



# COMPLIANCE 11

A service charter to build certainty

Building  
Environmental Health  
Local Laws  
Planning

## Table of Contents

<b>Table of Contents</b>	<b>i</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. A Working Agreement</b>	<b>4</b>
<b>3. Our 11 Guiding Elements</b>	<b>5</b>
<b>4. The Process</b>	<b>16</b>
<b>5. Implementation</b>	<b>17</b>

## Appendices

Legislative Framework  
Priority Rating Table

Version No.	Date	Page No.	Description of Change
V01	28/01/14	All	Adopted Version
V02	20/03/18	All	Adopted Version
V03	21/01/19	All	Updated Logo and Format

## 1. Introduction

### 1.1 Purpose

The compliance framework is a service charter that:

- Guides Council officers working in the delivery, management and response to compliance issues to ensure consistency across the organisation.
- Provides clarity and certainty to the community about Council's approach to compliance.

The charter is centred on a working agreement and 11 elements:



### 1.2 What is compliance and why is it important?

Campaspe Shire Council provides a range of services to assist in protecting the community from known risks to life, risks to property, environmental damage and causes of public nuisance.

*'Compliance' means following the law. It means obtaining the right approvals or permissions. It means conducting authorised activities in accordance with any conditions or regulatory requirements.*

*- Source EPA Victoria*

We do this by meeting our obligations and responsibilities under a broad range of environmental and building legislation in Victoria. A full list of the relevant legislation is available in Appendix 1.

There are four departments responsible for meeting Council's obligations under the legislation within the scope of this document:

- Building
- Environmental Health
- Local Laws
- Planning

The legislation requires Council to administer the Campaspe Planning Scheme, Local Laws, Codes and Regulations for the overall benefit of our community.

Compliance matters come to Council in one of three ways:

- Officer observation
- Referral from another agency
- Community complaint

Sometimes a person may not be aware or realise that they need approval before undertaking an activity. To be fair, our approach to compliance considers this possibility. However, everybody has the responsibility to comply with the law and in the end be accountable for their actions. Not knowing is not a valid reason for not complying.

## 1.3 Helping us to help you

Complaints should be forwarded to the Campaspe Shire Council in writing (which can be in the form of an email) and identified as a complaint. You should include your full name, contact details, your concern or complaint (how it is affecting you) and any relevant documents or further details. Council will acknowledge your complaint in writing within 10 days and advise the process to be followed.

When contacting Council it is helpful if you:

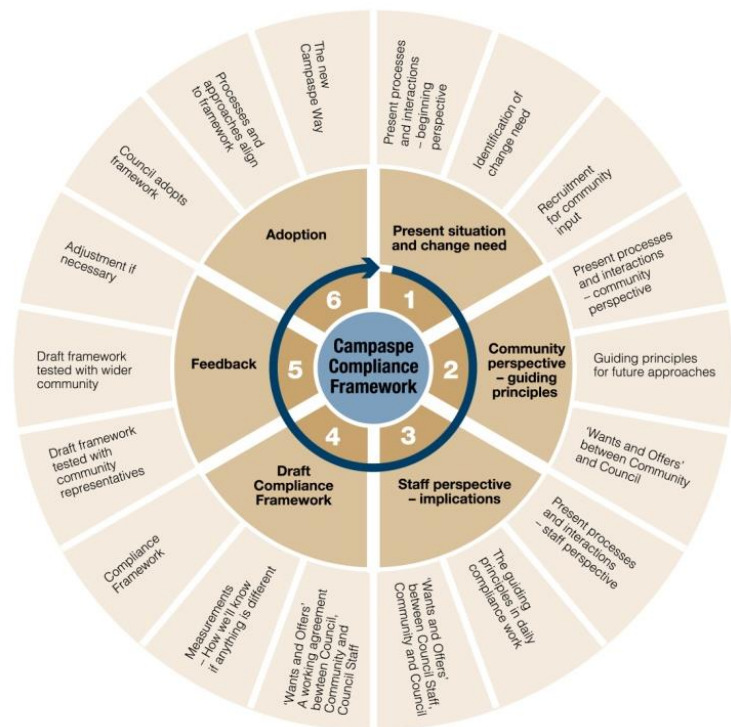
- Tell us who you are (including address and contact details) and if you represent a client or an organisation.
- Provide accurate and complete details such as a planning or building permit number, and the name and address of any relevant property.
- The names of any other parties involved.
- Details of other agencies notified or involved.

