

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC HEALTH (NOXIOUS TRADES) REGULATIONS

As in force at 1 July 2011

Table of provisions

Part I	Preliminary	
1	Citation	1
2	Parts	1
3	Definitions.....	1
Part II	General provisions applicable to all noxious trades	
4	Fences.....	2
5	Walls.....	3
6	Floors	3
7	Effluvia, dust, &c.....	3
8	Ventilation.....	4
9	Drainage.....	4
10	Water supply.....	4
11	Cleanliness.....	4
12	Washing down.....	4
13	Storage and transport.....	5
14	Existing noxious trades.....	5
Part III	Regulations affecting specific noxious trades	
15	Additional Regulations.....	5
16	Battery manufacturing	5
17	Blood-boiling and blood-drying	6
18	Bone-grinding	6
19	Fellmongering.....	6
20	Gut-scraping.....	6
21	Hide and skin drying.....	7
22	Marine store dealing	7
Part IV	Miscellaneous	
23	Fees	7
24	Penalty	8
24A	Regulatory offences.....	8
25	Notice by Chief Health Officer	8
26	Cancellation of licence.....	9
27	Form of licence.....	9

28	Register	9
29	Application of Regulations	9

The First Schedule

The Second Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 July 2011. Any amendments that commence after that date are not included.

PUBLIC HEALTH (NOXIOUS TRADES) REGULATIONS

Regulations under the *Public and Environmental Health Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Public Health (Noxious Trades) Regulations*.

2 Parts

The provisions of these Regulations are arranged as follows:

Part I – Preliminary (Regulations 1 – 3)

Part II – General provisions applicable to all Noxious Trades (Regulations 4 – 14)

Part III – Regulations affecting specific Noxious Trades (Regulations 15 – 22)

Part IV – Miscellaneous (Regulations 23 – 29).

3 Definitions

In these Regulations, except where some other meaning is clearly intended:

noxious trades means and includes any of the trades, businesses, or occupations usually carried on, in, or connected with the under-mentioned works or establishments, that is to say:

- (a) abattoirs or slaughter houses;
- (b) bone mills or bone manure depots;
- (c) chemical works;
- (d) cleaning establishments, dye works;

- (e) fat rendering establishments;
- (f) fish curing establishments;
- (g) flock factories;
- (h) glue factories;
- (i) laundries;
- (j) manure works;
- (k) marine stores;
- (l) piggeries;
- (m) places for the storing, drying or preserving of bones, hides, horns, hoofs or skins;
- (n) soap or candle works or factories;
- (o) tripe boiling establishments;
- (p) battery manufacturing;
- (q) works for boiling down meat, bones, blood or offal,

or any trade, business, process or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or any noxious or offensive trade, business or manufacture, and any trade that unless preventative measures are adopted, may become a nuisance to health of the inhabitants of the district.

sewerage system includes any conduit, drain, sewer or pipe which is vested in the Territory or the Commonwealth for the taking or carriage of sewerage.

Part II General provisions applicable to all noxious trades

4 Fences

If directed to do so by the Chief Health Officer, a person carrying on a noxious trade shall at all times keep or cause to be kept the premises on which it is carried on enclosed with a closed fence and gates in good order and condition to a height of at least 6 feet.

5 Walls

- (1) A person shall not carry on a noxious trade or process thereof in a building unless:
 - (a) all walls of the building liable to be fouled by offensive matter are constructed of brick, stone or cement concrete;
 - (b) the internal surface of the walls and all columns, posts or piers in the building liable to be so fouled are rendered smooth with cement mortar or other material approved by the Chief Health Officer to a height of at least 6 feet from the floor level; and
 - (c) the angles and corners of all parts of the building liable to be so fouled are smoothly rounded.
- (2) If the Chief Health Officer approves, the walls of the building may be constructed on the half-timbered principle, that is to say, the walls to a height of at least 6 feet shall be constructed of brick, stone or concrete, and above that height the walls may be of wooden studding lined on the inside with an impervious smooth material.

6 Floors

Except as otherwise provided by regulation 21(a), a person shall not carry on a noxious trade or process thereof in any part of a building unless the floor of such part:

- (a) is constructed of cement concrete at least 3 inches thick laid on a firm and sufficient foundation;
- (b) is 3 inches at least above the general level of the adjacent ground surface;
- (c) is in good repair, impervious to water, and rat-proof; and
- (d) is graded evenly and is adequately drained to a drain or sewer in good order and repair.

