

# ACCOUNTABILITY COMMITMENT

## LICENSING AND COMPLIANCE TEAM

INCLUDING DOMESTIC ANIMAL SERVICES



July 2018



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### Acknowledgements

*Transport Canberra and City Services would like to acknowledge the work and research conducted by Access Canberra in the drafting of their Accountability Commitment, to which this Accountability Commitment has been aligned.*

## Who We Are

The Transport Canberra and City Services Licensing and Compliance unit is responsible for regulating and licensing public land, domestic animal services (DAS), animal welfare and municipal services in the ACT.

Licensing and Compliance is committed to delivering a municipal compliance framework and customer centric service that is fair, consistent, transparent and non-prejudicial in its advice, decisions and actions.

Licensing and Compliance is made up of five teams:

- Domestic Animal Services (DAS)
- Animal Welfare
- City Rangers
- Investigations; and
- Land Use Licensing.

DAS is responsible for administering and regulating the *Domestic Animals Act 2000* and the *Animal Welfare Act 1992*.

City Rangers are responsible for regulating the *Public Unleased Land Act 2013* and the *Litter Act 2004*.

Land Use Licensing is responsible for administering the licensing and permit functions under the *Public Unleased Land Act 2013*.

The Investigations team provides investigative support to DAS and City Rangers, as well as other units within City Presentation.

## Service Delivery

*The level of service we aim to deliver and principles for service design.*

Licensing and Compliance aims to deliver quality, timely and professional customer service.

### Service levels

#### Advice, decisions and actions

- We will help you to access government services, coordinate approvals, and keep you up to date if you are waiting on a decision or the outcome of an investigation.
- We will give you clear and comprehensive advice, and make it easy to understand what is needed to use a government asset or service, how you can obtain approval, and clearly explain the reasoning behind our decisions or actions.
- We will innovate and reduce red tape and be consistent, transparent and non-prejudicial in our advice, decisions and actions.
- We will educate you about your legal obligations, encourage compliance and ensure high standards of public and animal safety are maintained.

#### Conduct

- We will perform our duties ethically, professionally and efficiently, ensuring our integrity.
- We will be consistent transparent and non-prejudicial in our advice, decisions and actions.
- We will be effective and efficient in our dealings with you.
- We are committed to a culture of continuous improvement and actively look for ways to innovate our business practices.
- We promote public safety and a safe work place.
- We look for ways to collaborate with industry or stakeholders to provide better services to the community.
- We embrace diversity and new and innovative thinking.
- We will be honest and treat you fairly and with respect and expect the same from you.
- We will stop your interaction with us if you are threatening or display inappropriate behaviour.
- We will resolve disputes without litigation where possible and conduct ourselves as model litigants in any actions.

## Service design principles

The following Service Principles are used to guide the design and delivery of services in Licensing and Compliance.

### User-centred

We will understand customer and government needs and create a balanced, seamless end-to-end experience.

### Inclusive

We will make services available to all members of our community, and use a digital first approach.

### Sustainable

We will continuously improve to help us innovate, value add, and reduce costs to provide better services into the future.

### Connected

We will ensure services are aligned, collaborating across service providers and directorates, so customers only have to tell their story once.

### Supported

Our staff will be accountable, responsive and skilled to ensure that the customer's experience with us continues to meet expectations and needs.

### Simplified

We will ensure services are logical and transparent, reduce administrative burden on users, and are easy to understand and use.

## Feedback and Complaints

*How service delivery and regulatory feedback and complaints can be made and will be managed.*

Licensing and compliance aims to be efficient and effective in its operations. We welcome ideas and suggestions that help us to review our services. We will continuously seek to improve our services to make it easier and better for you to interact with us.

### Service delivery

#### General feedback

Licensing and compliance is committed to providing excellent service. We value the feedback we receive about our service delivery and will use it to continually improve our service and performance.