## 1.4 Methodology

The Compliance 11 approach has been developed with the involvement of our community, Councillors and staff of the of Campaspe Shire Council.

The six stages to create change have been:

1. Understanding the present situation and need for change.
2. Capturing the community perspective and guiding principles (outside).
3. Gaining the staff perspective (inside).
4. Preparing the draft compliance framework (Compliance 11).
5. Community feedback.
6. Adoption of the Compliance 11 charter.



The charter was created through a series of workshops involving the community, Council and staff.

The workshops explored:

- What works well / Does not work well
- Outside influences and issues
- Asking the hard questions (raising and understanding difficult matters)
- What could and should the compliance service be in the future
- Principles to guide compliance
- Wants and Offers

Using the information collected from the workshops, a “Working Agreement” was developed to articulate how the service should be conducted and the roles and responsibilities for the people involved.

Compliance 11 stands for the 11 elements that guide the way we deliver compliance services to the community.



## 2. A Working Agreement

The working agreement recognises that there is a shared responsibility for all in achieving compliance with the agreed rules which exist to benefit the wider community. The agreement is our commitment to each other, Councillors, Community and the organisation.

When the Community and Council work together to achieve compliance, we will:

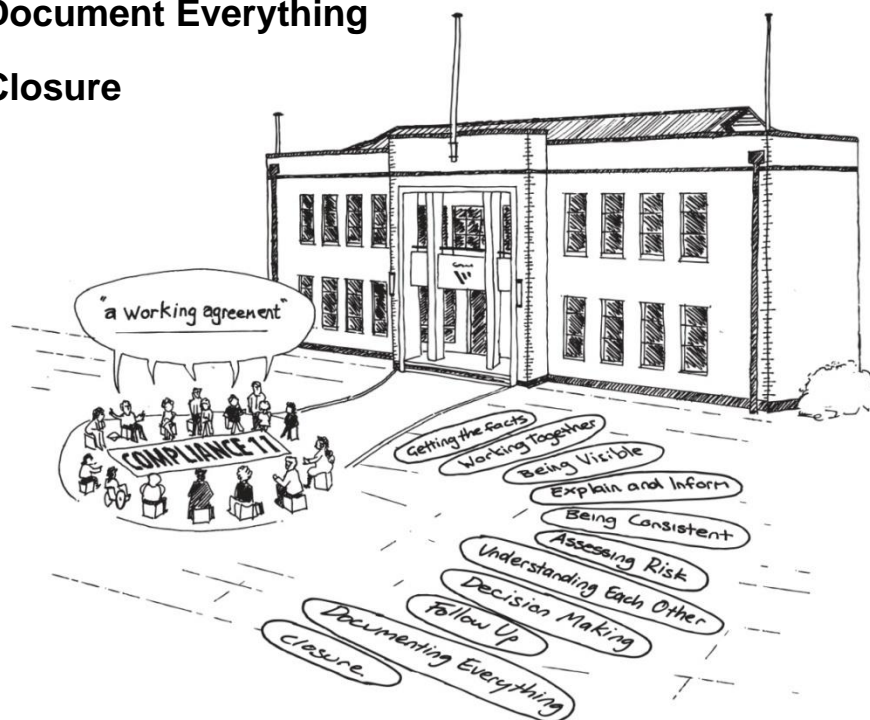
- **Treat each other with respect.**
  - *Be polite and genuinely respect.*
- **Take the time to listen, hear and explain the situation, options and consequences.**
  - *Take everyone's situation as it comes, take the time to teach and learn.*
- **Seek a shared understanding.**
  - *Hear all sides of the story and keep it as simple as you can.*
- **Meet our obligations and take responsibility for our actions.**
  - *Know the facts and be accountable.*
- **Be truthful with each other.**
  - *Honesty is the best policy so be open and transparent.*
- **Be consistent and fair.**
  - *Treat everybody equally.*
- **Stick to agreed time frames.**
  - *Take ownership, be flexible and realistic and keep your eye on the main game.*
- **Tell each other when things change.**
  - *No surprises and do not presume.*
- **Be as practical as possible and have a positive attitude.**
  - *Compliance is the main aim. Use common sense.*

## 3. Our 11 Guiding Elements

The 11 elements describe Council's approach to the way we will deliver our compliance services to the community.

The elements are the way that we will respond to the working agreement.

