

Practice
Guideline for the
Management of
Clandestine Drug
Laboratories
under the *South
Australian Public
Health Act 2011*



Government
of South Australia

SA Health

Practice Guideline for the Management of Clandestine Drug Laboratories under the *South Australian Public Health Act 2011*

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Public Health Services

System Performance and Service Delivery

Department for Health and Ageing

on behalf of the Chief Public Health Officer

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1. Acronyms and abbreviations used

Authorised officer	As defined under division 5 of the <i>South Australian Public Health Act 2011</i>
Clan labs	Clandestine drug laboratories
EPA	Environment Protection Authority (South Australia)
ILs	Investigation levels
PIRs	Property interest reports
SAPOL	South Australia Police
Suitably qualified expert	Someone with experience in the fields of environmental engineering, environmental science, environmental health or occupational hygiene and who is in possession of tertiary qualifications in one of these disciplines from a recognised educational institution
The Act	<i>South Australian Public Health Act 2011</i>
The EP Act	<i>South Australian Environment Protection Act 1993</i>
The National Guideline	Clandestine Drug Laboratory Remediation Guidelines published by the Australian Government
The Policy	South Australian Public Health (Clandestine Drug Laboratories) Policy 2016
The Practice Guideline	Practice Guideline for the Management of Clandestine Drug Laboratories under the <i>South Australian Public Health Act 2011</i>

2. Introduction

Clandestine drug laboratories (clan labs) are used to illegally manufacture illicit drugs such as amphetamines and have been found in rural, regional and metropolitan locations. The number detected in South Australia has been increasing in recent years.

Environmental contamination is expected to be present in clan labs due to unsafe manufacturing processes such as:

- > Under/over heating
- > Mishandling of ingredients
- > Spillages
- > Poor waste disposal practices

These conditions can result in hazardous chemical residues being deposited on surfaces during the drug manufacturing (cooking) process that remain after the clan lab has ceased operation. As this contamination can be caused by a diverse range of chemicals, clan lab contamination must be professionally assessed and remediated to ensure the site does not present a risk to public health.

The South Australian Public Health (Clandestine Drug Laboratories) Policy 2016 (the Policy) deems premises where a clan lab has operated to be a risk to public health under the *South Australian Public Health Act 2011* (the Act). As such, the owner (including landlord), occupier or person responsible for the management of the premises can be subject to a notice issued under section 92 of the Act. Notice provisions typically include preventing occupancy, undertaking a site assessment to determine the extent of contamination, site remediation, and site validation to ensure the remediation was successful and the public health risks associated with the premise have been managed.

This Practice Guideline for the Management of Clandestine Drug Laboratories under the *South Australian Public Health Act 2011* (the Practice Guideline) is intended to assist authorised officers by detailing the process of identifying and managing the public health risks associated with premises where clan labs have operated in accordance with the provisions of the Act, the Policy and the Clandestine Drug Laboratory Remediation Guidelines (the National Guideline) published by the Australian Government¹.

¹ Available via the Australian Government Attorney-General's Department website: <https://www.ag.gov.au/CrimeAndCorruption/Drugs/Pages/default.aspx>

3. Clan lab hazards

In many cases, the materials and methods used to manufacture illicit drugs cause residual contamination of buildings, furniture, soil, water and the air within or close to the clan lab site. As residual contamination may be present even when there is no apparent evidence of odour or visible staining, technical expertise is required to assess the chemical hazards present and the health risks they present.

Depending on the type of drug(s) produced, a range of chemicals can be found in clan lab operations. These may include reagents, precursors, final products and by-products of reactions. The variety of chemicals used in clan labs and their potentially hazardous nature means they should be professionally assessed on a case-by-case basis. The enHealth position statement, 'Clandestine Drug Laboratories and Public Health Risks'², should be referred to for further information on the public health risks presented by clan labs, including exposure considerations, potential health effects and health risk estimation.

Assessing the chemical hazards related to a clan lab is based on the Investigation Levels (ILs) described in the National Guidelines (page 28). An IL is the concentration of a contaminant above which requires further assessment or the development of an appropriate remediation action plan. For example, due to the exposure risk via inhalation and dermal absorption posed by the common clan lab drug methamphetamine, the methamphetamine IL for an indoor surface is 0.5 µg/100 cm².

