

Council Policy 4.4.1 – Health Services Functions in Relation to the Environmental Protection Act 1986

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

Purpose

This policy establishes a framework for avoiding duplication of the provision of Health Services within the meaning of the *Environmental Protection Act 1986* given the obligations of Council pursuant to Section 3.18(3) of the *Local Government Act 1995*.

Definitions

Not applicable

Policy

The majority of the Shire's Environmental Health Services are provided under the provisions of the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, and the *Environmental Protection Act 1986*. Other Acts such as the *Caravan Parks & Camping Grounds Act 1995*, *Emergency Management Act 2005*, *Tobacco Control Act 2006*, and the *Liquor Control Act 1988* also influence service provision.

Unlike the performance of duties under the provisions of the *Public Health Act 2016* and the *Health (Miscellaneous Provisions) Act 1911*, there is no statutory power requiring local governments to provide premises monitoring, inspect, or investigate complaints under the provisions of the *Environmental Protection Act 1986*.

A number of these functions e.g. investigation of low level pollution complaints, show a high degree of overlap between the *Environmental Protection Act 1986* and Council's Local Laws. It is acknowledged however that the Shire Environmental Health Officers have been appointed as Authorised Persons and Inspectors under section 87 and 88 of the *Environmental Protection Act 1986* by the CEO of the Department of Water and Environment Regulation.

Council Functions in Relation to the *Environmental Protection Act 1986*

Council having considered the provisions of Section 3.18(3) of the *Local Government Act 1995* and the nature of Environmental Health Service relating to matters regulated by the *Environmental Protection Act 1986*, and is satisfied that the Shire of Serpentine Jarrahdale will not be responsible for investigating matters relating to Licensed Premises under the *Environmental Protection Act 1986*, as this service duplicates a service provided by another body or person.

Having considered the provisions of Section 3.18(3) of the *Local Government Act 1995* and the nature of Environmental Health Service relating to matters regulated by the *Environmental Protection*



Act 1986, the Shire's Authorised Officers and Inspectors will only undertake the service where it does not inappropriately duplicate services provided by any other body or person, and will continue to:

- Assess and respond to noise pollution and administer the requirements of the *Environmental Protection (Noise) Regulations 1997* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*;
- Assess and respond to unauthorised discharges and administer the requirements of the *Environmental Protection (Unauthorised Discharge) Regulations 2004* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*.
- Investigate low level pollution which can be dealt with by the Council under its Local Laws but where a matter becomes too complex, requires expertise, or resources beyond which the Council could reasonably expect to provide it will be referred to the Department of Water and Environmental Regulation for investigation.



References

Name of Policy	4.4.1 Duties Relating to the Environmental Protection Act 1986			
Previous Policy	ED203 - Duties Relating to the Environmental Protection Act 1986 (E15/5096)			
Date of Adoption and Resolution Number	Adopted	SM047/02/02	25/02/2002	
Review dates and Resolution Numbers	Reviewed	SM047/05/04	24/05/2004	
	Modified	CGAM050/12/08	15/12/2008	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Modified	OCM179/12/17	18/12/2017	Ordinary Council Meeting
Next review date				
Related documents	<p>Acts/Regulations <i>Local Government Act 1995</i> <i>Environmental Protection Act 1986</i> <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Public Health Act 2016</i></p> <p>Plans/Strategies Strategic Community Plan 2017 - 2027</p> <p>Policies Nil</p> <p>References Nil</p> <p>Delegations Nil</p> <p>Work Procedures Nil</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.