



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

Consultation summary

For the Discussion Paper – Management of the public health risks associated with cloth materials in Western Australia

November 2018



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Executive Summary

This paper has considered the public health risks of cloth materials in Western Australia and the current management of these risks.

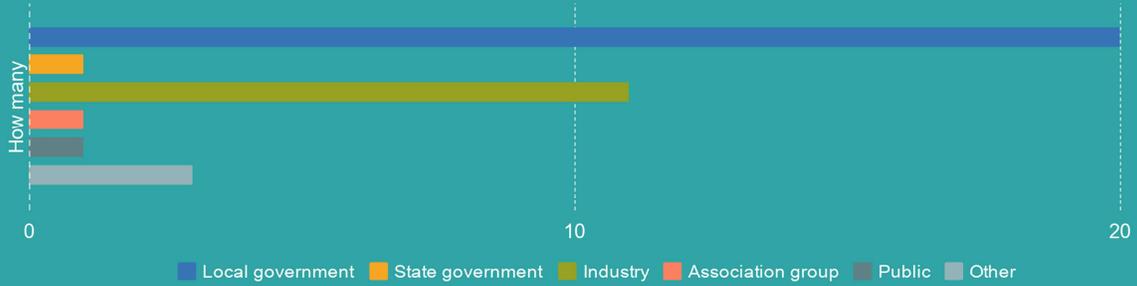
The stakeholder consultation has demonstrated that there is significant support to repeal the legislation. A combination of the general public health duty and a relevant Guideline should provide a solution for this issue.

The lack of significant health risks associated with cloth materials suggest that the development of any further subsidiary legislation would be unmerited.

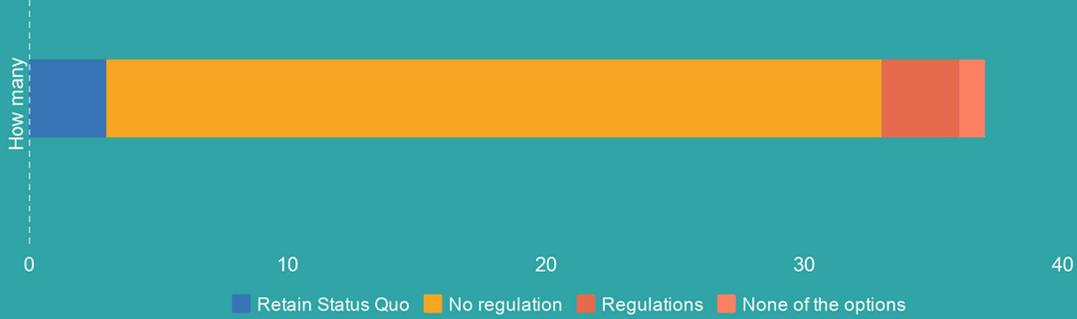
If the *Health (Cloth Materials) Regulations 1985* are repealed, a Guideline for prevention of disease transmission via cloth materials will be published. This Guideline will be for use by local government agencies and other stakeholders will be developed by the Department of Health as the primary guidance material to assist in the management of hire or sale of second-hand cloth materials.

Consultation overview

Total of 37 responses



What options were favoured?



Number of respondents wanting guidelines



Background

The Discussion Paper *Management of public health risks associated with cloth materials in Western Australia* was released in July 2018. The discussion paper assessed the overall risk to public health of fomite transmission of parasites and bacteria from cloth materials and rated all perceived risks as **low**, with the exception of transmission of bed bugs as a **medium** level of risk.

No State or Territory other than Western Australia currently regulates cloth materials. None of the States and Territories who responded to the DoH enquiries identified cloth materials as possessing a risk to public health warranting regulations and none reported any complaints or incidences in the past 10 years.

The Discussion Paper outlined three potential future management options. The discussion paper was released in order to obtain stakeholder feedback on these listed options. The three options for managing public health risks associated cloth materials were:

- **Option A: Retain status quo.** Make no changes to the current regulatory system by replacing the current regulations with equivalent regulations as far as practicable under the new *Public Health Act 2016*.

The DoH does not consider this an appropriate option. The *Health (Cloth Materials) 1985 Regulations* were created under the old regulatory framework of the *Health (Miscellaneous Provisions) Act 1911*. All regulations created under this Act must be either repealed or transferred in some form under the new risk based regulatory framework of the *Public Health Act 2016*. The existing regulations are outdated, with generic and/or potentially antiquated cleaning methods prescribed.

