

OFFICIAL



Compliance and Enforcement Policy

Version 2



OFFICIAL

Published by Game Management Authority March 2024
©The State of Victoria 2024

This publication is copyright. No part may be reproduced by any process
except in accordance with the provisions of the Copyright Act 1968.

Authorised by Game Management Authority
2/535 Bourke Street, Melbourne 3000

Disclaimer

This publication may be of assistance to you but the State of Victoria and
its employees do not guarantee that the publication is without flaw of any
kind or is wholly appropriate for your particular purposes and therefore
disclaims all liability for any error, loss or other consequence which may
arise from you relying on any information in this publication.

For more information about Game Management Authority go to
www.gma.vic.gov.au

Table of Contents

Purpose	4
What is compliance and enforcement?.....	4
Compliance and enforcement commitments.....	4
Regulatory framework	4
Intelligence-led and risk-based model	4
Main stages involved in GMA's risk-based approach.....	6
Risk-based approach.....	6
Integrated and outcome focused	7
Dynamic enforcement response	7
Outcome-focused	7
Our compliance objectives	8
Information services to support compliance.....	8
Information services.....	8
Choosing a compliance option	8
Our options to address non-compliance (GMA's approach)	8
Compliance monitoring inspection.....	9
Written warnings.....	9
Infringement notices.....	9
Prosecution	9
Seizure	9
Transparent decision making	9
Compliant Handling/ Internal Review.....	9
Authorised Officers.....	10
Document Control	10
Summary of Document Changes.....	10
Quality Assurance	10
Document Approver	10
Document Naming	10

Purpose

This Compliance and Enforcement Policy (the Policy) explains the approach the Game Management Authority (GMA) takes in compliance and enforcement activities. More specifically, it sets out GMA's risk-based approach to compliance and enforcement. Apart from embedding GMA's risk-based approach within this context, the Policy also assists GMA to navigate the complex regulatory context within which it operates to determine whether, and what compliance and enforcement action might be needed.

The GMA is a statutory authority established to improve sustainability and responsibility in accordance with the *Game Management Act 2014* (the Act).

The GMA also performs the regulation, investigation and disciplinary functions conferred on it by or under the Act, the *Wildlife Act 1975* and the *Conservation Forests and Lands Act 1987*.

To complement GMA's Compliance Strategy, this policy covers:

- GMA's compliance and enforcement approaches for supporting and directing compliance.
- Our principles and criteria for decision-making, including the consideration of risk, and behaviour and motivations for compliance.

What is compliance and enforcement?

In this policy 'compliance' is defined as the adherence to the legal requirements and obligations of the Act. Compliance is an ongoing process, so stakeholders need to continually assess their risks and improve their methods for eliminating or minimising those risks. 'Enforcement' is then the use of influence, authority and statutory powers under relevant legislation to achieve or compel compliance.

Compliance and enforcement commitments

When we regulate, we give effect to the principles in the Act through our regulatory undertakings.

We will deliver on these regulatory commitments by the way we plan and deliver compliance and enforcement activities.

A core element of the GMA's compliance and enforcement commitments is the effective use of intelligence to inform decision making about how we manage key compliance risks and issues including our operations.

The GMA takes a risk-based approach to prioritising compliance activities, applying the following regulatory principles:

- Targeted
- Accountable
- Effective
- Adaptable
- Transparent

Regulatory framework

The various regulatory instruments under which GMA has a regulatory role are referred to collectively in this Policy as the "regulatory framework."

Intelligence-led and risk-based model

The GMA recognises that risk is a combination of two elements: consequence (the degree of risk or harm to public safety or game management) and likelihood (the chance that non-compliance will occur).

The GMA will focus on risks to:

- Public safety (both hunters and non-hunters)
- Animal welfare
- Sustainable game harvesting; and
- Non-game protected wildlife

When the GMA commences the enforcement process following an incident or risk or non-compliance, the level of risk or harm in the circumstances and culpability of the offender are considered on public safety, animal welfare, conservation, resource, biological and economic implications regarding the actual incident and offence.

