



Reference:  
CS EH 01

# POLICY

## Prosecution

### Policy Objective:

To ensure compliance with the provisions of all Environmental Health legislation

### Policy:

#### 1. Prosecutions – Health Act

Where a breach of the *Health Act 1911* occurs, the offending person/s may as the circumstances dictate, be requested to provide a written explanation within 14 days showing cause why legal action should not be instigated.

The responsible Environmental Health Officer shall seek to resolve the matter of the offence with the person concerned and the Manager, Environmental Health and Ranger Services shall assist in the event that agreement on compliance with the provisions of the Health Act is not reached.

Should the Manager, Environmental Health and Ranger Services determine that legal action is warranted, a report shall be submitted to Council recommending that legal action be initiated, and the report shall include details of fines and daily penalties for which a defendant may be liable.

#### 2. Prosecutions - Substandard Foods

The Manager, Environmental Health and Ranger Services is authorised to issue a warning to vendors of food in the following circumstances:-

- (a) Where food, on analysis, is found to be in contravention of the standards determined under the provisions of the *Health Act 1911* and it is the first occasion on which a substandard sample has been obtained from the vendor.
- (b) When a second or subsequent sample is found to be in contravention of the same standards, with the first or previous offence being greater than 3 years ago, and/or the analyst is of the opinion that the variation of the standard is borderline or a minor infringement.
- (c) Notwithstanding (a) or (b), the Manager, Environmental Health and Ranger Services may recommend to Council that legal action be initiated against a vendor for a first or subsequent offence if it is considered that the circumstances of the case warrant such action.

**Procedure:** TBC

Originating Section:  
Environmental Health

Reviewer: Environmental Health

Approved:

Relevant Legislation:

Health Act 1911 (as amended)  
Australian Food Standards Code

Delegated Authority:

Other References:



Reference:  
CS EH 02

# POLICY

## Ocean Sewerage Outfalls

**Policy Objective:**

- (i) To ensure that no ocean sewerage outfalls are developed along the Mandurah Coastline.
- (ii) Science and technological advances are encouraged by government and key stakeholders to ensure the ocean sewerage outfalls are not used.

**Policy:**

Sewerage Outfalls to the Ocean

The City of Mandurah does not support the installation/construction of sewerage outfalls discharging to the ocean, as stated.

Council encourages the Water Corporation to develop new methods/technologies for sewage treatment, which encompasses re-use in accordance with the generally accepted principles of sustainability, the State Government Water Strategy and the "Hope for the Future: the Western Australian State Sustainability Strategy, September 2003" relating to ocean discharge of sewage.

Every effort is to be made by the Water Corporation to recycle 100% of all treated wastewater generated within the City, and avoid the need to discharge to the ocean.

The City of Mandurah acknowledges the information received from relevant departments and urges them to look at other means other than ocean sewerage outfalls.

**Procedure:** TBC

Originating Section:  
Environmental Health

Reviewer:  
Environmental Health

Approved:

Relevant Legislation:  
Health Act 1911 (as amended)  
Australian Food Standards Code

Delegated Authority:

Other References: