



Stage 5 of the *Public Health Act 2016* information sheet

What is the *Public Health Act 2016*?

The *Public Health Act 2016* was developed to replace a large proportion of the outdated *Health (Miscellaneous Provisions) Act 1911*. It received Royal Assent in 2016, with an implementation plan divided into 5 stages over a 3-to-5-year period. Stage 5 was originally planned to come into effect on a single day.

The Public Health Act provides a framework to regulate known or emerging public health risks. It binds the Crown, so applies to land and buildings owned, managed, or controlled by State Government.

How is the *Public Health Act 2016* being implemented?

Stage 5 of the *Public Health Act* is now being implemented in a phased manner, with the first phase commencing on Tuesday, 4 June 2024. A phased approach ensures the first round of changes can begin as soon as possible. It also provides organisations enough time to determine what the changes mean for their business and plan accordingly. We anticipate stage 5 to be complete by the end of 2026.

What is involved in stage 5?

Stage 5 is at the point in time when the Public Health Act replaces the Health (Miscellaneous Provisions) Act for the purposes of:

- public health planning
- public health policies
- environmental health regulations
- local government reporting and registration
- licensing.

Enforcement agencies will have the ability to issue improvement notices to people and businesses who breach a public health provision. When a person or business fails to comply with an enforcement order, an offence is committed, and they can be prosecuted.

The other major change is the requirement for State and local government to develop public health plans.

What does a phased implementation look like?

Phase 5A, the first phase of the implementation process, will commence on Tuesday, 4 June 2024. Prior to the roll out of each phase, updates and appropriate stakeholder engagement will take place.

Phase 5A – 4 June 2024

- Some low-risk public health regulations will be replaced with guidelines.
- Improvement notices and enforcement orders will be introduced, allowing enforcement agencies options for non-compliance.
- Under the change, when a person or business breaches a public health provision, the enforcement agency can issue an improvement notice. Where a person or business does

not comply with an improvement notice, an enforcement order may be issued. Where a person or business does not comply with an enforcement order, the person or business can be prosecuted.

- The Department of Health will begin to prepare its new State public health plan. This must be finalised and published by 4 June 2025.
- Local governments will also need to create a local public health plan that is consistent with the State public health plan. These must be prepared and published by 4 June 2026.
- These plans ensure that public health is effectively promoted and protected.

Phase 5B – date to be confirmed

- Stage 5B will commence when the first environmental health regulations are proclaimed.
- A focus will be placed on registration and licencing provisions, with more detail to be issued closer to the time.
- Each regulation will be enacted 12 months after they are published on the WA legislation website. As soon as a timeline is available, this will be shared with appropriate stakeholders.
- Given several new regulations will need to be issued, this will take place in a phased approach. All new regulations will not be issued at once.

Phase 5C – date to be confirmed

- The repeal of any remaining environmental health provisions in the Health (Miscellaneous Provisions) Act.

What support is available during implementation?

The Department of Health appreciates stage 5 includes major changes that may impact how stakeholders conduct business activities. As we work through each of the phases, stakeholders will receive comprehensive information detailing how upcoming changes may impact them – including timelines and required actions. This will also be made available on the [Department of Health's website](#) prior to the phase becoming live. The following resources have been created to ease the transition to the new legislation:

- [Public Health Act 2016 handbook](#). Aims supports local government authorised officers interpret and administer the Act. It provides practical advice and summarises key provisions under the Act.
- [The public health planning guide for local government](#) – aims to provide practical advice to support people who are responsible for creating a local public health plan.

For information about public health policies, environmental health regulations, licensing, and local government reporting and registration visit the [Department of Health Public Health Act webpage](#) or email publichealthact@health.wa.gov.au. For information about public health planning visit the [Department of Health public health planning for local government webpage](#) or email DOH.PHPlanning@health.wa.gov.au.

This document can be made available in alternative formats on request.

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Stage 5 of the *Public Health Act 2016* implementation summary table

Phase	Enactment of <i>Public Health Act 2016</i>	Repeal	Date
5A	<ul style="list-style-type: none"> ○ Part 14 of the Public Health Act – improvement notices, and enforcement orders. ○ Guidelines on the management of public health risks related to: <ul style="list-style-type: none"> - cloth materials - hairdressing establishments - offensive trades - commercial garden soils - temporary toilets. ○ Part 5 of the Public Health Act – public health planning. 	<ul style="list-style-type: none"> ○ <i>Health (Cloth Materials) Regulations 1985</i> ○ <i>Hairdressing Establishment Regulations 1972</i> ○ <i>Health (Garden Soils) Regulations 1998, Part IV, Division 8 of the Health (Miscellaneous Provisions) Act 1911</i> ○ <i>Health Act (Carbon Monoxide Regulations) 1975</i> ○ <i>Health (Section 112(2) Prohibition) Regulations 2006</i> ○ <i>Health (Offensive Trades Fees) Regulations 1976</i> ○ <i>Piggeries Regulations (1952)</i> ○ <i>Health (Temporary Sanitary Conveniences) Regulations 1997</i> 	<p>Improvement notices, enforcement orders and guidelines on the management of public health risks</p> <ul style="list-style-type: none"> ○ 4 June 2024 <p>Public health planning</p> <ul style="list-style-type: none"> ○ 4 June 2024. ○ The State public health plan must be published by 4 June 2025. ○ Local governments must prepare and publish their local public health plan by 4 June 2026.
5B	<ul style="list-style-type: none"> ○ Part 8 of the Public Health Act – registration and licensing. ○ New regulations will be enacted as and when they have been drafted and approved by Parliament. Appropriate updates will be provided prior to this phase commencing. 	<ul style="list-style-type: none"> ○ Relevant legislation under the <i>Health (Miscellaneous Provisions) Act 1911</i> and relevant provisions within that Act 	<ul style="list-style-type: none"> ○ TBC – once the first environmental health regulations are proclaimed. ○ Each regulation will be enacted 12 months after they are approved by Parliament.
5C	<ul style="list-style-type: none"> ○ Part 6 of the Public Health Act – public health policies. 	<ul style="list-style-type: none"> ○ Local Law provisions in the <i>Health (Miscellaneous Provisions) Act 1911</i> 	<ul style="list-style-type: none"> ○ End of 2026

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