The following specific issues will be considered:

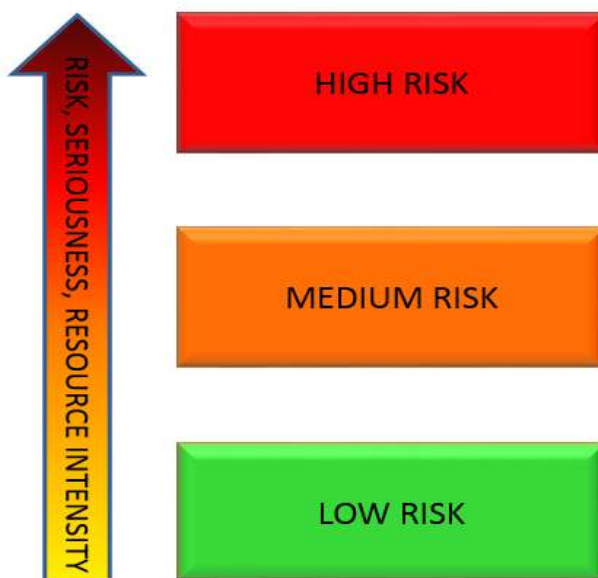
- Threats to public safety
- Animal welfare concerns
- Conservation importance
- Deliberate resource abuse by the person(s)
- Biological considerations
- Consequence of the offending
- Personal gain to the person(s); and
- Whether or not the person has a prior history of offending

The regulatory model uses elements that can be applied when inspection activity and other compliance resources are targeted to areas with the potential to cause significant harm.

Ultimately, effective compliance, which includes awareness and education, will be the driver for behaviour change within the hunting and non-hunting community, to best support the achievement of GMA's objectives.

The risk-based approach applied by the GMA is summarised below:

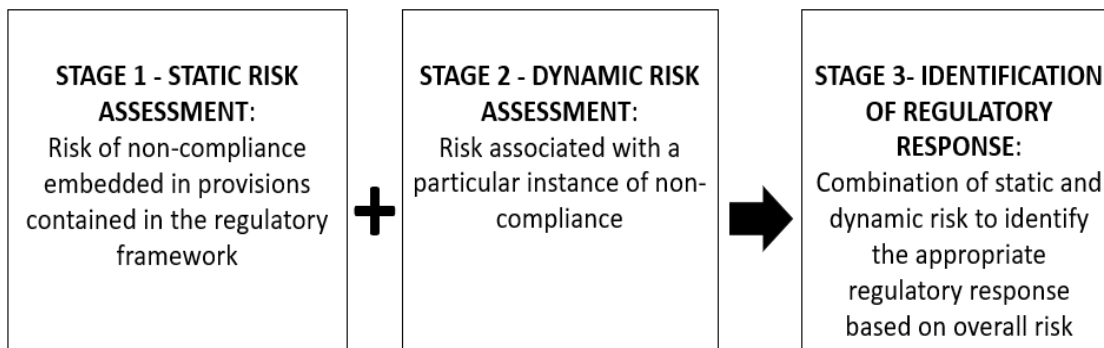
Figure 1 – Model for targeted enforcement



Main stages involved in GMA’s risk-based approach

The application of GMA’s risk-based approach to regulation to determine the appropriate regulatory response involves three main stages, as shown below.

Figure 2 – GMA’s risk-based approach



Application of these three stages helps to ensure that GMA’s regulatory response to non-compliance with the regulatory framework is commensurate with the overall risk associated with the non-compliance.

Risk-based approach

We adopt a risk-based approach that uses science and intelligence to assess risks in terms of the likelihood of the risk occurring and the consequence of the impact if it were to occur, and consider the practices and behaviours of duty holders that:

- represent non-compliance with the laws we administer
- present real or potential harm to public safety and/or the environment
- impact our ability to be an effective regulator
- require a regulatory response due to public interest and safety concerns.

Figure 3 – GMA’s risk-based prioritisation matrix

		Consequence of Impact				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood of Occurrence	Very High	Medium	Medium	High	Extreme	Extreme
	High	Low	Medium	High	High	Extreme
	Moderate	Low	Medium	Medium	High	High
	Low	Low	Low	Medium	Medium	Medium
	Very Low	Low	Low	Low	Low	Medium

Likelihood: The likelihood of non-compliance has five levels: very low, low, moderate, high and very high that the chance that non-compliance will occur.

