



City of
Mount Gambier



Public Health Complaint Kit

Environmental Health

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1. ENVIRONMENTAL HEALTH

1.1 Introduction

Environmental Health – The interaction between the environment and the health of populations of people. The balance between people and the environment.

This includes the safety and prevention of communicable disease, injury and harm to the community. Food safety, suitable food and steps to reduce the incidences of preventable illness, injury and disability are the aim of related Acts and Regulations administered by Council's Authorised Officers. Council is limited by the powers it can exercise within the legislation in which it is the relevant authority. Other agencies maybe the relevant authority and your referral to them may be required. This includes, but not limited to raw meat products / egg production to Biosecurity – PIRSA, tobacco and labelling issues to SA Health.

The introduction of the *SA Local Nuisance and Litter Control Act 2016* clears confusion for reporting such issues as noise, odour and dust. If the nuisance is from an EPA licenced activity the report is to be made to the EPA. Other complaints relevant to *SA Local Nuisance and Litter Control Act 2016* are not captured under this document.

Our community is made up of people who are at different stages in their lives and who have different life experiences, beliefs and expectations. Therefore, your neighbour or service provider may have a different way of living or operating than you would live or provide a service. When the issue is related to the domestic environment issues may only be addressed by Council if they trigger a breach in the relevant legislation (see 1.2).

Service providers who are captured by the legislation are required to comply and Council conducts regular inspections to check on compliance or receives independent audit reports from the relevant sectors.

1.2 Aim of the kit

This tool kit is aimed to assist with complaints that are of an Environmental Health nature and are captured under the **SA Public Health Act 2011** and the associated Regulations, Standards, Codes and Guidelines such as:

- Unhygienic public pool/spa, hair, beauty and skin penetration premises
- Unsafe and unsanitised/unsterilised equipment in the hair, beauty and skin penetration industries
- Water quality at public pool and spa premises
- Water quality with High Risk Manufactured Water Systems (HRMWS)
- Challenging living conditions (squalor / hoarding)

1.3 Complaints not relevant to this document

Due to different legislation, delegation and authority requirements the following complaint types are regulated by Council's:

General Inspectors

- Animal keeping (eg *chickens, dogs*) - See barking dog complaint kit at Council if relevant
- Bees / wasps
- Long grass / vegetation – see long grass assessment scale on Council's website
- Abandoned vehicles
- Please note there are no laws on cat numbers

Planning Officers - Nuisance (unsightly) properties

If your complaint falls within the scope of the General Inspectorate or Planning categories this document is not applicable and the relevant Council Officers should be contacted.

2. **HOW TO GET RESULTS – WHAT CAN YOU DO?**

2.1 **Your complaint check list**

- Is the complaint your experience?
Cannot be “here say” from another person or a social media post (eg Facebook).
- Is the issue or source within the City of Mount Gambier Council area?
Officers can only investigate complaints within City of Mount Gambier Council area.
- Is it regarding Public Health as prescribed in section 1.2?
If yes, read on. If no, refer to relevant department or agency.
- Is it regarding Food Safety as prescribed in section 1?
If yes, refer to the Food Health complaint kit.
- Is the issue or source in a domestic or business environment?
Refer to relevant sections.
- Is it a new complaint?
*If **no**, what has changed to trigger another investigation? If nothing has changed no further action will be taken.*

2.2 **Public health – Domestic Environment**

Neighbours can help each other to solve problems by communicating with each other, to voice their concerns and needs. Neighbours can assist by identifying what is happening in the area when the issue occurs.

Approaching the property occupier should be the first step when the problems first arises and state your case clearly and politely. Explain the situation to your neighbour. They may not even be aware of the issue. It could be occurring when the occupier is away, or they may have become desensitised to the issue and not be aware of the effect it is having on others.

Do this with the aim of having the issue resolved amicably. Avoid finger-pointing or accusing anybody of failed responsibility, neglect or the like.

Pests (e.g. rats, mice, cockroaches)

Rats and mice

Rats and mice are part of the natural environment and suburbia provides shelter and food sources. They are a year round pest but can seek warmer shelter in the autumn and winter seasons. If these pests are present the onus is on the property owners / occupiers to implement their own pest control management programs. It is recommended you seek pest controller advice if on going.

Please read the SA Health Feral Rodents: Prevention and control fact sheet on Council's website (*see resources list*) before lodging your complaint with the required diary. Ensure you complete the actions taken with the property occupier. If each of these steps are not taken or included in the complaint action may not be undertaken by officers.

