



Council Policy

Integrated Compliance and Enforcement Policy

Corporate Plan Reference:

Theme 5: Excellence

Objective: Provide robust and transparent governance systems to build and strengthen community trust, supported by the implementation of an enterprise risk and opportunity management framework

Endorsed by Council:

15 May 2025

Policy Author:

Director, Development and Regulation

POLICY STATEMENT

Noosa Council (Council) is empowered under various laws and regulations to regulate, investigate and, where appropriate, take compliance and enforcement action in several areas affecting the community and environment. These responsibilities are set out in the *Local Government Act 2009* (LGA), including Council's Local Laws and various other Federal and State Legislation.

This Policy provides a clear framework for Council to administer its responsibilities in a safe, fair, unbiased, balanced, consistent and transparent manner. It applies a risk-based approach to compliance and enforcement management to ensure resources are dedicated to matters posing the greatest risk to the community and environment.

Whilst it is Council's preference that a person voluntarily complies with the law this does not always occur. In circumstances of non-compliance, Council will act in accordance with this Policy.

PURPOSE

This Policy:

- provides clear guidelines on enforcement options available to Council where there has been a failure on behalf of persons to comply with legislative requirements;
- provides guidance on how Council will discharge its statutory duty in undertaking regulatory, compliance and enforcement actions;
- provides information on how Council expects a person to comply with the intent of the relevant Acts, Regulations, and State and Federal legislation including Local Laws applicable to the region and;
- outlines principles and practices to build community confidence in the way Council deals with regulatory, compliance and enforcement activities and reinforces the impartiality of Council's decision-making processes.

SCOPE

The Policy relates to regulatory, compliance and enforcement activities undertaken by or on behalf of

Council. It applies to all Councillors and Council employees with regulatory, compliance and enforcement responsibilities assigned through Council delegations, appointments, or other relevant instruments.

This Policy applies to all relevant legislation including Local Laws, enacted, or amended after its adoption and is supported by related procedures and guidelines.

REVIEW

This Policy will be reviewed under the following circumstances:

- once per Council term (every four years); or,
- where a significant enactment or amendment to legislation has occurred; or,
- as required from time to time.

DEFINITIONS

Term	Meaning
Breach	Where an activity or work has been or is being carried out: <ul style="list-style-type: none">• contrary to the terms and conditions of a licence, permit, registration, approval, permission or other written authorisation from Council;• contrary to any Act, Regulation, Local Law and Planning Scheme that regulates the activities or work that can be carried out on particular land;• contrary to a legislative provision regulating a particular activity or work; or without a licence, permit, registration, approval, permission or the like.
Compliance	Refers to a person complying with their statutory obligations.
Council	Refers to Noosa Shire Council.
Enforcement	Refers to a range of actions taken by Council to ensure a person complies with their statutory obligations.
Harm	Is an adverse or potentially adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency).
Person	Includes an individual and/or corporation.
Risk	The effect of uncertainty on objectives. It refers to a potential impact that may cause physical, financial, environmental, or other harm resulting in loss of value of goods, loss of life or loss of amenity.

COUNCIL POLICY**Guiding Principles**

Council will seek to establish the best possible compliance outcomes by applying the following principles to its regulatory activities, decision making and enforcement actions:

Principle	Explanation
Accountable	Council will act impartially and equitably according to the law, Policy and processes, and take responsibility for their decisions, actions, and outcomes.
Consistent	Council promotes consistency through effective adherence to policies, procedures, and best practice principles.
Fair	In exercising Council's powers, Council affords a person natural justice and procedural fairness.
Impartial	Council's regulatory functions are conducted in an honest, fair, and respectful manner, that ensures decisions are consistent, based on fact, unbiased, and just.
Non-discriminatory	Council's regulatory decisions and actions are made in a way that is consistent with Anti-discrimination law and considers the impact of such action on an individual's human rights.
Proportionate	Council decides compliance and enforcement outcomes that are proportionate to the risk and seriousness of the non-compliance and considers the public interest.
Responsive	Council's regulatory functions are delivered in a way that is responsive to identified risks and the specific circumstances of the matter.
Targeted	Council's regulatory functions focus on the areas of assessed highest risk or other identified enforcement priorities.
Transparent	Council's regulatory functions will be enforced transparently according to relevant procedures, standards, and legislation.

Compliance and Enforcement Approach

Council aims to achieve effective compliance and enforcement through a firm but fair approach. This involves encouraging voluntary compliance where possible while ensuring appropriate formal enforcement action is taken when necessary.

The Compliance Model

Council aims to follow a tiered compliance model, where possible, with enforcement actions escalating based on relevant factors. By applying this model, Council seeks to ensure consistency, fairness, and transparency, while maintaining discretion to respond appropriately in each case.