- **Option B: Deregulate the cloth materials industry.** The DoH would repeal the *Health (Cloth Materials) Regulations 1985* without replacement. The DoH could provide guidance on sanitation of hire and second-hand clothing and goods through a guideline. In the event of an identified public health risk, enforcers of the *Public Health Act 2016* could use the general public health duty to prevent ongoing risks through the issuing of improvement notices or enforcement orders.

This option is the DoH's preferred option and would be consistent with the rest of Australia.

- **Option C: Develop new regulations** Develop new Cloth Materials Regulations in accordance with the *Public Health Act 2016*. If updated regulations are implemented the cloth materials industry could be registerable and/or licensable. The fees charged could offset the cost of inspections/enforcement. Additionally best practice disinfection methods could be included in the updated requirements.

This is not the DoH's preferred option as the risks are deemed to be low and of minor consequence. Additionally, this is not an approach found to be utilised or required nationally or internationally.

Current management of cloth materials

Health (Cloth Materials) Regulations 1985

The *Health (Cloth Materials) Regulations 1985* are designed to prevent fomite transfer of infection through contact with unclean items such as second-hand clothing and furniture and hire equipment such as wigs, costumes and footwear.

The regulations prescribe that an approved process of cleaning and disinfection is to be used for such items and that second-hand clothing must be labelled with the date of cleaning and the name and address of the person or firm who treated the article or alternatively, that a distinctive notice be displayed in close proximity to the worn clothing stating that they clothes are used or for hire.

The regulations also prohibit a person from trying on new or used clothing if they have a contagious or communicable disease and state they must be wearing clean undergarments. They further state that used furnishings (bedding, upholstery, carpets, curtains, soft floor coverings, cushions and similar articles) must be cleaned and disinfected by an approved process. This only applies to the retail sale of second-hand items and not private sale or when included in the sale of a house, car, boat, caravan etc.

The regulations specify details about the storage of cleaned items and state they are to be kept separate from unclean items to avoid contamination. They prohibit the sale of items collected from refuse sites and local authorities may direct a seller to dispose of such items or direct the seller to destroy or clean and disinfect second-hand items that are considered contaminated.

A person who commits an offence under the regulations is liable to a penalty of not more than \$1,000 - and not less than \$100 for a first offence, \$200 for a second offence and for a third or subsequent offence \$500. Additionally, if that offence is a continuing offence, a daily penalty of not more than \$100 and not less than \$50 can be applied.

These regulations were introduced in 1985 and have not undergone any significant changes since then. A brief survey of local second-hand clothing stores and consultation with authorised officers indicate these regulations are not currently being enforced.

Objectives of the regulations

The objectives of the *Health (Cloth Materials) Regulations 1985* are:

- to prevent the spread of parasites, bacteria, viruses and other infections associated with contaminated cloth materials.

Summary of current WA risk management practices

The current regulations provide for a range of enforcement or compliance roles and responsibilities of government, industry and consumers. These impacts, including the current cost implications of the *Health (Cloth Materials) Regulations 1985*, are summarised below.

Role of the Department of Health

There is no evidence (e.g. records) that the DoH has been involved in any matters related to cloth materials in the last decade. Phone enquiries from the public have been received, however no warnings have been issued or prosecutions commenced.

As a result, the DoH does not have any supplementary information, explanatory notes or guidance documents relating to this legislation available publicly.

Role of local government enforcement agencies

Local government enforcement agencies have a responsibility to enforce the *Health (Cloth Materials) Regulations 1985*. Enforcement agencies employ authorised officers (AOs) who are responsible for ensuring enforcement and compliance with the legislation.

Initial consultation indicated that these regulations are not being enforced. Second-hand retailers and hire clothing companies are not inspected and do not require a licence or registration.

Requirements for industry

A search using the [yellow pages](#) online and a web search yielded the following number of businesses impacted by these regulations in WA.

Table 1 Business impacted by the legislation

Premises	Number
Second-hand furniture shops	395
Second-hand clothing	187
Costume and wig hire shops	91
Ice skating and roller skating rinks	7
Scooter, motorcycle (and helmet) hire	28
Bicycle (and helmet) hire	42
Clothing rental and hire online	Unknown but >5000
Total	>5750

Initial consultation indicated that these businesses are not being inspected and the regulations are not being enforced.

