

Module	<b>QLG – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES</b>
Jurisdictions	<b>QLD</b>
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## Module Application

Queensland local government bodies, authorised local government individuals and all local government employees should be subscribing to this module.

The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module informs Queensland local government bodies and their employees of their duties and obligations for dealing with public health and other community services within the designated local government area including notification and regulatory obligations.

The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module covers all obligations and regulations derived from Commonwealth and Queensland state legislation of Queensland local government bodies managing public health and other community services in their local government area. The module provides the practical assistance and guidance to ensure these obligations are complied with by demonstrating the establishment and maintenance of best practice processes. The module also covers potential exemptions to the obligations, where applicable, and how they may or may not apply in particular instances.

The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module provides answers to these questions as they apply to the provision of public health and other community services in designated Queensland local government areas;

- › Does this matter affect public or environmental health or pose a public health risk?
- › Are all reasonable, practicable and required steps being taken to protect the community and the environment from public health risks?
- › Are the needs of the whole community including people with a disability or vulnerability being considered?
- › Are employees, officers and authorised persons fully trained, qualified and equipped to administer their responsibilities in accordance with the law?
- › Is infrastructure secure and safe?
- › What will happen in a disaster or emergency?
- › Are required records being accurately kept and maintained?
- › Are public interest disclosures made in accordance with requirements?
- › Are funds utilised according to any conditions imposed?

- › What are the consequences of local governments breaching legal obligations?

The legislative and regulatory basis of obligations covered by the module include the following Commonwealth and state acts as well as related rules, regulations and designated regulatory bodies. The two main acts governing Queensland local government regulation of public health and other community services are;

- › Local Government Act 2009 (QLD);
- › Governs the nature and extent of a local government's responsibilities and powers and provides for a system of local government in Queensland that is accountable, effective, efficient and sustainable. The act also provides the basis for administration of local government services to ensure the best interests of the local government area are maintained;
- › Public Health Act 2005 (QLD);
- › Aims to protect and promote the health of the Queensland public by providing basic safeguards necessary to protect public health through cooperation between state government, local governments, health care providers and the community. The act provides for the prevention, control and reduction of public health risks by imposing obligations intended to minimise risks, control current public health risks and prevent the occurrence of future public health risks.

In conjunction with the two main legislative sources of obligations there are numerous additional acts that govern Queensland local government administration of public health and other community services including;

- › Disability Discrimination Act 1992 (Cth);
- › National Disability Insurance Scheme Act 2013 (Cth);
- › Public Interest Disclosure Act 2010 (QLD);
- › Animal Management (Cats and Dogs) Act 2008 (QLD);
- › Anti-discrimination Act 1991 (QLD);
- › Biosecurity Act 2014 (QLD);
- › Child Protection Act 1999 (QLD);
- › Civil Liability Act 2003 (QLD);
- › Crime and Corruption Act 2001 (QLD);
- › Criminal Code Act 1899 (QLD);
- › Disability Services Act 2006 (QLD);
- › Disaster Management Act 2003 (QLD);
- › Food Act 2006 (QLD);
- › Public Health (Infection Control for Personal Appearance Services) Act 2003 (QLD);
- › Public Records Act 2002 (QLD);
- › Right to Information Act 2009 (QLD);
- › State Penalties Enforcement Act 1999 (QLD);
- › Tobacco and other Smoking Products Act 1998 (QLD);
- › Water Supply (Safety and Reliability) Act 2008 (QLD); and
- › Working with Children (Risk Management and Screening) Act 2000 (QLD).

The specific public health and other community services obligation areas for Queensland local government that are comprehensively covered by the module include;

- › To protect the environmental health of the local government area. This requires local governments to continuously monitor and act to prevent, control and reduce public health risks by;
- › Appointing environmental health officers (EHOs), environmental health workers (EHWs), and authorised persons to enforce compliance with laws;
- › Issuing public health orders, enforcement orders, and prescribed infringement notices;
- › Establishing authorised prevention and control programs, approved inspection programs, and warrants;
- › The seizure of items; and
- › Identifying and administering public health risks.
- › To take measures intended to prevent and control public health risks which may result from;
  - › Unsafe drinking water;
  - › Recycled water that is not fit for its use;
  - › Asbestos;
  - › Mosquitos;
  - › Rats and mice;
  - › Vaccine preventable conditions;
  - › School based vaccination programs; and
  - › Clinical and related waste.
- › To minimise the risk of infection stemming from the provision of both higher risk and non-higher risk personal appearance services within the local government area by appointing authorised persons to exercise their powers to ensure compliance with relevant infection control laws.
- › To administer and enforce responsibility for offences relating to food and the provisions of food services in the local government area by;
  - › Having regard to the division of responsibilities;
  - › The licensing of food businesses,
  - › Auditing of accredited food safety programs; and
  - › Appointing authorised persons for food safety enforcement.
- › To administer and enforce supply and consumption of tobacco laws intended to reduce exposure to tobacco in the local government area by appointing authorised persons to exercise appropriate regulatory powers.
- › To support disability rights in the local government area by;
- › Meeting the criteria for approval to provide services or supports under the National Disability Insurance Scheme;
- › Undertaking disability inclusion planning;
- › Conducting screening and management of engaged persons and employees providing disability services;
- › Undertaking positive behaviour support; and
- › Complying with restrictive practices legislation.
- › To administer and enforce state legislation relating to the management of animals and pets in the local government area by;
  - › Regulating the keeping of animals; and
  - › Appointing authorised persons to exercise powers and implement approved inspection programs and controls.
- › To effectively manage disasters and emergencies in the local government area by;
- › Taking preventative actions;

- Preparing and planning;
- Appropriately responding;
- Taking recovery action;
- Providing targeted support to people with vulnerabilities; and
- Seeking financial assistance.
- To effectively manage biosecurity events and risks in the local government area by;
- Authorising biosecurity programs; and
- Appointing qualified authorised persons.
- To administer and manage record keeping and public interest disclosures in a systemic, accountable and transparent manner intended to prevent corruption, maladministration and misuse of public resources by employees and officers.

If the Queensland local government entity has failed to meet its legal obligations to the community or the state of Queensland there may be a further requirement to communicate this failure with the affected parties and take every reasonable step to prevent reoccurrence of the failure. The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module covers actions designed to ensure compliance with legal obligations and specific actions by local government that are designed to avoid breaches or failures.

Continued failure to meet legal obligations in relation to the administration of public health and other community services may result in the imposition of significant legal consequences. Penalties that apply to the local government body are, in some cases, also applicable to authorised persons who permitted the offence to occur. Such penalties can include substantial pecuniary penalties as well as criminal penalties resulting in imprisonment. The range of specific consequences that may be imposed are covered in detail in the module.

The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module provides comprehensive coverage of the legal obligations of Queensland local government entities managing public health and other community services. It does not cover the procedures or processes to be followed by individuals or entities relying on local government public health and other community services if the local government commits a breach of these obligations and duties.

The local government is generally responsible for all public health risks within the designated local government area however there is an exception in that public health risks posed by lead and paint are instead enforced by the Queensland Health Department. The *QUEENSLAND LOCAL GOVERNMENT – PUBLIC HEALTH AND OTHER COMMUNITY SERVICES* module does not cover the public health risk posed by lead and paint.

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