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## Introduction

George Town Council Community Compliance Officers work tirelessly throughout the entire George Town municipality, from Hillwood to Low Head and Beechford to Bellingham, to ensure the safety, health and wellbeing of our community by carrying out their functions in line with this Community Compliance Charter.

George Town Council employs a number of Community Compliance Officers, including a qualified Environmental Health Officer, for the purposes of maintaining the standards required by Council under legislation.

## Purpose

The purpose of this Community Compliance Charter (**Charter**) is to set out expected service standards and to provide simple and clear information about how George Town Council Community Compliance Officers undertake their statutory compliance and enforcement functions. These functions include but are not limited to:

- Investigating Dog Attacks
- Investigating Public or Environmental Nuisance Complaints including complaints regarding:
  - Dogs at large
  - Cat management issues
  - Noise
  - Untidy Premises
  - Smoke

- Investigating Environmental Health Complaints
- Conducting Food Licence inspections
- Conducting Kennel Licence Inspections
- Investigating Compliance with the Fire Hazard Reduction Program
- Undertaking recreational water and pool sampling
- Issuing Abatement Notices and/or Infringement Notices

For further information, please refer to the following Council policies:

- GTC-8 Customer Service and Complaints Handling Policy, specifically sections 8, 9, 10 and 14
- GTC-35 Dog Management Policy

Council does not have a Cat Management Policy in place, one will be developed in the 2023/24 financial year.

### **Legislation**

The Community Compliance Officers act under different legislations (and associated regulations) as an Authorised Person. The Acts are:

- the *Local Government Act 1993*;
- the *Dog Control Act 2000*;
- the *Cat Management Act 2009*;
- the *Food Act 2003*;
- the *Public Health Act 1997*;
- the *Environmental Management and Pollution Control Act 1994*; and
- the *Litter Act 2007*.

Any reference to an Authorised Person means an authorised person in accordance with the terms of the relevant legislation under which they are acting (e.g. if they are attending premises to review a kennel licence then they are authorised under the *Dog Control Act 2000*).

### **Jurisdiction**

Council's community compliance obligations are limited to public land and private freehold land within the George Town municipality. Council has no jurisdiction over Crown Land and any issues located on or relating to Crown Land are the responsibility of the Tasmanian State Government.

Enquiries in this regard should be directed to the Tasmania Parks and Wildlife Service (PWS) who are responsible for managing the State's 19 national parks, three World Heritage Areas, and over 800 other reserves including marine reserves, Marine Conservation Areas, Crown Land, and sites of historic and cultural significance. Contact details for PWS are located in the Directory.

## Service Standards

Council commits to the below service standards in relation to the services provided:

### Animals

1. Dog at Large
  - a. Where a dog at large is reported during Council's normal working hours, a Community Compliance Officer will attend as soon as practicable to collect the dog.
  - b. Where a dog at large is reported out of Council's normal working hours, community members are requested to keep the dog until the next working day.
  - c. Attendance by a Community Compliance Officer outside of Council's normal working hours may only occur for dogs at large that are aggressive and/or posing a threat to persons or nearby stock.
  - d. Once in attendance, a Community Compliance Officer will attempt to ascertain the owner of the dog.
  - e. If no owner can be established (due to a lack of micro-chipping or collar with details) then the dog will be taken to the Council pound.
2. Injured, sick or escaped livestock, reptiles and animals
  - a. Escaped livestock should be reported to Council. If the report is made during Council's normal working hours, a Community Compliance Officer will attend to assess the situation as soon as practicable.
  - b. Enquiries regarding sick and injured domestic animals should be directed to the RSPCA or, if possible, the animal taken to a veterinarian practice.
  - c. Where the RSPCA is unable to assist or it is not practical for the animal to be taken to a veterinarian's practice, Council should be contacted. If this is during Council's normal working hours, a Community Compliance Officer will attend to assess the situation as soon as practicable.
  - d. Attendance by a Community Compliance Officer outside of Council's working hours will be at the discretion of the Community Compliance Officer.
  - e. Enquiries regarding injured wildlife should be made to the Bonorong Wildlife Sanctuary on their 24-hour Wildlife Rescue Line.
  - f. Enquiries regarding snakes and reptiles should be made to Reptile Rescue Incorporated. If you are bitten by a snake, dial 000.
3. Barking
  - a. Community members are encouraged to address any concerns regarding barking dogs directly with the owner of the dog.