Impacts on public / consumers

There are currently no notable impacts of these regulations on consumers as they are not enforced by local government. However, it is good business practice to disinfect hire equipment before use and businesses would be keen to avoid complaints about unsavoury business practices and risk losing customers.

The attendees at the August 2017 Public Health Act Reference Group (PHARG) meeting were surveyed and asked whether they had received any complaints regarding the enforcement of the *Health (Cloth Materials) Regulations 1985* and if they were happy for them to be repealed. There were 13 external attendees including environmental health officers and representatives from metropolitan and regional local government, as well as Environmental Health Australia and the WA Local Government Association. There were no reports of any complaints or enforcement and there were no objections against repealing these regulations. The Consumer Protection Division of the Department of Mines, Industry Regulation and Safety performed a search of their database and had one registered complaint in the past 10 years regarding cleanliness of a second-hand item of clothing. The customer was given a store credit. There were no reports of any complaints relating to hire clothing, headwear or footwear.

Arguably, the fact that these cloth materials are being cleaned/disinfected properly could also mean that the regulations are working and the consumer is benefitting by the regulations being in existence. The lack of consumer complaints may indicate that no enforcement of the regulations is needed.

Objectives

The key objectives for consulting on the management of public health risks associated with cloth materials in Western Australia were to:

1. assess the public health risk of cloth materials
2. seek input on the three options for future management
3. provide an opportunity for stakeholders to comment on the issue.

Methodology

Methods for providing feedback

The Discussion Paper was distributed to a large (>350) stakeholder network. This included all local governments and businesses listed in the yellow pages for

- Bicycles Accessories and repair
- Costume hire
- Formal wear hire- Men's
- Furniture second-hand
- Go kart hire
- Motor cycles-hire and tours
- National dress hire
- Online suits
- Paintball and skirmish games
- Recycled clothing
- Rock climbing venues
- Roller skating rinks
- Second-hand dealers
- Tenpin bowling
- And online listings for bike hire and horse riding lessons

The complete list of stakeholders is included in Appendix 1.

Stakeholders were provided a link to the Department of Health's corporate website www.health.wa.gov.au directing the respondent to provide feedback by one of three methods:

1. Completing the questions on the online citizen space survey (see Appendix 2)
2. Submitting a personalised response by emailing the publichealthact@health.wa.gov.au email address
3. Writing a letter addressed to the Environmental Health Directorate.

In all of these alternative methods, stakeholders were encouraged to identify at least one of the options as specified in the Discussion Paper.

Summary of responses

A total of **37** responses were received from various stakeholder groups.

Stakeholder	Responses
Local government	20
State Government	1
Industry or small business	11
Association group	1
Public	1
Other	3
Total	37

Summary of all responses individually

Respondents were asked to choose between 3 possible legislative options for the future. A summary of Options A-C expressed across all respondents was as follows:

Option A: Retain the status quo. 3 respondents chose this option.

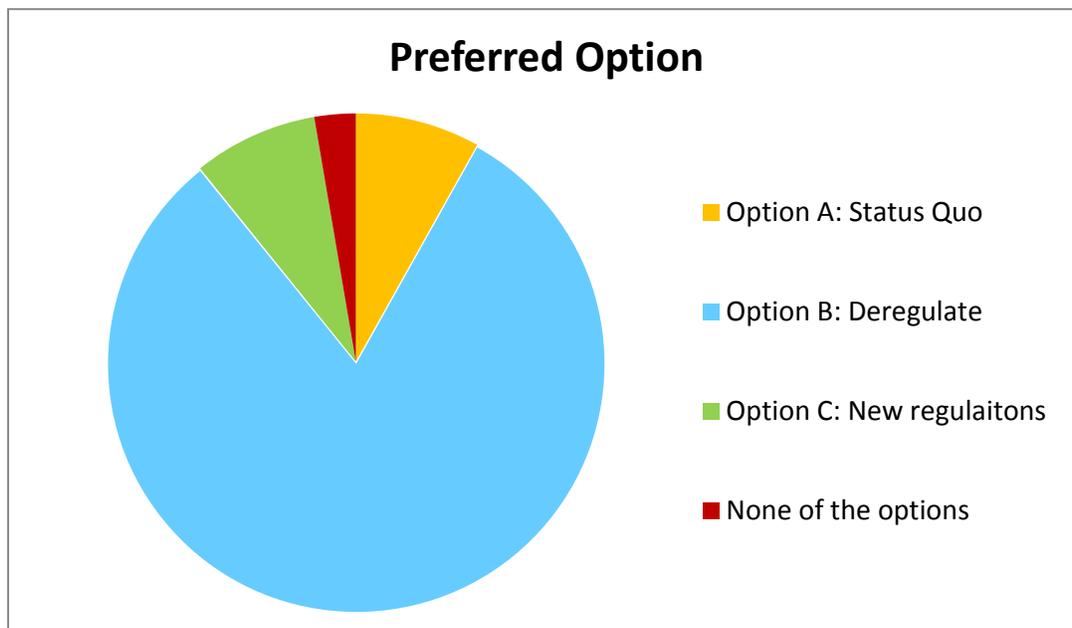
Option B: Deregulate the cloth materials industry. 30 respondents chose this option.

