



**Health, Environment & Waste**

**COMPLIANCE STRATEGY**  
***LOCAL LAW 10 (Public Health) 1999***

**BUILDING OUR COMMUNITIES**  
**BUSINESSES AND PRIDE**



## Compliance Strategy for *Local Law 10 (Public Health) 1999*

The main purpose of the *Logan City Council Local Law 10 (Public Health) 1999* is to ensure that any act or omissions in Logan City do not result in:

- harm to human health or safety or personal injury; or
- property damage or a loss of an amenity; or
- environmental harm or environmental nuisance

The role of Local Government in relation to achieving the purpose of the legislation is:

- to require persons within Logan City to take reasonable precautions and care to minimise environmental harm, property damage or loss of amenity, and harm to human health or safety or personal injury; and
- To provide a mechanism for the assessment and resolution of nuisance complaints

### Compliance Objectives for Environmental Health

The objectives of the Environmental Health Program are to prevent, control and reduce risks to the environment and to public health, ensure that complaints are investigated in a fair and effective manner and to provide the public with relevant information in relation to their own responsibilities. In addition, the Environmental Health Program work alongside other regulators and policy makers (i.e. Department of Health, Local Authorities, Workplace Health and Safety Queensland etc) to ensure the overarching purposes of the legislation are achieved.

### Strategy for Compliance Activities

The Environmental Health Program will utilise this Compliance Strategy as a framework to undertake complaint investigations and proactive regulatory work to achieve the objectives outlined.

### Investigation of Customer Requests Regarding Alleged Non-Compliance with Local Law 10

The Environmental Health Program investigates customer requests relating to issues with the potential to detrimentally impact on the health and safety of the public. Issues investigated include environmental harm such as noise pollution, mosquito breeding, unclean swimming pools and vermin infestations. Officers will investigate the matter to assess the validity of the complaint and undertake appropriate enforcement action to ensure non-compliances are resolved in a suitable timeframe.

### Risk Assessment of Compliance Outcomes

The Environmental Health Program identified consistency in decision making, and in particular the adoption of appropriate enforcement tools, as being critical to the work

of the Program and to ensure they are an open, fair and transparent regulator (in accordance with the Queensland Ombudsman's framework). To foster greater consistency between individual officers, this Compliance Strategy for the *Logan City Council Local Law 10 (Public Health) 1999* has been developed.

This Compliance Strategy provides a framework whereby a risk-based assessment can be undertaken, based on the key outcomes of the investigation, to select the most appropriate enforcement tool to adopt. By utilising a risk-based framework it is possible to ensure that a consistent and transparent approach is utilised at all times in the selection of the most appropriate enforcement tool by the Environmental Health Program.

The *Logan City Council Local Law 10 (Public Health) 1999* Enforcement Matrix, utilises a risk assessment based on two distinct criteria. These are, the human health risk posed by the non-compliance and the likelihood of the responsible person to resolve the non-compliance in a suitable timeframe. Although the criteria are derived wholly independent of each other, when inputted together into the Enforcement Matrix, they produce a 'recommended enforcement option'. It is then expected that officers will adopt the 'recommended enforcement option' in regards to securing compliance. If however, an officer believes that an alternative enforcement option is more suitable than the 'recommended enforcement option', the officer must provide an evidence report to their supervisor outlining the reason for this decision. If the evidence report provides clear evidence that another enforcement tool would better secure compliance, then the 'recommended enforcement option' may be replaced with a more appropriate option.

Regardless of the enforcement action that may be required, the officer will always discuss the issues with the business operator / alleged offender. For some lower risk, first time offences, the officer may only provide verbal advice. However, if escalated enforcement action is recommended, the officers will explain this prior to it occurring. The Environmental Health Program is committed to being an open and transparent regulator that works with business operators / customers to achieve compliance.



