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<b>Approval Date:</b>	17/06/2020
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<b>Responsible Officer:</b>	Manager Safe and Healthy Environments
<b>Owner:</b>	Safe and Healthy Environments
<b>Responsible Director:</b>	Health and Wellbeing
<b>Relevant Legislation/Authority:</b>	<i>Local Laws All Acts and Statutory Rules/Regulations related to the City's regulatory compliance functions</i>
<b>DOCSETID:</b>	4348096

## 1. PURPOSE

This policy provides a rationale and framework for an equitable, transparent and consistent approach to compliance activities undertaken by the City of Greater Bendigo (**the City**), so the community can be assured that standards are met.

## 2. BACKGROUND

Regulation and associated compliance activities play a critical role in maintaining minimum standards of civic behaviour particularly at the points where the behaviour and actions of individuals intersects with, and impacts with others and the environment.

To be able to achieve minimum standards of civic behaviour, ensure public health and safety and provide for the protection of the environment, compliance activities are a legislated and necessary function of Local Government. Frequently Local Governments are required by legislation to enforce acts and regulations established by State Government. The City's own Local Laws form a minor proportion of the total requirement of assurance and enforcement activities.

In the absence of policy, compliance activities may be seen to be inconsistent and open to influence. To satisfy the City'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 be taken.

The current compliance policy was adopted by Council in October 2014 following a review of the original compliance policy adopted by Council in 2012. Regular review of the policy is

essential to ensure that it reflects contemporary views and supports the equitable, transparent and consistent approach to compliance activities that is its purpose.

### 3. SCOPE

This policy applies to all employees undertaking compliance activities on behalf of the City of Greater Bendigo.

### 4. DEFINITIONS

Compliance	Action in accordance with a law, regulation, order, notice or direction.
Educate	To give clear, plain English and easily interpreted specific information to develop the knowledge and understanding of the issue.
Enforcement	To make a person comply with a particular law, regulation, order, notice, direction or situation.
Inform	To provide clear, plain English facts and information needed for there to be a broad, general and reasonable understanding of the issue.
Risk	A combination of two elements: the likelihood or chance of an event or harm occurring, and the consequence of that event or harm.
Warn	To give clear, plain English cautionary instruction about a specific issue, the risks and the potential consequences.

### 5. PRINCIPLES

5.1 All compliance activities undertaken by the City will:

- 5.1.1 be outcome based rather than punitive; i.e. fix the problem rather than issue a fine;
- 5.1.2 where appropriate, provide opportunity for timely and appropriate corrective action to be taken;
- 5.1.3 be proportional to the risk i.e. balance the restriction imposed and the severity of the nature of the prohibited act;
- 5.1.4 allocate resources to the management of the biggest risk of harm to the community, the environment and the organisation.

5.2 The City of Greater Bendigo will act in the following order:

- 5.2.1 Inform
- 5.2.2 Educate
- 5.2.3 Warn
- 5.2.4 Enforce

### 6. POLICY

6.1 Compliance priorities.

- 6.1.1 Compliance activities can be classified as either proactive or reactive.

- a) Proactive compliance is usually a consequence of programmed inspections, scheduled audits or experience.
- b) Reactive compliance is usually a consequence of a complaint raised by a resident, employee observation, or a Councillor on behalf of a resident.

6.1.2 While the origins of compliance priorities may vary, it is intended that the risk assessment process will be applied consistently, without regard of the source.

6.1.3 Where possible, the City is committed to a proactive approach (focusing on education and advice) rather than a reactive (complaint driven) approach.

## 6.2 Compliance responses.

6.2.1 All compliance enforcement activities (i.e. fine or prosecution) initiated by the City must be appropriately considered, based on the key principles and proportional to the offence. Only where it can be demonstrated that insufficient or untimely corrective action has been taken by an offender will the City initiate compliance enforcement activities.

6.2.2 Compliance enforcement activities will generally not be initiated unless:

- a) all other means of achieving the desired outcome have been exhausted.
- b) there is insufficient evidence available to achieve successful prosecution.
- c) legislation, regulation or risk requires enforcement activities be initiated.
- d) the City will follow up or monitor the outcome.

## 6.3 Compliance enforcement.

There are two distinct aspects of enforcement: remedy and sanction.

### 6.3.1 Remedy

The primary intention of all enforcement activities is to bring about the cessation of the non-compliance and limit harm i.e. fix the problem.

### 6.3.2 Sanction

Sanctions or punishment such as fines or prosecutions may be applied where there is:

- a) a need to deter lawbreakers, or potential lawbreakers from future non-compliance.
- b) a reasonable general understanding of a law (e.g. parking fine)
- c) financial gain by a non-compliance, disadvantaging law abiders
- d) an established history on con-compliance.

## 6.4 Compliance exemptions.

A number of exemptions to the policy have been provided that allow for the City to initiate the most serious of compliance enforcement activities immediately.

- 6.4.1 immediate or likely life threatening situations;
- 6.4.2 permanent or irreversible damage to the natural or built environment;
- 6.4.3 immediate risk to public health, safety or wellbeing;
- 6.4.4 persons where a pattern/repeated instances of behaviour and failure to adequately fix the problem, has been established;

- 6.4.5 parking infringements (which has its own policy for appeal and review)
- 6.4.6 debt collection (which has its own policy for appeal and review);

## 6.5 Compliance appeal options.

In all instances where compliance enforcement action is taken, the City will provide clear written advice about the review and/or appeal options available and the applicable timelines.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Council

It is the role of Council to adopt the City's compliance policy.

### 7.2 City of Greater Bendigo employees.

The Manager Safe Healthy Environments is responsible for the administrative review of this policy and all associated reporting to Council. All staff have a responsibility to ensure that they adhere to this policy and report any breaches of this policy. The consequence of not complying with this policy could mean a potential breach of the City's Code of Conduct.

## 8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Instruments of Delegation – Council members to staff
- Instrument of Delegation – CEO to members of Staff
- Fraud and Corruption Prevention Policy (ECM Docset ID 2514232)
- EPA Risk framework

Further information or advice on this policy should be directed to Safe and Healthy Environments

## 9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

## 11. DOCUMENT HISTORY

<b>Date Approved</b>	<b>Responsible Officer</b>	<b>Unit</b>	<b>Change Type</b>	<b>Version</b>	<b>Next Review Date</b>
<i>October 2014</i>	<i>CG</i>	<i>Safe &amp; Healthy Environments</i>	<i>Upload Policy</i>	<i>1</i>	<i>October 2017</i>
<i>June 2020</i>	<i>CG</i>	<i>Safe &amp; Healthy Environments</i>	<i>Policy review</i>	<i>2</i>	<i>January 2025</i>
<i>April 2021</i>	<i>RM</i>	<i>Governance</i>	<i>Upload reviewed 2020 policy and admin. change</i>	<i>3</i>	<i>January 2025</i>
<i>February 2022</i>	<i>RM</i>	<i>Governance</i>	<i>Admin. changes</i>	<i>4</i>	<i>January 2025</i>