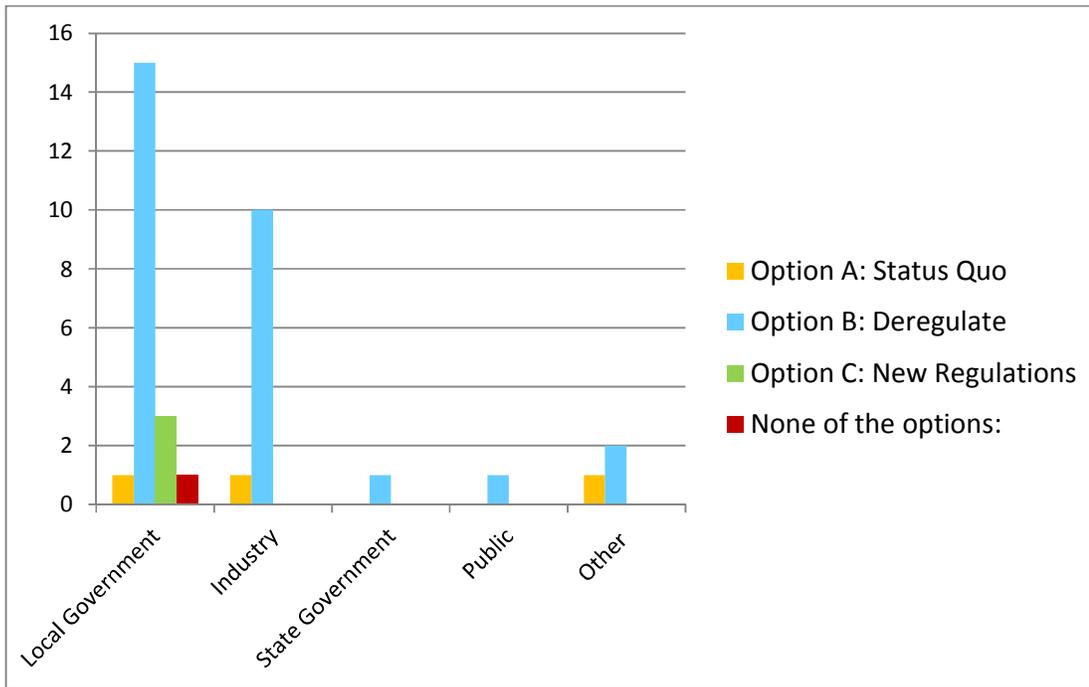
Option C: Develop new regulations for cloth materials in WA. 3 respondents chose this option.

1 respondent chose none of these options.

Key observations

The majority (81%) of respondents support deregulation





If deregulation was chosen, respondents were asked to indicate what type of cloth materials they would like DoH to provide guidelines on.



Comments

Generally the free-text comments of respondents can be grouped into the following categories. See Appendix 3 for full transcript of all responses.

1. Stakeholders agree the regulations are outdated.
2. Local government reported there have been no complaints in the past 10 years regarding a public health risk of cloth materials. Local government are not performing regular inspections or enforcing the current regulations. There have been no prosecutions.

3. Stakeholders cannot see any specific reason why public health regulations would be needed for the low level of risk. Most of the comments of stakeholders in this category are of the opinion that if circumstances did require regulatory intervention, then a Code of Practice or a Guideline should be able to provide the necessary direction for management strategies.
4. Local government and related associations noted that while guidelines are an appropriate tool to manage the public health risk they are concerned with lack of enforcement powers should issues arrive.