**Local Law 10 (Public Health) 1999: Enforcement Matrix**

		HUMAN HEALTH RISK (Actual or Potential)		
		MINOR (low Risk)	MAJOR	CRITICAL (Very High Risk)
LIKELIHOOD OF COMPLIANCE (COMPLIANCE HISTORY/WILLINGNESS AND CAPACITY TO COMPLY)	CATEGORY A (Low Risk)	Verbal Advice	Compliance Notice Infringement Notice	Compliance Notice Infringement Notice
	CATEGORY B	Compliance Notice Infringement Notice	Compliance Notice Infringement Notice	Infringement Notice Compliance Notice
	CATEGORY C	Compliance Notice Infringement Notice	Infringement Notice Compliance Notice	Infringement Notice Compliance Notice Stop Order Prosecution
	CATEGORY D (High Risk)	Infringement Notice Compliance Notice	Infringement Notice Compliance Notice Stop Order Prosecution	Infringement Notice Compliance Notice Stop Order Prosecution

*Note 1: The enforcement options in the enforcement matrix are a guide only. Enforcement should be undertaken in accordance with the enforcement matrix and unless approval is obtained from the officer's line manager.*

*Note 2: Officers must always discuss the identified issues / offences and proposed actions with the business operator / alleged offender prior to any documentation / notices being delivered.*

*Note 3: Officers must always refer to the relevant legislation to determine whether a particular enforcement option (e.g. Infringement Notice) is permitted for a particular offence.*

*Note 4: If deviating from the above default enforcement options, the decision must be clearly documented and validated by the responsible officer*



### Levels of Human Health Risk (Actual or Potential)

#### MINOR (Low Risk)

- Legislative non-compliances which have the potential to result in a minor, temporary threat to human health. Minor non-compliances can be easily rectified.

#### Examples:

- Noise nuisances where compliance can be readily and easily achieved e.g. amending timer on a pool pump, turning down air conditioning unit etc.
- Unsatisfactory water quality in a residential swimming pool where the pool is still in a usable condition and/or the water can be readily treated e.g. pool structurally sound and free from sludge, but water quality has been allowed to deteriorate etc.

#### MAJOR (High Risk)

- Legislative non-compliances which have the potential to result in a significant threat to human health. Residents may not be able to readily fix major non-compliances.

#### Examples:

- Noise issues where it is believed that the noise levels experienced cannot be readily or easily reduced to compliant levels e.g. a non-compliant air conditioning unit which is operating at its lowest setting etc.
- Unsatisfactory water quality in a residential swimming pool where the pool is not in a usable condition and/or the water quality cannot be readily treated e.g. large amounts of sludge at bottom of pool, pool damaged but still ponding large amounts of water etc.

#### CRITICAL (Very High Risk)

- Legislative non-compliances which represent an imminent and significant threat to human health. Critical non-compliances represent a fundamental breakdown of public health which requires immediate corrective action.

#### Examples:

- Critical public health issues e.g. grossly excessive noise from an air conditioning unit, grossly excessive spillages of light causing significant loss of amenity or harm to human health etc.

### Categories of Likelihood of Compliance

(Compliance History/Willingness and Capacity to Comply)

#### CATEGORY A - Indications of future and ongoing compliance are high (Low Risk)

- No known occurrences of historic and/or current ongoing serious non-compliance;
- Good demonstrated awareness of and/or capacity to meet regulatory requirement; and/or
- Reasonable and cooperative attitude.

#### CATEGORY B - Indications of future and ongoing compliance are uncertain

- Few known occurrences of historic and/or current ongoing non-compliance; and/or

- Questionable awareness of and/or capacity to meet regulatory requirement.

#### CATEGORY C - Indications of future and ongoing compliance are low

- Numerous known occurrences of historic and/or current ongoing non-compliance; and/or
- Low awareness of and/or capacity to meet regulatory requirement.

#### CATEGORY D - No indication of future and ongoing compliance

- Historic and/or current wilful violation of regulatory requirement; and/or
- Little or no demonstrated willingness or capacity to meet regulatory requirement.

### Level of Action

#### VERBAL ADVICE

- Minor compliance issue that is expected to have a high level of compliance; and/or
- Unlikely to result in any imminent human health risk

#### COMPLIANCE NOTICE

- Minor non-compliance where there is doubt in relation to the likelihood of the responsible person to comply ; and/or
- May ultimately result in a serious human health risk if not resolved

#### STOP ORDER

- Critical, imminent risk to human health; and/or
- Known or expected ongoing legislative non-compliance

#### INFRINGEMENT NOTICE

- Evidence of previous, current and/or ongoing serious non-compliance indicating a low likelihood of compliance; and/or
- Wilful non-compliance; and/or
- Serious risk to human health if not resolved swiftly

#### PROSECUTION

- Critical imminent risk to human health; and/or
- Known or expected ongoing legislative non-compliance