Provide general feedback by:

- calling Access Canberra on 13 22 81
- emailing [TCCS.LC@act.gov.au](mailto:TCCS.LC@act.gov.au)
- writing to us at:  
TCCS Licensing and Compliance  
GPO Box 158  
CANBERRA ACT 2601
- visiting an Access Canberra shopfront and making a report

#### Management of information

Any information you provide to Licensing and Compliance will be managed in accordance with privacy and record keeping requirements. Feedback will also be monitored to identify trends, and improve agency capability and services.

#### Responses

Feedback will be acknowledged as soon as possible.

## Complaints

### Complaints about our service delivery

Licensing and Compliance staff are committed to delivering superior customer service. If you have a complaint about the service you received, we will try to resolve your complaint at first contact. If required, your complaint will go to a Manager, or person of appropriate level, for assessment and resolution. You will be advised of the outcome of your complaint.

### Complaints about the conduct of our staff

Licensing and Compliance staff will act professionally and without bias. If you have a complaint about the professional conduct of a Licensing and Compliance staff member please refer your concerns to us. Your complaint will be treated in confidence and investigated in accordance with this policy and ACT Public Service guidelines.

## Regulatory matters and complaints

### Policy and legislation

Feedback about a suggested change in policy, or explanation of policy or legislation, is welcomed and will be managed in the same way as feedback about our service delivery.

### Regulatory complaints and investigations

Licensing and Compliance welcomes complaints about the services, amenities, animals and areas we regulate. Given the often complex nature of such complaints, we will keep you informed about the progress of your complaint. All regulatory complaints are assessed in accordance with the principles outlined in this document.

#### Lodge a complaint by:

- calling us on 13 22 81
- emailing [TCCS.LC@act.gov.au](mailto:TCCS.LC@act.gov.au)
- writing to us at:  
TCCS Licensing and Compliance  
GPO Box 158  
CANBERRA ACT 2601
- visiting an Access Canberra shopfront and making a report

## Complaints or reviews of our decisions

If your complaint relates to a regulatory decision, you have the right of appeal. Please refer to the appeal information provided to you. If this information was not provided please advise us via our feedback contact options.

If you are dissatisfied with our response, you may request an internal review. Internal reviews will be considered by a senior officer who was not involved in the original response and allow for an internal escalated dispute resolution process.

If you are dissatisfied with the internal review, you may contact the Australian Capital Territory Ombudsman.

### ACAT

GPO Box 370

CANBERRA ACT 2601

Email: [tribunal@act.gov.au](mailto:tribunal@act.gov.au)

Phone: (02) 6207 1740

### ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Phone: 1300 362 072





## Regulatory Compliance and Enforcement

*The approach we take to our regulatory decisions and actions.*

Licensing and Compliance aims to adopt the right regulatory response for the right situation.

### Principles

The key principles underpinning our regulatory activities and decisions are:

**Risk-based:** We will apply a risk-based compliance approach to ensure that our resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening our capacity to take action where the community, animals and the environment are most at risk. Licensing and Compliance will prioritise its actions based on a range of considerations, including the following:

- conduct that causes harm or risk to people, animals, public land, territory assets, or the environment;
- conduct that is systemic and is likely to have a detrimental effect on the community and/or the environment; and
- conduct that demonstrates a blatant disregard for the law.

**Proportionate:** we will have regard for the current harm/risk, the experience and past conduct of a person or business when determining our regulatory response.

**Effective:** we will apply the appropriate compliance tool to ensure that our regulatory interventions are responsive to the relevant circumstances and will achieve the desired outcomes. We will aim for consistent enforcement outcomes for similar conduct.

**Constructive:** we will provide advice, guidance and support to help business and the community comply with relevant laws.

