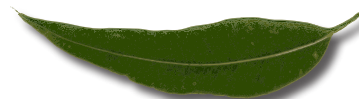

GUIDELINE

PROMOTING COMPLIANCE



HCCREMS
HUNTER & CENTRAL COAST REGIONAL
ENVIRONMENTAL MANAGEMENT STRATEGY

A project delivered by the Hunter and Central Coast Regional Environmental Management Strategy (HCCREMS): a program of the Environment Division of Hunter Councils Inc.



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FOREWORD

The Promoting Compliance Guideline is provided as supporting guidance to the HCCREMS model Compliance Assurance Policy and is designed to provide a consistent approach to the environmental regulatory framework implemented throughout the fourteen member councils of HCCREMS.

The model Compliance Assurance Policy provides councils with a position on the use of both proactive and reactive compliance assurance activities to manage compliance of the regulated community. **Figure 1** (below) displays the relationship of this guideline to the model Compliance Assurance Policy and other guidance documents.

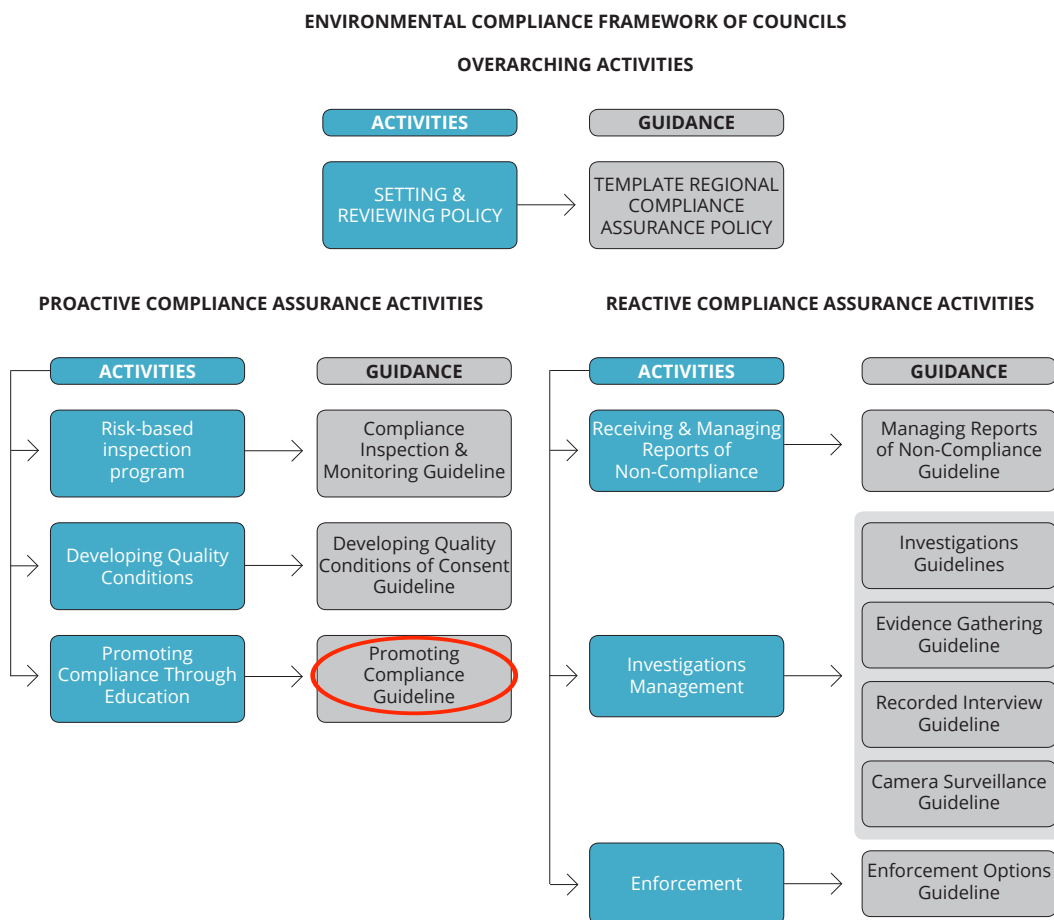


Figure 1:
Regional Compliance Assurance Framework

1. INTRODUCTION

The Promoting Compliance Guideline provides practical guidance to Council officers on the design and implementation of a program to engage with the regulated community to encourage voluntary compliance with environmental legislation and requirements.