- 1 **Getting the Facts**
- 2 **Working Together**
- 3 **Being Visible**
- 4 **Explain and Inform**
- 5 **Being Consistent**
- 6 **Assessing Risk**
- 7 **Understanding Each Other**
- 8 **Decision Making**
- 9 **Follow Up**
- 10 **Document Everything**
- 11 **Closure**



## 1 Getting the Facts

### What We Will Do

- Define and acknowledge the complaint:
  - Capture written complaint on Council's record management system
  - Decide which Department(s) is/are responsible?
  - Keep complainant informed (phone/letter)
  - Consider communication barriers, e.g. Ethnicity, Disabilities,
- Identify and declare conflicts of interest.
- Establish what legislation/controls may apply.
- Undertake a preliminary review:
  - Ownership/Title searches
  - Previous history, e.g. Permits or other complaints
  - Complaint's history (get the full story)
  - Consider other authorities that might be relevant and communicate this to the parties.
  - Is other specific advice required (technical evidence).
  - Be aware of any sensitive information e.g. VicRoads' extracts, approved building plans.
- Complete a risk assessment (OH&S safety awareness).
- Determine most appropriate method of communication for the matter.
- Check the site physically.
- Consider whether there is a capacity to achieve compliance.
- Document findings on Council's record management system to maintain shared knowledge across the organisation.

## 2 Working Together

### What We Will Do

- Approach every situation with a positive attitude.
- Nominate a single point of contact for matters involving more than one compliance service.
- Confirm the point of contact and any preliminary information with all stakeholders.
- Coordinate through a single point of contact.
- Work together to minimise confusion to the parties.
- Undertake joint site inspections to minimise inconvenience to the public and to have the right staff at the right time together.
- Look for practical solutions.



## 3

### Being Visible

#### What We Will Do

- Be pro-active and let the community know.
- Contact the owner by phone/or in person first (if possible), before official letters and notices are sent.
- Visibly identify fleet vehicles with the “Campaspe” logo.
- Where necessary investigations can require surveillance when visibility will not be appropriate.
- Always wear officer identification
- Leave contact details.
- Monitor problem sites on an ongoing basis.
- Schedule times for meetings or site visits that are convenient for all parties.

## 4

### Explain and Inform

#### What We Will Do

- Use media positively and regularly to inform the community of their obligations and special programs.
- Invite the customer to have a support person present at any site visit. This may include an independent expert:
  - Explain what is happening and what to expect on the visit.
- When visiting the property, officers will:
  - Introduce themselves and the reason for the visit.
  - Have the facts at hand.
  - Use clear, plain language.
  - Ask for an explanation.
  - Listen, provide advice and options for compliance.
  - Seek commitment to a timeframe.
  - Outline the process going forward and potential consequences.
  - Be realistic and upfront.
  - Leave the property as you found it - “Please shut the gate”.
- Provide clear fact sheets/web and information sources to help people comply.
- Use community forums as a means of talking about compliance with the community.

## 5

### Being Consistent

#### What We Will Do

- Base decisions on a consistent standard process.
- Align the approach to the level of severity of the compliance matter (Response Matrix – see *Element 8*).
- Follow the principles of the compliance framework.
- Understand and repeat good customer experiences.
- Learn from our mistakes and improve our processes using a Plan Do Study Act (PDSA) continuous improvement approach when we review how well our service and processes are working.

#### PDSA Tasks

Plan	Define the Problem, Assess Scope and Causes of Problem
Do	Collect Data and Analyse Causes, Select and Analyse Solutions
Study	Implement, Test, Measure and Monitor
Act	Standardise and Report.



## 6 Assessing Risk

### What We Will Do

- Use a common **risk management** model to identify the level of the action in response to the compliance issue.
- Understand the impacts of the **risks** and who these may apply to.
- Respond to the issues of highest risk first.
- Assess costs versus outcome.
- Consider the **consequence**.

### Assessing the Risk

Campaspe Shire Council recognises that undertaking the activities of Local Government involves both opportunities and inherent risks which need to be effectively managed within its organisational processes. A risk is often specified in terms of an event or circumstance and its impact on the achievement of an organisations goals and objectives. A risk is measured in terms of a combination of the consequences and likelihood of a risk event occurring. Risk may have a positive or a negative impact.

**Consequence** “the outcome or impact of an event.” There can be more than one consequence from one event. Consequences can range from positive to negative, and can be expressed qualitatively or quantitatively. Consequences are considered in relation to the achievement of objectives.