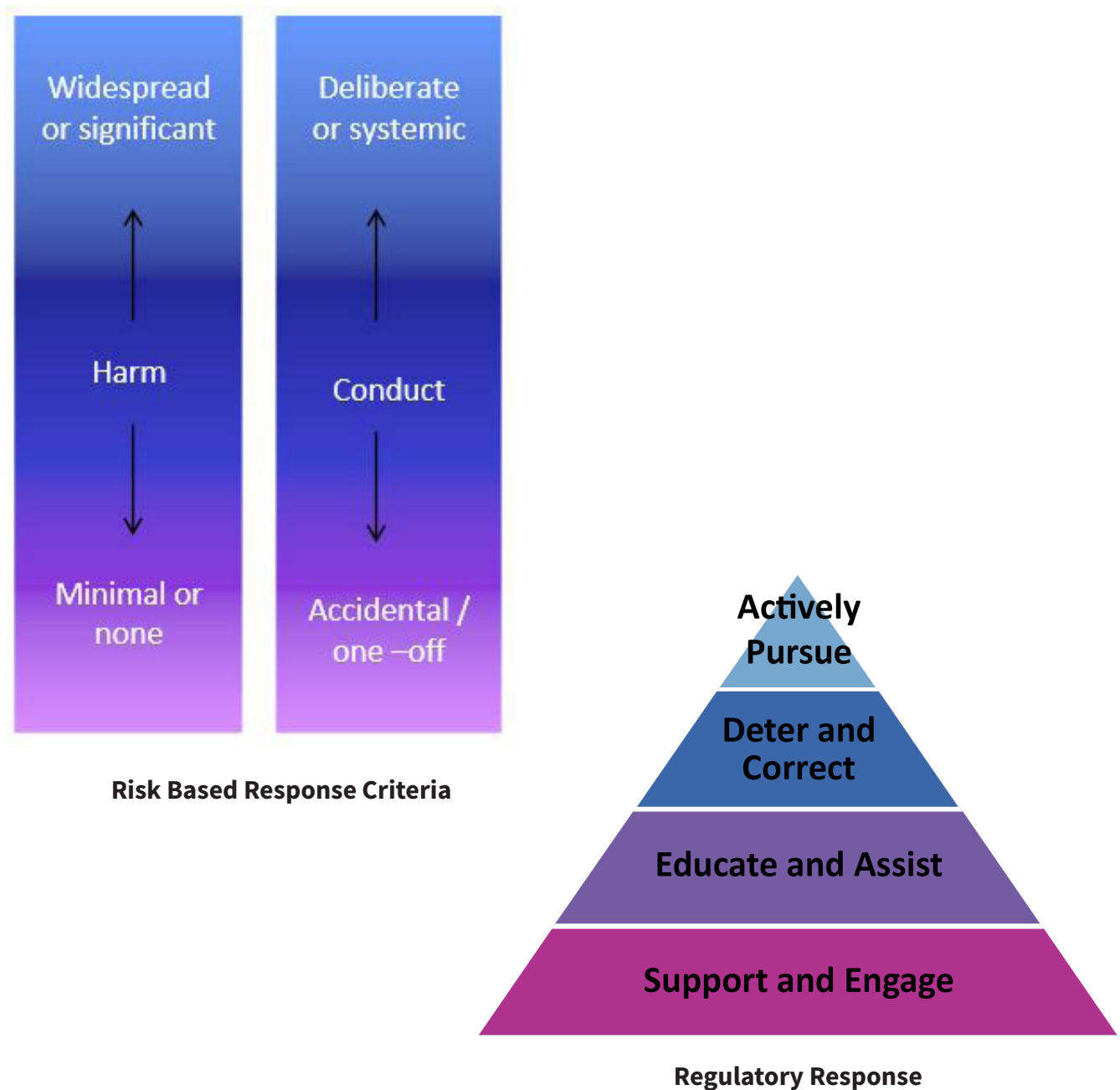
**Accountability:** we are willing to explain our decisions whilst protecting the integrity of our investigations. We will balance confidentiality requirements with the need to inform businesses and the community about our regulatory actions.

**Transparency:** we will demonstrate impartiality and act with integrity. The community and those who we regulate will know what to expect when engaging with us.