The Policy and the National Guideline acknowledge that the residual contamination created by a clan lab operation presents a serious risk of harm to human and environmental health. The potential health effects will vary depending on the:

- > Chemicals a person is exposed to
- > Concentration of chemicals a person is exposed to
- > Duration of a person's exposure
- > Health status of the person exposed

The Policy adopts the Practice and National Guidelines and deems the presence of a clan lab a risk to public health under the Act. This approach aims to ensure that the health of the public and authorised officers is protected, and that the assessment and remediation of sites is only undertaken by appropriately qualified and experienced individuals.

² Available via the Australian Government Department of Health website:
<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-publth-publicat-environ.htm>

4. Site visits by authorised officers

Site visits by authorised officers may be required for a number of reasons such as serving a notice, confirming the premises is secured against occupancy, and conducting a visual assessment (both pre and post remediation). The safety of authorised officers is a paramount consideration in the investigation and remediation of clan labs. Authorised officers should always balance the evidentiary value of a site visit against the potential risks to their own health and safety. Authorised officers responding to a clan lab notification should only enter the premises once they are satisfied the health and safety risks have been effectively managed.

Site visits pre-remediation should be conducted while SA Police (SAPOL) are present at the premises (see section 5). **If this is not possible, a pre-remediation site visit should only be conducted after carefully evaluating SAPOL's written notification (and any verbal advice provided), the report completed by the suitably qualified expert (if available), and expert advice regarding appropriate personal protective equipment.**

5. Police investigation and notification

When investigating a clan lab, SAPOL and Forensic Science SA collect samples of evidentiary value for prosecution purposes. Where identified, the following items may be seized as evidence or processed and packaged for transport and disposal by a chemical transport contractor:

- > Chemicals
- > Glassware
- > Equipment (e.g. heaters, scales)
- > Containers
- > Drug products

SAPOL and Forensic Science SA have extensive experience and knowledge in the investigation of clan labs. However, they are not responsible for the assessment and remediation of any environmental contamination which may be present on the site.

When SAPOL are investigating and in attendance at a clan lab, they will contact an authorised officer from the relevant local authority (e.g. the local council) via telephone to verbally notify them of the discovery. As the investigation is in its infancy at this stage, details provided at this time are likely to be limited. However, to assist in the public health investigation, where practicable, SAPOL will invite authorised officers to attend the premises for the purpose of conducting a site visit. While site access won't be possible at this time, it will provide an opportunity to liaise with SAPOL and discuss the case, and to conduct a preliminary assessment of potential contamination at the site. This will assist authorised officers to assess the public health risk and the areas likely to be targeted in the required assessment and remediation strategy.

It should be noted that circumstances may not always permit this to occur (e.g. when a clan lab is discovered outside of normal office hours) and SAPOL will use their discretion as to when to verbally notify the relevant local authority. For example, when discoveries are made during the night, it may be more practicable to provide the verbal notification the following day.

To maintain appropriate standards of work health and safety, authorised officers must adhere to any instructions provided by SAPOL during the site visit. In most cases a site visit will need to be performed on the same day the verbal notification is received.

Regardless of whether an authorised officer attends the site at the same time as SAPOL, a written notification report will be provided to the relevant authority within 48 hours of the clan lab detection (see Appendix B). A copy will also be forwarded to SA Health for the purpose of data collection and trend monitoring.

Following the completion of SAPOLs investigation, the relevant authority can utilise its powers under the Act and the Policy to ensure that contamination of the premises is properly managed by the owner. This will typically involve securing the premises to prevent occupancy, requiring a site assessment by a suitably qualified expert, and where necessary requiring site remediation.

5.1 Clan lab categories

SAPOL categorises clan labs according to whether they are active or inactive at the time of identification, and the presence of chemicals and equipment. Understanding these categories can assist in determining the potential risk to public health and the required assessment and remediation.

Category A laboratories:

An active clan lab operating at the time of detection with either drug manufacture or precursor production. This includes the presence of an activated heat source, pressure, running water and a combination of chemicals/materials to cause or instigate drug manufacture or precursor production. Local public health authorities are notified of category A discoveries.

Category B laboratories:

A non-active clan lab with either drug manufacture or precursor production. This excludes an active heat source, pressure and running water but includes all or close to all the materials, chemicals and equipment required for drug manufacture or precursor production. Local public health authorities are notified of category B discoveries.

Category C laboratories:

A clan lab kit or chemical store that is neither set up nor active. This includes equipment, chemicals and/or material consistent with the application of drug manufacture or precursor production. Local public health authorities are only notified of category C discoveries when there is evidence of drug manufacture.

Category D laboratories:

Includes the storage of chemicals or equipment. Local public health authorities are not notified of category D discoveries due to the negligible risk they pose to the public.

