

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

Responsible Directorate	Development Services
Responsible Business Unit/s	Health, Building and Community Safety
Responsible Officer	Manager Health, Building and Community Safety
Affected Business Units	Environmental Health

Objective

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 the Shire of Serpentine Jarrahdale (the Shire) pursuant to the *Local Government Act 1995*.

Scope

This policy applies to all Environmental Health Services provided by the Shire in relation to the *Environmental Protection Act 1986*, as it pertains to the obligations and powers of the Shire under the *Local Government Act 1995*.

Policy

Introduction

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 Products 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 monitor premises, 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 sections 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 has 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 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.

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 Shire under its Local Laws but where a matter becomes too complex, requires expertise, or resources beyond which the Shire could reasonably expect to provide it will be referred to the Department of Water and Environmental Regulation for investigation.

Definitions

Not applicable.

Related Documents

- Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Environmental Protection Act 1986*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		24 May 2004	SM047/05/04
Version	Date	Resolution Number	Amendment Details
2	15 December 2008	CGAM050/12/08	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5	17 March 2025	OCM068/03/25	New template and minor wording changes.