Consequence: the degree of risk or harm to public safety or game management. There are also five levels: insignificant, minor, moderate, major and catastrophic.

Integrated and outcome focused

Often the most appropriate response to regulatory risk or identified non-compliance is to apply an integrated approach that combines the use of one or more tools to support compliance and enforce the law.

Our responses can be divided into the following categories:

- Information, education, and advice
- Directing, and requiring follow-up action to fix or remedy non-compliance
- Penalties and sanctions initiated to deter non-compliance and achieve outcomes for the community and environment.

The nature of the problem and desired regulatory outcome will drive the decision on which tools and measures are used. We start with the assumption that most people want to comply with the relevant laws, so our aim to encourage continued and sustained compliance.

A key role for the GMA is to raise awareness of the applicable laws, GMA's role and jurisdiction. The GMA emphasises the provision of information, education and guidance (including visible presence) as an effective way to encourage voluntarily compliance.

Dynamic enforcement response

In detecting non-compliance or responding to an issue or incident, the GMA has the discretion in how we chose from a wide range of options available to address non-compliance.

The range of tools and measures may be used individually or in combination, ensuring we have the flexibility to respond in a way that is focused on the desired outcome and proportionate to the seriousness of the problem.

Our aim in taking enforcement action is to:

- Stop the unlawful activity and the harms caused by the non-compliance
- Ensure future compliance is achieved
- Raise awareness of the law and the consequences of non-compliance

In determining the appropriate enforcement responses, we will take an escalating approach and consider:

- The nature and seriousness of the non-compliance, based on its actual or potential impacts
- The actual or potential risk of harm caused by the incident
- The characteristics of the person(s) in management or control of the activity
- Public interest and community expectation about the action taken to provide specific or general deterrence
- Statutory time limits

Outcome-focused

Our use of a range of compliance tools is underpinned by a compliance strategy that ultimately seeks to effect improved industry outcomes.

- The GMA promotes awareness and education as an effective way of achieving increasing voluntary compliance.

- We make decisions on compliance actions to achieve outcomes that deter unlawful conduct and promote future compliance.
- The GMA takes enforcement action to serve the public interest. We exercise discretion to focus on those actions that warrant a regulatory response.

The nature of the problem and the desired outcome drives the decision on which of our broad range of compliance and enforcement tools we use. Given that our key objective is voluntary compliance wherever possible, most engagements with industry will be for the purposes of voluntary compliance through guidance and education.

However, where the issue requires action to stop or cease the conduct, the GMA may move straight to court action. For systemic issues, a multi-faceted compliance strategy, using several tools in combination (see below), may be used to target an entire practice.

Our compliance objectives

As a regulator, the GMA works to prevent harm through a compliance approach that strongly emphasises prevention and targeted enforcement action.

By using a risk-based, intelligence-led and outcomes focused approach to compliance decisions, the GMA can allocate our resources more efficiently, **to target those that do the most harm**. This enables us to act quickly against those that present the highest risk to achieve more sustainable outcomes.

Information services to support compliance

To support voluntary compliance the GMA uses a range of mediums to inform persons about their responsibilities and rights. The GMA uses digital, print, telephone and face-to-face channels to achieve this.

Information services

Hunters that are well-informed and empowered drive industry compliance and standards.

The GMA is committed to making its services available through digital platforms and will ensure ongoing development and innovation of these services to meet and exceed the needs and expectations of all Victorians.

Choosing a compliance option

To be effective, the spectrum of options to achieve compliance are wide and not only include legal options, but all the activities a regulator uses to encourage compliance. The GMA can use these options if the person elects not to comply, or where there is a serious contravention of the administered legislation.

In practice, a risk-based approach means that GMA focuses its regulatory activities and resources on regulated persons and compliance areas where the relative risks of possible or actual non-compliance are greatest. Generally speaking, the higher the risk associated with non-compliance, the more serious, resource-intensive and timely the regulatory response by GMA. Comparatively less time, effort and resources will be dedicated to compliance areas where the risks are relatively low.

