



Enforcement Policy

Policy Information			
Policy Name	Enforcement Policy		
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Type	Strategic Policy		
Owner	Chief Executive Officer		
Responsible Officer	Director Corporate & Communications		
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1. Purpose

- 1.1. This policy sets out Council's commitment to the fair, consistent, and proportionate enforcement of the statutory obligations and local laws it administers, with a primary focus on education and voluntary compliance and the use of penalties only where necessary in the public interest.
- 1.2. Council's Enforcement Manual and Enforcement Process Flowchart provide the detailed procedures, powers, and operational steps for enforcement, and are to be read alongside this document.

2. Commencement

- 2.1. This policy commences on the Approval Date. It replaces any previous policy of the same intent.

3. Scope

- 3.1. This policy provides guidance and applies to all compliance and enforcement activities undertaken by Council.
- 3.2. It applies to all Personnel who exercise enforcement functions, including Authorised Persons.

4. Terms and Definitions

Term	Definition
Authorised Person	A person authorised in writing by the Chief Executive Officer to exercise enforcement powers under the <i>Local Government Act 2009</i> (Qld), a local law, or other legislation Council administers.
Council	Mornington Shire Council.
Elected Members	The Mayor and Councillors of Council.
Enforcement action	Any action taken by Council in response to a breach of a statutory obligation or local law, ranging from education and warnings through to compliance notices, infringement notices, and prosecution.
Local laws	The local laws and subordinate local laws made by Council under the <i>Local Government Act 2009</i> (Qld).
Personnel	All Elected Members, employees, contractors, volunteers, consultants, and agents of Council.
Public interest	The general welfare of the community, including community safety, amenity, the protection of Council assets, and the proper administration of the laws Council enforces.

5. Roles and Responsibilities

Role	Responsibilities
All Personnel	<ul style="list-style-type: none"> • Comply with this policy and all applicable legislation when exercising enforcement functions. • Apply education and voluntary compliance as the first response to a breach. • Maintain accurate records of enforcement decisions and actions.
Authorised Persons	<ul style="list-style-type: none"> • Exercise enforcement powers lawfully and within the scope of their authorisation. • Follow the Enforcement Manual and Enforcement Process Flowchart. • Refer matters for escalation where required.
Responsible Officer	<ul style="list-style-type: none"> • Oversee the consistent application of this policy. • Maintain and update this policy, the Enforcement Manual, and the Enforcement Process Flowchart. • Report to the Chief Executive Officer on enforcement activity.

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> • Has overall accountability for Council's enforcement of statutory obligations and local laws. • Authorise Authorised Persons in writing. • Ensure sufficient resources are allocated to enforcement.

6. Policy

6.1. Council's Commitment

- 6.1.1. Council is committed to enforcing the statutory obligations and local laws it administers in a way that protects the public interest, supports community safety and amenity, and helps the community understand and meet its obligations.
- 6.1.2. Council will carry out enforcement in accordance with the local government principles in the *Local Government Act 2009 (Qld)*, in particular transparent and effective processes and decision-making in the public interest, good governance, and the ethical and legal behaviour of local government employees.
- 6.1.3. Council treats education and voluntary compliance as the first response to a breach, and the imposition of penalties as a last resort.

6.2. Principles

- 6.2.1. All enforcement activity must be consistent with the following principles:
- a) **Education first.** Council will prioritise education, information, and support to help the community understand and meet its obligations and will seek voluntary compliance as the first response to a breach wherever it is reasonable to do so.
 - b) **Proportionality.** Enforcement action will be no more extensive than necessary to achieve compliance. Council will generally begin at the level proportionate to the breach and escalate only as far as is necessary.
 - c) **Penalty as a last resort.** Council will escalate to formal enforcement action only where education and voluntary compliance have not resolved the breach, or where the nature or seriousness of the breach makes escalation necessary. Penalties will be used only where necessary in the public interest.
 - d) **Consistency and fairness.** Enforcement decisions will be made lawfully, consistently, without bias, and on the basis of evidence and the seriousness of the breach.
 - e) **Discretion and public interest.** The decision to take, or not to take, enforcement action is made in the public interest, having regard to the seriousness of the breach, the conduct and circumstances of the person involved, and whether education or a lesser response would achieve compliance. Where Council decides not to take enforcement action, the reasons for that decision are recorded. The criteria that guide this decision are set out in Council's Enforcement Manual.
 - f) **Cultural context.** Council will take into account the cultural context of the community and any barriers to compliance when deciding on enforcement action.
 - g) **Graduated enforcement.** Council applies a graduated approach to enforcement. Council's Enforcement Process Flowchart sets out the phases, which move from investigation, to warning, to enforcement, and, for unpaid fines, to referral to the State Penalties

Enforcement Registry. Appropriate managerial approvals must be sought by Authorised Persons at each hold point outlined in the Enforcement Process Flowchart, prior to proceeding with enforcement.

7. Recordkeeping

- 7.1. Records of enforcement decisions and actions, including investigation records, notices issued, and the reasons for decisions, must be managed in accordance with the *Public Records Act 2023* (Qld) and Council's records management requirements.

8. Training and Awareness

- 8.1. All Personnel who exercise enforcement functions must receive training on this policy, the Enforcement Manual, and the relevant legislative requirements as part of induction, and at least annually thereafter.

9. Human Rights Consideration

- 9.1. Council is a public entity under the *Human Rights Act 2019* (Qld) and must act and make decisions in a way that is compatible with human rights.
- 9.2. This policy has been assessed for compatibility with the human rights protected under the *Human Rights Act 2019* (Qld). This policy engages property rights. Enforcement action may limit that right, for example through the seizure of property, compliance and stop orders, and the imposition of penalties. To the extent that enforcement may limit any right, the limitation is considered reasonable and demonstrably justifiable, as it is necessary to uphold the law, protect community safety and amenity, and act in the public interest, and is subject to the safeguards of lawfulness, proportionality, and the education-first approach set out in this policy.

10. Evaluation of Policy

- 10.1. The success of this policy will be measured by:
 - a) the consistency of enforcement decisions with the local government principles and this policy;
 - b) the proportion of breaches resolved through education and voluntary compliance without the need for penalties;
 - c) the number and outcome of complaints or appeals relating to enforcement decisions; and
 - d) completion rates for Personnel training on enforcement obligations.

11. Related Legislation and Policies

- a) *Local Government Act 2009* (Qld)
- b) *Local Government Regulation 2012* (Qld)
- c) *State Penalties Enforcement Act 1999* (Qld)
- d) *State Penalties Enforcement Regulation 2014* (Qld)

- e) *Human Rights Act 2019* (Qld)
- f) Enforcement Manual
- g) Enforcement Process Flowchart
- h) Complaints Management and Investigations Policy
- i) Code of Conduct
- j) Councillor Code of Conduct

12. Publication

- 12.1. As a Strategic Policy, this policy will be published on Council's website in accordance with Council's Governance Framework.

13. Policy Breaches

- 13.1. Failure by Personnel to comply with this policy may result in disciplinary action in accordance with Council's relevant policies and procedures. Elected Members in breach of this policy may be subject to the councillor conduct processes under the *Local Government Act 2009* (Qld).

14. Policy Review

- 14.1. This policy is to be reviewed in accordance with the Governance Framework to ensure it remains current and effective.
- 14.2. Council reserves the right to vary, replace, or terminate this policy from time to time.

15. Approval

This policy was duly adopted by resolution of Mornington Shire Council on 24/6/2026 Resolution No. 2026/102 and shall hereby supersede any previous policies of the same intent.