

# Enforcement Policy

Policy Author	General Manager - City Services
Date of next review	December 2022

## 1. Statement of Intent

Council is committed to providing a safe, accessible and liveable city for the community to enjoy.

Council recognises that a proportionate response is required regarding enforcement action to achieve this outcome.

Council employees will carry out enforcement activities with due regard to the following principles:

**Consistency** - Council will endeavour take a similar approach in similar cases to achieve similar outcomes.

**Education** - Council will provide support, advice and guidance to assist compliance with relevant legislation and build on community capability.

**Transparency** - Council will demonstrate impartiality, balance and integrity when it undertakes enforcement activities.

**Accountability** - Council is willing to explain their enforcement decisions and make available avenues for complaint or appeal (see Complaints Handling Policy [here](#))

**Proportionality** - Enforcement measures are proportionate to the seriousness of the conduct.

**Responsiveness** - Enforcement measure and responsiveness are proportionate to the particular circumstances in line with current service standards.

**Targeted** - Enforcement activities are focused on the areas of assessed highest risk and the Service Level Agreement of each relevant team.

**Cross functional** - We will work with other teams, Departments and authorities towards effective enforcement activity. We will do this by means of exchanging information and joint working initiatives

## 2. Scope

The policy applies to all employees and contractors who undertake any enforcement action for and on behalf of Council. The adoption of this policy meets Council's obligations under Section 259 of the *Local Government Act 1999* (the Act), which states councils must prepare and adopt policies for the making and issuing of Orders.

## 3. Legislation and References

This Policy is to be read in conjunction with the Enforcement Procedure.

- City of Playford By-Laws
  - By-Law 1 : Permits and Penalties
  - By-Law 2 : Movable Signs
  - By-Law 3 : Local Government Land
  - By-Law 4 : Dogs
  - By Law 5 : Cats
  - By-Law 6 : Bird Scaring Devices
  - By-Law 7 : Roads
- *Australian Road Rules 2019*
  - Part 12 - Restrictions on stopping and parking
- *Development Act 1993*
  - Part 4 - Development assessment
  - Part 6 - Regulation of building work
  - Part 11 - Enforcement, disputes and appeals
  - Part 13 - Miscellaneous
  - *Development Regulations 2008*
- *Dog and Cat Management Act 1995*
  - Part 4 - Registration
  - Part 4A - Microchipping and other identification
  - Part 4B - Desexing
  - Part 5 - Management of dogs
  - Part 5A - Destruction, seizure and detention etc of dogs and cats
  - Part 7 - Breeding and sale of dogs and cats
  - Part 8 - Miscellaneous
  - *Dog and Cat Management Regulations 2017*
- *Environment Protection Act 1993*
  - Part 10 - Enforcement
  - Part 15 - Miscellaneous
  - *Environment Protection Regulations 2009*
- *Environment Protection (Air Quality) Policy 2016*
  - Part 2 - Air quality measures
    - Division 1 - Burning offences
    - Division 3 - Localised air quality objectives
- *Environment Protection (Water Quality) Policy 2015*
  - Part 2 - Water quality measures
    - Division 2 - Offences
- *Expiation of Offences Act 1996*
  - Section 5 - Certain offences may be expiated
  - Section 6 - Expiation notices
  - Section 8 - Alleged offender may elect to be prosecuted etc
  - Section 8A - Review of notices on ground that offence is trifling
  - Section 11 - Expiation reminder notices
  - Section 11A - Expiation enforcement warning notices
  - Section 12 - Late payment
  - Section 16 - Withdrawal of expiation notices
  - Section 18 - Provision of information

- *Expiation of Offences Regulations 2011*
- *Fire and Emergency Services Act 2005*
  - Division 8 - Fire prevention
    - Subdivision 3—Permits
      - Section 81 - Permit to light and maintain a fire
  - Part 4A - Fire prevention
    - Division 2—Fire prevention officers
      - Section 105C
    - *Division 3 - Duties to prevent fires*
      - Section 105F - Private land
  - Division 4 - Related provisions
    - Section 105J
- *Fire and Emergency Services Regulations 2005*
- *Food Act 2001*
  - Part 2 - Offences relating to food
  - Part 3 - Emergency powers
  - Part 4 - Inspection and seizure powers
  - Part 5 - Improvement notices and prohibition orders
  - Part 7 - Auditing
    - Division 1 - Approval of food safety auditors
    - Division 2 - Auditing and reporting requirements
  - Part 8 - Notification of food businesses
- *Food Act Regulations 2017*
- *Local Government Act 1999*
  - Chapter 11 - Land
    - Part 1 (Local Government land)
      - Division 5 (s200)
    - Part 2 (Roads)
      - Division 6 – control of work on roads
      - Division 7 – moveable signs
      - Division 11 – Miscellaneous
        - Sect 233, 234
    - Part 3 (Anti-pollution measures)
  - Chapter 12 – Regulatory Functions
- *Local Government (General) Regulations 2013*
- *Local Nuisance and Litter Control Act 2016*
  - Part 4 - Offences
    - Division 1 - Local nuisance
    - Division 2 - Litter control
    - Division 3 - Miscellaneous
  - Part 5 - Nuisance abatement notices and litter abatement notices
  - Part 7 - Miscellaneous
- *Local Nuisance and Litter Control Regulations 2017*
- *Private Parking Areas Act 1986 and*
  - Part 2 - Conditions of use of private walkways and private access roads
    - Section 6 - Offences
  - Part 3 - Parking on private parking areas
    - Section 8 – Offences - driver and owner to be guilty