6. *South Australian Public Health Act 2011 and the South Australian Public Health (Clandestine Drug Laboratories) Policy 2016*

The Policy aims to assist authorised officers address the public health risks related to clan labs. It does this by deeming the existence of a clan lab on a premises to be a risk to health on a precautionary basis. This allows notices to be served under the Act that remain in force until the required assessment, remediation and validation processes have been conducted.

Any enforcement action taken by authorised officers to manage the public health risks associated with clan labs should be consistent with the principles set out in Part 2 of the Act. In certain circumstances the premises may pose an immediate health risk. If the authorised officer is of the opinion that urgent action is required, an emergency notice may be issued under section 92(6) of the Act. An emergency notice can be issued orally and may include a requirement to prevent occupancy of the premises until the assessment and remediation process has been undertaken. An emergency notice must be followed up by a written notice within 72 hours as described in section 92(8) of the Act.

When it is deemed that an assessment is required, where possible the authorised officer should discuss the matter with the premises owner with the aim of addressing any immediate health risks (e.g. by preventing occupancy) whilst seeking a long term resolution (e.g. by completing the assessment and remediation process consistent with the National Guideline). When notices are used to require premises assessment, remediation and validation, authorised officers should have regard to:

- > The requirements described in section 92(5)(f) of the Act
- > The information contained within this Practice Guideline
- > The four phase site remediation process described in chapter 2 of the National Guideline

The four phase site remediation process described in the National Guideline is summarised below within the context of the Act and the Policy. The flow chart shown in Appendix A also summarises this process.

6.1 Phase 1 – Trigger for assessment

In this phase authorised officers conduct an initial assessment based on the site visit (if conducted) overseen by SAPOL (as outlined in section 5 of this Practice Guideline), and the information contained within the SAPOL notification report (Appendix B). The purpose of this assessment is to determine what actions are necessary to mitigate any potential health risks posed by contamination at the premises and to decide if it is necessary to progress to phase 2.

Further assessment via phase 2 is required when the available information indicates that manufacturing has taken place on the premises.

6.2 Phase 2 – Preliminary assessment and action

The phase 2 process described in the National Guideline involves determining whether to conduct a site inspection. Given the arrangements in place in South Australia with SAPOL, in many instances this inspection will occur shortly after the initial verbal notification. If a site inspection was not performed at this time, as the Policy deems the existence of a clan lab on a premises to be a risk to health, an authorised officer may elect to proceed directly to phase 3 based on SAPOL's evidence.

During phase 2, authorised officers should attempt to make contact with the premises owner and formally confirm their long term intentions for the premises (i.e. whether they wish to retain it for human habitation, demolish it, or use it for another purpose). A letter template is provided in Appendix C for this purpose. This is an important step as confirming the intended use will inform future steps such as the extent of assessment and remediation required and whether the matter is one for resolution under the Act or other legislation.

For example, where the intention is to demolish the premises, the assessment may be limited to evaluating possible pollution in soil or water. In this instance it would be best to manage this case by reminding the premises owner of their responsibilities under the *Environment Protection Act 1993* (the EP Act) (if site contamination/environmental harm is caused or threatened), that demolition consent is required from the local council, and that building rules apply for new developments.

6.3 Phase 3 – Site assessment and remediation

During phase 3 the first section 92 notice under the Act may be issued requiring the premises owner to engage a suitably qualified expert to undertake the site assessment process described in the National Guideline. While the site assessment is taking place, it is strongly recommended that the premises be declared unfit for human habitation and that access is limited or strictly controlled until the risks are better characterised. This would be an additional requirement of the notice.

The site assessment report must contain information on how the assessment was undertaken and what, in the opinion of the suitably qualified expert, are appropriate follow up actions based on the nature of the risks and intended future use of the premises. Where the report identifies actual or potential serious or material environmental harm or site contamination of underground water, certain individuals must notify the Environment Protection Authority (EPA) in accordance with the EP Act. Refer to section 7.3 of this Practice Guideline for further information.

Once the site assessment report is received from the suitably qualified expert, authorised officers are required to review the information provided, recommended follow up actions, and determine whether the premises is currently fit for use or requires remediation. Where the suitably qualified expert reports that the ILs have not been exceeded and remediation is not required, it is recommended that the premises be generally cleaned. Where contamination is above the ILs, a further notice under section 92 of the Act may be issued imposing the requirement for site remediation, and the effectiveness of this remediation to be validated by a suitably qualified expert (consistent with chapter 6 of the National Guideline). Before undertaking the remediation, a remediation action plan consistent with the National Guideline (section 5.4) should be prepared. The plan should be based on the findings of the initial police investigation and the assessment report, and agreed upon by the relevant stakeholders including the premises owner, the authorised officer, the suitably qualified expert, and the remediation contractor.