NB: *Bush Rats are a protected species and are in the Mount Gambier area.*

Pest Complaints

A diary is to be used for complaints implicating pests for further action to be taken.

How to complete the diary if required

Your attention and accuracy in recording the rat/mice/pest issue is of extreme importance as it may be used as evidence. Please create a detailed diary over a 10 day period (Appendix 3) and attach the diary to Public Health Complaint Form (Appendix 1).

Completed forms must be returned to Council within 7 days of the last date recorded in the diary or Council cannot take action and another diary will need to be completed. Once the diary is completed provide the property occupier with a copy of the diary contained in this kit. If the person is unapproachable, or you are not comfortable approaching them, try placing the "Dear Neighbour" letter included in this kit, into their letterbox including any tips and times that may assist to resolve the complaint.

If the neighbour takes no action (we ask that you gauge what happens within 2 weeks of speaking or sending the "Dear Neighbour" letter), or does not agree that a problem does exist, please complete the Public Health Complaint Form and return to Council for an authorised officer to assess.

NB: *In the majority of cases the solution can be found by communicating with the property occupier and should be sought prior to lodging a complaint with Council.*

Mould

Mould is part of a group of very common organisms called fungi that also include mushrooms and yeast. It is present virtually everywhere, both indoors and outdoors. Mould may grow indoors in wet or moist areas lacking adequate ventilation, including walls, wallpaper, ceilings, bathroom tiles, *carpets (especially those with jute backing)*, insulation material and wood. If moisture accumulates in a building mould growth will often occur. Many different types of mould exist and all have the potential to cause health problems. If you are the property owner/occupier the onus is on you to take the necessary steps to remove and prevent mould. If you have mould in your house please refer to the resource list for further information.

If you *rent* the property and all actions have been taken by you and the mould persists contact your landlord or rental agent. Referring the complainant to relevant housing agencies (eg Housing SA, Housing Safety Authority) and fact sheets is the service provided by Council for this complaint type. Only severe cases may trigger further action which may result in occupants being advised to move.

Domestic squalor

Squalor describes an unsanitary living environment that has arisen from extreme and/or prolonged neglect and poses substantial health and safety risks to people or animals residing in the affected premises and to the wider community. The conditions must trigger a severe domestic squalor rating for Council's authorised officers to take further action. The SA Health Severe Domestic Squalor Assessment Scale is one tool used to make the assessment. Please see the resource list and undertake your own assessment. If your assessment achieves a result of 12 or higher please attach a completed copy, a clutter scale indicator (if relevant) and photos (with consent of implicated person) with the Public Health Complaint Form. Further information is available on the resource list.

Clutter & long grass / vegetation

Before complaints are lodged with Council regarding Clutter & Long grass / vegetation please check the image rating scales highlighted in the resource list of this kit.

No further action may be undertaken unless the standard is regarded a hazard by authorised officers reviewing evidence eg relevant scales / photos. In some cases notification to the MFS is made due to the increase fire risk on the property.

2.4 Public Health - Commercial businesses & service providers

Council inspect the following service providers (includes home based businesses).

- Hair, Beauty, Body Modification / Skin Penetration Business
- Public Accessible Pool & Spa Premises
- A premise involving a High Risk Manufactured Water System (Cooling Tower or Warm Water System)

See the resource list in this kit for guidelines on the activity of which you are concerned. You are encouraged to speak to the responsible person in charge of providing the service in the first instance. If you believe the service provider is still not complying please complete the Public Health complaint form and identify the breach to the guidelines.

NB: The contact detail(s) of the implicated business is required. A social media post (eg Facebook) is **not** considered contact details or your experience of an alleged breach.

3. LODGE A COMPLAINT WITH COUNCIL

If after reading all relevant sections of this kit you wish to proceed then forward your completed Complaint form (see below) and attachments (eg diary if required, assessment scale, photos) to:

Environmental Health
City of Mount Gambier
P O Box 56
MOUNT GAMBIER SA 5290

Email: city@mountgambier.sa.gov.au
Phone: (08) 8721 2555
Fax: (08) 8724 9791
Or in person at 10 Watson Terrace, Mount Gambier

3.1 Public Health Complaint

Domestic Environment

To lodge a complaint with Council you must first show that you have spoken with your neighbour(s) / property occupier(s) and have tried to resolve the problem with them.