The Compliance Pyramid (see **Figure 2**) shows the range of options for enforcing compliance. Spending more time promoting compliance through education and engagement can save council both time and money in the longer term as more forceful options (e.g. orders, notices and court action) should be less necessary. The regulated community is also more likely (and able) to respond positively if proactive education programs are a significant part of Council's compliance activities.

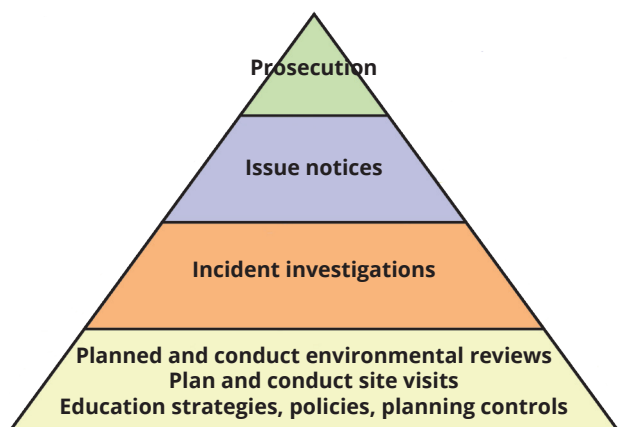


Figure 2:
Compliance Pyramid

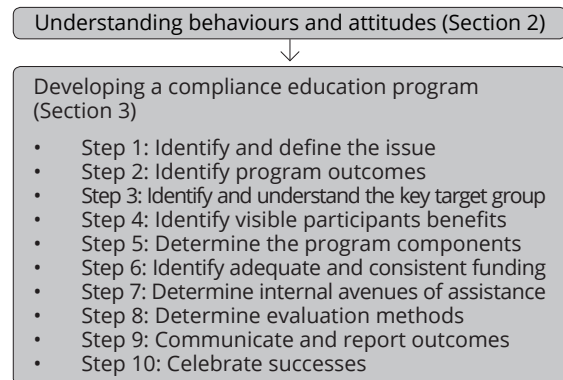
Figure 3:
Process for developing a compliance education program

Compliant behaviours can be promoted through a variety of education and engagement methods including the following:

- Release of educational materials (e.g. brochures, posters, newsletter articles, guidelines or letters) by council to the regulated community, e.g. on legal obligations and best practice.
- Site visits and inspections to directly communicate requirements and point out areas for improvement (NB; further information on this can be found in the Compliance Inspections and Monitoring Guideline).
- Media on behaviours of concern, illegal activities and consequences.
- Training and workshops with target groups on how to comply (and why).

Financial incentives (e.g. rebates for pollution control devices, the use of bonds to ensure compliance and fines to deter non-compliance) are another way to encourage voluntary compliance but they are not the topic of this guideline.

Figure 3 provides a summary of the content of the Promoting Compliance Guideline and shows the recommended process for developing a compliance education program.



2. UNDERSTANDING BEHAVIOURS AND ATTITUDES

The development of an effective education and communication program will often focus on the behaviours that Council wishes to change and the behaviours they wish to encourage. This Section provides details on the process for determining what are drivers for individuals to not comply with requirements, and the opportunities for council to encourage compliance. The advice is based on recognising that behaviours are commonly learnt and influenced by values and attitudes, and therefore determining ways to change behaviours, should, in some way address these attitudes.

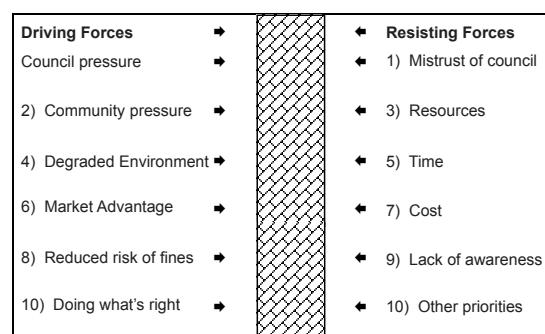
Behaviours are influenced by our values and attitudes. We learn attitudes from people we encounter and from the people close to us. Values are a summary of the many attitudes we hold, and together with our beliefs, will affect our perceptions and behaviour. Behaviour is also influenced by:

- Age, gender, ethnicity, income; education level and occupation;
- Recent events and past experiences;
- Laws, regulations and policies – and how these are monitored, implemented and enforced;
- The availability of technology, products and services;
- Economic factors such as financial incentives or disincentives; and
- Previous interaction with Council or staff.

