

COVID-19 Roadmap to easing restrictions

Local government guideline - July 2020



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Introduction

On Friday 8 May 2020 the Premier Anastacia Palaszczuk released Queensland's Roadmap to Easing COVID-19 restrictions. The Roadmap outlines a staged approach to giving Queenslanders more freedom to travel, participate in more activities and hold more gatherings.

The [Roadmap to easing restrictions](#) web site provides access to important information and resources about how businesses will keep COVID safe as restrictions are eased.

This Guideline has been developed to assist local government identify their role with regard to the easing of COVID-19 restrictions through the establishment of a set of overarching principles to apply to the monitoring and enforcement activities for of COVID-19 restrictions to provide a consistent approach for regulators.

Enforcement of the [Chief Health Officer Public Health Directions](#) (Public Health Directions) is based on three principles:

1. The integration of COVID-19 restrictions monitoring and enforcement into normal compliance activities and in a manner which recognises local governments existing inspection regime and their resourcing constraints.
2. Risk-based compliance based on public health threat as identified in the local plan.
3. The use of a graduated, proportionate response to enforcement with an emphasis on education.

Queensland Health remains the lead agency for enforcement of Public Health Directions, and as such, is coordinating the various agencies' enforcement effort at the local level.

Queensland's plan to ease restrictions is being implemented in a staged way to gradually increase people's interactions and contact with one another across different settings, while still ensuring contact tracing is manageable, if required.

Successfully achieving public health and economic benefit will require a collaborative effort across the entire community, including government, both state and local, as well as community and industry involvement.

The purpose of this Guideline is to outline how local government and state regulatory agencies can work together to achieve successful and safe reopening of the economy.

Principles for compliance and collaboration

It is acknowledged that local government have a critical role in undertaking and promoting community and business compliance with the [Chief Health Officer Public Health Directions](#) (Public Health Directions) and COVID-19 restrictions. To achieve this shared outcome, we are seeking to work together based on the following principles:

- Promote compliance through engagement and education in the first instance:
 - Voluntary compliance with directions is the single most critical component to the success of any public health strategy.
 - Education, communication and support from all levels of government is key to this success and is therefore the most important area and opportunity for local governments to assist.
- Efficient alignment of compliance activity with existing regulatory responsibilities, including issuing of licences and permits where possible:
 - Current local government responsibilities include regulating certain business activities as part of devolved legislation and local laws.
 - The regulatory approach being undertaken should align existing compliance activity with the Roadmap to easing restrictions and Public Health Directions in a manner which recognises the resourcing demands currently upon local government.
 - Monitoring and enforcement should relate to customary functions (e.g. Environmental Health Officers are not expected to regulate parks if this is not part of their normal duties).
 - The use of a graduated, proportionate response to enforcement with an emphasis on education (see supporting document “COVID-19 Enforcement Framework”).
 - When considering applications and permits, there is an opportunity to integrate practical consideration of requirements identified in the Roadmap to easing restrictions and Public Health Directions (e.g. if approving a wedding in a park, the approval can incorporate restrictions on the number of persons in attendance).
- Locally driven compliance:
 - Compliance activity is being developed through local plans developed collaboratively with state government agencies and coordinated by local Hospital and Health Service Public Health Units (PHUs)
 - Locally driven compliance allows for consideration of local circumstances such as the nature of local businesses, and availability of local compliance resources.
- Risk based compliance programs and complaint response
 - Whilst it is acknowledged that the community expects restrictions to be enforced, as a response to these new requirements, all regulators understand that both compliance programs and responses to complaints require a risk- based approach.

- Priorities need to be determined locally for all agencies based on priorities, the level of threat to human health, evidence of non-compliance and available resources.
- Self-management of COVID-19 requirements in local government services:
 - Local Governments can show community leadership by demonstrating how services can be operated in a COVID safe way. Therefore, it is critical that services operated by the local government (e.g. libraries) are required to have workplace health and safety plans.
 - It is also expected that these services will ensure compliance with COVID-19 requirements, particularly with respect to hygiene and social distancing.
 - It is expected that local governments will be able to ensure compliance with these requirements by staff and the public as part of the normal operation of the facility.
- Promote community confidence through reporting:
 - Information in relation to local government COVID-19 activities and enforcement is to be provided to PHUs for collation.

Enquiries, complaints and compliance monitoring relating to COVID-19 directions

Monitoring

Local government have a unique role in the management of public health within their community, through the administration and enforcement of devolved State legislation, and enforcement of local laws, as well as the provision of services to their community.

The impacts of COVID-19 are widespread and have impacted many facets of our everyday life. It is therefore understood that COVID-19 monitoring will not be undertaken in isolation, but as part of normal local government monitoring and inspection processes.

It is anticipated that compliance activities associated with the [Public Health Directions](#) will be evolving over the duration of the Roadmap.

To determine local hot spots, PHUs will be working collaboratively and closely with local governments in coordinating a local compliance plan/approach and will liaise across local agencies to develop a monitoring and enforcement approach appropriate to the local area.

There are some businesses not subject to local government controls e.g. nail salons, and in those instances, the ability of each local government to actively undertake COVID-19 monitoring and enforcement will be based on local resourcing.

Complaints management

There may be occasions when members of the public visit a business that doesn't meet the [Public Health Direction](#) requirements. Complaints relating to non-compliance with Public Health Directions will be received by the State. Where it is deemed that a local government is the appropriate agency to handle such a complaint, the complaint will be referred to the local government. The ability for each local government to take follow-up enforcement action will depend upon the circumstances of each local government.

The local approach to complaints can be incorporated in the local compliance planning being coordinated by local PHUs.