**Likelihood** “used as a general description of probability or frequency”. It can be expressed qualitatively or quantitatively.

**Risk Management** “the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects”

(AS/NZS ISO 31000: 2009, Risk Management)

### Identified Risk

Consistent with the Risk Management Strategy, the risk in relation to each service has been defined using the following consequence and likelihood descriptors. The types of risk should be read in conjunction with the relevant measures of impacts identified in the Risk Management Strategy 2017-2021.

Consequence	Descriptors
<b>Catastrophic</b>	Major/very high risk to life and/or health. High/very high impact to someone, amenity, environment, vegetation or on historical significance. Matter non-reversible.
<b>Major</b>	Moderate cost involved and/or moderate impact to someone or the amenity or environment.
<b>Moderate</b>	Some cost and/or works involved with minimal impact to someone or to amenity or environment.
<b>Minor</b>	Easily resolved with minimal cost and little impact to anyone.
<b>Negligible</b>	Can be resolved with minimal cost or effort.

Likelihood	Descriptors
<b>Almost Certain</b>	The event is expected to occur. High level of recorded incidents and/or very strong anecdotal evidence (> 90% chance)
<b>Likely</b>	The event will probably occur. Regular recorded incidents and strong anecdotal evidence (between 50-90% chance)
<b>Possible</b>	The event should occur at some time. Few, infrequent, random recorded incidents or little anecdotal evidence (between 10-50% chance)
<b>Unlikely</b>	The event could occur at some time. No recorded incidents or any anecdotal evidence (between 3-10% chance)
<b>Rare</b>	The event may only occur in exceptional circumstances (< 3% chance)

## Priority Rating Matrix

Council's response to planning services is guided by the matrix below. The response is sometimes driven by legislation and delegation to determine the overall risk.

LIKELIHOOD	Almost Certain					
	Likely					
	Possible					
	Unlikely					
	Rare					
		Negligible	Minor	Moderate	Major	Catastrophic
CONSEQUENCE						

## 7

### Understanding Each Other

#### What We Will Do

- Communicate through one point of contact to all departments that are involved.
- To help understand each other we will:
  - use plain English
  - actively listen
  - seek to understand
  - use various forms of communication, e.g. phone, email, letters, etc.
  - provide timely communication throughout the process to all parties.
- Escalate awareness of the issue as required (General Managers, CEO, Councillors) in accordance with the table below. When a priority rating is assigned, it can be used for determining the level of escalation awareness that is required. Where a matter is escalating it should be interpreted that the Team Leader, Manager, General Manager and CEO will continue to be updated.

COMMUNICATION TABLE		
Priority Rating	Escalation	Action
Catastrophic	COUNCILLORS	Mayor to receive phone call, Councillors email and receive weekly Bulletin
	CEO	Receive weekly Bulletin and email
Major	GENERAL MANAGER	Phone call and email. Receive weekly Bulletin
	MANAGER	List in Bulletin and discussed with Manager. Receive weekly Bulletin
Moderate	TEAM LEADER	Email
	TEAM LEADER	Email
Minor	OFFICERS	Record on database
	OFFICERS	Record on database
Negligible	OFFICERS	Record on database