In some cases the premises may be so contaminated that demolition is recommended as remediation is not achievable or economically viable.

Notice templates for the actions required in phase 3 are provided at Appendix D and E.

6.4 Phase 4 – Validation

Once the site has been remediated, a suitably qualified expert must confirm the remediation process undertaken has been effective as demonstrated by post remediation samples being below the ILs set out in Appendix 1 of the National Guidelines. A copy of the assessor's report must be provided to Council. This report can be used as evidence to demonstrate compliance with the notice that was served on the owner. All documentation received in relation to the notice should be retained on the property file.

If the remediation was deemed unsuccessful, further remediation is required before the site can be deemed fit for purpose. The notice requirements must remain in place until the remediation has been successfully achieved and validated by a suitably qualified expert.

Once the report is received validating the premises is fit for purpose, conducting an inspection to visually confirm the reported action has taken place is recommended. Visual confirmation will be largely based on the results of the site assessment but may include the absence of staining and/or the removal of contaminated items.

The notice template at Appendix E provides for post remediation validation.

7. The process – some further considerations

While the National Guideline describes a clear process to assess and, where required, remediate premises where a clan lab has operated, there are some issues related to each step that warrant further consideration. The following section describes some of these considerations particular to the process and its operation in South Australia.

7.1 The risk assessment

The Policy and this Practice Guideline are based on authorised officers using the precautionary principle and assuming that the existence of a clan lab in a premises is a risk to public health. It is also based on authorised officers using assessments made by experts to determine the extent of the risk, whether this be from SAPOL (phase 1) or a suitably qualified expert (phase 3 and 4). Despite the importance of these assessments, authorised officers should exercise their professional judgement and discretion to satisfy themselves that the risks have been adequately assessed and addressed. Key risk assessment decision points include:

- > Contacting SAPOL immediately in the event an authorised officer becomes aware of a clan lab before SAPOL. Under no circumstances should an authorised officer enter a clan lab premises before SAPOL have investigated and secured the premises.
- > Reviewing the SAPOL notification report (Appendix B) and contacting the responsible SAPOL officer if certain matters need further clarification or if information is pending (e.g. test results). If there is any doubt around specific matters, it is best to adopt the precautionary principle and require a site contamination assessment be undertaken by a suitably qualified expert.
- > Considering how the notice requirements will be enforced if the owner does not cooperate. If a premises is to be deemed unfit for human habitation, a key consideration is how the premises will be secured prior to the site assessment and remediation. If the premises owner is not able to be located or remains uncooperative, consideration should also be given to how the initial assessment (and remediation if required) will be undertaken on their behalf (i.e. section 93 of the Act).
- > Clarifying the owner of the premises intentions and aligning the process accordingly. This may include overseeing the case referral to other authorities when the authorised officer considers that the proposed future use does not present a further public health risk (e.g. demolition of the premises would require development approval and referral to council planners).
- > Reviewing the assessment reports made by suitably qualified experts. While the process relies on a suitably qualified expert to conduct the site assessment and make corresponding recommendations, authorised officers should critically review all reports provided and where concerns exist about processes described or decisions made, seek independent advice (e.g. from SA Health). If the matter is one of clarification, consideration should be given to contacting the suitably qualified expert directly. As all the phases described in the National Guideline are interrelated, it is important to conduct a final review of all documents to ensure all the identified issues were addressed (i.e. the contamination identified in the site assessment was addressed in both the remediation plan and validation report).

7.2 Property flagging and property interest reports

In order to provide consumer protection for purchasers of property in South Australia, Section 7 of the *Land and Business (Sales and Conveyancing) Act 1984* requires vendors of property to provide purchasers a vendor statement prior to settlement.

In addition, the Land Services Group of the Department of Planning, Transport and Infrastructure prepares Property Interest Reports (PIRs) to provide information about various prescribed interests and other additional information for all properties in South Australia.

On receipt of SAPOL notifications by state and local authorities (see Appendix B), it is important that flags are promptly placed on properties where a clan lab has operated, and that these flags remain in place until the property is successfully remediated. This will ensure that contamination associated with clan labs is recorded as an interest associated with the land for the purpose of PIRs and vendor statements pursuant to Section 7 of the *Land and Business (Sales and Conveyancing) Act 1984*.