Then you can start the procedure for lodging a public health complaint as follows:

- a. Identify the correct address of the implicated property.
- b. Complete the Public Health Complaint Form included in this kit.
- c. If applicable (see 2.3), keep a diary for a period of 10 days (noting the date, where, type, number etc in that time period) OR complete an assessment scale of the issue.
- d. Forward to Council the Public Health Complaint Form and if applicable your completed (10) day diary signed and dated by you.
- e. Continue to keep a diary, if a diary is required, as this will monitor whether the problem continues or improves, as a result of any action taken. It can also be used as further evidence for expiations, orders or legal proceedings should this be required.

Commercial businesses & service provider

- a. Identify the correct address of the implicated property.
- b. Complete the Public Health Complaint Form included in this kit.
- c. Identify the alleged breach in the relevant guidelines
- d. Forward to Council the Public Health Complaint Form

4. WHAT WILL COUNCIL DO?

Council's will:

- a. Initiate assessment of the complaint form and attached evidence eg diaries, photos, assessment scales within 3 working days unless extenuating circumstances occur.
- b. Contact the complainant and acknowledging the complaint has been received by Council and advise the assigned customer request number (CRM).
- c. Check history of implicated property/business/service provider.

- d. If applicable, confirm that other residents are being affected and possibly ask them to fill out a diary.
- e. If not a service provider complaint, advise the implicated person of the formal complaint and discuss possible solutions and strategies they can implement. Inform the owner of their responsibilities.
- f. Inspections may be undertaken on domestic property if deemed necessary as part of the assessment. This may include access to the complainant's property and photos / videos maybe taken and interviews conducted.
- g. If a service provider is implicated and potential breach to legislation / guidelines is identified Council may conduct an unannounced compliance inspection and advise the responsible person of the alleged nature of the complaint.
- h. Council may request further information to be provided.
- i. In the event of a pest complaint, a letter may be issued to neighbouring properties recommending a joint approach to pest control.
- j. Council may have powers to expiate (*fine*) or serve a Notice or Order (*a legal document*) to take reasonable steps to mitigate the Environmental Health issue, depending on the complaint type.

If Council believes that there is a genuine problem and the implicated person / service provider is cooperative, the authorised officer will work with them to help resolve the issue. This may mean referring to other agencies.

5. **WHAT HAPPENS IF THE RESPONSIBLE PERSON DOESN'T COOPERATE?**

If the responsible person refuses to cooperate, the process becomes more formal.

Depending on the complaint type, Council may have power to expiate (*issue fines*) or to serve Notices or an Order (*a legal document*) served on the owner / occupier / service provider to take all reasonable steps to abate the nuisance / issue or comply with legislation / guidelines.

This is in accordance with the provisions of the SA Public Health Act 2001. The person(s) who the legal document has been served have a right to appeal an expiation fine, Notice or Order.

If the Order is implemented and subsequently contravened, the City of Mount Gambier Council can take steps to give effect to the Order.

6. **LEGAL ACTION**

Legal Action is only considered if all other avenues have failed to resolve the issue.

Council may commence legal action if;

- a. The alleged offender is not complying with legislation and Council's requests and;
- b. The complainant (you) is prepared to support their evidence in Court.

If, at any time, Council believes that you are not taking an interest in the complaint and have not undertaken what Council has reasonably requested of you, the complaint review process may be terminated and you may have to take civil action to seek a remedy (at your cost).

Legal action is not automatic and is dependent on a legal assessment of each case with the level of evidence provided. Should Court action proceed you may be required to appear as a witness. At this time, if you do not wish to proceed, Council may terminate its investigation and all actions in this complaint.

It may also take time to obtain a hearing date at Court, during this time it is important, if applicable, to keep an up to date record of the issue and the affect it has on you. The relevant complaint form must be completed in full, signed and dated and then returned to the Council so an assessment can be undertaken. If required in section 2.3 attach a completed diary.

7. **PRIVACY**

The City of Mount Gambier is collecting personal information on the form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to any other party except as required or allowed by Law (*see relevant section in the aforementioned Acts*). If the information is not provided action may not be taken by Council.

8. **RESOURCE LIST**

The comprehensive list below is not exhaustive of related sources of information and does not replace independent research. Please refer to the following resources relevant to your complaint type before completing a complaint form.