Comments provided by respondents raised a number of points of concern, some of which are listed below and can be addressed in future:

- enforcement powers of local government and use of the general public health duty
- the emerging issue of bed bugs

The Small Business Development Corporation (SBDC) responded as part of the online survey and stated “From a small business perspective, repealing the *Health (Cloth Materials) Regulations 1985* will not have a detrimental impact on businesses currently captured by the Regulations, such as those involved in the sale or hire of:

- clothing and costumes;
- carpets and soft floor coverings;
- footwear – including bowling shoes, ice skates, boots etc;
- head coverings – including helmets and hard hats;
- bedding, pillows, cushions, furniture; and
- wigs.

The SBDC supports the development of guidance material, which should be distributed by local government authorities and the Department of Health.

The SBDC acknowledges the low risk to public health from the sale of second-hand cloth materials and supports the Department of Health’s moves to reduce red tape and a redundant piece of regulation. The SBDC also notes that there are provisions in place under the *Public Health Act 2016* to protect public health and issue improvement notices and enforcement orders for contravention of a proposed guideline.”

The submission from the West Australian Local Government Association (WALGA) echoes the responses by the majority of respondents to the survey. The repeal of the legislation is supported and provision of guidelines by the DOH is supported. However WALGA reported Local Governments are cautious of the powers of enforcement under the general public health duty.

Prosecutions

There have been no prosecutions reported in the last ten years by local government. There was one complaint received by local government, relating to clothes being sold from a second hand clothing store and the clothes being in an unclean condition, which could not be substantiated.

Discussion

The Discussion Paper *Management of public health risks associated with cloth materials in Western Australia* determined that the overall risk rating to public health is **Low**.

There is little to no support for the development of regulations based on a risk assessment of the issue. The DoH has been unable to identify issues that are critically in need of additional legislation in order to maintain public health standards and avoid public health incidents.

The stakeholder consultation has determined that there is significant support for the repeal of the legislation providing guidelines are developed.

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. Under the *Public Health Act 2016* harm includes activities that may have adverse impacts and effects on a person's physical or psychological wellbeing, whether it is long term or an immediate impact.

The provision of a Guideline would set out the generally accepted practices relating to the risks related to cloth materials. Under section 34(3) of the *Public Health Act 2016*, a person will not be taken to be in breach of the general public health duty if they are acting in accordance with generally accepted practices. Where a person fails to follow these generally accepted practices, this may be considered a failure to comply with the general public health duty. This may constitute grounds for action to be taken under the *Public Health Act 2016*, including the issuing of an improvement notice or enforcement order. Local governments would also have the ability to prosecute under the *Public Health Act 2016* when a breach of the general public health duty can be demonstrated and supported with evidence.

A Guideline for the Management of the public health risks for cloth materials for use by local government agencies and other stakeholders will be developed by the DOH as the primary guidance material to assist in the management of cloth materials. The Guideline could also contain information to establish industry best practice, which could be used to ensure compliance with the General Public Health Duty.

This model also allows for a guideline to be immediately strengthened if emergent practices are identified with a greater risk for the industry than is currently understood.

Recommendation

The recommendation of this consultation and risk analysis is that the cloth materials legislation is repealed and the DoH produce guidelines for use by stakeholders. This approach will be monitored for five years after implementation and reviewed should a need for further management options be identified.

Next Steps

The information gathered from the consultation and the recommendation in this report will be considered by the Minister for Health.

Appendix 1- list of stakeholders consulted

Local Government
138 local governments in WA
Local Government associations
State Government
Small Business Development Corporation
Industry- Yellow pages directory listings for (>300 letters)
Formal Wear Hire
Recycled Clothing
Bicycles and Accessories
Costume and costume hire
Furniture second-hand
Go-kart hire
Ice skating rinks
Motor cycles Hire and tours
National dress
Paintball and Skirmish Games
Rock climbing venues
Roller skating rinks
Second-hand dealers
Tenpin bowling
Internet search for WA Based companies (>60 emails sent)
Bike hire
Horse-riding
Environmental Health Listserver- (>400 Subscribers)

Appendix 2 – Online citizen space questionnaire

Citizenspace is the Department of Health's preferred online community consultation and citizen engagement software. This program was used to ask stakeholders 13 questions, structured around five themes:

1. Respondent details
2. Preferred Options
3. Guidelines
4. Any alternative option and other comments

A total of **35** responses were received via citizen space.

The questionnaire is below.

Management of public health risks associated with cloth materials in WA

Overview

The key focus of this review is to obtain feedback on the most effective option for managing public health risks associated with cloth materials in Western Australia.

Please read the Discussion Paper entitled **Management of public health risks associated with cloth materials in WA**, before completing this survey.