7.3 Environment Protection Authority

This Practice Guideline refers largely to the management of contamination within a premises, but acknowledges that waste and other materials may be disposed of on land or down drains, sewers, wells or bores. As a result, land and water may also become polluted by the operation of a clan lab. In this regard, the process of assessing clan lab pollution may cut across two different but potentially related regulatory regimes. The EP Act requires direct notification to the EPA when:

- > Serious or material environmental harm is caused or threatened (section 83)
- > Becoming aware of the existence of site contamination that affects or threatens underground water (section 83A)

It is the responsibility of the person who undertook the activity that caused the harm to notify the EPA for the purpose of section 83 of the EP Act; whilst under section 83A of the EP Act, the responsibility of notifying the EPA falls to either the owner or occupier of the site, or the site contamination auditor or site contamination consultant engaged to perform the assessment. Whilst these individuals should be reminded of their responsibility to notify the EPA when appropriate, it is recommended that authorised officers notify the EPA³ when serious or material environmental harm is caused or threatened, or the existence of site contamination that affects or threatens underground water is identified because:

- > In many cases it is unlikely that the person responsible will notify the EPA
- > The site assessment may not be performed by a mandated notifier (i.e. a site contamination auditor or site contamination consultant as defined in the EP Act)

³ The EPA can be notified via telephone (08 8204 2004) or email (epainfo@sa.gov.au)

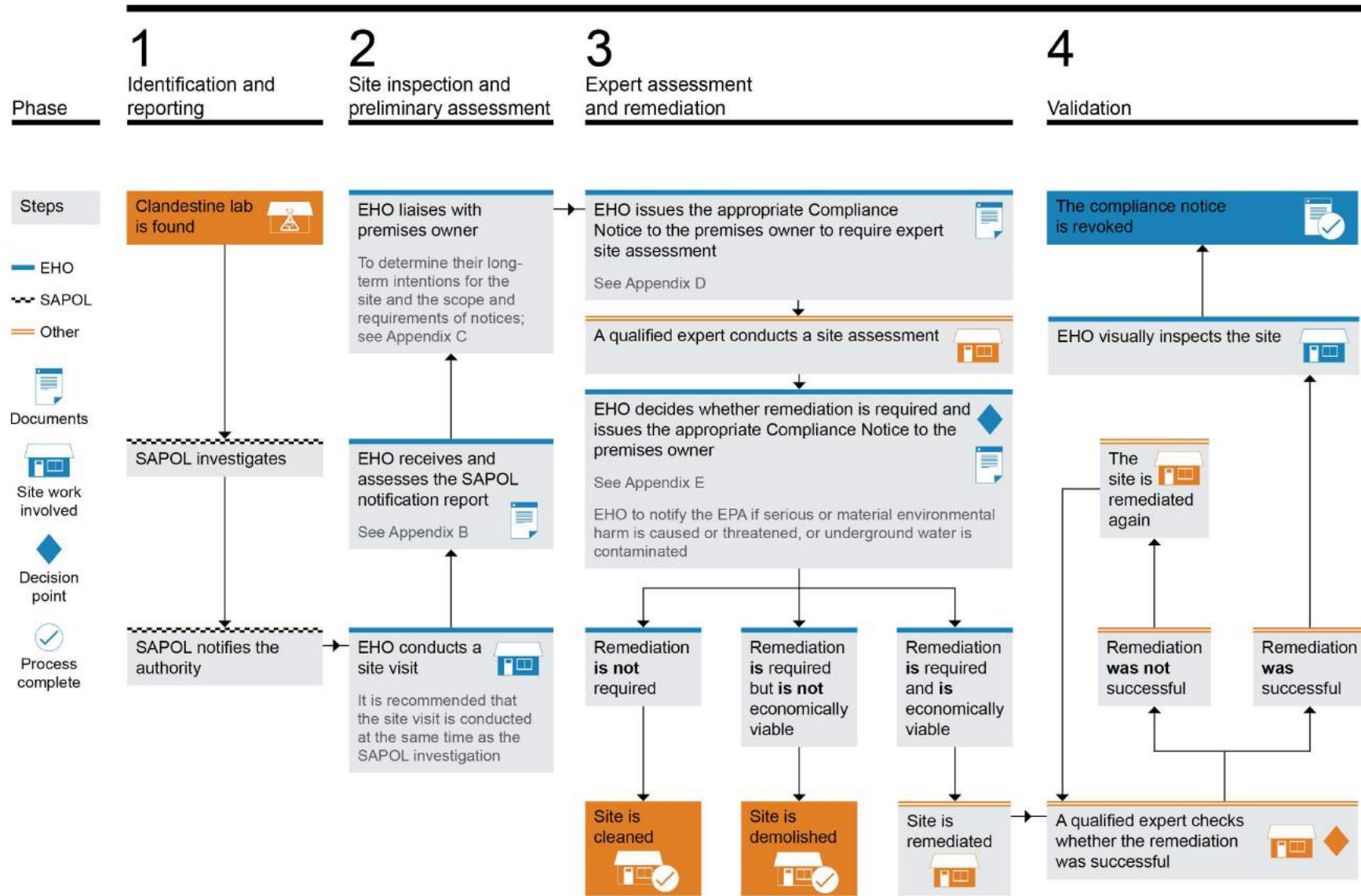
7.4 Engaging an assessor and remediation contractor

