

Enforcement

1. Purpose

This Policy explains how Glenorchy City Council approaches enforcement activities.

2. Scope

This Policy applies to all enforcement action taken by or on behalf of Glenorchy City Council.

Where legislation requires Council to follow specific processes or take a particular action, those legal requirements will take precedence over this Policy.

The objectives are to:

1. establish standards that guide Council's decision-making;
2. promote a consistent, transparent and public-interest approach to enforcement; and
3. set clear expectations for the community about how matters will be assessed and addressed.

3. Related Documents

- Dealing With Unreasonable Customer Conduct Policy
- Glenorchy City Council Customer Service Charter
- Complaints Management Policy

4. Statutory Requirements

Acts	Any Tasmanian or Commonwealth Act or Regulations or By-law enforced by Glenorchy City Council
Regulations	Not applicable
Policy	Not applicable

5. Definitions

Council means Glenorchy City Council.

enforcement means the steps Council may take to encourage, require or compel compliance with the law. It ranges from information and practical assistance through to formal notices, infringement notices and court action.

6. Policy Statement

Fundamental Principles

All enforcement action taken by or on behalf of Council will be in accordance with the following principles:

Principle	What it means
Proportionate	The response will be matched to the seriousness, risk, harm and circumstances of the matter.
Consistent	Similar matters should be approached in similar ways, while recognising that facts and legal requirements differ.
Fair and impartial	Decisions will be evidence-based, free from improper influence and made in accordance with procedural fairness.
Transparent and accountable	Council will make its approach clear, explain decisions and ensure its actions are open to appropriate oversight and review, subject to legal, privacy, confidentiality and operational constraints.
Public interest	Council will consider community benefit, the likely outcome, deterrence, cost and the responsible use of public resources.
Respect, courtesy and professionalism	Council staff will treat persons affected by enforcement action with respect, courtesy and professionalism, in accordance with Council's Customer Service Charter.
Timely and effective	Council will act as soon as practicable and use the response most likely to achieve compliance.

What the community can expect

When Council receives a report of possible non-compliance, the community can expect that Council will:

- assess the matter and determine whether it falls within Council's responsibilities
- investigate matters where warranted
- protect personal or confidential information where required by law
- explain available review, appeal or complaint processes where relevant
- make decisions independently and based on the information available.

What Council expects from the community

Effective compliance and enforcement rely on cooperation between Council and the community. To support timely and informed decision-making, Council expects the community to:

- provide accurate and relevant information
- cooperate with requests for information or access
- avoid interfering with an investigation
- allow Council a reasonable opportunity to assess and respond to the matter
- understand that Council will prioritise matters according to risk, impact and available resources
- understand that Council must remain impartial and cannot act as an advocate for any party
- recognise that the outcome of an investigation may differ from the outcome sought by the complainant
- respect legal and privacy limitations on what information Council can disclose.

How Council decides what to investigate

Council receives more reports and identifies more issues than it can address at the same time. It therefore assesses and prioritises matters according to risk, legal responsibility, available evidence and the effective use of available resources.

Matters that will receive priority

- an immediate or significant risk to health or safety
- serious or continuing environmental harm
- substantial or widespread community impact
- deliberate, repeated or ongoing non-compliance
- risk to important public assets or services
- a legal requirement for Council to act
- a need to preserve evidence or prevent further harm.

When Council may take no further action

After an initial assessment or investigation, Council may decide not to investigate a matter further or take enforcement. This may occur where:

- no breach is identified
- Council is not the responsible authority
- there is insufficient information to support further investigation
- the issue is minor, technical or has little impact
- the matter has already been corrected or resolved
- the complaint is unreasonable, vexatious or lacks a reasonable basis
- action would not be in the public interest.

A decision not to take enforcement does not mean Council approves the activity. It means that, after considering the circumstances, Council has decided that further action is not justified or appropriate at that time.

Compliance and enforcement options

Council will choose the option, or combination of options, most suitable for the circumstances. It does not have to start with the least formal option where the risk, seriousness or law supports stronger action.

Enforcement options	Description
Information and assistance	Explaining requirements and how compliance may be achieved.
Informal request or undertaking	Seeking voluntary action to correct or stop an issue.
Warning	Giving a clear verbal or written warning and stating what may happen if non-compliance continues.
Notice, order or direction	Using a statutory power to require action, stop activity or remedy a breach.
Infringement notice	Issuing a financial penalty.
Abatement works	Taking authorised action where a person has not complied and seeking to recover costs where the law allows.
Prosecution	Court proceedings seeking penalties, orders or other legal remedies for serious cases.
No action	Closing the matter where further action is not warranted.

Complaints about Council's handling of a matter

A person who is dissatisfied with how Council handled an enforcement matter may ask for a review of the decision. The review will consider whether Council followed the law, this Policy, relevant procedures, and whether the decision was reasonably supported by the information available.

Complaints about an enforcement officer's behaviour will be dealt with under Council's Complaints Management Policy.

Review or withdrawal of infringement notices

A person may request a review or withdrawal of an infringement notice in accordance with the law and Council's published or notified process. Council may also review a notice on its own initiative.

A request should explain the reasons for seeking a review or withdrawal and include supporting information. Council will consider whether the notice was lawfully and correctly issued and whether extenuating or other relevant circumstances justify withdrawal. Financial hardship will generally be managed through available payment arrangements rather than by withdrawing the infringement notice.

Disclosure and confidentiality

Except where disclosure is required under the *Right to Information Act 2009*, Council will not provide complainants with details of an investigation or any resulting enforcement. While acknowledging the complainant's interest in being informed, Council respects the privacy of any person who is under investigation or who has been the subject of enforcement.

Unless required by law, Council will not in any circumstances disclose the identity of the complainant. If information is to be shared with the individual alleged to be in breach, personal identifying information about the complainant will be redacted.

Version Control

Version	V 3.0	Adopted	28 September 2026	Commencement date	29 September 2026
Minutes reference	Item 9.1			Review period	4 years from adoption
Previous versions	V2.0 adopted 29 August 2022 (Council meeting, Item 14) V 1.0 adopted 30 July 2018 (Council meeting, Item 15)				
Responsible Directorate	Infrastructure and Development		Controller	Manager Development	
ECM Document no	Policies by Directorate				