

ACT GOVERNMENT

Animal Welfare and Management Regulatory Compliance Model



ACT
Government

Transport Canberra
and City Services



ACT
Government

Transport Canberra
and City Services

L&C, Who are we??

Transport Canberra and City Services Licensing and Compliance (L&C) unit is responsible for regulating and licensing public unleased land, domestic animals, animal welfare and municipal services in the ACT.



ACT
Government

Transport Canberra
and City Services

Our mission

L&C 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.





ACT
Government

Transport Canberra
and City Services

L&C Regulatory Response

- L&C aims to adopt the right regulatory response for the right situation.
- L&C's Regulatory Compliance model was built in line with the Australian National Audit Office Better Practice Guides - Public Sector Governance and Administering Regulation.
- Key principles underpinning our regulatory activities and decisions are:
 - **Risk-based**
 - **Proportional**
 - **Effective**
 - **Constructive**
 - **Accountability**
 - **Transparency**
 - **Timeliness**



ACT
Government

Transport Canberra
and City Services

L&C Accountability Commitment

Risk-based – L&C applies a risk-based compliance approach to ensure that its resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest.

(Sparrow and Braithwaite models of compliance)

L&C prioritises its actions based on:

- 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.



ACT
Government

Transport Canberra
and City Services

L&C Accountability Commitment

Proportional – 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.



ACT
Government

Transport Canberra
and City Services

L&C Accountability Commitment

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.



ACT
Government

Transport Canberra
and City Services

L&C Accountability Commitment

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.