## 8

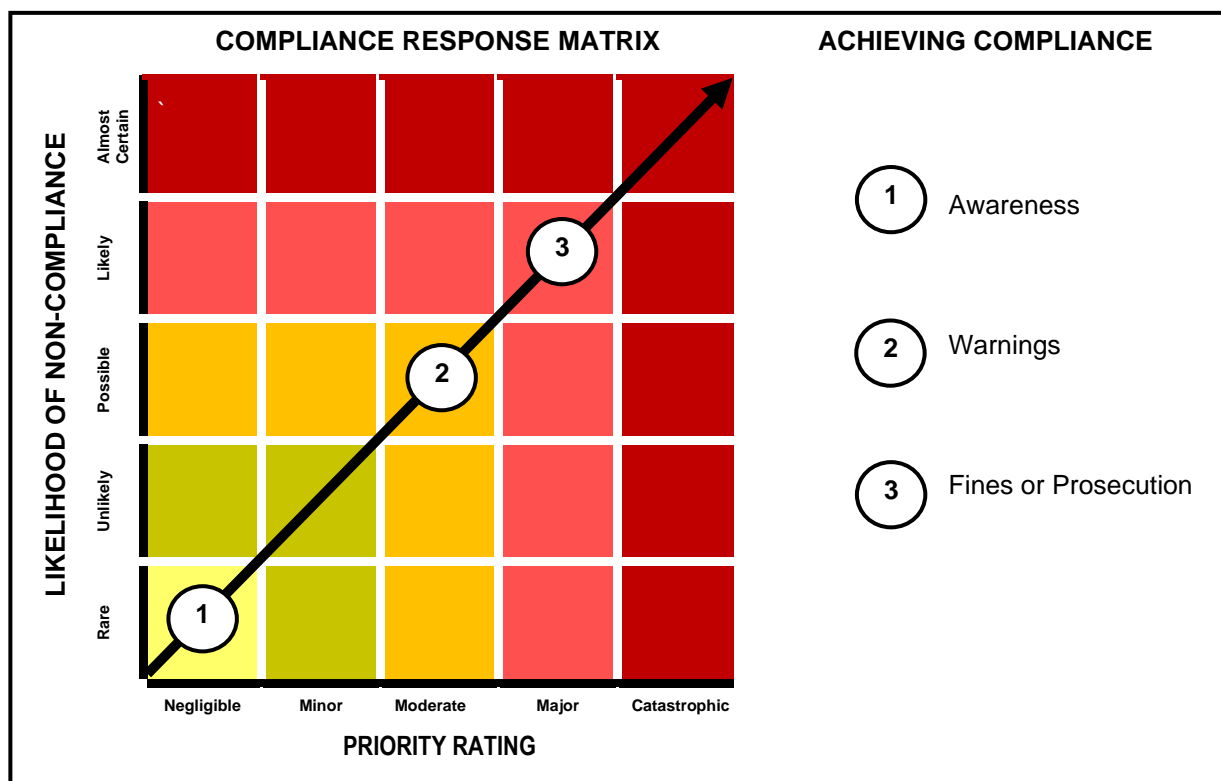
## Decision Making

### What We Will Do

- Work within the parameters of the regulations, legislation and codes, etc.
- Keep an “open mind” and seek practical outcomes when assessing the matter.
- Seek and suggest proactive responses and outcomes when making decisions.
- Ensure appropriate delegation is applied (internal and external).
- Escalate matters based on clear guidelines.
- Clearly communicate and confirm a shared understanding.
- Set and outline achievable timeframes as agreed.
- Monitor the situation, review if any change has occurred and escalate as required.
- Take appropriate action based on level of severity based on our Compliance Response Matrix.
- Check for consistency using the Compliance Response Matrix and Priority Rating Table (see *Appendix 6*).
- Take accountability for the decision.

### Compliance Response

Council’s response to a situation is guided by the matrix below. The response to compliance matters are sometimes driven by legislation and therefore the severity of the breach may determine the action that has to be taken.





## LIKELIHOOD OF NON-COMPLIANCE

<b>Almost Certain</b>	Repeated unlawful behaviour and more than likely not to make an effort to comply. Refusing to comply or furnish required information or intentionally include false or misleading information.
<b>Likely</b>	Wilful non-compliance. Little or no demonstrated assurance and/or capacity to meet regulatory requirements. No attempts to identify or control environmental risks.
<b>Possible</b>	Numerous previous occurrences of non-compliance. May not make adequate effort to comply. Little or no awareness of and/or capacity to meet regulatory requirements and identify or control environmental risks.
<b>Unlikely</b>	Fair record with previous isolated occurrences of non – compliance. Questionable awareness of and/or capacity to meet regulatory requirements and identify and control environmental risks.
<b>Rare</b>	No previous occurrence of non-compliance. Good demonstrated awareness of and/or capacity to meet regulatory requirements and identify, eliminate or control environmental risks. Co-operative attitude.

## PRIORITY RATING

<b>Catastrophic</b>	Permanent or long-term, serious environmental harm, or actual or potential life-threatening or long-term harm to health, safety and wellbeing. Long-term and wide-scale amenity impact with the potential to impact on health, or high level of public concern.
<b>Major</b>	Actual or imminent serious environment harm, or actual high-level harm or potential harm to health, safety or wellbeing. Medium to long-term or wide-scale amenity impact, or high public concern.
<b>Moderate</b>	Medium level or term of actual or potential harm to health, safety, wellbeing or the environment. Localised and short-term amenity impact on many, or moderate public concern.
<b>Minor</b>	Transient environmental impact or transient amenity impact on few. Low potential for health impact, or low public concern.
<b>Negligible</b>	No or minimal environmental or amenity impact, or no health impacts.