Understanding behaviours and attitudes, assists with the selection of the activities to include in an education program to promote compliance.

DRIVING AND RESISTING FORCES

In addition to values and attitudes, there are often external driving and resisting forces (also known as incentives and barriers) which can influence a person's behaviour. **Figure 4** provides an example of driving and resisting forces and how these compete to influence behaviours.



To be successful in facilitating personal and organisational change, a program should acknowledge and overcome resisting forces and take advantage of driving forces. The program should also be strategic, integrated and participatory. It is not so much about getting people to 'know more things' but rather getting them to "change how they do things" and understanding why a change is necessary.

Figure 4:
Driving and Resisting
Forces for Participating in
Education Programs

Chittock (2008) identified a number of “desirable” design features of education programs (focusing on regulated industry), these are:

- *Adequate and consistent funding* – Secure funding overtime is more effective at getting results and building relationships than fee funded programs or grant funded programs that have a “short life”.
- *Collaborative relationship with industry* – to provide credibility and trust early in the program and to engage industry bodies in program promotion.
- *Single sector program focus* – to ensure specific industry issues are addressed and appropriate initiatives included. Also allows direct comparisons to be made between participants.
- *Setting credible targets* – establishing baselines and setting targets supported by participants allows improvements at all levels to be assessed and measured.
- *Info-regulation and resources* – providing resources and information (e.g. publications, tools and technologies) shows commitment by councils to assisting program participants.
- *Threat of credible enforcement* – communicating that the education programs are part of a suite of tools available to the regulators and providing an opportunity to rectify processes or issues without enforcement initially encourages participation.
- *Regular and credible monitoring* – required to maintain the credibility of the program and the sites involved.
- *Visible participant benefits* – essential to encourage participation. May include reduced likelihood of fines, reduced insurance premiums, quicker processing of future permits.
- *Transparent provision of program results* – shows participants and the broader community the value and progress of the program.

3. DEVELOPING A COMPLIANCE EDUCATION PROGRAM

The development of a Compliance Education Program can be achieved by following ten logical steps that are outlined in this Section. **Appendix 1** provides a template program plan that provides a framework for recording information on a specific program, guided by the following steps.

STEP 1: IDENTIFY AND DEFINE THE ISSUE

A clear understanding of the behaviour or issue causing non-compliance is essential to the effective design of an education program. Research into the issue is required which may involve field investigations, discussion with others (including stakeholders), analysis of existing data and results of other programs (e.g. from other councils) that have targeted the same issue.

There are likely to be examples of programs across a range of disciplines that incorporate a number of complementary compliance mechanisms (e.g. inspection of food premises, swimming pools, caravan parks, hairdressers, septic systems). Careful review and discussion of these existing programs will assist in identifying challenges, opportunities and learnings from these other programs. Similarly, reviewing past programs of other councils will build knowledge around what works/ doesn't work and how to make programs more successful (**See Box 1**).

STEP 2: IDENTIFY PROGRAM OUTCOMES

An essential part of program planning is to identify and define what you want to achieve – in the short term, mid-term and long-term.

Questions to assist in determining your outcomes may include:

- What are we aiming to achieve as a result of this program?
- What are the specific educational objectives of the program in terms of knowledge, skills, values, attitudes and practices?
- What are the key environmental objectives of the program (how will it improve the environment?).

It is important to identify process outcomes, target group outcomes and environmental outcomes of your program. Examples are provided in **Table 1**.

PROGRESS OUTCOMES	TARGET GROUP OUTCOMES	ENVIRONMENTAL OUTCOMES
<ul style="list-style-type: none"> • Number of council staff and departments involved in the program. • Project delivered on time. • Project delivered to budget. • Number of individuals/ businesses participating in program. • Positive media reports. 	<ul style="list-style-type: none"> • Increased knowledge and understanding of issue of concern. • Adoption of better practices/ behaviours. • Increased appreciation of for the value of co-operation between industry, the community and government. • Pro-active approach to addressing issue of concern. • Evidence of better housekeeping practices in industrial premises. • Increased compliance with environmental regulation. 	<ul style="list-style-type: none"> • Reduced incidents of tree clearing. • Increased use of appropriate sediment controls. • Reduced incidents of storm water pollution from residential areas. • Reduction in number of illegal dump sites across council area. • Reduction in pollution incidents from industrial and commercial premises.

