

Policy



STRATEGIC

COMPLIANCE

Head of Power

Local Government Act 2009

Other State Government Acts

Lockyer Valley Regional Council Local Laws

Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan (2017-2022):

- 1.3 Enhanced wellbeing and safety of the community
- 5.7 Compliant with relevant legislation

Definitions

| Term | Definition |
|--------------------------|--|
| <i>Authorised Person</i> | means a person who is authorised under an Act, Regulation or Local Law to exercise appropriate powers under an Act, Regulation or Local Law. |
| <i>Business</i> | means a person, sole trader, company, partnership, trust or corporation carrying out a business or profession, whether or not for profit. |
| <i>Compliance Action</i> | means a range of actions taken by Council to ensure that a business or person complies with their statutory obligations. |
| <i>Council</i> | means the Lockyer Valley Regional Council. |

Policy Objective

The Compliance Policy provides a rationale and framework for an equitable, transparent and consistent approach to compliance activities undertaken by authorised persons of Lockyer Valley Regional Council (“Council”).

The Compliance Policy will be implemented by authorised persons when undertaking compliance activities on behalf of Council.

The Compliance Policy also provides clarity and certainty for the community in what to expect in the course of compliance action.

Policy Statement

Council has obligations under a range of state legislations to ensure certain public health, safety, building, plumbing and land use standards are met, and the environment is protected.

These obligations are articulated in a range of Acts as well as Council documents including Local Laws, Policies, and Planning Schemes. The State Government also has a range of obligations with regard to environmental protection and health and safety standards some of which are devolved to Local Government to undertake compliance on their behalf.

To satisfy Council's regulatory compliance requirements in an equitable, transparent and consistent way this policy has been developed to assist all employees involved in compliance activities and to advise community members of the approach that will generally be taken.

Key Principles

All compliance activities undertaken by Council will:

- be outcome focussed;
- in the first instance, seek a cooperative approach to achieving an appropriate action or outcome to rectify non-compliance; and
- include formal enforcement measures where a cooperative approach is unsuccessful.

Compliance activities will generally progress through the following steps prior to undertaking formal enforcement action:

- inform and raise awareness;
- educate and advise; and
- provide warnings.

Compliance Priorities

Compliance activities can be classified as either proactive or reactive.

Proactive Compliance: proactive compliance activities are usually targeted and a consequence of preventative project initiatives, programmed inspections, or scheduled audits.

Reactive Compliance: reactive compliance activities are usually a consequence of a complaint raised by the community, a Councillor on behalf of the public, other government departments or through officer observations.

The risk assessment process will be applied consistently, without regard to the source, to determine the most appropriate approach, priority and type of compliance taken for any compliance activities.

Compliance Process

All compliance activities (i.e. notices, prosecution or a fine) initiated by Council will take the key principles into consideration.

When undertaking compliance activities, Council will in the first instance undertake mediation and negotiation to rectify the non-compliance matter.

Infringements and prosecutions will generally not be initiated unless:

- all other means of achieving compliance have been exhausted;
- there is sufficient evidence available to achieve successful prosecution; and
- legislation or regulation requires enforcement activity be initiated.

Council will follow up or monitor the outcome of all compliance matters.

Exemptions

A number of exemptions have been identified which provide for Council to initiate formal compliance activities immediately (i.e. notices, prosecution or a fine) for high risk compliance issues. This includes, but is not limited to:

- immediate or likely life-threatening situations (i.e. non-compliant pool);
- permanent or irreversible damage to the natural or built environment;
- immediate risk to public health, safety or wellbeing; or
- persons where a pattern/repeated instances of behaviour and failure to adequately rectify the non-compliance has been established.

Related Documents

Compliance Procedure

Compliance Guideline