

Supervisory intervention orders

Sections 132E and 132F of the Planning and Environment Act 1987



Department
of Transport
and Planning

The Planning Amendment (Better Decisions Made Faster) Act 2026 (the Reform Act)

The Reform Act amended Part 6 of the Planning and Environment Act 1987 (the PE Act) to enforce the PE Act more effectively.

New offences and enforcement orders have been introduced, along with substantial increases to penalties for breaches of the PE Act, the *Planning and Environment Interim Regulations 2026* (the PE Regulations), or planning schemes.

What are supervisory intervention orders?

Supervisory intervention orders are court orders that require a person to undertake actions or activities that the court considers will improve an offender's compliance with the PE Act or PE Regulations.

Penalties

The penalties that can be issued to a person who contravenes a supervisory intervention order are:

- for a natural person, 1200 penalty units or imprisonment of up to 10 years, or both, and
- for a body corporate, 6000 penalty units.

The definition of 'a person' includes both *a natural person* and *a body corporate*.

Payment of fines

Fines issued under a supervisory intervention order are payable to the prosecuting authority. If a contravention of a supervisory intervention order has been prosecuted by a responsible authority, the fine is payable to the responsible authority.

Failure to exercise due diligence is an offence

An officer of a body corporate that fails to prevent a supervisory intervention order from being contravened is guilty of an offence.

Indictable offence

Contravening a supervisory intervention order is an indictable offence, meaning it carries a lengthy custodial penalty.

Who can make supervisory intervention orders?

Supervisory intervention orders can be made by a court on application of a responsible authority.

Who can be subject to supervisory intervention orders?

Anyone found guilty of an offence against the PE Act or the PE Regulations can be the subject of a supervisory intervention order.

Further information on supervisory intervention orders

Section 132E(2) of the PE Act specifies a range of actions and activities that a court can order a person who is the subject of a supervisory intervention order to undertake. In summary, these actions and activities include:

- appointing or removing staff
- training
- obtaining expert advice on compliance
- installing and / or implementing compliance systems, practices or procedures
- requiring a person found guilty of an offence under the PE Act or PE Regulations to implement monitoring and compliance practices and procedures where required by the responsible authority or by a person nominated by the responsible authority

- appointing a person to have responsibilities to assist and monitor an offender's performance in complying with the PE Act, the PE Regulations, and with the order
- requiring a person found guilty of an offence under the PE Act or PE Regulations to provide compliance reports. Where required to be prepared by the order, compliance reports must be made in a specified form, matter and frequency, and can:
 - be required to be provided to the responsible authority or the court, or both,
 - require the offender to provide details of their compliance with the PE Act, the PE Regulations, and the order more broadly,
 - set out things done by the offender to ensure any failure to comply with the PE Act or PE Regulations does not continue.

A supervisory intervention order can include some, none, or all the above actions or activities.

When making a supervisory intervention order, if a court requires an offender to prepare compliance reports, the court can also require these to be made publicly available in their entirety or in part.

A supervisory intervention order can only:

- require a person guilty of an offence under the PE Act to undertake the activities specified above, and
- be in effect for a maximum of one year, and
- be made against a person who is a systematic or persistent offender against the PE Act or PE Regulations, and
- be made if the order is capable of improving the offender's willingness to comply with the PE Act or PE Regulations.

Note: in reaching a determination on this, the court will have regard to the offences of which the offender has been found guilty in addition to any infringement notices issued and any other offences the court considers relevant to the offender's conduct.

Compliance with a supervisory intervention order is at the offender's own expense.

Amending or revoking supervisory intervention orders

The court may amend or revoke a supervisory intervention order in one of two circumstances:

- on application by a responsible authority, or
- on application of the person in respect of whom the order is made.

In the case of the latter, the court may only amend or revoke the order if it is satisfied that a change of circumstances warrants the amendment or revocation.

Supervisory intervention orders and other enforcement activities

In making a supervisory intervention order, the court may determine to suspend any other penalty or sanction against the offender. This is to enable the offender to demonstrate their compliance with the supervisory intervention order.

If the court subsequently determines that there is a failure to comply with the supervisory intervention order, the court can determine to cease the suspension of those penalties or sanctions.