

DRAFT: Version 1.0 (26 Sept 2019)

**RISK MATRIX  
FLINDERS COUNCIL COMPLIANCE  
CLASSIFICATION**

**Escalation of Human Health or Safety and Environmental Harm (Actual or Potential)**

		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	
		<ul style="list-style-type: none"> <li>Non-compliance that does not result or is unlikely to result in any environmental, human health or safety impact or financial gain for the offender; or</li> <li>Minor administrative non-compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Non-compliance resulting in a minor, temporary impact to the environment or minor, temporary threat to human health or safety or limited financial gain for the offender; or</li> <li>Significant administrative non-compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Non-compliance resulting in a moderate, temporary impact to the environment or moderate, temporary threat to human health or safety or moderate financial gain for the offender.</li> </ul>	<ul style="list-style-type: none"> <li>Non-compliance resulting in a significant impact to the environment or significant threat to human health or safety (may be temporary or permanent) or significant financial gain.</li> </ul>	<ul style="list-style-type: none"> <li>Known or likely human health impact that is severe in effect, i.e. resulting in death or multiple deaths, hospitalization and/or long term human health consequences.</li> </ul>	
Categories of Likely Compliance (Compliance History/Willingness and Capacity to Comply)	<b>CAT A (High)</b>	<p>Indications of future and ongoing compliance are very high</p> <ul style="list-style-type: none"> <li>No previous occurrences of non-compliance;</li> <li>Good demonstrated awareness of and/or capacity to meet regulatory requirement; and/or</li> <li>Offender has a reasonable and cooperative attitude.</li> </ul>	Discretionary action- Likely to take no action or advisory (information and education) or verbal warning	Discretionary action- Likely option is a phone call followed by written warning with information for compliance requirements	Discretionary action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order
	<b>CAT B</b>	<p>Indications of future and ongoing compliance are uncertain</p> <ul style="list-style-type: none"> <li>Few previous occurrences of non-compliance; and/or</li> <li>Questionable awareness of and/or capacity to meet regulatory requirement.</li> </ul>	Discretionary action- Likely option is a phone call followed by written warning with information for compliance requirements	Discretionary action- Likely option is a phone call followed by written warning with information for compliance requirements	Discretionary action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order
	<b>CAT C</b>	<p>Indications of future and ongoing compliance are unlikely</p> <ul style="list-style-type: none"> <li>Numerous previous occurrences of non-compliance; and/or</li> <li>Little or no awareness of and/or capacity to meet regulatory requirement.</li> </ul>	Discretionary action- Likely to result in written warning and issue of notice or order	Discretionary action- Likely to result in written warning and issue of notice or order	Discretionary action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order	Requires action- Like to result in Legal Action/ Criminal proceedings. May require council to undertake works and recover costs.
	<b>CAT D</b>	<p>No indication of future and ongoing compliance</p> <ul style="list-style-type: none"> <li>Willful violation of council regulatory requirement; and/or</li> <li>Little or no demonstrated willingness or capacity to meet regulatory requirement.</li> </ul>	Discretionary action- Likely to result in written warning and issue of notice or order	Discretionary action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order	Requires action- Like to result in Legal Action/ Criminal proceedings. May require council to undertake works and recover costs.	Requires action- Like to result in Legal Action/ Criminal proceedings. May require council to undertake works and recover costs.
	<b>CAT E (Low)</b>	<p>Indications of obstruction and ongoing or future non-compliance</p> <ul style="list-style-type: none"> <li>Hindering or obstructing a council official;</li> <li>Refusing to furnish required information; and/or</li> <li>Intentionally including false or misleading information in any required document.</li> </ul>	Discretionary action- Likely to result in written warning and issue of notice or order	Discretionary action- Likely to result in written warning and issue of notice or order	Requires action- Likely to result in written warning and issue of notice or order	Requires action- Like to result in Legal Action/ Criminal proceedings. May require council to undertake works and recover costs.	Requires action- Like to result in Legal Action/ Criminal proceedings. May require council to undertake works and recover costs.

	Discretionary action taken by council
	Council must act

**NOTES: Prosecution and Related Enforcement Actions**

With the consistent focus of Council's compliance and enforcement activities on outcomes, Council will typically only consider a prosecution or related enforcement action where:

- there is or was serious risk of harm – including serious public health and safety and environment impacts
- after being given adequate opportunity to take corrective action, the action taken is insufficient
- the culpability of the offending warrants this action as a deterrent e.g. repeated wilful noncompliance
- legislation requires this response.

**Decisions to proceed with prosecution need to consider:**

- adequacy of evidence
- likelihood of success
- strategic importance of the case
- risk
- legislative backing