

Hawkesbury River County Council

PROPERTY INSPECTION
POLICY

Adopted April, 2006

6 Walker Street
SOUTH WINDSOR N.S.W 2756

Hawkesbury River County Council

Property Inspection Policy

PROPERTY INSPECTION PROTOCOL

Enforcement of the Noxious Weeds Act involves inspection of lands and assessment of noxious weed infestations for the purposes of determining what action, if any, is required to control noxious weeds. These lands may be privately owned, leased, occupied Crown land, vacant Crown land, council land or land controlled by Rural Lands Protection Boards.

The Noxious Weeds Act 1993 gives you legal access to inspect for weeds. It is important to remember, that you are obligated to do the right thing by the landholder/occupier. It is recommended that you follow the procedures set out below and observe common courtesies and good manners in your dealings with the public and representatives of Government agencies. Always respect the rights of other people and treat their property as if it were your own.

Notice of Intention to Inspect a Property

Every effort must be made to give prior notice to the landholder of your intention to conduct an inspection of their property. The Act requires that you give notice but, whether it did or not, you should observe this common courtesy. The landholder has every right to know you are on the property. In the case of entry onto "occupied" Crown lands (e.g. Forestry, National Parks), prior notice of your visit is a professional courtesy which can only improve working relationships.

Property Visit Without Prior Notice

In the case of property inspections where written notice has not been sent (e.g. in the case of an unscheduled or new inspection), verbal advice **must** be received on arrival at the property.

You will find most landholders have no objection to allowing you to carry out the inspection. However, if it is not convenient for the landholder, they are quite entitled to ask you to come back at a later date.

Work out a mutually acceptable time to call back. Otherwise, give the Owner/occupier verbal notice that you will be back at a specified time, say, next day. The Act does not state the minimum period of notice, but this would have to be a "reasonable period". The following day would be "reasonable" notice unless the landholder presented you with valid reasons for further postponement.

Owner/occupier NOT Present

Consider your options. If the visit has been arranged, it would usually be appropriate to proceed with the inspection – especially if you know the owner/occupier and you've been there before.

If the visit has NOT been arranged, it would be inadvisable to proceed with the inspection unless

- (a) you know the owner/occupier well and you have permission to enter the property at any time, or
- (b) the area comes under the heading of "public lands".

Whether you continue with the inspection or not, leave your business card and/or written advice detailing the time and purpose of your visit. This information should be left in an appropriate place (front gate, mailbox).

If you have carried out the inspection, call at the house again before you leave - the landholder may be home by then.

It is important to use your diary to record your movements. This is especially true if you are on an unattended property.

Care and Courtesy

Exercise common courtesy at all times. Avoid damage to roads, cultivated paddocks, irrigation pipes, telephone lines and fences. Leave gates as you find them. Take suitable precautions against fire, especially during periods of extreme bushfire danger.

Dress Requirements

Before making your visit to the property, it is essential that you are appropriately dressed when dealing with owner/occupiers and the general public. Your clothing should be neat and tidy and identified with Council's name or logo. A name badge with identifications details may also be appropriate.

You are, after all, representing Hawkesbury River County Council. You will be expected to present yourself as a professional when performing your official duties as an inspector.

You are also expected to use a polite and helpful approach when dealing with owner/occupiers, other members of the public and your fellow officers within the Council.



Vehicle hygiene

Weeds are easily spread from property to property by vehicles and other machinery, so it is important that you make every effort to keep your vehicle free of contaminants.

- Ensure your vehicle is free of plant material before you enter the next property
- During inspections, avoid driving through weeds, especially seeding weeds
- Check your vehicle (including floor mats) on completion of each property inspection – remove any plant material

Formal Introductions

On arrival at the property, introduce yourself to the owner/occupier or their agent. Explain why you are there and state the legislation under which you are acting. If you are unknown to the owner/occupier show your authority card and give them one of your business cards or a weeds information sheet or similar that includes Council's contact details.

Uncooperative Landholder

If you encounter a landholder who becomes abusive and you see little chance of a satisfactory outcome to your visit, terminate the visit and leave the property, remembering to be polite and courteous. At the first opportunity, stop and record in your diary or notebook all events in relation to your inspection, including interview details, these are to be contemporaneous notes.

Report the facts to the Manager, Weeds Operations and seek directions for handling the matter.

Another inspection, accompanied by the Manager, Weeds Operations or another Inspector, or perhaps a letter/notice, would be options for the next course of action.

Landholder to Accompany on Inspection

A lot of time can be saved and your visit can be made more worthwhile for the owner/occupier if they accompany you during the property inspection. Encourage them to do so. Owner/occupiers usually learn about weeds from you, and they will see a lot more weeds than they normally would (because they will actually be looking for weeds).

If the owner/occupier suggests using their vehicle, you will be minimising the risk of moving new weeds onto, or off, that property. Despite our best efforts at keeping our vehicles clean, there is the risk of accidentally introducing new weeds/grasses into a clean area. Using the owner/occupier's vehicle can reduce this problem.