The *Health (Cloth Materials) Regulations 1985* encapsulate a variety of materials that may present a fomite transmission of disease. Materials include, but are not limited to the hire of/sale of second-hand items such as:

- clothing and costumes
- carpets and other soft floor coverings
- footwear including shoes (e.g. bowling shoes), ice skates, boots etc.
- head coverings including hats and headgear (e.g. helmets, hard hats)
- bedding and similar items including mattresses, pillows, upholstery and cushions
- wigs

The discussion paper outlines a number of future management options including:

- **Option A** – Retain the status quo, that is, replicate the current regulatory system as much as possible.
- **Option B** – Repeal the regulations and provide guidance notes. This is the DOH's preferred option.
- **Option C** – Replace with new, modernised regulations.

The feedback will be presented to the Better Regulation Unit to aid in future decision making.

The survey should take approximately 10 minutes to complete. There are 13 questions. You do not have to comment on all the questions, and can focus on those areas that are important to you.

Unless marked as confidential, all correspondence will be regarded as public documents and be made available on the Department of Health website or be viewed by members of the public on request. If you wish for your response to remain confidential please check the box at the beginning of the survey.

Why we are consulting

With the introduction of the *Public Health Act 2016* in WA, all public health regulations, including the *Health (Cloth Materials) Regulations 1985*, must be reviewed and either repealed or replaced with regulations compliant with the new regulatory framework.

You are welcome to provide additional feedback that may not be related to any of the questions or ideas for options that have not been considered.

Please explain the reasons behind your suggestions, and where possible evidence to support your views, estimates of any costs that may relate to the proposal, and examples of solutions.

Introduction

1 Would you like this response to be confidential?

Please select only one item

Yes No

2 What is your name?

Name (Required)

3 What is your email address?

Email (Required)

4 Please indicate who you represent?

(Required)

Please select only one item

Local government State government Industry representative
 Member of the public Other

5 What is the name of the organisation you represent? If you are a member of the public please type 'public'.

(Required)

6 Do you currently enforce the Health (Cloth Materials) Regulations 1985?

(Required)

Please select only one item

Yes No (please go to Question 5)

If yes how many cloth material business do you inspect or manage?

How often do you inspect or manage?

Have you had any complaints in the last 10 years? If so, please provide details

Preferred option

The Discussion Paper entitled "Managing the public health risks associated with cloth materials in WA" has considered a number of options for the future management of cloth materials in WA including:

- **Option A** – Retain the status quo, that is, replicate the current regulatory system as much as possible.
- **Option B** – Repeal the regulations and provide guidance notes. This is the DOH's preferred option.
- **Option C** – Replace with new, modernised regulations.

7 Please indicate your preferred option for managing public health risks associated with cloth materials in WA, in order of 1 to 4. With 1 being your most preferred option, and 4 being your least preferred option.

	1	2	3	4
Option A: Retain status quo. No change to current system. <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Option B: No regulation. Public health risks can be managed by the general public health duty and a supporting guideline <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Option C: Develop regulations for cloth materials in WA. <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
None of these options <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8 Based on your answer to the previous question, please explain why this is your preferred option.

9 Do you have any suggestions for alternative options that have not been considered in the discussion paper? Please explain your ideas by providing examples of complaints, case studies, data or other useful evidence.

Guidance Notes

The DOH can publish guidance notes on any cloth material that may potentially to pose a public health risk. These guidance notes will provide information on best practice and are non-binding.

10 If the industry is deregulated would you like the DoH to provide guidance notes?

Guidance Notes (Required)

Please select only one item

Yes No (please go to Question 10)

11 If you would prefer guidance notes to be made available, please advise on which areas you would like covered

Please select all that apply

- Sale of second-hand clothing Sale of second-hand mattresses
- Hire clothing and wigs Hire footwear (bowling shoes, ice skates etc.)
- Hire helmets

Other

12 Are there any other cloth materials that would benefit from guidance notes. Please explain the public health risks and/or reasons.

Additional comments

13 Do you have any other comments about controlling the public health risks related to cloth materials in WA?

Appendix 3 – Stakeholder comments

Option A- Retain status quo

This system is working ok.

The industry is aware of the regulations and there does not appear to be any significant issues with the current system. There is the concern that if there are no regulations, issues may start to arise and there may not be the tools available for Local Government to deal with these.

