

1. Document control

Policy Number:	CD/20/20	Council Resolution Number:	2022-26/931
Document Owner:	Director Development and Community Services	Document Author:	Manager Health Services and Community Services
Approval Date	19 May 2026	Next Review Date:	19 May 2030

2. Statement of Intent

- 2.1. This policy outlines Council, and its Officers, in addressing matters of non-compliance within the community and the subsequent decision-making process. The Policy aims to provide consistency and ensures that any action is proportionate to the circumstances, and situation being investigated. It ensures that transparency and procedural fairness principles are applied.

3. Policy Statement

- 3.1. Council encourages and supports its Officers to consider and carry out activities and initiatives which encourage and ensure compliance with relevant legislation.
- 3.2. It is Council policy position – in conjunction with the Enforcement Process, to seek and resolve enforcement matters in the first instance exercising a proportionate approach while endeavouring to educate, make consistent decisions and demonstrate transparency by demonstrating impartiality and integrity when undertaking enforcement activities.

4. Scope

- 4.1. Local Government is charged with a range of legislative responsibilities which assist in protecting the community, the landscape, the local environment, and amenity. Council's customers include both those on whom the legislation places a duty and those whom the legislation protects.
- 4.2. Council staff are required to investigate, educate, enforce, and ensure compliance with a range of legislative provisions. This Policy outlines Council's approach to matters of non-compliance, where education and enforcement is an option, and provides Council Officers with direction about the manner in which enforcement matters are to be undertaken.
- 4.3. The adoption of this policy meets Council's obligations under Section 259 of the *Local Government Act 1999*, which states councils must prepare and adopt policies.

5. Responsibilities

Chief Executive Officer

- 5.1. Ensuring that all Authorised Officers are suitably qualified and trained to receive the relevant delegated Authorities.

Managers and Supervisors

- 5.2. Ensuring that all Authorised Officers are suitably qualified and trained.
- 5.3. All relevant Policies and Processes are made available and known to the Authorised Officers.
- 5.4. Allowing Authorised Officers to attend required accreditation and industry training.

Employees

- 5.5. Authorised Officers are required to be aware and have all required qualifications and relevant training to receive their Authorisations to carry-out their role.

6. Legislation and References

- Part 11 of the *Development Act 1993*
- Part 3 of the *Dog and Cat Management Act 1995*
- *Expiation of Offences Act 1996*
- Chapter 12 of the *Local Government Act 1999*
- Part 9 of the *Food Act 2001*
- Part 4A of the *Fire and Emergency Services Act 2005*
- Part 3 of the *South Australian Public Health Act 2011*
- Part 3 of the *Local Nuisance and Litter Control Act 2016*
- Part 18 of the *Planning, Development and Infrastructure Act 2016*
- The Barossa Council By-Laws
- Enforcement Process

7. Definitions

Authorised Officer	a person who is authorised to carry out statutory functions or powers as specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council.
Council	The Barossa Council in its entirety as an organisation.
Enforcement	combination of the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies.

8. Version History

This Policy will be reviewed by the Policy Author in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

Version No.	Date	Summary of Changes
1	16/03/2021	New Policy
2	19/05/2026	Transferred to new corporate template. Removed unused definitions from table.

9. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa during ordinary business hours. A printed copy of this Policy can be obtained upon payment of a fixed fee.

Feedback regarding this Policy or its application can be made to the Customer Service Team on 8563 8444 or barossa@barossa.sa.gov.au in first instance, who will refer you to the most appropriate officer.