Accidental Damage to Property

If you cause any damage to property or have any doubts about stock disturbance etc, try to discuss the issue of concern with the owner/occupier before leaving the property. It is always better to try to resolve any problems, or potential problems, on the spot rather than to place your own integrity and that of the Council at risk. If an incident has occurred while in the course of a property inspection, advise the Manager, Weeds Operations at the first opportunity. Remember, you or some other officer may have to go back onto that property again one day.

Advise you are leaving the property

Make every endeavour to interview the owner/occupier after completing the property inspection. This is a chance to report your findings and to give them a copy of your Property Inspection Report.

If you haven't been able to interview the owner/occupier before you leave the property, it is good practice to leave your written Property Inspection Report (or some other advice) to indicate you have left the property. Again, this is a matter of common courtesy. If the owner/occupier does not know you have left, they might even assume you have been injured or lost, and could feel obligated to report the matter to the Council or the Police, or to go searching for you.

Keep a Record of Your Movements

After having covered all of the above examples of what can go wrong, always bear in mind that even though you may have done everything right during your visit to the property, somebody else could do something for which you might be blamed.

Fire, theft etc. as a result of somebody else being on the property on the same day as your visit could bring you under suspicion. If the owner/occupier is absent, leave your card or notice at the house or mailbox but ALWAYS stay away from all other buildings.

Always maintain a complete record in your daily diary of all of your movements, especially noting entry and exit times, to whom you spoke, any other persons you may have seen during your visit to the property, etc. Always try to write up your property inspection reports as you finish each inspection.

INSPECTION PROCEDURES

This sections deals with procedural issues in terms of carrying out your official duties as a Weeds Officer.

Property Inspections - background

The property inspection process commences with written or verbal advice to the owner/occupier to notify of intention to inspect the property. The outcome of the first inspection will determine the future course of directions and inspections. A typical procedure would follow the steps set out below:

All reports are to be filed in the office, after relevant details are added to Council's property file database.

Step 1 – Notice of inspection

Written or verbal notice to the owner/occupier of intention to inspect the property. Always try to give prior notice. However, this can be difficult because it's not always easy to keep to a timetable. And, some days you may have time to do one more inspection in the area and you haven't previously arranged that inspection.

Step 2: 1st Inspection - Two scenarios might apply:

This is the introductory inspection, and your first assessment of the property and any noxious weed problems. During this inspection you will establish your relationship with the owner/occupier. You will identify yourself and provide advice about the Act and weed control. Be patient and courteous.

If the property inspection reveals that the owner/occupier is already doing a **satisfactory** job of control tell them so. A bit of encouragement goes a long way. Suggest that they continue with their effective maintenance program.

OR

(ii) If the property inspection reveals that the noxious weed situation is **not satisfactory**, advise the owner/occupier on work which needs to be done and give a "reasonable" time to do what is required. "Reasonable" is just that. Consider the owner/occupier's other commitments and the actual time necessary to do the weed control work. It's always a good thing to ask the owner/occupier what sort of time they need to do the job. Often, they will commit themselves then and there to the work.

In both (i) and (ii) above, issue a Property Inspection Report to the owner/occupier.

Step 3: 2nd Inspection – if required

Again, two scenarios might apply - the owner/occupier has either

(i) completed the work as requested or (ii) the work has not been completed.

(i) **Landholder has complied** with your previous request. Satisfactory work done - give the landholder a "pat on the back". Suggest they continue with the good work in the future. Issue a Property Inspection Report to the owner/occupier.

OR

(ii) **Insufficient or no work done**. Interview the owner/occupier to determine the reason why work has not been carried out as directed at the previous inspection. If you are satisfied that the reason is genuine and that you can gain compliance within a reasonable time, issue the landholder with another Property Inspection Report with a new, agreed re-inspection date. If you believe that the landholder is unlikely to comply with your second request, you should advise them – in the most polite and diplomatic way as possible – that you will be recommending to the Manager, Weeds Operations that legal action may be required.

On return to the office submit a copy of the Property Inspection Report to the Manager, Weeds Operations. If you believe that prosecution may be warranted, discuss the situation with the Manager, Weeds Operations. Consider arranging for the supervisor to accompany you on a further visit to the property. Or, prepare a report and your recommendation for the issue of a Section 18 Notice (under the Noxious Weeds Act) and submit this to your supervisor with the other reports attached.

Step 4: 3rd Inspection – if required

Here, two scenarios might again apply:

Owner/occupier has complied with the Property Inspection Report issued on your previous visit - satisfactory work done. If the owner/occupier has done a good job, always say so. Thank the owner/occupier for their cooperation, ask owner/occupier to continue with effective maintenance in the future. Issue a Property Inspection Report to that effect to the owner/occupier.

OR

Owner/occupier has failed to comply with the Property Inspection Report issued on your previous visit. As in Step 3, above, you should present another Property Inspection Report to the owner/occupier and indicate that you will recommend prosecution action. Provide the Manager, Weeds Operations with a copy of the Property Inspection Report, and a recommendation for the issue of a Section 18 Notice.

This Property Inspection Policy has been adopted by Council.



General Manager

20 April 2021