7 Effluvia, dust, &c.

A person carrying on a noxious trade shall provide an apparatus or appliance capable of effectually controlling or destroying to the satisfaction of the Chief Health Officer all offensive vapour, gas, dust or effluvium arising from such trade or from any material, residue or other substance which may be kept or stored on his premises, and shall at all times while any such vapour, gas, dust or effluvium is being generated keep such apparatus or appliance in good working order and in operation.

8 Ventilation

A person shall not carry on a noxious trade in a building unless all parts of the building in which any noxious trade or process thereof is carried on are effectually lighted and ventilated to the reasonable satisfaction of the Chief Health Officer.

9 Drainage

- (1) A person shall not carry on any noxious trade or process thereof in any part of a building or place unless the drains and sewers thereof discharge into:
 - (a) the sewerage system if there is a sewer or drain available to which it may be connected;
 - (b) open ground divided into a series of plots for drainage in daily rotation situated where the effluent will not be or become offensive or injurious to health, such open ground being properly levelled, graded and cultivated or grassed; or
 - (c) some place approved by the Chief Health Officer.
- (2) Every person carrying on a noxious trade shall prevent any effluent fluids from flowing into any water table, creek, river or water supply unless it has been purified to the reasonable satisfaction of the Chief Health Officer.

10 Water supply

A person shall not carry on a noxious trade in any building or place unless there is available for use therein a constant supply of water in adequate quantities for washing and cleansing all parts thereof in which any noxious trade or process thereof is carried on.

11 Cleanliness

Every person carrying on a noxious trade shall keep or cause to be kept all parts of the building or place in which any noxious process of the trade is carried on or in which any offensive matter is kept or stored and all drains from or to the said parts in a clean condition and in a state of repair that will prevent the absorption thereof of any offensive matter.

12 Washing down

Every person carrying on a noxious trade other than the noxious trade of hide and skin drying, shall cause all walls, floors, benches, pavements and open drains of the part of the building in which a noxious trade or process thereof is carried on to be thoroughly

cleansed by washing down at the end of each working day, provided that in the case of a continuous process it shall be sufficient if they are thoroughly cleansed by washing down at least once in every 24 hours.

13 Storage and transport

Every person carrying on a noxious trade shall:

- (a) at the end of each working day have all offensive matter kept or placed in an impervious receptacle or place closed with tight fitting covers or doors, or in some other receptacle or place approved by the Chief Health Officer;
- (b) cause such receptacle or place to be kept closed at all times except when it is necessary for it to be open for any purpose of the trade; and
- (c) cause all waste matter to be removed or disposed of at the end of each working day.

14 Existing noxious trades

If at the time that the Act is applied to any part of the Northern Territory a person is carrying on a noxious trade in that part of the Northern Territory, no provision contained in regulations 4, 5, 6, 7, 8 or 9 shall apply to any part of the building or premises in which the said noxious trade is carried on or to any thing or appliance therein, if and so long as the Chief Health Officer is satisfied that such provision cannot reasonably be complied with owing to any shortage or scarcity of materials or supplies.

Part III Regulations affecting specific noxious trades

15 Additional Regulations

In addition to the Regulations contained in Part II, the following Regulations in this Part shall apply respectively to the noxious trades hereinafter specified.

16 Battery manufacturing

Every person carrying on the noxious trade of battery manufacturing shall cause all offensive or dangerous material awaiting treatment or distribution, and as far as possible while in course of treatment, to be stored in such a way as not to be offensive or dangerous to health.

17 Blood-boiling and blood-drying

Every person carrying on the noxious trades of blood-boiling or blood-drying shall cause the process of adding acid to blood or blood clots to be carried out at all times in a closed vessel made or lined with impervious material.

18 Bone-grinding

Every person carrying on the noxious trade of bone-grinding shall cause all bone-grinding mills, disintegrators, elevators, screens, and all other apparatus used in the crushing of bones to be at all times during use enclosed in dust-proof structures to the reasonable satisfaction of the Chief Health Officer.

19 Fellmongering

Every person carrying on any of the noxious trades of fellmongering, wool-scouring or tanning shall:

- (a) cause all surfaces immediately adjacent to pits or surfaces on which wet or moist skins, hides, wool-butts, pelts, wet or moist fleshings, roundings or other refuse material are or may be placed or dropped to be constructed of cement concrete;
- (b) cause all receptacles used for the soaking, washing or cleansing of any hides, skins, wool-butts, pelts or other such material, or for holding milk of lime, puer bate or tan liquor, to have their contents changed as often as may be necessary to prevent as far as practicable the emission of offensive gases, vapours and effluvia from the contents of any such receptacles and cause all such receptacles to be at all times maintained in a watertight condition; and
- (c) cause all sludge receptacles to be emptied of the sludge contained therein at least once in every 7 days and as frequently as may be necessary to enable such receptacles to function efficiently.

