

LG301*

**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

Shire of Derby/West Kimberley

HEALTH AMENDMENT LOCAL LAW 2010

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Health Amendment Local Law 2010*.

2. Commencement

This local law comes into operation on the day in which it is published in the *Government Gazette*.

3. Principal local law

In this local law the *Shire of Derby/West Kimberley Health Local Laws 1998* as published in the *Government Gazette* on 21 April 1999, is referred to as the principal local law. The principal local law is amended.

4 Correction to terminology

Except in the definition of "Council" and "water" in section 3(1) and in section 104(b), throughout the local law delete "Council" wherever it appears and insert "local government" or "the local government" as appropriate.

5. Section 3 amended

In section 3(1)—

- (a) Delete the definition "approved" and insert—
"“approved” means approved by the local government;”
- (b) In alphabetical order of the terms being defined, insert the definition—
"“local government” means the local government of the Shire of Derby/West Kimberley and includes the Council of the local government;” and
- (c) Delete the definition "water" and insert—
"“water” means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and”

6. Section 6 amended

In section 6—

- (a) in subsection (1)(c) delete "hand wash basin" and insert "wash hand basin";
- (b) in subsection (1)(c)(iii) delete "basin" and insert "wash hand basin";
- (c) in subsection (1)(c)(iv) delete "basin" and insert "wash hand basin";
- (d) in subsection (2)(c) delete "hand wash basin" and insert "wash hand basin";
and
- (e) in subsection (2)(c)(ii) delete "hand basin" and insert "wash hand basin".

7. Section 7 amended

In section 7—

- (a) in subsection (1)(a)(iii) delete "hand wash basin" and insert "wash hand basin"; and
- (b) in subsection (1)(b)(iii) delete "hand wash basin" and insert "wash hand basin".

8. Section 15 amended

In section 15—

- (a) in subsection (1)(a) insert after the word ceiling "in accordance with the requirements of Part F2.4.1 of the Building Code"; and
- (b) in subsection (2) delete "hand basins" and insert "wash hand basins".

9. Section 18 amended

In section 18(3)(a) delete "requirements of the Office of Energy" and insert "requirements of Energy Safety".

10. Section 19 amended

In section 19(m) delete "the Office of Energy" and insert "Energy Safety".

11. Section 25 amended

In section 25—

- (a) in subsection (2)(b) delete “AS1668.2: 1991” and insert “AS 1668.2:-2002”;
and
- (b) in subsection (3)(a) delete “AS3666-1989” and insert “AS/NZS 3666.2;2002”.

12. Part 4 amended

In Part 4—

- (a) Delete “Division 2”;
- (b) Re-designate “Division 3” as “Division 2”; and
- (c) Re-designate “sections 52 to 208” as “sections 40 to 196”.

13. Section 45 amended

In section 45—

- (a) In subsection (1) delete “(1) Subject to subsection (2), an” and insert “An”;
and
- (b) Delete subsection “(2)”.

14. Section 54 amended

In section 54(1)(a) delete “Town Planning Scheme” and insert “Local Planning Scheme”.

15. Section 56 amended

In sections 56(1) and 56(2) delete “immediately” and insert “as soon as possible”.

16. Section 59 amended

In section 59—

- (a) in subsection (1)(a) delete “Town Planning Scheme” and insert “Local Planning Scheme”;
- (b) at the end of subsection (4)(b) insert “and”; and
- (c) at the end of subsection (4)(c) delete “; and” and insert “.”.

17. Section 67 amended

In section 67 (1) delete “sections 76 and 78” and insert “sections 64 and 66”.

18. Section 70 amended

In section 70(1), delete “AS1668.2 Part 2 1991” and insert “AS 1668.2—2002”.

19. Section 71 amended

In section 71(a)(i)(A) and (a)(i)(B) delete “AS1668.2 Part 2 1991” and insert “AS 1668.2—2002”.

20. Section 77 amended

In section 77(1)(a), delete “section 88” and insert “section 76”.

21. Section 91 amended

In section 91(3)(b), delete “section 99” and insert “section 87”.

22. Section 98 amended

In section 98 in the definition “lot” delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”.

23. Section 116 adding a definition

In section 116(1) in alphabetical order of the term being defined, insert the definition—

“Food Standards Code” means the Australian New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

24. Section 117 amended

In section 117(b) delete “section 133” and insert “section 119”.

25. Section 119 amended

In section 119 delete “section 132” and insert “section 118”.

26. Section 125 amended

In section 125(3) delete “hand wash basin” and insert “wash hand basin”.

27. Section 127 amended

In section 127(c) delete “the requirements of the *Health (Food Hygiene) Regulations 1993*” and insert “the requirements of the Food Standards Code”.

28. Section 134 amended

In section 134—

- (a) in subsection (1) delete “section 163” and insert “section 149”; and
- (b) in subsection (1)(e) delete “Section 147(2)” and insert “section 135(2)”.

29. Section 135 amended

In section 135(2), delete “sub-by-law (1)” and insert “sub-section (1)”.

30. Section 136 amended

In section 136—

- (a) sub-section (3), delete “to be Provided by subsection (1)(b)(ii)” and insert “to be provided by sub-section (1)(b)(ii)”; and
- (b) sub-section (4), delete “subsection (1)(c)” and insert “sub-section (1)(c)”.

31. Section 148 amended

In section 148—

- (a) paragraph (b), delete “, obnoxious”.
- (b) paragraph (h), delete “section 163” and insert “section 149”.

32. Section 151 amended

In section 151(1)(a), delete “section 166” and insert “section 152”.

33. Section 152 amended

In section 152, delete “section 165” the two times it appears and insert “section 151”.

34. Section 153 amended

In section 153(b) delete “*Offensive Trades (Fees) Regulations 1976*” and insert “*Health (Offensive Trades Fees) Regulations 1976*”.

35. Section 157 deleted

- (a) Delete section 157.
- (b) redesignate “sections 158 to 196” as “sections 157 to 195”.

36. Section 175 amended

In section 175(a) delete “section 178” and insert “section 163”.

37. Section 177 amended

In section 177, delete “the *Health (Food Hygiene) Regulations 1993*” and insert “the Food Standards Code”.

Dated: 16th December, 2010.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.

Dated: 31st March 2011.

Consented to—

TARUN WEERAMANTHRI, Executive Director,
Public Health.

Dated: 24th May 2011