

Managing Local Nuisance & Litter Complaints

1. Purpose and Scope

This procedure details the Campbelltown City Council (the Council) approach to the management of complaints received under the *Local Nuisance and Litter Control Act 2016* (the Act).

Relevant Legislation

- *Local Nuisance and Litter Control Act 2016*
- *Local Nuisance and Litter Control Regulations 2017*
- *Environment Protection Act 1993*

2. Record Management

All relevant documents, notes, photographs and correspondence must be stored in accordance with the Council's records management protocols.

As a minimum, the information that is recorded will include:

- The name of the complainant (if the complaint is not anonymous).
- The address or property details of the source of the complaint.
- The name or business name of the alleged offender if known.
- The nature of the incident including location, time, type of incident.
- Whether this incident has been reported elsewhere.
- Any other information that might assist in assessment of the complaint.

3. Procedure

Refer to Schedule 1, Part 3 of the Act for issues that are considered to **not** be local nuisance, which are not covered under this procedure.

The Act provides a variety of regulatory tools and the ability to exercise discretion to determine which tool is appropriate for particular circumstances.

3.1. Core Complaint Management Responsibilities

In managing complaints, it is the Council's responsibility to:

- Deal with the complaint professionally, efficiently and impartially.
- Keep complainants informed of the progress and outcome of the complaint.
- Provide clear reasons for decisions.
- Treat complainants and alleged offenders with courtesy and respect.
- Identify whether the Council is the appropriate authority to manage the complaint. If not, then the Council will redirect the complainant to the relevant authority as soon as practicable.

It is the complainant's responsibility to:

- Clearly identify the issues of the complaint.
- Provide the Council with all available information about the complaint.
- Cooperate with the Council's enquiries or investigations.
- Treat the Council's staff with courtesy and respect.

If complainants do not meet their responsibilities, the Council may set limits or conditions on the handling of the complaint, or may decline to take any action on that complaint.

3.2. Complaint Process

Once a complainant has read the relevant factsheet(s) on the Council's website and established that the issue they are complaining about is covered under the Act, there are multiple ways that they can make a complaint to Council:

- Completing the Council's General Complaint Form on the Council [website](#).
- Emailing the Council at mail@campbelltown.sa.gov.au.
- Calling the Council on 8366 9222 between 8.45am and 5.00pm Monday to Friday.
- Writing to the Council at 'Local Nuisance & Litter Complaint, PO Box 1, Campbelltown SA 5074'.

3.3. Response Process

The process below assumes that the complainant identifies themselves when making a complaint. Anonymous complaints will be investigated by Council, but the process will begin at Stage 2.

Stage 1 – Initial Contact with Complainant

Goals/purpose

- Formally acknowledge receipt of the complaint.
- Get further information on the complaint.
- Provide education and advice regarding the legislation and possible complaint resolution.
- Provide possible opportunities for the complaint to be resolved without the need for regulatory action.

Actions

1. The complaint is assigned to an Authorised Officer (AO).
2. A letter is sent to the complainant acknowledging receipt of the complaint.
3. The AO will then contact the complainant for additional information. They will also offer advice and discuss whether there may be an opportunity to resolve the complaint without the need for regulatory action. If the Council is unable to contact the complainant within 30 days of receipt of the complaint it will move to Stage 2.

Triggers for the complaint to be closed during Stage 1:

- The complainant advises there is no longer an issue.

Stage 2 – Authorised Officer Investigation

The complaint progresses to Stage 2 in the following circumstances:

- The complainant advises that the same activity is still being carried out by the alleged offender referred to in Stage 1.
- If the Council is unable to contact the complainant within 30 days of receipt of the complaint
- If the complainant is anonymous.

Goals/purpose

- Investigation of the incident by an AO.

Actions

1. The AO will gather evidence in order to assess whether an offence under the Act has occurred. At the discretion of the AO, this may involve a site inspection.

Triggers for the complaint to be closed during Stage 2:

- The complainant advises there is no longer an issue.

Stage 3 – Authorised Officer Decision

Goals/purpose

- Decision by the AO whether complaint proceeds to Stage 4 (regulatory action) or is closed.

Actions

1. The AO will assess the information gathered in Stages 1 and 2 and confirm if an offence under the Act has occurred.
2. If the AO decides a complaint should be closed because an offence under the Act has not occurred, they will contact the complainant:
 - Detailing the extent of investigation undertaken to date;
 - Providing justification for the matter being closed; and
 - Advising the complainant they are entitled to contact the Office of the Ombudsman if they are dissatisfied with the manner in which their matter was managed by the Council (see Section 3.7).

Triggers for the complaint to be closed during Stage 3:

- The complainant advises there is no longer an issue.
- After investigation, the AO decides that an offence under the Act has not occurred.
- Complaint escalates to environmental nuisance (see Section 3.6).

Stage 4 – Regulatory Action

The complaint will escalate to Stage 4 if there is confirmation of an offence occurring during Stage 3.

Goals/purpose

- Regulatory action.

Confirmation of an offence will lead to regulatory action. This is at the discretion of the AO but may include an expiation, abatement notice or prosecution. It is important to note that the purpose of regulatory action is to secure compliance with the Act.

Actions

1. A letter will be sent to the offender advising that a complaint has been made, that Council deems that they have committed an offence under the Act and the regulatory action that is required to make them compliant with the Act.
2. The AO will contact the complainant outlining the outcomes of the investigation and the regulatory action that the Council is taking with their complaint.

3.4. Communication with Complainants

When further discussion about a complaint is required, the AO will try to contact the complainant by phone. The Council finds that this is the most effective way to communicate about these complaints and helps to resolve them quickly.

3.5. Complaint closure

The Council will seek to close all complaints in a timely manner. Complaints will be closed when:

- The complainant advises the Council the matter has been resolved.
- The matter has been resolved to the satisfaction of the Council.
- No evidence of non-compliance with the Act has been observed by AOs.
- The matter is deemed to be vexatious.
- The matter is outside of the responsibility of the Act, and has subsequently been referred to another agency.
- The complaint has been lodged anonymously, and the Council has been unable to validate the issue.
- Complainants are abusive toward or have threatened or intimidated staff.

3.6. Referral to another Agency

During investigation by an AO it may be determined that an incident is outside of the scope of the Act. The Council will:

- Escalate issues of environmental harm to the EPA.
- Refer issues that are better managed under another piece of legislation to the appropriate authority administering that legislation.

3.7. Complainant unsatisfied with outcome

There will be times that complaints that have not been resolved to the satisfaction of the complainant. This may occur if the matter is deemed outside of the scope of the Act or evidence of non-compliance with the Act has not been found.

Where complainants are dissatisfied with the manner or outcome in which their complaint was managed by the Council, the complainant is entitled to bring the matter to the attention of the South Australian Ombudsman.

Telephone: (08) 8226 8699

Toll free: 1800 182 150 (outside metro SA only)

Facsimile: (08) 8226 8602

Email: ombudsman@ombudsman.sa.gov.au

Postal address: PO Box 3651 Rundle Mall SA 5000

Future correspondence and reports received on closed matters will only be investigated by the Council if significant new information is provided.

4. Monitoring and Review of Procedure

This procedure will be reviewed annually.