ACT
Government

Transport Canberra
and City Services

**So how does L&C achieve
it's compliance principles?**



ACT
Government

Transport Canberra
and City Services

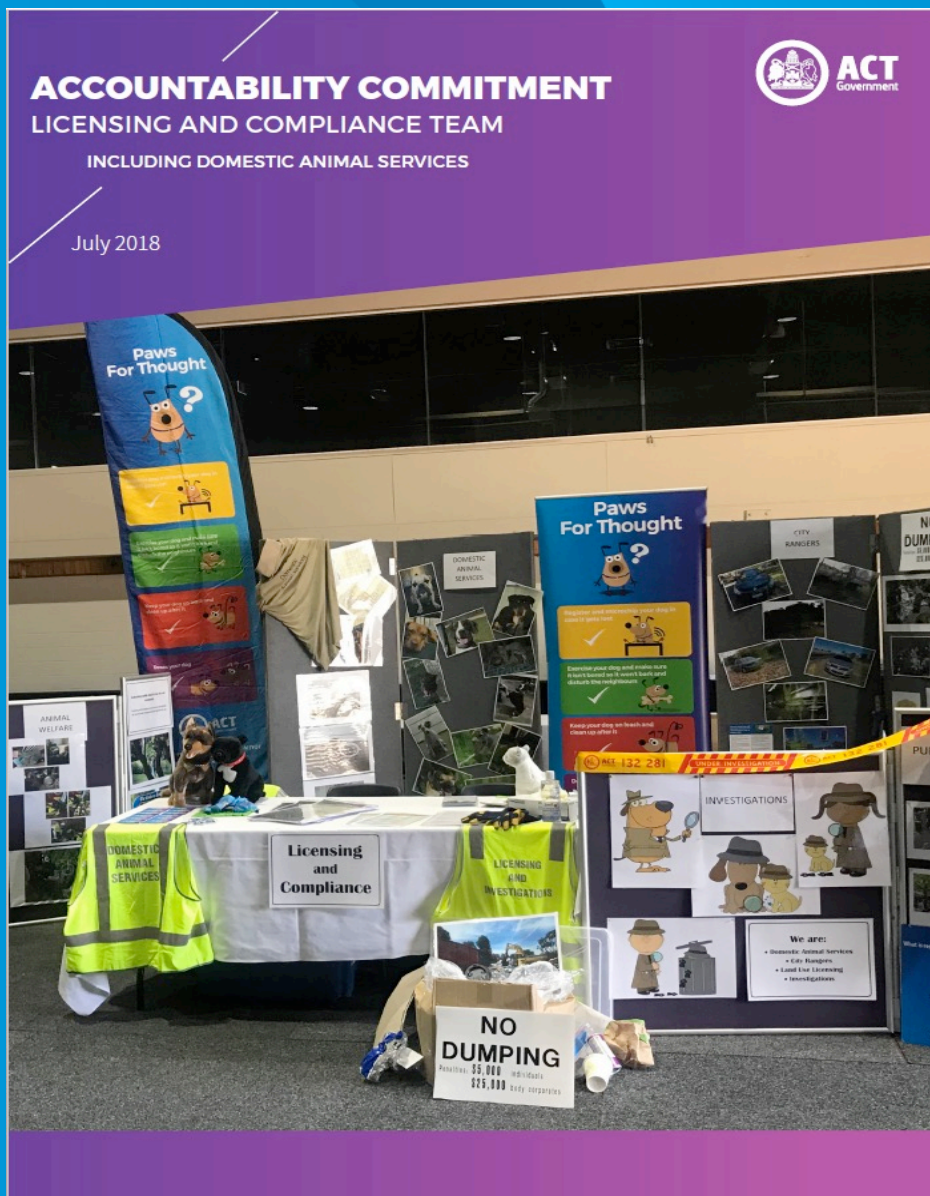
L&C Accountability Commitment

ACCOUNTABILITY COMMITMENT

LICENSING AND COMPLIANCE TEAM

INCLUDING DOMESTIC ANIMAL SERVICES

July 2018





ACT

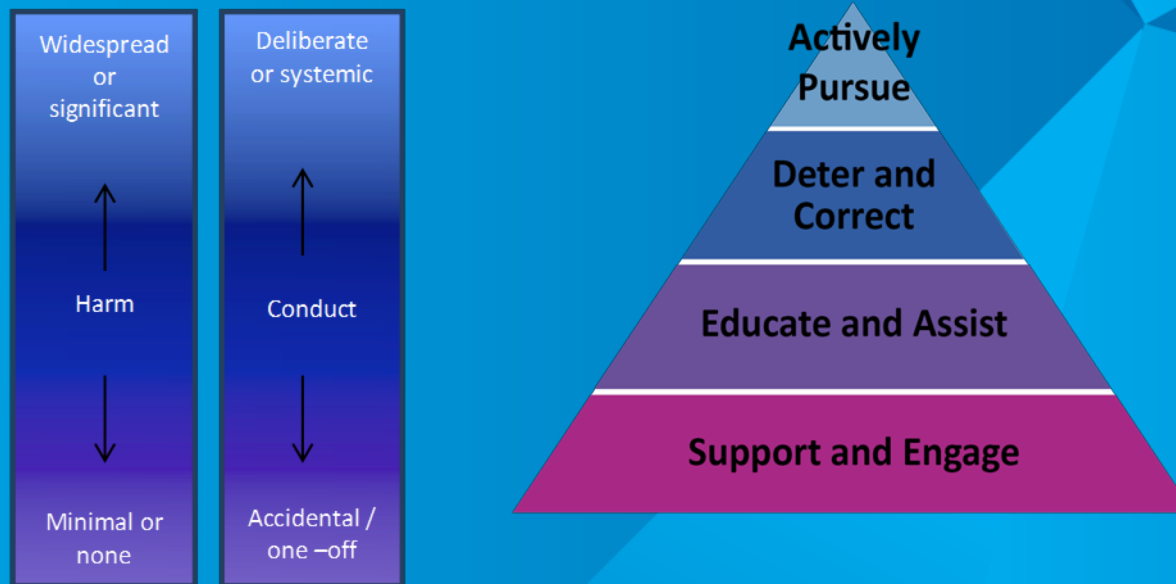
Government

Transport Canberra
and City Services

L&C's three E's

Engage, Educate and Enforce

Licensing and Compliance encourages compliance through engagement and education, but applies an escalating enforcement response to those people or businesses 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





ACT
Government

Transport Canberra
and City Services

L&C's Regulatory Tool Kit

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



ACT
Government

Transport Canberra
and City Services

L&C's Regulatory Response and Investigation of Dog attacks

The ABC's of Dog attacks.

$A+B+C = M$

$A+B = DD$





ACT
Government

Transport Canberra
and City Services

What's the RAC?

In 2016 L&C introduced the use of a Regulatory Advisory Committee (RAC).

The RAC is a panel of people that provides strategic direction and input on investigations, registration and licensing decisions, and makes formal recommendations to statutory office holders and their delegates when making statutory decisions.



ACT
Government

Transport Canberra
and City Services

Who is the RAC?

The RAC is made up of a Senior Manager (the Chair), a legal representative, line Managers, Investigative staff, Rangers, Animal Behaviourists and any other person that may be called upon to provide professional input.



ACT
Government

Transport Canberra
and City Services

Principle of RAC

RAC meets weekly. Whilst there is a Chair, the committee works on the King Author's round table principle, in that everyone who sits in RAC has equal status and a voice.



ACT
Government

Transport Canberra
and City Services

What does the RAC do?

Matters are referred to RAC when:

- compliance action maybe required,
- the relevant manager believes that an application for a licence or registration should be refused, or is unsure of the appropriate approach, when there is a significant issue to be determined on the refusal;
- guidance is required on how an investigation should/could be progressed;
- guidance is required on a licensing or registration application;
- advice is required to incur an expense or significant additional resources are needed to progress an investigation;
- advice is required to issue or waive legal notices, apply for a search warrant, close an investigation;
- any other regulatory matter that may require discussion.



ACT
Government

Transport Canberra
and City Services

How does RAC Work?

Rangers and Investigators involved in the investigation, provide a structure briefing to the RAC detailing their investigation findings and any corroborating or mitigating evidence gathered through the process.

With the information provided, RAC considers;

- the probity of the investigation and evidence,
- any potential biases,
- the risks and harm associated with the activity or non-compliance,
- any other potential issue or sensitivity,
- any behavioural reports or behavioural observations, and
- any recommendations or sanctions put forward by the investigative staff.



ACT
Government

Transport Canberra
and City Services

How does RAC Work?

- With the information provided, RAC seeks to ensure that appropriate decision-making processes are followed and that all reasonable considerations are taken into account prior to a recommendation being made.
- To do this RAC considers the risks and issues identified and any recommendations put forward by the investigative staff.
- RAC discusses the case and as a body makes recommendations for a decision maker in relation to administration such as control orders, declarations, rehoming, euthanasia etc. and regulatory actions such as infringements, prosecution, etc.
- RAC may also refer a matter back to the investigator for further investigation or evidence.



ACT
Government

Transport Canberra
and City Services

How does RAC Work?

- RAC can also provide input at significant stages of an investigation or licensing application process.
- RAC can also be consulted for matters of procedural consistencies with respect to matters that RAC deals with. These could be issues of policy and legislative interpretation at the procedural level.



ACT
Government

Transport Canberra
and City Services

How does RAC Work?

To Note:

RAC is not a decision making body.

RAC provides advice to decision makers on compliance and licensing matters.

The formal decision maker on those licensing and compliance matters is the statutory office holder and/or their delegates.



ACT
Government

Transport Canberra
and City Services

Thank you.