- b. If the above has been unsuccessful, community members can contact Council who will provide them with information regarding how to make a formal complaint.
- c. If a formal complaint is made, there are applicable fees. It is important to note that if the complaint is upheld and the barking found to be a nuisance, then the fee will be refunded.
- d. A Community Compliance Officer will notify the owner of the dog that a complaint has been received and Council will be investigating. This notification may be in writing, by email or by telephone.
- e. A Community Compliance Officer will then investigate the complaint by monitoring the location at various times during the day and at various times during a full week. Neighbours will also be contacted to see if there are any other concerns locally with the dog.
- f. If the complaint is upheld, an abatement notice will be issued.
- g. Council aims to have complaints investigated and finalised as quickly as possible.

#### Environmental Health

##### 4. Food business inspections

Council's Environmental Health Officer carries out Food Business inspections on a twice-yearly basis to ensure that all businesses are compliant with the relevant legislation.

##### 5. Food sampling

- a. Formal food sampling – Council's Environmental Health Officer may carry out food sampling as part of a program instigated by Council or driven by the Department of Health and Human Services (e.g. investigating the levels of sulphur dioxide (SO<sub>2</sub>) in mincemeat)
- b. Informal food sampling – Council's Environmental Health Officer may carry out informal food sampling at a licenced food business at any point deemed necessary throughout the year. Food sampling may cover a wide range of tests, including testing the bacterial count or ensuring food is cooked at the appropriate temperatures.

##### 6. Following up on notifiable diseases

Should an instance of a notifiable disease (such as Salmonella) be identified within the George Town Municipality, the Department of Health may undertake an investigation to identify the source. The Department of Health may also instruct Council to assist in the investigation and, accordingly, the Environmental Health Officer will make any enquiries and undertake any investigations as required by legislation and the Department of Health.

7. Recreational water and pool sampling

- a. Recreational water sampling at recreational swimming areas throughout the municipality (including but not limited to Lagoon Beach, East Beach, Bell Buoy Beach, Beechford, Lulworth, Weymouth and Bellingham) is carried out by Council's Environmental Health Officer in December, January, February and March of each year.
- b. Water sampling at commercial pools (including Council's pool facility) is carried out regularly throughout the year while the pool is in use by the public.

8. Smoke complaints

Complaints of excessive smoke will be investigated as soon as practicable. A Community Compliance Officer will attend where possible to ascertain the cause of the smoke and investigate as to whether or not s53 of the *Environmental Management and Pollution Control Act 1994* has been breached.

9. Noise complaints (non-animal related)

Noise complaints may be made in relation to the following:

- a. Excessively loud music
- b. Lawnmowers, chainsaws, etc
- c. Motor Vehicles
- d. Air Conditioning Units
- e. Building Sites

Any complaint will be investigated by a Community Compliance Officer and the location visited where practicable. A number of factors will be taken into account including the time, duration and intensity of the offending noise and whether or not the offence occurred during prohibited times (see the *Environmental Management and Pollution Control (Noise) Regulations*).

10. Property Nuisance Complaints

Property nuisance complaints may be made in relation to anything that:

- a. Causes, or is likely to cause, danger or harm to the health, safety or welfare of the public
- b. Causes, or is likely to cause, a risk to public health
- c. Is, or is likely to be, a fire risk
- d. Constitutes an unsightly article or rubbish.

This may include unsightly and invasive vegetation, including gorse, briars and weeds as well as general refuse, debris and any general items that may entice snakes, mice and other vermin to the property.

Complaints of property nuisances will be investigated by a Community Compliance Officer as soon as practicable within the normal operating hours of Council.

### **Assessment**

When Community Compliance Officers receive an inquiry or complaint from a community member, we assess each matter to decide how we will respond.

Before any investigation or inquiry is commenced, a case assessment process is undertaken first to determine, amongst other things, whether Council has jurisdiction, and whether the use of our investigative powers is in the public interest (which involves an assessment of whether any proposed compliance activity would be an efficient, effective and ethical use of rate payers money).

As part of this process, Council considers its strategic priorities.

Additional public interest factors taken into account as part of the assessment process include:

- whether the matter involves vulnerable community members;
- whether the matter demonstrates a blatant disregard of laws or repeat offending;
- whether there is likely to be reliable evidence available to support a finding or view that a contravention of relevant laws has occurred; and
- confidentiality (where a community member does not want to have their details recorded).

### **Assistance**

In response to enquiries and complaints Community Compliance Officers may provide education, advice and various dispute resolution tools to assist parties resolve the issue.

### **Investigation and Inquiries**

Where Council becomes aware of potential breaches of legislation a Community Compliance Officer may commence an investigation or an inquiry into the potential breach.

