effect requiring hospitalisation • AND No evacuation	No chronic health effect requiring medical treatment

Table A2.2 Risk likelihood table adopted from the 2011 Health Risk Assessment (Scoping) Guidelines, DOH WA

Likelihood	Expected or actual Frequency	% Chance of chronic health effect during life of project
Almost Certain	More than once a year	**Over 90%**
Likely	Once in 1 to 3 years	**61 – 90%**
Possible/ Occasionally	Once in 3 – 5 years	**31 – 60%**
Unlikely	Once in 5 – 10 years	**6 – 30%**
Rare/Remote	Once in more than 10 years	**Up to 5%**

Table A2.3 Risk matrix (qualitative)

Likelihood	Consequences					
	Slight/ Negligible	**Minor**	**Moderate**	**Major**	**Massive**	**Catastrophic**
Almost certain	Low	Medium	High	Extreme	Extreme	Extreme
Likely	Low	Low	Medium	High	Extreme	Extreme
Possible	Very Low	Low	Low	Medium	High	Extreme
Unlikely	Very Low	Very Low	Low	Low	Medium	High
Rare/ Remote	Very Low	Very Low	Very Low	Low	Low	Medium

Appendix 3 –Schedule 2 of Health (MP) Act

Table A3 Offensive trades in Schedule 2 including variations by Proclamation

Offensive trades from Health MP Act, Schedule 2
Abattoirs or slaughter houses
Bone mills or bone manure depots
Cleaning establishments, dye works, except: **'Dry-cleaning' processes' using 'Perchlorethylene' under given conditions** **'Dry-cleaning' using 'Arklone' under given conditions** **Dye works that discharge the liquid waste into the public sewer**
Fat rendering establishments
Fellmongeries, tanneries
Fish-curing establishments
Flock factories
Laundries, except 'laundromats' under given conditions
Manure works
Piggeries - a) carried on, in or upon premises situated in areas prescribed as those in which piggeries may be carried on, only if registered as required by section 191; or b) the pigs in which, wherever the premises are situated, are fed wholly or partly on pig-swill;
Places for storing, drying, or preserving bones, hides, hoofs or skins
Tripe boiling establishments
Works for boiling down meat, bones, blood, or offal
Offensive trades amendments as proclaimed
Fish canning and fish canning establishments
Knackeries
Premises where poultry are plucked, hung, dressed or cleaned
Any of the trades, business or occupations usually carried on, in or connected with premises used in the connection with the sale of livestock
Any of the trades, business or occupations usually carried on, in or connected with poultry farming employing the caged system of poultry housing wherein a series of nesting boxes, cages or similar devices are used to confine hens for intensive laying or the rearing and fattening of poultry
Rabbit farming premises using the caged system of rabbit housing
~~'Chemical works' 'Wool-scouring establishments', 'Fish shops', 'Glue factories', 'Marine stores' and 'Soap or candle works or factories'~~ **(Now deleted)**
Fish processing establishments (not including retail fish shops) in which whole fish are cleaned and prepared
Shellfish and crustacean processing establishments (not including retail fish shops)
~~Premises used for dealing in scrap metal, other than by heat, for the recovery of metal~~ (**Now deleted)**
~~'..any trade, business, process or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or noxious or offensive trade, business, or manufacture: And any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district.'~~ (**Now deleted)**

Schedule 2 originally included the following clause:

> '..any trade, business, process or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or noxious or offensive trade, business, or manufacture: And any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district.'

This was removed by proclamation (s. 186) in November 2000, due to concerns by local governments about uncertainty in the application of the offensive trades provisions.

Appendix 4 – Prescribed fees in *Health (Offensive Trades Fees) Regulations 1976*

Offensive Trade	Fee ($)
Slaughterhouses	$298
Piggeries	$298
Artificial manure depots	$211
Bone mills	$171
Places for storing, drying or preserving bones	$171
Fat melting, fat extracting or tallow melting establishments — (a) Butcher shops and similar (b) Larger establishments	 $171 $298
Blood drying	$171
Gut scraping, preparation of sausage skins	$171
Fellmongeries	$171
Manure works	$211
Fish curing establishments	$211
Laundries, dry-cleaning establishments	$147
Bone merchant premises	$171
Flock factories	$171
Knackeries	$298
Poultry processing establishments	$298
Poultry farming	$298
Rabbit farming	$298
Fish processing establishments in which whole fish are cleaned and prepared	$298
Shellfish and crustacean processing	$298
Any other offensive trade not specified	$298

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