No issues with current system over last 10 years. Why complicate matters. If new regulations come in and are enforced it would lead to many second hand shops and especially charitable organisations becoming unviable. Why force this on business's when there is no issues with the current system

Option B- No regulation. Comments.

Need something that is flexible, maintains public health, but has the legislative teeth to allow enforcement (ie infringements) where there is a breach of the guideline. We dont have much to do with the second hand clothing retailers, or the previous costume hire premises, so dont want additional burden put on Local Govt.

Guidelines will be helpful and hopefully compliance will not be onerous.

The public health risks are low; complaint history demonstrates this; Local Government always has the option to consider a local law if needed.

The regulations are out-dated and not generally enforced by local government. Issues relating to purchase of second hand materials are extremely rare. The South Australian Guideline for consumers and retailers seems a more suitable way to manage the various platforms from which second hand clothing and furniture is sold. Also, from the point of waste reduction, the general public are much more aware of recycling and reusing items to reduce waste to land fill.

As many outlets that sell second hand goods are of a charitable nature and staffed by volunteers, it seems unreasonable to have such a rigid enforcement tool in place, when education and guidelines would be more helpful. Boutique second hand shops who hire designer clothing will generally include cleaning in the cost of hire. This also applies to costume hire shops.

The discussion paper highlighted that most fomite disease transmission from unclean items were low risk and guidelines could address the sanitation of these items without increasing Public Health risk.

The Public Health Act 2016 could also use the general public health duty to prevent ongoing risks through the issuing of improvement notices or enforcement orders.

There is no evidence (records) that the Shire has been involved in any matters related to cloth materials.

Risk is too low to continue with regulation. Option 2 allows complaints to be investigated if received under the general public health duty .

There haven't been major issues, and if there are it can be addressed by other existing legislation and guidelines

As a small business with limited number of cloth products (helmets for hire) we currently follow Health department recommendations in regards to cleaning. We feel customer feedback ensures we maintain high standards of cleaning and a separate registration or visit which adds cost to our business would impact us greatly. Our preferred model is one where current advice in regards to cleaning cloth products is available online or downloadable, rather than a regulatory system managed directly by the Department of Health.

Deregulation of Regulation that is outdated given the survey data and can be monitored by the introduction of guidance notes , code of practice.

a guideline provides advice and is easily amended as new trends emerge. I would suggest that the guideline be referenced in the Public Health Act

We have been operating in this field for over 20 years and have rarely had a complaint about the cleanliness of goods resold. Most complaints came when we sold electrical items that failed or would not work. Therefore we see no need for regulation to exist as it has never been enforced and if it is will place an additional burden on the service provider (us) and the regulator - local government.

From a small business perspective, repealing the Health (Cloth Materials) Regulations 1985 will not have a detrimental impact on businesses currently captured by the Regulations, such as those involved in the sale or hire of:

- clothing and costumes;
- carpets and soft floor coverings;
- footwear – including bowling shoes, ice skates, boots etc;
- head coverings – including helmets and hard hats;

- bedding, pillows, cushions, furniture; and
- wigs.

The SBDC supports the development of guidance material, which should be distributed by local government authorities and the Department of Health.

The SBDC acknowledges the low risk to public health from the sale of second-hand cloth materials and supports the Department of Health's moves to reduce red tape and a redundant piece of regulation. The SBDC also notes that there are provisions in place under the Public Health Act 2016 to protect public health and issue improvement notices and enforcement orders for contravention of a proposed guideline.

Can be managed through appropriate guidelines and industries collecting second hand cloth

This is the only realist option. Its not being enforced and is so low risk that it doesn't need to be. The general duty of care under the Public Health Act would apply if ever required but not aware of ever having any complaints regarding this matter.

There have been no complaints and the industry appears to self regulate effectively. Guidelines are all that are considered to be needed.

We have been self regulating for 30 years with no complaints your own research has verafied this it would seem unnecessary to put more expens on a struggling industry

Needs reviewing

Fully understanding the enormous volumes of clothing and other cloth items dealt with and the processes we follow to ensure that only the best, clean stock makes it to our shop floor as well as for distribution via our emergency relief program and having never heard of a negative health related incident occurring due to contact with the clothing we sell and distribute Option B makes the best sense.

We operate very low risk NFP Retail community stores.

The current system works well. Updating the system to be modern is fine, but the regulation that exists protects the public health from disease sufficiently.

