

COMPLIANCE AND ENFORCEMENT POLICY

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1 Policy Statement

The Northern Territory Environment Protection Authority (NT EPA) is responsible for ensuring the Territory's environment and natural assets are protected through effective and appropriate regulation.

The NT EPA commits to undertaking its regulatory role, including compliance and enforcement activities, consistent with the Principles outlined in this Policy.

The NT EPA further commits to a compliance and enforcement approach that is targeted to those areas with the potential to cause the greatest harm, where the biggest differences can be made, and where the greatest risks to the environment or natural assets can be managed. The NT EPA will choose the right compliance or enforcement tool when responding to actual or potential harm to the environment or a natural asset to achieve the best outcome.

2 Purpose

The NT EPA has developed this Compliance and Enforcement Policy (the Policy) to ensure a targeted and transparent approach to compliance and enforcement as part of its commitment to enhancing its protection of the environment and natural cultural assets. It provides a guide to industry, business and individuals on how the NT EPA will approach compliance and enforcement now and into the future.

3 Definitions

The Policy adopts the following definitions.

Compliance: means following the law. It involves obtaining the right approvals, licenses or permissions, and conducting authorised activities in accordance with any conditions, regulatory requirements or guidelines.

Enforcement: means the use of influence and statutory instruments to achieve compliance with the law. It comprises "remedy" (fixing the identified problem or making good on any damage) and "punishment" (applying a sanction or penalty for breaking the law) and is one way by which to achieve compliance.

Environment except where the context requires otherwise, includes natural or cultural assets in addition to the natural environment.

4 Principles for compliance and enforcement

The NT EPA is guided by eight principles when undertaking its compliance and enforcement role, exercising its regulatory responsibility and administering its legislation. The principles are:

Targeted: The NT EPA will target its compliance and enforcement activities to prevent and mitigate the most serious risk or harm.

Proportionate: Regulatory measures and responses will be proportional to the problems they seek to address and how culpable, or responsible for the problem, the offender is.

Transparent: Regulations and standards will be developed and enforced transparently. Information and any lessons learned will be shared and promoted. Enforcement actions will be made public, to build the

credibility of, and confidence in, the NT EPA's regulatory approach and processes.

- Consistent:** Compliance and enforcement approaches should be consistent and predictable. The NT EPA aims to ensure that similar circumstances, non-compliances and incidents are addressed through similar enforcement approaches.
- Accountable:** To ensure full accountability, the compliance of holders of environmental duties as defined in Part 5 of the *Waste Management and Pollution Control Act (WMPCA)*, enforcement decisions and the conduct of Authorised Officers under the WMPCA will be explained and open to public scrutiny.
- Inclusive:** The NT EPA will engage with the community, business and government to promote Environmental laws, set standards and provide opportunities to participate in compliance and enforcement.
- Authoritative:** The NT EPA will set clear standards, clarify and interpret the law and provide guidance and support on what holders of environmental duties need to do to comply.
- Effective:** Enforcement activity will seek to prevent Environmental harm and impacts to health, and improve the Environment.
- Enforcement action will be timely to minimise Environmental impacts and maximise the effectiveness of any deterrence.

5 Responsive and risk based

The NT EPA will target compliance and enforcement activities to those areas with the potential to cause the greatest harm, where the biggest differences can be made, and where the biggest risks to the environment or natural assets can be managed.

Responsiveness means that the NT EPA chooses the right compliance or enforcement tool to achieve the best outcome.

Risk assessment facilitates consistency in compliance and enforcement activities undertaken by the NT EPA and provides predictability for the community and those with a duty or obligation under the law

6 Regulatory approach

The NT EPA undertakes a range of activities on behalf of the Territory community to achieve compliance with the Acts it administers. The NT EPA takes a balanced approach to regulation that uses a mix of compulsory and voluntary methods to encourage compliance and respond to non-compliance. The NT EPA is committed to creating the right balance to regulation and will:

1. **Inform and educate:** Raise awareness of impacts, obligations, the NT EPA's role and encourage a social duty of care;
2. **Set standards:** Provide clear and authoritative standards based on science and community aspirations;
3. **Support to comply:** Provide practical, constructive and authoritative advice on how to comply with the law;

4. **Monitor compliance:** Monitor compliance with the law and maintain a credible risk of detection through implementation of both proactive and responsive methods, including responding to reports from the public, business and other government agencies, and undertaking targeted inspections as part of a compliance program;
5. **Enforce the law:** Require parties to make good any harm caused and deter non-compliance using the range of tools available under legislation
6. **Encourage higher performance:** Build the case for improving practices and influence future standards

7 Relevant legislation

The NT EPA administers 9 Acts and 6 pieces of subordinate legislation.

Comments and Questions

For more information or advice in relation to this Policy, please contact:

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Acknowledgement

The NT EPA wishes to acknowledge that it has drawn much of this Policy from material contained in the Victoria Environmental Protection Agency (EPA) *Compliance and Enforcement Policy* (2011) (Publication 1388).