20 Gut-scraping

Every person carrying on the noxious trade of gut-scraping shall:

- (a) cause all gut-scraping and cleansing to be carried on in a separate room from that in which salting or spinning is done; and
- (b) cause all unclean guts to be removed from the spinning or salting room, and no person carrying on the said noxious trade shall suffer or permit any casing skin to be blown up by mouth.

21 Hide and skin drying

Every person carrying on the noxious trade of hide and skin drying shall cause:

- (a) the ground surface of every skin-drying shed to be formed of material presenting a hard, smooth, impervious surface at least 3 inches above the level of the adjacent ground surface and drained by means of impervious channels to effective silt traps connected to the sewerage system if available;
- (b) the roof of every skin-drying shed to be provided with guttering and downpipes for the effective disposal of storm waters; and
- (c) all hide and skin-drying sheds to be thoroughly cleansed by washing down immediately after all dried skins have been removed from the whole or any section of such shed, and before other hides or skins are placed therein, for drying, but in any event notwithstanding this provision every hide or skin-drying shed shall be thoroughly cleansed by washing down not less than once in every 3 months.

22 Marine store dealing

- (1) A person shall not carry on the noxious trade of marine store dealing unless the yards of the premises are consolidated and adequately drained.
- (2) Every person carrying on the noxious trade of marine store dealing shall cause all rags, second-hand clothing, textiles, fabrics, old bedding and other similar materials received on the premises where he carries on business to be immediately disinfected at a steam disinfector approved of by the Chief Health Officer or by a disinfectant process approved of thereby.

Part IV Miscellaneous**23 Fees**

- (1) The fee to be paid to the Chief Health Officer for a licence under these Regulations to carry on any one or more of the following noxious trades shall be \$10 for each separate premises on which such trade or trades are carried on:

Battery manufacturing, blood-boiling, blood-drying, boiling down, bone-grinding, fat-extracting, fat-melting, fellmongering, glue-making, Grape-acid working, gut-scraping, knackerling, soap and candle making, tallow-rendering, tanning, wool-scouring.

- (2) The fee to be paid to the Chief Health Officer for a licence under these Regulations to carry on the noxious trades of fishmeal-making or hide and skin drying shall be \$6 in respect of each separate premises on which either of such noxious trades is carried on. If both of such noxious trades are carried on upon the same premises the fee in respect of those premises shall be \$7.
- (3) The fee to be paid to the Chief Health Officer for a licence under these Regulations to carry on the noxious trade of marine store dealing shall be \$2 in respect of each separate premises on which it is carried on.
- (4) Subject to these Regulations, either or both of the noxious trades of fishmeal-making and hide and skin drying may be carried on upon any premises in respect of which a licence has been granted to carry on any of the noxious trades specified in subregulation (1) and the Chief Health Officer shall, subject to these Regulations, grant a licence therefor without payment of any additional fee.
- (5) Subject to these Regulations, the noxious trade of marine store dealing may be carried on upon any premises in respect of which a licence has been granted to carry on any of the noxious trades specified in subregulation (1) or (2) and the Chief Health Officer shall, subject to these Regulations, grant a licence therefor without payment of any additional fee.

24 Penalty

Any person committing a breach of any of these Regulations shall be liable to a penalty not exceeding \$1,000 and to an additional penalty not exceeding \$100 for any day during which any such breach is continued.

24A Regulatory offences

An offence of breaching regulation 4, 5, 6, 7, 8, 9, 12, 13, 17, 19, 20, 21 or 22 is a regulatory offence.

25 Notice by Chief Health Officer

- (1) If the Chief Health Officer receives a report from an authorised officer, the Chief Health Officer may, with or without further enquiry, serve a notice in writing upon any person carrying on a noxious trade upon any premises requiring:
 - (a) the removal or amendment of any condition found existing on the said premises necessary to comply with the Act or these Regulations;

- (b) such structural alterations or additions to be made on the said premises as may be necessary to comply with the Act or these Regulations; or
 - (c) the doing of any act or thing necessary to comply with the Act or these Regulations.
- (2) Every person carrying on a noxious trade upon whom a notice is served pursuant to this regulation shall comply with the requirement of such notice within the time specified by the Chief Health Officer in the said notice.

26 Cancellation of licence

The Chief Health Officer may cancel any licence which he has issued under these Regulations if the person to whom it is issued carries on a noxious trade on premises which do not comply with the *Public Health Act* or these Regulations, or carries on a noxious trade contrary to the provisions of the *Public Health Act* or these Regulations, provided that before the cancellation of the licence the Chief Health Officer has given to such person:

- (a) a notice in writing directing him to comply with the Act or regulations and he has not complied therewith within the time specified by the Chief Health Officer in the said notice; and
- (b) a reasonable opportunity of showing cause why the licence should not be cancelled.