Our options to address non-compliance (GMA's approach)

The GMA has a range of options to address non-compliance of legislation. These range from warning letters, infringement notices, seizure of firearms/ vehicles/ vessels through to court action for the more serious matters. These tools can also be used in combination. The broad range of tools ensures that GMA has the flexibility to respond in a way that is both targeted and proportionate to the seriousness of the problem.

Compliance monitoring inspection

An inspection aims to detect whether there are breaches of legislation and/or regulations. Inspections are used to determine whether enforcement action is required. The GMA conducts a planned and targeted state-wide audit program based on compliance and enforcement priorities. Resulting from these audits, recommendations aimed at improving identified issues may be made.

Written warnings

Written warnings may be issued by GMA Authorised Officers where breaches of the legislation/regulations, licences, notices, permits, and regulations are of a minor nature, with no material impact.

Infringement notices

This is a notice asserting a breach of the law and imposing a financial penalty. This allows straightforward breaches of the law to be dealt with by payment of a fine, rather than commencing court proceedings.

Prosecution

The GMA will consider prosecuting an individual where other enforcement measures are deemed inadequate or inappropriate.

The GMA will consider the level of harm, risk of harm, likelihood of non-compliance and culpability of the offender when deciding upon the most appropriate course of enforcement action.

Seizure

The GMA has legislative powers to seize any item they believe to be used in a game hunting offence. This generally includes hunting equipment and vehicles (including boats). GMA Authorised Officers may exercise powers to confiscate firearms, vehicles, vessels, etc, for serious and high-risk non-compliance and will make an application to a Court that a forfeiture order be issued in relation to seized items and seeking their destruction.

Transparent decision making

The GMA will improve transparency to its stakeholders and the community. Documenting linkage between behaviour analysis and interventions to decide on a predictable enforcement action (possible sanctions) is part of the compliance regulation and contributes to the continual improvement cycle.

When the GMA undertakes enforcement activity, it will include information regarding the outcome in its Annual Report to Parliament. This disclosure is an integral part of Parliamentary reporting. All published information will be accurate and not infringe on privacy requirements.

The GMA may also publish enforcement data and information on its website to inform the public of the nature and outcome of prosecutions or alternative penalties, and, provide advice on how to prevent similar breaches. The GMA may also use this information to inform future strategies of monitoring and compliance.

Compliant Handling/ Internal Review

The GMA is committed to complaint handling and is open and receptive to feedback. The GMA has a General Complaints Management Procedure in place.

A person can make a complaint in a number of ways:

Mail: GPO Box 424, Melbourne, Victoria, 3001
Phone: 136 186
Internet: www.gma.vic.gov.au
Email: complaints@gma.vic.gov.au

If a complainant is aggrieved with the process or outcome of a complaint, they can request an internal review, which will be conducted independently to the initial assessment/ investigation. The GMA Chief Executive Officer (CEO) will be responsible for overseeing any internal review undertaken. An outcome letter signed by the CEO will be provided to the complainant at the conclusion of the internal review.

Authorised Officers

The GMA's Authorised Officers are trained and understand the responsibility associated with using the powers afforded by legislation. They have qualifications in their specialist areas, and exercise powers in accordance with their appointment as Authorised Officers and their delegations. Their training includes law, fairness in administration decision making, auditing, conflict and negotiation, and investigations.

Training will be undertaken regularly to ensure it remains current and all officers can maintain their skills and knowledge.

Document Control

Summary of Document Changes

Version	Date	Author	Reason
V.01	16/11/2019	Paul Stevens	Update
V1	11/12/2019	Paul Stevens	Update
V2	21/03/2024	Zachary Powell	Update

Quality Assurance

Version	Date	Reviewer
V.01	16/11/2019	Paul Stevens
V1	5/12/2019	Graeme Ford
V2	22/03/2024	Graeme Ford

Document Approver

Name	Date	Signature
Graeme Ford	22/03/2024	

Document Naming

Author	Paul Stevens, Director, Compliance and Intelligence
Document Name	Compliance and Enforcement Policy
Status	Approved
Release Date	22/03/2024
Next Review date	22/03/2027

