

Local Government – Client Alert

4 February 2010

COMMENCEMENT OF THE PUBLIC HEALTH AND WELLBEING ACT 2008 AND WHAT IT MEANS FOR LOCAL GOVERNMENT

On 1 January 2010, the *Public Health and Wellbeing Act 2008* commenced full operation, replacing the *Health Act 1958*.

The role of local government in public health administration and enforcement, including the registration of accommodation and certain specified business premises, has been re-enacted with modifications that councils need to be aware of.

The major changes to the *Public Health and Wellbeing Act 2008* that impact Local Government are:

- a broader emphasis on policy
- the inclusion of a series of principles to guide the administration and enforcement of the Act
- a new definition of a 'nuisance' – now excluding something that is just 'merely annoying'
- a new requirement for the registration of colonic irrigation premises
- clearly defined powers and procedures for authorised officers' entry onto premises
- new enforcement mechanisms – the introduction of improvement notices, prohibition notices and infringement notices; and
- new procedures and avenues for the review of decisions

Now that the Act is in full operation the challenge is for councils to administer the new legislation in an effective manner and to take appropriate action (where required) to enforce the new laws.

Russell Kennedy has been at the forefront of assisting local government with the transition to the new legislative requirements and our team is committed to supporting councils as they come to terms with the changes.

Russell Kennedy can assist councils with:

- determining whether a premises needs to be registered
- interpreting legislation to determine a breach of the laws
- assisting with enforcement

For more information on the new *Public Health and Wellbeing Act 2008*, please contact:



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