27 Form of licence

A licence under these Regulations shall be in the form in the First Schedule hereto.

28 Register

A register shall be kept by the Chief Health Officer and shall be in the form in the Second Schedule hereto.

29 Application of Regulations

These Regulations shall apply to any area of the Northern Territory of Australia which is not declared by the Minister to be an exempt area by notice in the *Gazette*.

The First Schedule

regulation 27

Public and Environmental Health Act

LICENCE UNDER *PUBLIC HEALTH (NOXIOUS TRADES) REGULATIONS*

The Department of Health for the Northern Territory of Australia District of

hereby licenses _____ of _____

to carry on the noxious trade of _____

at the premises described in the Schedule hereto until the 30th day of June,
19 .

THE SCHEDULE

[Here describe premises]

Dated _____, 19 .

Chief Health Officer.

The Second Schedule

regulation 28

Public and Environmental Health Act

REGISTER OF LICENCES UNDER THE *PUBLIC HEALTH (NOXIOUS
TRADES) REGULATIONS*

Licensed by the Department of Health for District of _____

for the year ending 30th June, 19 .

Date of application	Dates and details of subsequent inspection or of cancellation of licence, if cancelled.
---------------------	---

Date of preliminary inspection for licensing

Date of licensing

Name

Address

Situation of premises

Noxious trade or trades to be carried on

Area of land

Nature of water supply

Condition of premises as to:

- (1) Cleanliness
- (2) Lighting
- (3) Ventilation
- (4) Drainage
- (5) General

Estimated number of employees

Means used for the disposal of solid or liquid refuse

Chief Health Officer of the Northern Territory.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
<i>Gaz</i> = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Public Health (Noxious Trades) Regulations (SL No. 15, 1960)***

Notified	14 December 1960
Commenced	31 December 1960 (<i>Cth Gaz</i> , 31 December 1960)

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

Amendments of the Public Health (Noxious Trades) Regulations (SL No. 47, 1978)

Notified	29 December 1978
Commenced	1 January 1979 (r 1)

Amendments of the Public Health (Noxious Trades) Regulations (SL No. 10, 1982)

Notified	12 March 1982
Commenced	1 May 1982 (r 1, s 2 <i>Public Health Amendment Act 1981</i> (Act No. 103, 1981) and <i>Gaz</i> G17, 30 April 1982, p 10)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Statute Law Revision Act 1987 (Act No. 9, 1987)

Assent date	27 May 1987
Commenced	27 May 1987

Amendment of the Public Health (Noxious Trades) Regulations (SL No. 46, 1996)

Notified	1 October 1996
Commenced	1 October 1996

Statute Law Revision Act 1997 (Act No. 17, 1997)

Assent date 11 April 1997
 Commenced s 16: 10 December 1997; rem: 1 May 1997 (*Gaz* G17, 30 April 1997, p 2)

Public and Environmental Health Act 2011 (Act No. 7, 2011)

Assent date 16 March 2011
 Commenced 1 July 2011 (*Gaz* S28, 3 June 2011)

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 4 *Amendments of the Public Health (Noxious Trades) Regulations (SL No. No. 47, 1978)*

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by s 11 of the *Ordinances Revision Ordinance 1973 (Act No. 87, 1973)* (as amended) to the following provisions: rr 3, 4, 5, 6, 14, 15, 19, 21, 23, 24, 25, 26, First and Second sch

5 LIST OF AMENDMENTS

r 3 amd No. 47, 1978, r 2; No. 10, 1982, r 2; Act No. 9, 1987, s 3; Act No. 7, 2011, s 147
 rr 4 – 5 amd Act No. 17, 1997, s 18
 rr 7 – 9 amd Act No. 17, 1997, s 18
 rr 13 – 14 amd Act No. 17, 1997, s 18
 r 18 amd Act No. 17, 1997, s 18
 rr 22 – 23 amd Act No. 17, 1997, s 18
 r 24 amd No. 46, 1996
 r 24A ins Act No. 68, 1983, s 33
 amd Act No. 7, 2011, s 147
 rr 25 – 26 amd Act No. 17, 1997, s 18; Act No. 7, 2011, s 147
 r 28 amd Act No. 17, 1997, s 18
 r 29 amd No. 47, 1978, r 3
 rr 30 – 31 amd Act No. 17, 1997, s 18
 rep Act No. 7, 2011, s 144
 sch 1 – 2 amd Act No. 17, 1997, s 18; Act No. 7, 2011, s 147