## Achieving Compliance

Sometimes a person may not be aware or realise that they need approval before undertaking an activity. To be fair, our approach to compliance considers this possibility. Not knowing is not a reason for continuing not to comply and once someone is aware the non-compliance should cease. Everybody has the responsibility to comply with the law and in the end be accountable for their actions. The level of awareness or prior knowledge of the compliance requirements, for Building, Environmental Health Local Laws and Planning can take different forms and are listed.

### 1. Awareness

Advice received from direct phone calls and conversations with Council staff who are available to respond to enquiries' and answer questions. More specific awareness occurs where the following exist.

<u>Building</u>	Building permits and the conditions placed on Certificates, Final Inspections or Occupancy Permits.
<u>Environmental Health</u>	Premises registration renewals, registration of proposed new premises, premises routine and mandatory inspection reports, septic tank permit approvals.
<u>Local Laws</u>	Parking restrictions signs, Local Law permits and conditions, driver's licence, registering of animals (dogs and cats) as this is well known and publicised.
<u>Planning</u>	Planning permit conditions, receiving advice from other professionals within the development industry.

### 2. Warnings

In most cases the community member are expected to have some level of knowledge, or will have been made aware of the non-compliance matter. Warnings may be given prior to Council resorting to issuing a fine or proceeding to prosecution, particularly if there was low or no awareness of the need to comply with

Council requirements. Warnings can be made in different ways depending on the nature of the breach. Warnings will always be in writing. Types of warnings are:

<u>Building</u>	Building Notices or Orders
<u>Environmental Heath</u>	Order to comply, closure notice, official warning, issuing of improvement and/or prohibition notice.
<u>Local Laws</u>	A warning letter or a notice to comply.
<u>Planning</u>	An official planning warning.

### 3. Fines or Prosecution Action

Issuing fines or taking a matter through to a prosecution in the Magistrates Court or the Victorian Civil and Administrative Tribunal (VCAT) are unfortunately necessary in some cases. Sometimes the legalisation compels Council to take this action due to the severity of the risk to public safety. The following are examples of fines:

<u>Building</u>	Building Infringement Notice (BIN)
<u>Environmental Heath</u>	Penalty Infringement Notice (PIN)
<u>Local Laws</u>	Penalty Infringement Notice (PIN)
<u>Planning</u>	Planning Infringement Notice (PIN)

Each of these notices contain a monetary fine and this is set by the legislation not by Council. All notices and fines are able to be appealed.

Achieving compliance by seeking an order through the Magistrates Court or through VCAT can be necessary. Where possible this will be through the option of consent between the parties.

## 9 Follow Up

### What We Will Do

- Follow up with all key stakeholders to ensure all compliance activities have been met in accordance with the agreed time frame.
- Monitor and review the site to ensure compliant behaviour continues.
- Implement processes to support officers with follow up activity i.e. reminder system.
- Consider whether there are any obstacles to maintaining compliance.
- Consider unforeseen consequences.
- Use media to inform the community of outcomes as required.
- Capture key learning as part of the continuous improvement approach under *Element 5 - Being Consistent*.
- Confirm any ongoing obligations and follow up with a visit after six months.

# 10

## Document Everything

### What We Will Do

- All departments to document everything, record in file and on Council's record management system.
- Provide the right information at the right time.
- Record events in an unbiased way.
- Recognise the level of confidentiality as required.
- Standardise documentation across compliance.
- Apply the requirements of the Information Privacy Act 2000.
- Share and integrated and whole picture of events for all departments.

