



Compliance Policy

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Purpose

East Gippsland Shire Council is responsible for enforcing the provisions of a wide range of legislation providing for the safety, health and amenity of the community generally.

Council is committed to effective compliance activities and the role of this document is to provide a framework for enforcement action undertaken by Council which sets out the enforcement rationale, objectives, priorities and intended outcomes in achieving Council's legislative requirements and strategic objectives.

Scope of policy

This policy applies to all staff in respect of compliance actions including:

- control of animals;
- building control;
- vegetation management;
- waste management;
- local laws;
- public and environmental health and food safety;
- litter management;
- fire hazard management;
- domestic wastewater management; and
- parking control.

within East Gippsland Shire.

Matters relating to compliance with the *Planning and Environment Act 1987* are addressed within the *Planning Compliance Policy 2017* and supporting procedure documents, available on Council's website.

Policy Statement

In exercising its enforcement powers, Council will:

- Provide a fair, consistent and predictable approach to all regulatory enforcement activities.
- Instill community confidence in Council's compliance and enforcement activities through natural justice, good governance and ethical practice.
- Educate the community on relevant legislation in order to assist the community with legislative compliance.
- Ensure that the level of enforcement undertaken is proportionate to the nature and seriousness of the offence.
- Achieve an appropriate balance in terms of proactive and reactive compliance work to ensure that Council's legislative responsibilities, strategic objectives and priorities are achieved.

Roles and responsibilities

These management positions are responsible for implementation and compliance monitoring of the policy in their work areas:

Patry/Parties	Roles and responsibilities:
General Manager	To oversee the implementation of this Policy and supporting Procedures
Manager	To ensure awareness of and adherence of staff to this Policy and relevant supporting Procedures

References / associated documents

This policy is consistent with the Council Plan 2021-2025 Strategic Objective : A transparent organisation that listens and delivers effective, engaging, and responsive services.

Relevant legislation:

Legislation administered by Council includes but not limited to:

- *Building Act 1993*
- *Country Fire Authority Act 1958*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Impounding of Livestock Act 1994*
- *Infringements Act 2006*
- *Infringements Regulations 2016*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Public Health and Wellbeing Act 2008*
- *Residential Tenancies Act 1997*
- *Roads Management Act 2004*
- *Summary Offences Act 1966*
- *East Gippsland Shire Council General Local Law 2011*
- *Road Safety Road Rules 2009*

Refer to:

<http://www.legislation.vic.gov.au/>

<http://www.eastgippsland.vic.gov.au/>

Attorney General's Guidelines to the *Infringements Act 2006* (Vic)

Related Council policy:

- *Customer Response Policy*

Supporting procedures / guidelines

Related procedures (management procedures):

- Compliance Procedure
- Infringement Review Procedure

Compliance Investigation Process and Options

The identification of a potential breach of the relevant legislation can arise from customer contact or an inspection procedure.

The first stage of the compliance procedure is investigation as to whether there has been an offence committed. Once the offence has been detected, the procedure emphasises compliance rather than prosecuting offenders.

There is a range of options available to the Council in seeking compliance with legislation or permits which include, but are not limited to:

- Education
- Advice in Writing.
- Notices (Improvement/prohibition, Compliance)
- Verbal Warning
- Written Warning
- Penalty Infringement Notice.
- Prosecution at the Magistrates Court.

All complaints are acknowledged in accordance with the provisions of the East Gippsland Shire Council Customer Response Policy. All information collected is detailed in an investigation report for Council's records and perusal (if required) by more senior officers. The report contains details of the status of investigation, documentation of evidence if required, and the Officers recommendation as to whether further action is necessary, and in what form that action is proposed to be taken to ensure compliance with the relevant legislation.

Privacy and Human Rights consideration

The disclosure of information revealed by an investigation, action/enforcement proceedings taken, is regulated by the *Privacy and Data Protection Act 2014*. It is an offence to disclose such information to a third party unless exempted under the Act.

The Council Enforcement Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of the *Human Rights Responsibilities Act 2006*.

Definitions and Abbreviations

Term:	Meaning:
Authorised Officer	An Authorised Officer appointed under Section 224 or 224A of the Act and includes a member of the Victoria Police who has been authorised by the Council.
Infringement Notice	An infringement notice is an administrative method for dealing with a relatively minor offence where the person alleged to have committed the offence has the option of paying a fixed penalty rather than having the matter decided in court.
PIN	Penalty Infringement Notice
Proactive	Inspection and audition of various registration/licenced premises and animals. Auditing of permit conditions.
Reactive	Investigation of complaints regarding alleged non- compliance with the relevant legislation and taking appropriate action to achieve compliance.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
Original	Approved	04/12/2000	Council		
1	Approved	10/11/2009	Council	3720291	
2	Approved	04/02/2014	Council	5650892	Migrated into new template with separate procedure document.
3	Administrative Amendment	08/08/2016	Chief Executive Officer	6815673	New regulations and management procedure incorporated.
4	Approved	04/07/2017	Council	7222802	
5	Approved	11/10/2022	Council	9683182	Migrated into new template and updated relevant Legislation