**Timeliness:** we will conduct our investigations, compliance activities and enforcement action as efficiently as possible. We will be adaptable to responding to new priorities, technologies and changing environments.

## Response model

The diagram below illustrates Licensing and Compliance’s approach to fostering compliance and management of non-compliance. Licensing and Compliance encourages compliance through education but will apply escalating enforcement actions to those that demonstrate a disregard for the law and whose conduct has, or is likely, to cause harm to consumers, business, the community or the environment



## Governance

Our regulatory activities are undertaken within a governance framework to ensure efficient and effective allocation of resources and adherence to our guiding principles.

### Committees

Licensing and Compliance administers a Regulatory Advisory Committee which ensures probity in our regulatory activity, and that our response is consistent, transparent and fair. The Regulatory Advisory Committee considers the whole circumstances encompassing a matter and recommends the most appropriate regulatory action given the individual circumstances of the case. This may include taking no further action. This Committee will also consider complex applications for a licence or registration. The recommendations of the committee are underpinned by our risk-based principles and are provided to an appropriately delegated official who makes the final decision.

### Compliance frameworks for specific regulatory approaches

Licensing and Compliance has documented a variety of compliance and enforcement frameworks for sector-specific regulatory activities and industries. These include Land Use Licensing, Domestic Animal Services and Animal Welfare, City Services and Regulation and Compliance and Investigation.

## Regulatory toolkit

To ensure we achieve the right regulatory approach for the right situation, and provide rigorous support for our statutory office holders, we will draw on a range of activities and powers as allowed to encourage and enforce compliance with the laws that we regulate.

Advice	<ul style="list-style-type: none"> <li>We will respond to requests for advice and will proactively make contact with a business to inform them of their obligations.</li> </ul>
Education Campaigns	<ul style="list-style-type: none"> <li>We will focus on a specific industry or issue to promote and explain regulatory requirements.</li> </ul>
Dispute Resolution	<ul style="list-style-type: none"> <li>In some circumstances we may assist in resolving disputes between consumers and businesses.</li> </ul>
Written Warnings	<ul style="list-style-type: none"> <li>If you have not complied with your regulatory obligations we will write to you. We may take further action if your conduct continues.</li> </ul>
Audits/Inspections	<ul style="list-style-type: none"> <li>We will undertake checks and proactive inspections/audits to monitor compliance levels. In some instances we will intervene to prevent continued non-compliance.</li> </ul>
Statutory Notices or Directions	<ul style="list-style-type: none"> <li>We may issue you with a Notice to undertake immediate action to address or cease non-compliant conduct.</li> </ul>
Court Enforceable Undertakings	<ul style="list-style-type: none"> <li>If you have contravened the law, a written undertaking may be considered where you agree to address the non-compliant conduct.</li> </ul>
Infringement Notice	<ul style="list-style-type: none"> <li>We may issue you with an infringement (penalty) notice for non-compliant conduct.</li> </ul>
Licence or Registration Conditions	<ul style="list-style-type: none"> <li>We may place a condition on your licence or registration to restrict you from certain activities. This action occurs in response to non-compliance, or other action that affects your eligibility for your licence or registration, or to minimise harm.</li> </ul>
Licence Suspension	<ul style="list-style-type: none"> <li>We may suspend your licence.</li> </ul>
Licence Cancellation	<ul style="list-style-type: none"> <li>We may seek to have your licence cancelled.</li> </ul>
Injunctions	<ul style="list-style-type: none"> <li>We may seek an order from the Court to stop you from engaging in unlawful conduct.</li> </ul>
Civil Prosecution	<ul style="list-style-type: none"> <li>In some circumstances we may take civil action through the Court on behalf of a consumer or to seek a specific remedy for non-compliant conduct.</li> </ul>
Criminal Prosecution	<ul style="list-style-type: none"> <li>We will refer serious contraventions of the Law to the Director of Public Prosecutions seeking a criminal prosecution in the Court.</li> </ul>