# 11

## Closure

### What We Will Do

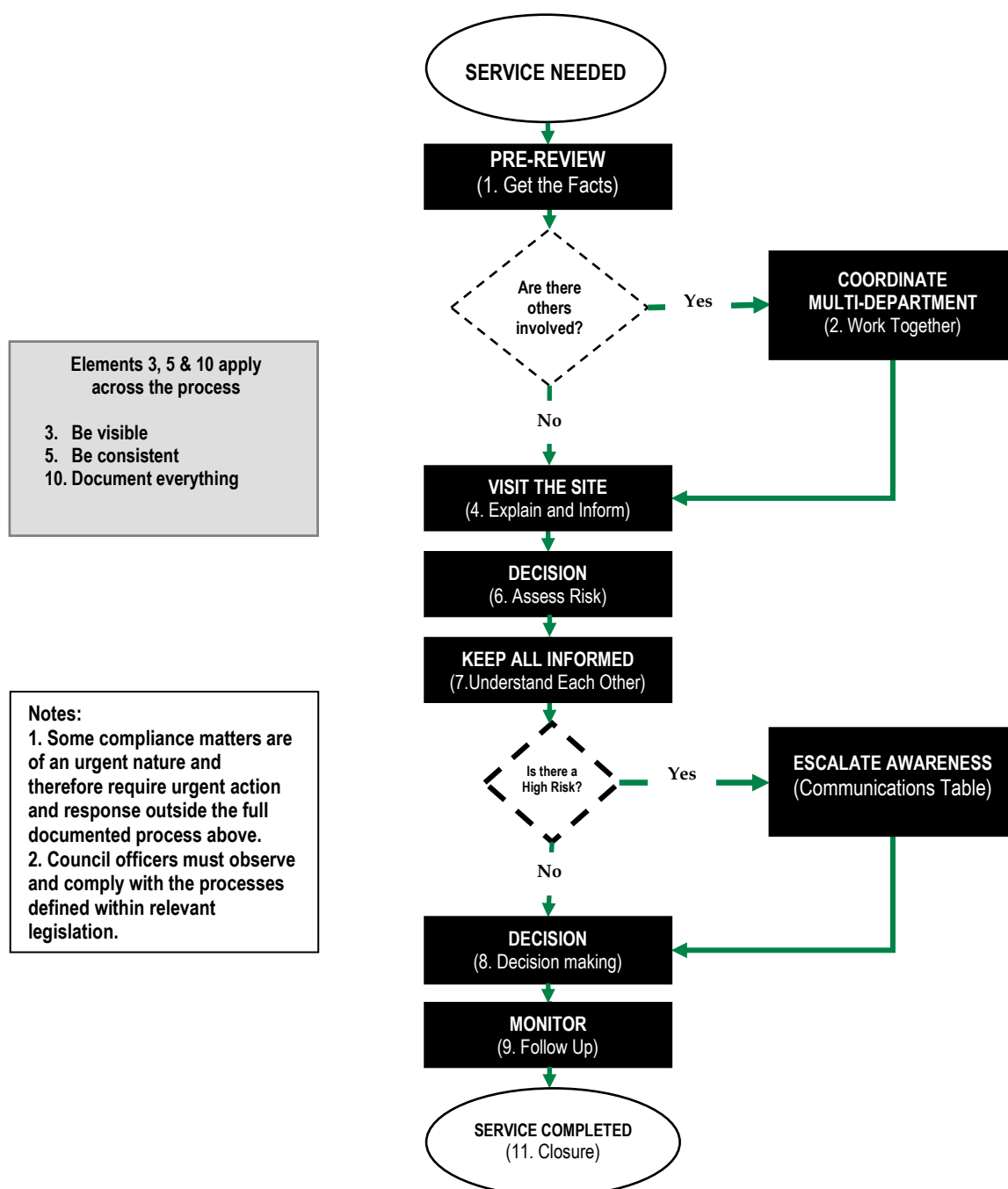
- Ensure the responsible officer completes all compliance matters.
- Inform all relevant parties of the outcome.
- Place final documentation on Council's record management system.
- Thank stakeholders for their cooperation

## 4. The Process

This charter provides the actions for how complaints and other compliance matters will be managed in a sequence of steps.

Some of the elements influence all parts of the process. Elements that are also process steps have been identified within the flowchart.