Table 1:
Examples of outcomes relating to the process, target group and environment

STEP 3: IDENTIFY AND UNDERSTAND THE KEY TARGET GROUPS

A key step in developing education programs is to identify your target group's particularities, including ability, motivation and willingness (perceived or actual) to comply with environmental requirements. A profile of the regulated community is essential in preventing and combating non-compliance and enables you to make the right choice of education initiatives. The following questions may assist in developing a target group profile:

- Who are you trying to influence with this program or what groups are not doing the desired activity?
- Do any of the groups have something in common that will help you reach them?
- What groups would be most receptive to making the desired changes?
- What are the threats, risks, costs and benefits to the target group?
- What are the main characteristics of the target group?
 1. Individuals/organisations
 2. Economic activity
 3. Knowledge and level of education
- What do they know about the environmental issue at hand? Do they care about the issue or have a personal interest in the problem?
- Do they take any measures to protect the environment?
- What barriers stop them from complying?
- What do they know about the relevant regulations/policies and how do they feel about them?
- What are the consequences of the regulations/policies to the target group? Do they comply? Do they know how to comply?
- What questions does the target group have? Are we currently addressing these questions?
- What information does the target group need?

Researching your target group may involve setting up a focus group, a discussion with a sample of people who are representative of the group or a phone survey of a larger sample of the group.

STEP 4: IDENTIFY PARTICIPANT BENEFITS

Consider and document participant benefits to engaging in the education program. Identifying the "what's in it for me" factor relevant to your regulated community will encourage involvement and help to overcome any real or perceived barriers they may have. Benefits may be financial, reputational, educational or environmental and may include:

- Reduced risk of penalties, prosecution or stop work orders.
- Reduced risk of bad publicity.
- Increased understanding of environmental legislation, regulations and council policy.
- Support and assistance from regulators.
- Marketing opportunities and access to new markets.
- A cleaner local environment.
- Less stressful involvement with Council.
- A more productive worksite/ business.
- Corporate social responsibility.

STEP 5: DETERMINE PROGRAM COMPONENTS

Common components of education programs can be grouped into the following five categories:

- *Information Dissemination* - printed material, signage, presentations, website, letters, newsletters etc.
- *Hands-On Activities* - tours, workshop, fairs, competitions.
- *Media* - press releases, advertising, launch events.
- *Formal Education Programs* - curriculum linked education, training courses.
- *Council Functions* - Council meetings, consultative groups, grant programs, award programs.

When determining your program components, you should consider the following key questions:

- **What educational and technical assistance will the program offer?**
Providing information about the requirements and how to meet them and providing assistance to help regulated facilities/communities take the necessary steps towards compliance is an essential part of a successful education program.
- **How and what will you communicate?**
Several types of information and messages can be communicated to regulated groups to promote compliance, such as:
 - Who is subject to requirements;
 - What are the requirements;
 - Why are these requirements important;
 - How can Council help them comply;
 - What changes (including technical, managerial, behavioural) must be made to comply with the requirements;
 - How can these changes be made; and
 - What are the consequences of not complying.

If deterrence is important to the program strategy, the information communicated can include, not only educational material, but also reports of enforcement activities. This helps create an “enforcement presence” and an atmosphere of deterrence. Communicating the threat of credible enforcements is an important element of an education program. It may be helpful to develop a communications plan and work with relevant council communications or marketing departments. Piggy-back on existing communications approaches where possible to save money and time (but only if this is determined the best way to reach your target audience).

- **How will you build support across the target group or industry sector?**
A successful education program will build support among the regulated community or associated industry bodies, community groups or other agencies. Consider who the key stakeholders are and determine how you will engage them in the program and build their support. A sound relationship between regulatory agencies and industry bodies has had positive outcomes across a diverse range of education programs.
- **How will you harness public support?**
Education programs can build public support by developing and distributing information about environmental problems, the importance of compliance, program activities and successes, and the ways the public can support the program. Not only can public support promote a social ethic of compliance, but it can also help ensure your education program continues to receive necessary funding and political support to be effective.

