

## ENFORCEMENT AND PROSECUTION

### DOCUMENT SUMMARY

This Official Council Policy deals with the prosecution powers of Council.

#### 1. STATEMENT OF POLICY INTENT

The intent of this policy is to establish a framework for enforcement and prosecution activities in respect to breaches of legislation administered by Council.

#### 2. POLICY SCOPE

This policy is applicable to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals, licences and orders.

#### 3. DEFINITIONS AND ABBREVIATIONS (used in this policy)

This table summarises the main definitions and abbreviations contained within this policy

Breach of Legislation	Is any activity or item that exists or that has been carried out contrary to New South Wales legislation, regulations or environmental planning instrument for which Council is the appropriate regulatory authority.
Council	Wentworth Shire Council
Policy	Enforcement and Prosecution Policy
Officer	Wentworth Shire Council employee
LG Act	Local Government Act, 1993

#### 4. BACKGROUND INFORMATION

N/A

#### 5. POLICY

It is the policy of this Council to:-

- 5.1 Ensure that Council and its officers act reasonably, consistently, effectively and in a timely manner in response to breaches of legislation administered by Council.
- 5.2 Provide a policy for Council to exercise its charter of obligations under Section 8 of the Local Government Act 1993 and various Acts and Regulations administered by Council to ensure that these regulatory powers are carried out in a consistent manner without bias.
- 5.3 Provide a proactive policy statement regarding the enforcement of compliance with legislation and/or condition/s of development consent.
- 5.4 Foster prompt, consistent and effective action by the Council in response to allegations of unlawful activity whilst ensuring that the principles of natural justice are respected.

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- 5.5 Wentworth Shire Council is committed to:
- Acting in the interest of protecting community health and safety and/or the environment.
  - Acting consistently, fairly and impartially.
  - Preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reasons.
  - Ensuring the proposed enforcement action is in keeping with the relative severity of the offence/s.
  - Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner.
  - Disclosing all evidence relevant to the alleged offences/s.
  - Assisting the Court by providing all necessary information whether or not that information is in favour of the Council case.
  - Issuing cautions to the alleged offender/s, where necessary.
  - Making cost effective decisions concerning enforcement action having regard to the likely outcome at court.
  - Ensuring action is instigated within the specified time limits.

**7. ATTACHMENTS**

Nil.

**Document Approval**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on the 28/06/2017. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

