



# Council Policy

## Compliance Policy

Department/Unit	Investment and Planning	First Implemented	24 June 2025	Review Date	June 2029
Origin	Coordinator Compliance	Reviewed	-	Version	1
Authorising Officer	Chief Executive Officer	Effective From	24 June 2025	Records Reference	E24406

### Purpose/Objective

Mansfield Shire Council (Council) has a duty to investigate compliance issues and statutory obligation to enforce the requirements of various legislation. The purpose of this Policy is to outline the approach that Council will take to meet its compliance and enforcement responsibilities under relevant Acts, Regulations and Local Laws.

### Policy Statement

Council is responsible for administering a wide range of legislation, regulations and Local Laws providing for the safety, health and amenity of the community. Council recognises the importance of compliance with these requirements and is committed to undertaking compliance actions when required to reduce amenity impacts, maintain trust and meet community expectations.

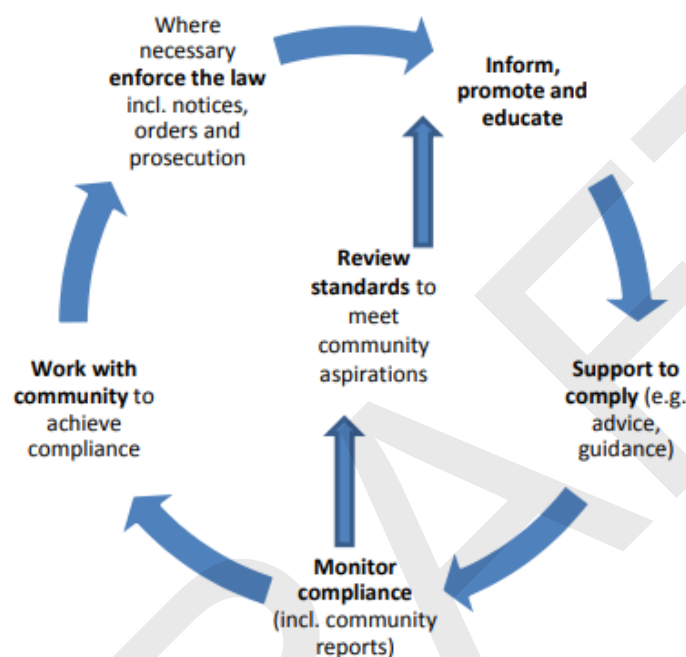
This Policy serves to:

- ▶ ensure that Council's compliance and enforcement functions are fair, consistent and without bias and in accordance with legislation.
- ▶ assist Council Officers to respond promptly, consistently and effectively to complaints of unlawful activity, and undertake proactive investigation of unlawful activity, in accordance with the relevant legislation, regulations or Local Laws.
- ▶ educate the community on the legislation, regulations or Local Laws that impacts them and encourage compliance with the legal obligations to prevent further or repeated instances of non-compliance.
- ▶ ensure that the level of compliance undertaken is proportionate to the nature and seriousness of the offence.
- ▶ attain an appropriate balance in terms of reactive and proactive compliance work to ensure that Council's strategic objectives and priorities are achieved.
- ▶ provide a framework for compliance and enforcement action undertaken by Council's delegated

officers – by setting out the rationale, objectives, priorities and intended outcomes of Council's actions in accordance with legislative requirements.

### Compliance and Enforcement Approach

Council will use a range of strategies to achieve legislative compliance in the community. Council's primary aim is to achieve compliance rather than prosecution. Fines and prosecutions are typically a last resort for severe and/or repeat offending.



### Compliance and Enforcement Principles

Council aims to undertake its compliance and enforcement role in a clear and responsive manner. The following are the principles that underpin Council actions relating to compliance and enforcement:

Principle	Action
Accountable and Transparent	Council will be open and transparent about the manner in which it undertakes enforcement activities. In educating the community, Council will make a clear distinction between what is legally required; if legislation, regulations or Local Laws apply; and what is desirable but not compulsory.
Risk-based	Acknowledge that resources for compliance and enforcement are limited, we will focus our efforts on preventing and resolving the most critical issues, prioritising public safety above all else.
Timely	Ensure that responses to reports alleging unlawful activity and decision making in relation to those is timely.

Principle	Action
Proportionate	Ensure the level of enforcement action is proportionate to the level of risk and seriousness of the breach.
Consistent	Ensure all compliance and enforcement action is implemented consistently – similar circumstances will lead to similar outcomes.

## Scope

The Compliance Policy applies to all relevant authorised personnel of Mansfield Shire Council.

Section 11(1) of the *Local Government Act 2020* (the Act) provides that by instrument of delegation, Council may delegate to the Chief Executive Officer (CEO) any power, duty or function under the Act or any other act, other than certain specified powers. Section 47 (1) of the Act provides that the CEO may, by instrument of delegation, delegate any power, duty or function of the Council that has been delegated to the CEO to a member of Council staff.

To allow for the efficient administration of compliance the CEO has delegated responsibility to Planning Officers, Local Laws Officers, the Municipal Building Surveyor, the Coordinator Environmental Health and the Coordinator Compliance.

## Responsibilities

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

The implementation of this Policy and evaluation of its effectiveness will be undertaken by the Planning and Environment Department.

Managers are responsible for ensuring their staff comply with the principles, practices and any associated procedures of this policy. Management and employees are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.

The Investment and Planning Directorate is the owner of this policy. Any reviews of this Policy must be made in consultation with the General Manager Investment and Planning and Coordinator Compliance.

## References / Related Policies

Related legislation for compliance and enforcement matters includes, but is not limited to:

- ▶ All Local Laws of Mansfield Shire Council
- ▶ Mansfield Planning Scheme
- ▶ *Infringements Act 2006*
- ▶ *Planning and Environment Act 1987*
- ▶ *Planning and Environment Regulations 2015*

- ▶ *Subdivision Act 1988*
- ▶ *Victorian Civil and Administrative Tribunal Act 1998*
- ▶ *Victorian Civil and Administrative Rules 1998*
- ▶ *Local Government Act 2020*
- ▶ *Building Act 1993*
- ▶ *Country Fire Authority Act 1958*
- ▶ *Domestic Animals Act 1994*
- ▶ *Domestic Animals Regulations 2015*
- ▶ *Environment Protection Act 1970*
- ▶ *Fire Rescue Victoria Act 1958*
- ▶ *Food Act 1984*
- ▶ *Impounding of Livestock Act 1994*
- ▶ *Infringements Regulations 2016*
- ▶ *Public Health and Wellbeing Act 2008*
- ▶ *Tobacco Act 1987*
- ▶ *Residential Tenancies Act 1997*
- ▶ *Road Safety Act 1986*
- ▶ *Road Safety Rules 2017*
- ▶ *Road Management Act 2004*
- ▶ *Summary Offences Act 1996*
- ▶ *Prevention of Cruelty to Animals Act 1986 (POCTA)*
- ▶ *Prevention of Cruelty to Animals Regulations 2008*

#### **Related Council Procedures**

- ▶ Compliance Approach Procedure

### **Gender Impact Assessment**

The Compliance Policy has considered the Gender Equality Act 2020 in its preparation but is not relevant to its content. The Policy has been assessed as not requiring a Gender Impact Assessment (GIA) as the Policy is purely administrative in nature and does not benefit any one gender group over any other.

### **Implementation**

This Policy is effective from 24 June 2025.

## Review Date

This Policy is to be reviewed June 2029.

## Authorisation to Implement Policy

Signed: \_\_\_\_\_

Councillor

Witnessed: \_\_\_\_\_

Chief Executive Officer

Approval dated: 24 June 2025

**Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.**