Community Compliance Officers have access to a number of statutory compliance powers to assist them in their functions.

All investigations and inquiries are impartial. Community Compliance Officers will seek evidence from parties and other sources and will make decisions based on the available evidence.

### **Compliance Powers**

#### Entering Premises

A Community Compliance Officer may enter premises for a specific purpose in order to perform Council's functions or exercise its powers by acting as an Authorised Person.

A Community Compliance Officer may enter premises without notice if:

- an emergency exists;
- the entry is in relation to an application by the owner or occupier for a licence, permit or other approval given by Council; or
- notice would defeat the purpose of entry.

A Community Compliance Officer may enter business premises if required to do so without any notice.

Before entering premises, a Community Compliance Officer must show their identity card to the occupier of the premises or their representative. If this isn't possible, the Community Compliance Officer must show their identity card as soon as practicable after entering.

While on the premises Community Compliance Officers may determine:

- the number of dogs on the premises;
- whether or not any dog on the premises is registered
- any other relevant matter relating to any licence

In certain circumstances when entering premises, the Community Compliance Officer may be accompanied by a suitably qualified person to assist them.

#### **Enforcement Outcomes:**

There are a range of outcomes that may occur as a result of an investigation or inquiry by a Community Compliance Officer. While this may include an Infringement Notice or fines the Community Compliance Officer may also determine a different enforcement outcome is appropriate. The enforcement action taken will depend upon the assessment made.

#### Infringement Notices

Community Compliance Officers can issue Infringement Notices for a variety of offences including:

- Dog at large
- Dog attack (where a dangerous dog declaration is not required)
- Unregistered dog
- Non-microchipped cat
- Lack of multiple cat permit for premises with more than four cats
- Lack of kennel licence for premises with three or more dogs



- Backyard Burning (i.e. breach of the Environmental Management and Pollution Control (Smoke) Regulations 2019)
- Breach of the Environmental Management and Pollution Control (Noise) Regulations 2016

Community Compliance Officers have the right to retain an animal until such time as any fee payable under the infringement notice has been paid.

#### Dangerous Dog Declarations

If a dog is declared dangerous, Community Compliance Officers will provide the owner of the dog with the requirements to keep a dangerous dog and, where necessary, enforce the requirements including:

- Ensuring the dog is wearing an approved collar
- The property where the dog resides has an enclosure which complies with any requirements and is wearing a muzzle
- The dog is under effective control at all times when not on the premises where it resides
- The dog is on a lead not more than 2 metres long when not on the premises where it resides
- Warning signs are displayed on the property.

If the Community Compliance Officer deems it unlikely that the owner will be able to comply with the requirements, they are able to recommend that the dog be destroyed.

Council maintains a register of all declared Dangerous Dogs.

#### Abatement Notices

Community Compliance Officers can issue Abatement Notices for a variety of reasons including:

- Barking dogs
- Failure to comply with the Fire Hazard Reduction Program
- Property nuisances

#### Closure Notices

Where a property has been deemed to be so unhealthy that no person can safely occupy them, and with the approval of Council, a Closure Notice may be issued under the *Public Health Act 1997*.

#### Assessment Letter - notification at the end of an investigation or inquiry

Where a Community Compliance Officer has completed an investigation or inquiry, they will notify a party of the outcome of that assessment. The notification may state that no contraventions were identified in relation to the specific investigation. In some instances, the notification may state that the Community Compliance Officer determined that there was insufficient evidence to sustain the finding that a

contravention of the relevant legislation has occurred, but may caution a party to take steps in order to ensure that they are compliant.

### **Directory**

All legislation and regulations referred to within this Charter can be located online at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au)

Council's policies and procedures are available online at [www.georgetown.tas.gov.au](http://www.georgetown.tas.gov.au)

**Bonorong Wildlife Sanctuary 24 Hour Wildlife Rescue Line** - ph: 0447 264 625

**George Town Council** - 16-18 Anne Street, George Town TAS 7253, ph: 03 6382 8800, email: [council@georgetown.tas.gov.au](mailto:council@georgetown.tas.gov.au)

**Parks and Wildlife Service (PWS) – GPO Box 1751, Hobart, TAS 7001 ph: 1300 827 727**

**Reptile Rescue Incorporated Tasmania** - ph: 0499 116 690, email: [tasreptilia@yahoo.com.au](mailto:tasreptilia@yahoo.com.au)

**RSPCA Tasmania – Launceston Animal Care Centre** - 3/207A Invermay Road, Invermay, TAS 7248, ph: 03 6709 8105