### The Process Flow Chart



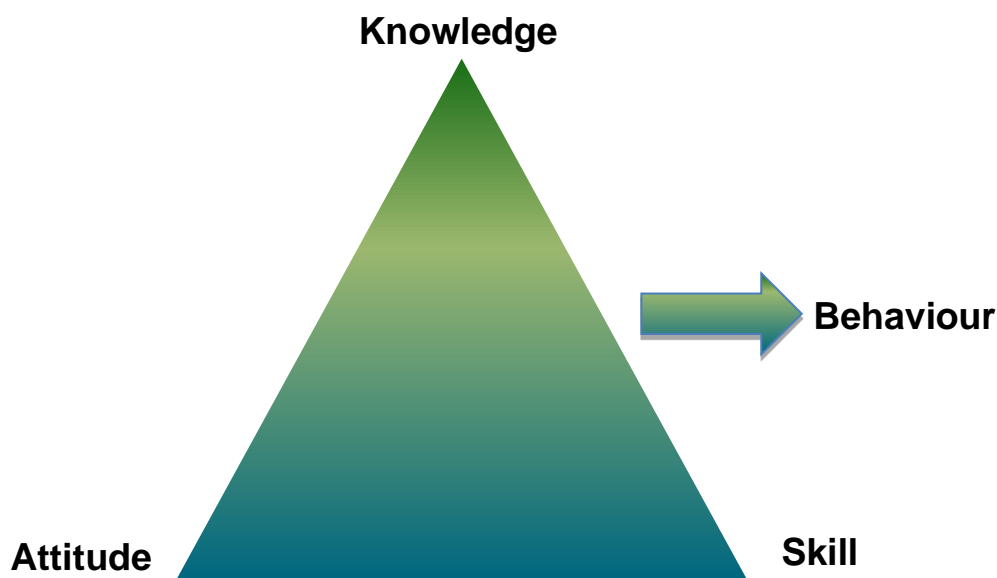
## 5. Implementation

Implementation of the Charter is based on behavioural change principles. These principles require developing the knowledge and skills of all stakeholders and staff to ensure a positive attitude is brought to our compliance services by all who are involved in compliance.

To change behaviour, work is needed in three areas:

- **Knowledge:** What you need to learn to do the job or to comply, e.g. Acts, rules policies. Education is needed.
- **Attitude:** How you approach the situation, the attitude you choose to bring, e.g. even tempered and helpful. Self-awareness and an awareness of others is needed.
- **Skill:** What you need to be able to do, e.g. able to read and understand conditions of approval, drive a car, communicate and manage difficult situations. Training is needed to develop and improve skills.

### The KAS Triangle



Campaspe Shire Council will identify training and education opportunities annually. Staff training needs will be incorporated into Council's overall training programs. Businesses and individuals also have obligations to ensure the right knowledge, skills and attitudes are present to meet compliance obligations.

### Measuring for Success

Campaspe Shire Council will measure its improvement in the delivery of compliance services. It is acknowledged that the new direction will take time to implement. Incorporating measuring for improvement is part of the fifth element "Being Consistent". A review of the progress made will also occur in 18 months.

## APPENDICES 1

### Legislation Framework

The key legislation that Campaspe's compliance services respond to include:

- Aboriginal Heritage Act 2006
- Building Act 1993
- Building Regulations 2006
- Campaspe Planning Scheme (and all relevant documents incorporated into this scheme)
- Domestic Animal Act
- Environment Protection Act
- Food Act 1984
- Impounding of Livestock Act
- Infringements Act 2006
- Local Government Act
- National Construction Code / BCA
- Planning & Environment Act 1987
- Planning Regulations 2006
- Public Health and Wellbeing Act 2008
- Relevant Australian Standards relating to construction
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010.
- Road Safety Act
- Campaspe Shire Council General Local Laws
- Subdivisions (Procedures) Regulations 2000
- Subdivisions Act 1988
- Summary Offences Act
- Tobacco Act 1987.
- Transfer of Land Act 1958
- Victorian Civil and Administrative Tribunal Act 1998



## APPENDICES 2

### Priority Rating Table

(Examples of Risk)

Rating	Building	Environmental Health	Local Laws	Planning
<b>CATASTROPHIC</b>	Dangerous structures/ wall about to collapse	Food poisoning case	Dog attack – severe injury or death human or other animal	Illegal house in a Bushfire or Floodway Overlay
<b>MAJOR</b>	Public buildings without fire services or emergency lighting and access	Complaint against food premises resulting in noncompliance food sample	Uncontrolled livestock on roads during the day	Illegal demolition of a building in a Heritage Overlay
<b>MODERATE</b>	Illegal occupation of building before final inspections	Noise and odour complaints	Rubbish dumped – general household	People living in an illegal shed
<b>MINOR</b>	Use of structures without a permit	Noncompliance with septic permit	Nuisance dog – barking	Noncompliance with a permit condition by not installing a stormwater retention tank
<b>NEGLIGIBLE</b>	Small illegal structure	Unregistered Hairdresser	Goods for display, street furniture, signs and A frames without a permit	Illegal advertising signs