WORKING WITH INDUSTRY

Local council staff have a key role in working with business to improve their environmental performance using both regulatory and non-regulatory approaches such as education and training. Programs will be optimised if you:

- Know the business type - talk to businesses to identify possible barriers and motivators, look on the internet, do a literature review.
- Talk to other council staff and other councils familiar with this type of business program - check councils compliance and complaints records.
- Involve the local chamber of commerce.
- Involve any relevant business associations.
- Let the wider community know about what you are doing - via a launch or newsletter.
- Consider the most appropriate approach - informal site visits backed up with information sources, trade nights, links to appropriate training.
- Enlighten and motivate businesses - look for and promote champions and partnerships, look at what the benefits are for the businesses involved - consider forms of recognition, promotion of best practice.
- Look at timeframes - changing business culture and other barriers takes time. Businesses also have their own critical time periods - be aware of what they are.
- Multiplier effects - look at the bigger picture - can your approach be applied to other industry estates/catchments or be modified for other business types/sectors?

- **How will you build the target group's ongoing environmental management capability?** Building internal environmental management capabilities or among individuals, should encourage an ongoing desire for environmental compliance and generally lead to improved environmental quality. Building the capacity of your target group and providing them with the knowledge, skills, tools and resources to continue to demonstrate improved environmental behavior will ensure more sustainable program outcomes. Self auditing programs and assistance with developing policies and procedures for targeted businesses is a positive way to encourage ongoing compliance; as is providing or supporting formal and informal continued environmental education programs for communities.
- **How does the program link to existing Council policies, strategies or programs?** Education programs which are integrated into Council business plans are generally more successful than one-off grant-funded programs. Consider linking your program to Council initiatives such as:
 - Council management plan(s).
 - Environmental policy.
 - Stormwater/estuary management plans.
 - Sustainable business strategy.
 - Staff work plans/operational processes.
 - Development control plans and development assessment processes.
 - Conditions of approval within Development Applications (DAs), Construction Certificates (CCs) etc.
 - It is important to spend time investigating the tools, methods and techniques you can use to achieve your outcomes. Keep your target group and target behaviours in mind and explore what the most appropriate, effective and efficient program elements may be for this target group.

STEP 6: IDENTIFY ADEQUATE AND CONSISTENT FUNDING

Whenever possible, identify consistent funding sources for your education program to ensure its long-term success. Councils have a number of options available to them for funding education programs, including existing council budgets, grants, levies (included in rates), inspection fees and revenue from penalties. Each of these funding sources has benefits and drawbacks as summarised in **Table 2**.

SOURCE	BENEFITS	DRAWBACKS
Council Budget	<ul style="list-style-type: none"> Ease of application. Ongoing – able to plan ahead. Not reliant on cost recovery. Not time limited. 	<ul style="list-style-type: none"> Relies on Council support (indefinite). Can be limited – competing demands on Council.
Grants	<ul style="list-style-type: none"> Grants Accessible. Does not come out of Council budget. 	<ul style="list-style-type: none"> Limited time to identify projects and prepare reports. Funds are usually available for a limited time – can't guarantee longevity of project. Can't guarantee that applications will be successful.
Levy (included in rates)	<ul style="list-style-type: none"> Secure, Reliable. Engages community. Less dependent on whim of Council. 	<ul style="list-style-type: none"> Can be unpopular with ratepayers.
Inspection Fees	<ul style="list-style-type: none"> Helps cover costs. 	<ul style="list-style-type: none"> Create resentment from industry operators.
Penalties	<ul style="list-style-type: none"> Only transgressors are penalised. 	<ul style="list-style-type: none"> Requires issuing of penalties (i.e. environmental harm) to sustain program.

Table 2:
Benefits and drawbacks of common funding sources for education programs

EXAMPLES OF INDICATORS AND INFORMATION SOURCES:

- Changes in awareness, attitudes, and reported behaviour- target group surveys (pre and post).
- Number of participants in program events/ aspects - program records.
- Number of public enquiries or requests for information generated- Customer Request System reports.
- Number of media stories resulting from campaign – media monitor.
- Number of materials distributed to the primary audience- program records.
- Number of partners engaged in distributing program messages – program records.
- Proportion of activities carried out on budget and according to the timeline – program records.
- Increased number of information sources on the issue – program records.
- Decrease in environmental impacts - monitoring/inspections/ complaints register.