Enforcement Actions:

Council's enforcement actions may include, but not limited to:

- **Voluntary Self-Compliance** – Encouraging the public to comply independently, without the need for intervention, where feasible.
- **Education and Advisory Action** – Providing guidance, advice, and education to promote understanding and compliance, where practicable.
- **Formal Compliance and Remedial Action** – Issuing official notices, directives, or requiring corrective action to rectify non-compliance, where appropriate.
- **Penalty Infringement Notices (PINs)** – Issuing fines or penalties for breaches, where required, that are necessary or appropriate.
- **Prosecution** – Pursuing legal action for serious or repeated breaches where required, that are necessary or appropriate.

Factors Considered in Enforcement Action Decision:

When determining the appropriate compliance and enforcement action, Council may consider the following factors:

- **Risk Level** – The likelihood and severity of harm caused by the breach.
- **Nature and Severity of the Breach** – Whether the non-compliance is minor, moderate, or significant.
- **Likelihood of Compliance** – The compliance history, attitude, and responsiveness of the responsible party.
- **Public Interest and Community Impact** – The broader implications of the breach on the community, environment, and local amenity.
- **Legal Considerations** – The likelihood of success in legal proceedings and whether enforcement action serves the broader public interest.

Decisions relating to Compliance and Enforcement

Before implementing the compliance and enforcement options available for a particular circumstance, Council must ensure:

- all decisions to take enforcement action are made in accordance with relevant delegations of authority;
- all decisions are in accordance with relevant legislation or in accordance with requirements under relevant legislation;
- the lawfully obtained (admissible) evidence is sufficient to support the intended compliance action if challenged;
- due consideration is given to the likelihood of success should the matter proceed to a Court or Tribunal (or similar) process and whether action of that kind would be in the best interests of the wider community.

Authorised persons undertake compliance and enforcement action. These individuals are competent with the relevant training and have a clear understanding of Council Policies, Guidelines, Standard Operating Procedures and legislation relating to compliance and enforcement.

Confidentiality

Council does not generally make public comment on matters it may or may not be investigating. However, Council may comment on matters already in the public domain or where it is in the public interest to do so. The disclosure of information is limited by privacy laws (for example, disclosing the

specific details of an investigation is subject to privacy legislation which prevents releasing personal information) and Council must comply with privacy legislation, principles and standards.

Reviewable Decisions

Most legislation that Council enforces has a specific reviewable decision and/or appeal provisions under its associated legislation/regulations (e.g. *Planning Act 2016*).

Some legislative provisions that Council regulates and enforces have review/withdrawal provisions available through Council's website.

Where applicable, Council officers will undertake reviews of decisions in accordance with statutory requirements.

ROLES AND RESPONSIBILITIES

Councillors

Councillors may actively support and promote voluntary compliance through advocacy, education, and community engagement. This includes encouraging understanding of relevant regulations and fostering cooperative relationships between the council and the community.

Councillors must not be involved in operational compliance or enforcement actions as outlined in Council's endorsed Governance Framework. This includes (but is not limited to) participation in investigations, issuance of penalty infringement notices, enforcement orders, remedial actions, or prosecution decisions. These matters are to be managed independently by authorised council officers in accordance with legislative requirements and operational procedures.

This separation ensures procedural fairness, protects the integrity of compliance processes, and upholds the principles of good governance.

Managers

Maintain Operational responsibility for applying and ensuring compliance with this Policy in their areas of responsibility.

All Council Staff

Are responsible for complying with this Policy and its associated guidance and procedures.

RELEVANT LEGISLATION AND POLICIES

All individuals who undertake regulatory, compliance and enforcement activities on behalf of Council must operate within assigned delegations, appointments, or other relevant instruments concerning relevant legislation. Where there is an inconsistency between this Policy and the following related policies, standards and/or legislation, including related regulations, the latter will prevail.

- *Anti-Discrimination Act 1991*
- Employee Code of Conduct
- *Human Rights Act 2019 (Qld)*
- *Information Privacy Act 2009*
- *Judicial Review Act 1991*
- *Justice Act 1886*
- *Local Government Act 2009*
- Noosa Shire Council Local Laws
- Noosa Council Penalty Infringement Review Policy (WIP)

- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*
- *Right to Information Act 2009*
- *State Penalties Enforcement Act 1999* and related regulations
- Noosa Council Enterprise Risk and Opportunity Management Policy

HUMAN RIGHTS STATEMENT

In developing this Framework and Guidelines, the subject matter has been considered in accordance with the requirements of the *Queensland Human Rights Act 2019*. It is considered that the subject matter does not conflict with any human rights and supports a human rights approach to decision-making by Council.

Council representatives will endeavour to act and make decisions under this document in a manner that is compatible with human rights. In particular, representatives will endeavour to:

- identify relevant human rights which may be affected by the action or decision;
- give proper consideration to the impact of its actions and decisions on human rights; and
- ensure that any conduct or decision by Council which limits an individual's human rights is reasonable and justifiable.

This document should be read in conjunction with Council's Human Rights Policy.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New	Y	Council	15/05/2025