Public Health

- SA Health - Public Health Fact Sheets (eg mould, rats) & Animal Contact Guidelines
- Depart. of Health Guidelines on the Public Health Standards of practice for Hairdressing
- Depart. of Health Guidelines on the Safe & Hygienic Practices of Skin Penetration
- Limestone Coast Directory for a list of local welfare services
- Catholic Community Services - clutter image rating scale
- City of Mount Gambier - Long grass assessment scale
- Housing Improvement Branch – The Office of Housing Regulation Brochure (AR14/47757)
- SA Health – You’ve got what? A list of communicable diseases, symptoms & prevention advice
- SA Health - A Foot in the Door – stepping towards solutions to resolve incidents of severe domestic squalor in SA
- SA Health - Severe Domestic Squalor Assessment Scale (“A Foot in the Door” Guideline)

The above information and more can be found at the following websites

- www.dcsi.gov.au/housing-sa
- www.environment.sa.gov.au
- www.epa.sa.gov.au
- www.hoardingandsqualorsa.com.au
- www.limestone.servicesdirectory.org.au
- www.legislation.sa.gov.au
- www.lsc.sa.gov.au
- www.mountgambier.sa.gov.au – Under Services/Regulatory tabs see Public Health pages
- www.sa.gov.au/topics/housing
- www.sahealth.sa.gov.au
- www.sawater.com.au



Health Impact Assessment (HIA) Public Health Complaint

This form is only to be completed and lodged once the Environmental Health - Food & Public Health Complaint Kit has been read and understood.

A Health Impact Assessment (HIA) has the purpose of giving direction to the assigned Authorised Officer for the investigation, management and subsequent resolution of complaints made pursuant to the South Australian Public Health Act 2011.

Council will take into account the details of the complaint, and also:

- Council's statutory powers;
- negative health impacts that have arisen;
- negative health impacts that may arise;
- good administrative practices;
- the result of any Risk Assessment that may be conducted;
- involvement of outside agencies (as appropriate);
- opportunities for negotiation/mediation/conciliation; and,
- other factors, as appropriate.

<p>Complainant Contact details required</p>	<p>Date:</p> <hr/> <p>Name:</p> <hr/> <p>Address:</p> <hr/> <p>Phone: Mobile:</p> <hr/> <p>Email:</p> <hr/>
<p>Basis of Complainant Description of the circumstances, frequency, severity, source/cause of the complaint, general issues etc. on which the complaint is based. (how, why, where & when)</p>	<p>Location:</p> <hr/> <p>Details:</p> <hr/> <hr/> <hr/>
<p>What best describes your complaint type</p>	<p><input type="checkbox"/> Domestic squalor/hoarding/vermin</p> <p><input type="checkbox"/> Hair/Beauty/Skin Penetration Premise Operator</p> <p><input type="checkbox"/> Public Pool/Spa</p> <p><input type="checkbox"/> Onsite Wastewater Systems</p> <p><input type="checkbox"/> Other</p>
<p>Negative health impacts experienced Please describe</p>	<hr/> <hr/>

Negative health impacts that may arise If no negative health impact has arisen, however, you deem precautionary action is needed, please provide details.	
What actions, if any, have you already taken to resolve this situation? Eg. I have put down rat bait but I still have rats. I have spoken with the persons involved but they would not co-operate.	Resolution: talking and educating persons involved / inspecting premises / undertaking enforcement action if appropriate / mediation (by external organisation) Enforcement Action: by the exercise of Council's statutory powers Service of Notice or Prosecution. (if found to be a severe offence) Other (please describe): _____ _____
Expectation of Council Please indicate what manner of response you want Council to take on your behalf.	
Verifiable evidence If Enforcement Action is deemed appropriate, verifiable evidence will be necessary to allow Council to satisfy the rules of evidence that will apply during any legal action that may arise. Please supply details. Eg. Photos NOTE: It is recognised that the verifiable evidence required to validate Enforcement Action may arise from the authorised officer's investigation.	
Enforcement Action If Enforcement Action is deemed appropriate, are you willing to attend Court and give evidence?	Yes No (Circle as applicable)
	The above information that I have provided is true and correct. There is no further information that is relevant to this matter that I am aware of. Complainant Name: _____ Date: _____ Complainant Signature: _____

Please return to Council:

Email or	city@mountgambier.sa.gov.au
Postal or	PO Box 56, Mount Gambier SA 5290
In Person	Civic Centre, 10 Watson Terrace, Mount Gambier

DEAR NEIGHBOUR LETTER

Date: / /

Dear Neighbour,

You may not be aware but I believe _____
is currently causing a public health issue in the neighbourhood.

I have contacted the City of Mount Gambier Council and they have suggested that I express my concern to you, to allow you the opportunity to rectify the situation without recording an official complaint. They are more than happy to talk with you and possibly come up with strategies to alleviate this problem.

There is an Environmental Health – Food & Public Health Complaint kit available at the Council that may be helpful to you. It is also available on Council's website at www.mountgambier.sa.gov.au

Your cooperation at this stage is all that is needed to avoid this matter progressing further.

I thank you for your time.

Regards

Your Neighbour