The National Guideline states that clan lab assessments (i.e. phase 3 and 4) should be performed by a suitably qualified expert with experience in the fields of environmental engineering, environmental science, environmental health or occupational hygiene and who is in possession of tertiary qualifications in one of these disciplines from a recognised educational institution. As it can be challenging to find a suitably qualified expert with both the required qualifications and experience in clan lab assessments, relevant certified membership organisations can be used to locate suitable individuals.

Given the specialist and hazardous nature of clan lab sites, it is equally important to engage a suitably knowledgeable and experienced remediation contractor (i.e. a specialist cleaner) who can carry out the developed action plan as outlined in section 5.4 of the National Guideline. As there are no formal qualifications in this regard, premise owners may need to assess the knowledge and experience of remediation contractors against the remediation guidance provided in the National Guideline.

7.5 Timeframe for compliance

The timeframe for compliance should be based on what is deemed reasonable for each stage of the process, advice received from the suitably qualified expert, and the extent to which any risks to public health can be effectively managed. It is likely that each stage of the process will require a separate due date. If the notice requirements are not complied with, the relevant authority should give regard to completing the required actions under section 93 of the Act.



Appendix B Clandestine Drug Laboratory Notification Report

Clandestine Drug Laboratory Notification Report

For use by SAPOL for notifying the relevant local health authority (e.g. local council)
Copy sent to SA Health (Health Protection Programs) - HealthProtectionPrograms@health.sa.gov.au

CONTACT INFORMATION	<u>Date</u> Click here to enter text.
	<u>SAPOL case management #</u> Click here to enter text.
SAPOL contact officer: Click here to enter text.	
Ph: Click here to enter text.	
Email: Click here to enter text.	
Local health authority contact officer: Click here to enter text.	
Name of local health authority: Click here to enter text.	
Ph: Click here to enter text.	
Email: Click here to enter text.	

PROPERTY DETAILS

Address: Click here to enter text.	
GPS (for remote locations): Click here to enter text.	
Date and time lab was detected by SAPOL: Click here to enter text.	
Type: <input type="checkbox"/> Single residence <input type="checkbox"/> Duplex <input type="checkbox"/> Unit <input type="checkbox"/> Hotel <input type="checkbox"/> Other: Click here to enter text.	
Status: <input type="checkbox"/> Owner-occupied <input type="checkbox"/> Private rental <input type="checkbox"/> Public housing <input type="checkbox"/> Unknown <input type="checkbox"/> Other: Click here to enter text.	
Occupied: <input type="checkbox"/> Yes	<input type="checkbox"/> No
Number of adults: Click here to enter text.	
Number of children: Click here to enter text.	

CLANDESTINE DRUG LABORATORY CATEGORY

Category A <input type="checkbox"/> <i>An active clan lab operating at the time of detection with either drug manufacture or precursor production*</i>	Category B <input type="checkbox"/> <i>A non-active clan lab with either drug manufacture or precursor production</i>	Category C <input type="checkbox"/> <i>A clan lab kit or chemical store that is neither set up nor active but the premises has signs of previous drug manufacture*</i>
--	---	--

DESTRUCTION LIST

Destruction list attached <input type="checkbox"/> Yes <input type="checkbox"/> No

DRUG SYNTHESIS METHOD

Describe: Click here to enter text.
--

POTENTIAL HAZARDS OR THREATS TO OFFICERS ENTERING THE PREMISES

This may include chemical, environmental, electrical, physical, and biological hazards or threats; and risks associated with the occupants

Describe: Click here to enter text.
--

*Refer to section 5.1 in the 'Practice Guideline for the Management of Clandestine Drug Laboratories under the South Australian Public Health Act 2011' for more information.

SITE INFORMATION – EXTERNAL ENVIRONMENT

Please indicate suspected areas of contamination (e.g. location of chemical release process, spillages, waste dump locations etc.).