The referral process for investigation of complaints for non-compliance with the Public Health Directions for COVID-19 restrictions is listed in the Supporting document COVID-19 Compliance lead agency - Public health directions (Stage 3).

The referral points shown in the supporting document are being used by the Queensland Government Call Centre. There may be variations to the responsible agencies at a local level based on local area plans as agreed by individual public health units, local governments and other agencies in their region, or where a different arrangement has been agreed by district disaster management groups. In such cases, the complaint should be redirected on receipt directly to responsible agency as agreed at a local level.

Complaints that are clearly police responsibility (such as disorderly, unruly and suspicious behaviour) will be referred to Policelink by the Government call centre.

The receiving agency may prioritise the complaint and action it according to risk.

If the complaint appears to have been misdirected by the government call centre, the receiving agency should refer it to the appropriate government agency.

Enforcement

In response to the COVID-19 public health emergency, the Public Health Act 2005 has been amended (March 2020) to include certain offences for failing to comply with requirements and [Public Health Directions](#) to contain or respond to the spread of COVID-19 within the community. The State Penalties Enforcement Regulation 2014 has been amended to allow the service of prescribed infringement notices (PINs) against these offences by local government authorised persons. However, PINs should only be used where advice and education has been ignored, there is wilful refusal to comply with Public Health Directions, the frequency of the breach is excessive and/or the public health risk has been assessed as high. Organisational risks such as adverse media attention or political sensitivities should also be considered.

Legislation provides a variety of enforcement options for local government to use. A local government employee appointed by their Chief executive (or delegate) as an authorised person under section 377 (2) or (3) of the *Public Health Act 2005* can, in relation to the Public Health Directions, educate, warn and issue PINS under the COVID-19 PIN Offences. The authority to issue COVID-related PINs is provided for under Schedule 1 of the State Penalties Enforcement Regulation 2014.

The Local Government Chief Executive can appoint an employee of local government, an employee of another local government, if the Chief Executive of the other local government agrees, or another person under contract to the local government. Local government can, where required, authorise other employees such as local laws or parking officers as authorised people under the *Public Health Act 2005* to help monitor these requirements, where they meet the suitability requirements.

Only a person authorised as an Emergency Officer (General) by Queensland Health can give a direction such as requiring a person to leave a premise. Local government officers can enhance their powers through Emergency Officer general appointments by Queensland Health if required.

Enforcement actions taken by a local government is usually dependent on the severity of the non-compliance observed and the capacity of the local government in terms of resourcing. Local government should use a graduated, proportionate risk-based approach when assessing and investigating non-compliances (see supporting document, COVID-19 Enforcement Framework). Local governments can collaborate with Public Health Units to address any issues relating to the management of COVID-19 within the local government area.

The emphasis for supporting the health directions will be verbal advice and education.

Verbal advice and education should be used when there has been no prior non-compliance and it is believed that the advice/education will be enough to ensure compliance.

It is recommended that all verbal advice and education is documented as this evidence may be required if future non-compliances are identified and the enforcement intervention is to be escalated. When giving verbal advice and education, it is important to clearly outline the nature of the non-compliance, so the business can take steps to remedy the alleged breach and achieve on-going compliance.

It is acknowledged that the ability of local governments to enforce requirements will vary across Queensland and will be based on the availability of enforcement officers. Further information can be found in supporting documents.

Enquiries

It is acknowledged that questions from the community and businesses take up significant valuable resources. A centralised complaints system is being implemented. To reduce the workload on employees and ensure consistency of advice, local government should direct community enquiries in the first instance to the centralised information 13 4 COVID (13 4 268).

To ensure a centralised approach, the Department of Premier and Cabinet are maintaining frequently asked questions that span all government agencies. The Queensland Government is continually updating health related questions in accordance with the changing landscape and based on feedback. The frequently asked documents can be accessed via <https://www.covid19.qld.gov.au/government-actions/covid-safe-businesses>.

If local government identify any frequently asked questions not addressed by the centralised information, it would be helpful to provide feedback via email to dpc@premiers.qld.gov.au so the appropriate Department can update the information.

The Queensland Government COVID-19 website <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19> contains the most up to date information available. Business specific information can be accessed at www.business.qld.gov.au and includes everything from where to access financial assistance to links to the COVID Safe Plans and COVID Safe Checklists. Industry groups seeking feedback or information relevant for their industry should be directed to the relevant regulator to prevent 'advice shopping'.

Compliance activity

It is important to capture information on the progress of compliance with the easing of restrictions. This information will be required to help ascertain if further easing of restrictions should progress to future stages of the roadmap. Local government can contribute by providing information via SurveyMonkey at the following link:

<https://www.surveymonkey.com/r/QFIQ5H7>

Public Health Units will coordinate and be responsible for across agency reporting for the region. For any enquiries, please contact your local [Public Health Unit](#). The compliance activity process is to be developed in line with the capacity constraints in each local government area but would aim to include the number of inspections undertaken, complaints received, and any enforcement action taken.

To assess the impact of easing restrictions on these businesses, Queensland Health will be collating data on a weekly basis on the number and types of non-compliance identified when assessing business compliance. Information provided to SurveyMonkey will be required by 3:00 pm Friday each week until further notice.

Supporting documents

- COVID-19 Roadmap to easing restrictions - Enforcement framework for local government authorised persons
- COVID-19 Roadmap to easing restrictions – Stages for personal appearance services
- COVID-19 Roadmap to easing restrictions – Stages for restaurants, cafes, pubs, clubs and hotels
- COVID-19 Roadmap to easing restrictions – Stage 3-shopping centres including food courts guide
- COVID-19 Compliance lead agency - Public health directions - Stage 3