STEP 7: DETERMINE INTERNAL AVENUES OF ASSISTANCE

Other Council staff are valuable partners in the design and delivery of the program and will often have complimentary knowledge, skills and experience to assist in planning and delivering parts of the program. Wherever possible, utilise the expertise of your engineers, planners, development assessors, natural resource managers, maintenance staff, sustainability program coordinators, environmental managers, rangers and asset managers. A program developed using a cross-disciplinary approach and incorporating the various skills of staff within your council is likely to be more successful in the long term.

Include staff from other sections of council in program planning such as early brainstorming sessions to encourage broad ownership of the program's ideas and outcomes across the organisation. Council staff should be invited along to any workshops, field trips and other program activities. Include articles about your program in Council's newsletter to keep other staff updated on the program's progress, successes and challenges. Invite comments and participation from Council staff wherever possible.

Explore the opportunity of aligning your program with the budget cycles across various council departments and demonstrate how your program will help various sections of council achieve their work plan outcomes and goals.

STEP 8: DETERMINE EVALUATION METHODS

Evaluation is the systematic collection of information to answer important questions about activities, characteristics, and outcomes of a program. Monitoring and evaluation of your education program will assist continuous improvement by:

- Helping you make decisions and recommendations about future program direction.
- Identifying the strengths and weaknesses of your program.
- Identifying reasons for successes and failures.
- Enabling judgements to be made about the worth of the program.
- Determining stakeholder and target group satisfaction.
- Monitoring performance.
- Meeting demands for accountability.

Asking the questions, “What do I want to know?” and “How will I know it?” are critical to your evaluation. The question “How will I know it?” leads to developing specific indicators (measurable and observable outcomes), which help you to “know something” (**See Box 3**).

Evaluation of the program should cover, at a minimum, the following:

- Appropriateness e.g. Does the program address the right issues? Is there a need for it? Do the outcomes address the need?
- Effectiveness e.g. Did the program achieve the desired outcomes?
- Efficiency e.g. Was it cost effective? Could we have made better use of resources?
- Process e.g. Was it well managed? Did the method for making decisions and managing the program ensure its success?

STEP 9: COMMUNICATE AND REPORT YOUR PROGRAM PROCESS AND OUTCOMES

Consistent and effective communication among all program stakeholders is one of the most important ways to influence program success. Effective reporting of program processes and outcomes helps to further engage and empower program participants and stakeholders.

Opportunities to report on the progress and outcomes of your program include:

- Council's State of Environment Report.
- Council meetings.
- Briefings to managers/directors.
- Future Management Plans (especially if further resources are required to keep the program going).
- Council's staff newsletter or email group.
- Council's 'Community Report'.
- Council's web site.
- Bulk mail-outs such as rates notices.
- Stakeholder publications.
- Open days hosted by Council.

STEP 10: CELEBRATE SUCCESSES

Developing and running education programs can be challenging and even stressful, but also very rewarding. Celebrating successes is often overlooked, but is a valuable way to reward efforts of those involved and provide continued motivation. Publicise successes both internally and externally to help raise the profile of those involved and improve likelihood of uptake of future education programs.

Key points when celebrating program outcomes:

- Emphasise success rather than failure – focus on catching people doing the ‘right things’.
- Timing is critical – recognise efforts throughout the project and as close as possible to the time good behaviours occurred.
- Deliver recognition in an open publicised way – if not made public, recognition loses much of the impact that it can have.

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APPENDIX 1.

TEMPLATE PROGRAM PLAN

Appendix 1: Template program plan

Program Planning Template	
Program Title	
Issue	
Outcomes	
Proposed Funding	
Target Group	
Program components Consider: <ul style="list-style-type: none"> • What educational/ technical assistance or incentive will the program offer? • How and what will you communicate? • How will you build support across the target group or industry sector? • How will you harness public support? • How will you build the target group's ongoing environmental management capability? 	
Links to existing Council policies, strategies and programs	
Who within Council will you engage in the program and why?	
Evaluation methods	
Methods for communicating results <ul style="list-style-type: none"> • Internally • externally 	
Ways to celebrate program success	