- Section 8A - Enforcement in disabled persons parking area
- Part 4 – Agreements
  - Section – 2 (a)
- Part 5 - Miscellaneous
- *Private Parking Areas Regulations 2014*

**Road Traffic Act 1961**

- Subdivision 3 – Power to move or remove unattended or broken down vehicles,
  - Section 40N – Removing unattend or broken down vehicle if danger or obstruction
  - Section 40P – Notice of removal of vehicle and disposal of vehicle if unclaimed
- **Safe Drinking Water Act 2011**
  - Part 2 - Registration of drinking water providers
  - Part 3 - Risk management plans
  - Part 4 - Auditing and inspections
  - Part 5 - Quality of water and provision of reports
  - Part 6 - Approval of laboratories
  - Part 7 - Administration and enforcement (
    - Division 2 - Authorised officers
    - Division 3 - Notices and emergencies
- **South Australian Public Health Act 2011**
  - Part 6 - General duty
  - Part 7 - General public health offences
  - Part 12 - Notices and emergency situations
  - Part 13 - Miscellaneous
  - *South Australian Public Health (General) Regulation 2013*
  - *South Australian Public Health (legionella) Regulations 2013,*
  - *South Australian Public Health (Wastewater) Regulations 2013*
- **Supported Residential Facilities Act 1992**
  - Part 3 - Administration
    - Division 4 - Authorised officers
  - Part 4 - Licensing scheme
  - Part 5 - Rights of residents
  - *Supported Residential Facilities Regulations 2009*
- **Planning Development and Infrastructure Act 2016**
  - Part 10 - Development assessment and approval—related provisions
  - Part 11 - Building activity and use—special provisions
  - *Planning, Development and Infrastructure (General) Regulations 2017,*
  - *Planning Development and Infrastructure (Swimming Pool Safety) Regulations 2019,*
  - City of Playford Global Glossary

This Policy should not be considered as the only document that may relate to Enforcement matters, other tiers of government, agencies or organisations may have legislation or policies that also apply.

## 4. Application

Chief Executive Officer	To ensure transparency and to promote consistent enforcement strategies in the best interests of the community.
Relevant Senior Managers and Managers: <ul style="list-style-type: none"> <li>○ Senior Manager - Health, Environment &amp; Regulatory Services</li> <li>○ Senior Manager - Development Services</li> <li>○ Manager - Regulatory Services</li> <li>○ Manager - Environmental Health &amp; Immunisation</li> <li>○ Manager - Planning Services</li> <li>○ Manager - Building &amp; Compliance</li> </ul>	Ensure appropriate procedures, processes or guidelines are developed, and considered when making decisions on enforcement activities.
Authorised and Delegated Officers	Council's authorised and delegated officers are to adhere to the principles of this policy and follow adopted procedures, processes or guidelines.
Governance Team	To ensure this policy is made available on the Council website and available on request for viewing at Council's Principal Office.
Engagement and Insights Team	To provide advice and support in relation to the application of the community engagement (public consultation) policy and ensure guidelines and templates for community engagement are prepared.

## 5. Relevance to Risk Appetite Statement

### Reputation

The City of Playford has a LOW appetite for negative perceptions that compromise its credibility and reputation, achievement of its long term vision (Playford Community Vision 2043) and strategic objectives, or ability to maintain its status as a progressive and major growth Council.

Having this policy will ensure that the City of Playford will demonstrate impartiality, balance and integrity when it undertakes enforcement activities.

## Regulatory Compliance

The City of Playford has ZERO tolerance for non-compliance with applicable legislation.

Each individual team within City of Playford is expected to develop appropriate processes or guidelines in line with this Policy, Procedure and their legislative duties relevant to their area of responsibility

## 6. Feedback

Your feedback on this policy is invited and can be directed to the Manager Governance via email to [governance@playford.sa.gov.au](mailto:governance@playford.sa.gov.au) or by calling the Customer Contact Team on 8256 0333.

---

### Administration use only

ECM document set no.	3936741
Version no.	2
Procedure link	Enforcement Procedure
Policy author	General Manager – City Services
Endorsed by	Council
Resolution no.	TBA
Legal requirement	<i>Section 259 - Local Government Act 1999</i>
Review schedule	2 years
Date of current version	25 June 2019
Date of next review	December 2022

### Version history

Version no.	Approval date	Approval by	Change
1	25/06/2019	Ordinary Council (Resolution No. 3607)	(Resolution No. 3607N/A – New policy (Revoke Order Making Policy
2	TBA	Ordinary Council	Procedural elements removed from policy and new procedure created

---