Businesses dealing in second hand cloth materials, may pose a public health risk associated with poor management practices. However the risks are not enough to warrant local government having strict oversight. In almost 15 years I have never assessed or received a complaint regarding cloth materials.

A simple guideline and the public health duty is sufficient.

I am not aware of these Regulations being applied in many jurisdictions in the Metropolitan region. But suspect the risk is still possible and a guideline would help manage these issues. If the LGA have ability to manage any future issues under the general public health duty in the Act so there is still enough controls in place.

There is no evidence that the Regulations are required as evidenced in the Department's discussion paper.

We strongly support the development of industry guidelines .

The time, money and resources required would not be warranted. Common sense should prevail, and Social Media is certainly a good enforcer.

Risk assessment highlights the general risk is 'low'

The City does not inspect 'cloth material' premises

No enforcement action has ever been taken under the existing Cloth Regulations

We always dry clean the garments hired - (Jackets, Trousers and Vests) - whether or not there is an indication of dirt or soiling. Shirts are always washed in a solution of detergent and sanitation chemicals and soaked overnight for a minimum of 8 hours.

An appropriately detailed, that can be escalated to a Public Health Risk under the new Public Health Act 2016 (if serious and required) is probably more appropriate.

We operate as a low-cost supermarket and Op-shop as well as providing a free Community Meal Service 4-nights a week, free bread and fruit & vegetables etc.

The requirement to wash clothes will add a large cost to our already too-high expenses, i.e. the increase in cost will result in the increase in purchase price for the end user, which is predominantly in the Low-Socio Economic space. Selling 2nd hand clothes offers us a way to cover our operating costs and continue to offer other services to our customers. Adding costs would diminish our service offerings. Manpower and equipment are also cost considerations for us.

i believe that option (A) would be unviable as to cleaning such products would be very labour intensive and costly . articles of clothing in business like ours are donated and sold to people in the lower social economics of society. by

implementing option (A) would result in an increase in purchasing prices making goods too expensive for the targeted market (lower social economic)

Comments Option C- Updated Regulations

Self regulation is fraught with danger and opens the system up to abuse. Establishing a new regulation with a compliance mechanism that allows local government to inspect and intervene when required is critical.

Though regulation of this piece of legislation may not be a priority for some local governments, protecting public health is thus the tools to do so must be available, clear and enforceable. An updated regulation would provide this ability.

99% of the industry do the right thing where usually 1% do not. Regulations are preferable to guidelines as they are a much greater deterrent than non compliance with a guideline. The added responsibility to prove non compliance with the new public health duty will only result in less enforcement action undertaken by officers as it makes the job harder and more costly from a local government perspective.

When you take into account it is usually only the 1% of an industry that will require enforcement action the changes proposed are too onerous for local government especially rural local governments who in most cases are operating with 0.2 FTE or less officers. Generally a threat of action for non compliance with a Regulation with increased penalties is enough to change the thinking of non compliant businesses.

I would prefer to see similar regulations created to existing with improvement where needed but with significantly increased penalties.

Suggested alternatives

As per above - guidelines should incorporate wording to the effect of "by complying with this guideline, you are meeting your public health duty". Make it clear for shops and enforcement agencies alike that the guidelines are the minimum standard

No. I feel that if a serious risk is identified, it could be managed under the general public health duty and a guideline for consumers and retailers.

Local Laws could reference the proposed guidelines and have an offence provision for non-compliance with the ability to revoke approval to operate in the second-hand clothing market.

The only risk I see of not having regulations and replacing with guidelines is that generally guidelines are not enforceable.

So what mechanism is there to enforce the guidelines and are there penalties for non compliance?

There is possibly the option for the appropriate Health Government Department (Local or State) to consult/inspect with suppliers of hire garments to check that the appropriate hygiene/cleaning practices are being implemented. I only have received hearsay evidence that not all hire companies have adhered to the appropriate hygiene/cleaning practices.

Perhaps a "Certificate of Compliance" may be appropriate??

The Guidelines do need to be broad based to capture "nuisance" as well as "harm".

While the complaint levels are very low as mentioned is this because there are applicable Regs which the reputable operators follow?

To remove any control simply opens the door to the unscrupulous operator.

Second hand clothing/furniture is now big business for both charities and private operators. Where profit is impacted due to certain requirements (such as disinfection/cleaning), if you remove the requirements some will drop standards.

To suggest it is left to social media to shame poor operators into compliance is frankly abrogating ones responsibilities and not a solution.

This document can be made available in alternative formats on request for a person with a disability.

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