Photos attached: Yes No

Click here to enter text.

SITE INFORMATION – INTERNAL ENVIRONMENT

Please indicate suspected areas of contamination (e.g. location of chemical release process, spillages, waste dump locations etc.).

Photos attached: Yes No

Click here to enter text.

Appendix C Template Notice – Letter to the Premises Owner

Enquiries:

Our Ref:

DATE

Name

Address

Dear Sir / Madam

NOTIFICATION OF DETECTION OF CLANDESTINE DRUG LABORATORY – [ADDRESS].

The [COUNCIL] has received information from the South Australian Police reporting the operation of a clandestine drug laboratory at a premises located at [ADDRESS]. Council records show that you are the owner of this property and as such this letter is to formally advise you of this notification and seek formal confirmation from you of your proposed action in response to it.

The South Australian Public Health (Clandestine Drug Laboratories) Policy 2016 made under the *South Australian Public Health Act 2011* (the Act) deems the presence of a clandestine drug laboratory on premises as a risk to public health. Under section 56 of the Act, it is your general duty as owner of the property to take all reasonable steps to prevent or minimise any harm to public health arising from the condition of the premises as soon as is practicable.

Please contact the undersigned urgently to discuss this matter including your intentions for the premises and measures to address its current condition. Failure to do so by [DATE] may result in a notice under section 92 of the Act being served on you by [COUNCIL] to require action from you including measures to:

- prevent occupation or use of the premises until assessment and remediation (if required) has been completed
- assess the nature and extent of contamination of the premises
- remediation of any contamination found on the premises; and
- confirmation that remediation of the premises has been effective and that the premises is fit for its intended use.

Failure to comply with the requirements of a notice may result in prosecution and/or [COUNCIL] taking the actions required by the notice and the costs of this action being recovered from you.

As stated above, please contact the undersigned on [TELEPHONE] by [DATE] to discuss this matter. Following this discussion, you will be asked to confirm any arrangements or undertaking made in writing.

Yours sincerely

Authorised Officer under *South Australian Public Health Act 2011*

[COUNCIL]

Compliance Notice

Issued pursuant to Section 92 of the *South Australian Public Health Act 2011*

NOTICE NUMBER: **[INSERT REFERENCE NUMBER]**

DATE: **[INSERT DATE]**

FROM: **[INSERT COUNCIL]**

[Address line 1]

[Address line 2]

TO: **[name or a description sufficient to identify person]**

ADDRESS: **[Address line 1]**

[Address line 2]

ATTENTION: **[Name]**

You are the [OWNER] of the premises situated at [ADDRESS], comprised in Certificate of Title Volume [XX] Folio [XX] in the State of South Australia (“the premises”).

Pursuant to section 92(1) of the *South Australian Public Health Act 2011* (“the Act”), the [COUNCIL] (“the Council”) may issue a notice for the purpose of-

- a) securing compliance with a requirement imposed by or under the Act (including a requirement imposed under a regulation or a code of practice under the Act); or
- b) averting, eliminating or minimising a risk, or a perceived risk to public health.

The Council has been notified by the South Australian Police on [DATE] that a clandestine drug laboratory has been identified as operating at your premises at [ADDRESS].

Clause 4 of the South Australian Public Health (Clandestine Drug Laboratories) Policy 2016 made under section 53 of the Act deems the presence of a clandestine drug laboratory on premises as a risk to public health.

Accordingly, you are hereby **ISSUED** with this Notice under section 92(1) of the Act to avert, eliminate and/or minimise the risk to public health identified above.

This Notice **requires** you to take the following action:

1. On or before [DATE], prevent occupancy of the premises.
2. On or before [DATE], Engage a suitably qualified expert to undertake an assessment of chemical contamination of the premises located at [ADDRESS] consistent with Clandestine Drug Laboratory Remediation Guidelines published by the Australian Government.
3. On or before [DATE], Provide any and all reports arising from the assessment of contamination of the premises located at [ADDRESS] to the [COUNCIL].

Signed:

as delegate for the Council

[INSERT NAME]

[INSERT POSITION]

TAKE NOTE:

1. Your Right to Appeal Against the Notice

Pursuant to section 96 of the *South Australian Public Health Act 2011* you **may** appeal to the District Court against this Notice. An appeal **must** be instituted within 14 days from the date that you received the Notice.

An appeal to the District Court does not suspend the operation of the Notice (pending the determination of any appeal). The operation of the Notice is only suspended *if* the District Court makes an interim Order to that effect.

2. What Happens if I Fail to Comply with the Notice?

If the requirements of this Notice are not complied with within the time specified, under section 93 of the Act the Council may take any action required by the Notice including entering the premises. The reasonable costs and expenses incurred by the Council in taking such action may be recovered from you as a debt. If you fail to pay the amount sought by the Council, you will be liable to pay interest and where applicable, the unpaid amount will be a charge on the land in favour of the Council.

3. Failure to Comply with the Notice is an Offence

Section 92(10) of the *South Australian Public Health Act 2011* provides that:

A person to whom a notice is issued under this section must not, without reasonable excuse, fail to comply with the notice.

Maximum Penalty: \$25 000

Expiation Fee: \$750.

The Council reserves its rights to either issue you with an expiation fee or commence a prosecution against you if you fail to comply with this Notice.

[COUNCIL]

Compliance Notice

Issued pursuant to Section 92 of the *South Australian Public Health Act 2011*

NOTICE NUMBER: **[INSERT REFERENCE NUMBER]**

DATE: **[INSERT DATE]**

FROM: **[INSERT COUNCIL]**

[Address line 1]

[Address line 2]

TO: **[name or a description sufficient to identify person]**

ADDRESS: **[Address line 1]**

[Address line 2]

ATTENTION: **[Name]**

You are the [OWNER] of the premises situated at [ADDRESS], comprised in Certificate of Title Volume [XX] Folio [XX] in the State of South Australia (“the premises”).

Pursuant to section 92(1) of the *South Australian Public Health Act 2011* (“the Act”), the [COUNCIL] (“the Council”) may issue a notice for the purpose of-

- a) securing compliance with a requirement imposed by or under the Act (including a requirement imposed under a regulation or a code of practice under the Act); or
- b) averting, eliminating or minimising a risk, or a perceived risk to public health.

The Council has been notified by the South Australian Police on [DATE] that a clandestine drug laboratory has been identified as operating at your premises at [ADDRESS].

Clause 4 of the South Australian Public Health (Clandestine Drug Laboratories) Policy 2016 made under section 53 of the Act deems the presence of a clandestine drug laboratory on premises as a risk to public health.

Accordingly, you are hereby **ISSUED** with this Notice under section 92(1) of the Act to avert, eliminate and/or minimise the risk to public health identified above.

This Notice **requires** you to take the following action:

1. On or before [DATE], prevent occupancy of the premises.
2. On or before [DATE], engage a suitably qualified expert to undertake remediation of the chemical contamination of the premises located at [ADDRESS] consistent with the recommendations provided in [REPORT TITLE] provided by [CONSULTANT] to [COUNCIL] on [DATE] and this remediation be undertaken consistent with Clandestine Drug Laboratory Remediation Guidelines published by the Australian Government.
3. On or before [DATE], provide written validation to [COUNCIL] from a suitably qualified expert that the remediation of chemical contamination undertaken at [ADDRESS] has rendered the premises fit for [INTENDED USE].

Signed: _____ as delegate for the Council

[INSERT NAME]

[INSERT POSITION]

TAKE NOTE:

1. Your Right to Appeal Against the Notice

Pursuant to section 96 of the *South Australian Public Health Act 2011* you **may** appeal to the District Court against this Notice. An appeal **must** be instituted within 14 days from the date that you received the Notice.

An appeal to the District Court does not suspend the operation of the Notice (pending the determination of any appeal). The operation of the Notice is only suspended *if* the District Court makes an interim Order to that effect.

2. What Happens if I Fail to Comply with the Notice?

If the requirements of this Notice are not complied with within the time specified, under section 93 of the Act, the Council may take any action required by the notice, including entering the premises. The reasonable costs and expenses incurred by the Council in taking such action may be recovered from you as a debt. If you fail to pay the amount sought by the Council, you will be liable to pay interest and where applicable, the unpaid amount will be a charge on the land in favour of the Council.

3. Failure to Comply with the Notice is an Offence

Section 92(10) of the *South Australian Public Health Act 2011* provides that:

A person to whom a notice is issued under this section must not, without reasonable excuse, fail to comply with the notice.

Maximum Penalty: \$25 000

Expiation Fee: \$750.

The Council reserves its rights to either issue you with an expiation fee or commence a prosecution against you if you fail to comply with this Notice.

For more information

**Health Protection Programs
Public Health Services
Department for Health and Ageing**

**PO Box 6
RUNDLE MALL SA 5000**

**Email: HealthProtectionPrograms@health.sa.gov.au
Telephone: 08 8226 7100
www.sahealth.sa.gov.au**

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www.ausgoal.gov.au/creative-commons



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of South Australia**

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