



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

21 MARCH 2016 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
Acting General Manager City Development, Mr G Ratsch
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 15 February 2016.

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OTHER BUSINESS

CONFIDENTIAL ITEMS

3.8.1 Request for Extension of Confidentiality Order: Appeal Against ERD Court Decision - Old Spot Farmers Market

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to legal advice.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *non-disclosure will protect legal advice provided to Council under privilege*

*On that basis the public's interest is best served by not disclosing the **Request for Extension of Confidentiality Order: Appeal Against ERD Court Decision - Old Spot Farmers Market** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CLOSE



MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON

15 FEBRUARY 2016

MEMBERS PRESENT

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Environmental Health & Safety, Mr J Darzanos
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 9.08 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

An apology has been received from Cr D Proleta.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr D Pilkington

Seconded Mayor G Aldridge

The Minutes of the Resources and Governance Committee Meeting held on 18 January 2016, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr D Balaza

Seconded Cr L Caruso

1. The information be received.

CARRIED

Health, Animal Management and By-laws

3.3.1 Dog Registration Fees 2016 - 2017

Moved Cr L Caruso

Seconded Mayor G Aldridge

1. The information be received.
2. Council endorse a maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.
3. Approval of the Minister for Sustainability, Environment and Conservation be sought for the endorsed maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.

With leave of the meeting and consent of the seconder Cr L Caruso
VARIED the MOTION as follows:

1. The information be received.
2. Council endorse a maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.
3. Approval of the Minister for Sustainability, Environment and Conservation be sought for the endorsed maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.
4. Appropriate literature explaining the application of dog registration fees to facilities and services within the City of Salisbury to be included with the 2016/17 dog registration notices.

CARRIED

External Relations

3.4.1 Nominations Sought for the Dog and Cat Management Board

Moved Mayor G Aldridge
Seconded Cr D Balaza

1. Cr B Vermeer be nominated as a Local Government Member on the Dog and Cat Management Board.

CARRIED

3.4.2 Nominations Sought for the Libraries Board of SA

Moved Cr D Pilkington
Seconded Mayor G Aldridge

1. Cr L Caruso be nominated as a Local Government Member on the Libraries Board of South Australia.

CARRIED

Corporate Governance

3.6.1 Provisions for Remote Access to Committee Meetings by Elected Members

Moved Cr D Pilkington
Seconded Cr S Bedford

1. The information be received.
2. As part of the next review of the City of Salisbury Code of Practice for Meeting Procedures, the Code of Practice be amended to incorporate provisions for remote access to Committee and Sub-Committee meetings via remote access and be presented to Council for endorsement.

CARRIED

3.6.2 Local Government Association Ordinary General Meeting 15/04/2016 - Call for Notices of Motion

Moved Cr D Balaza
Seconded Mayor G Aldridge

1. The information be received.

CARRIED

3.6.3 Initiation of Representation Review

Moved Cr D Pilkington

Seconded Cr S Bedford

1. The information be received.
2. The Representation Review Process be commenced in accordance with section 12 of the *Local Government Act 1999*.
3. The “Representation review: Key Milestones” document (Item No. 3.6.3, Resources and Governance Committee, 15/02/2016, Attachment 2) be endorsed, noting the document is subject to change at any given time.
4. The Chief Executive Officer be delegated the power to appoint a qualified Independent Person to prepare the Representation Options Paper, following the conduct of a procurement process in accordance with Council’s Procurement Policy.

CARRIED

OTHER BUSINESS

Nil.

The meeting closed at 9.37 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting - Item	Heading and Resolution	Officer
22/06/2015 3.3.2 Due:	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. December 2016	John Darzanos
28/09/2015 3.6.1 Due:	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
23/11/2015 NOM2 Due: Deferred to: Reason:	Local Government Association of SA Governance Review and City of Salisbury Membership status 2. That the City of Salisbury write to the President and Chief Executive of the LGA: <ul style="list-style-type: none"> • Reaffirming its commitment to working with the LGA as the peak representative group for Local Government • Seeking confirmation that concerns raised by the City of Salisbury in relation to regional representation on the LGA Board will be incorporated within the Governance Review scope; • seeking the opportunity to actively participate in the Governance Review to provide a northern region perspective to the process; • requesting the attendance of the LGA President and CEO at an informal gathering to provide Elected Members with details on the scope, committee structure and timeframes for the Governance Review. with a further report to be presented to Council setting out the information provided in response to the above dot points. March 2016 July 2016 Staff are currently waiting on a response from the Local Government Association.	Charles Mansueto

23/11/2015 NOM2	Local Government Association of SA Governance Review and City of Salisbury Membership status 3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region. Due: March 2016 Deferred to: July 2016 Reason: This will be addressed in conjunction with the report above.	Charles Mansueto
14/12/2015 OB4	Civic Chain and Robes 1. Staff report back on the costs associated with: a. The design and production of a simple civic chain, bearing the City of Salisbury Crest, to be worn by the Deputy Mayor when representing the Mayor at formal ceremonies such as Citizenship Ceremonies; b. The modification of existing Elected Member robes to allow for some sort of fastening to be fitted to the front to assist with the way robes hang when worn. Due: March 2016 Deferred to: May 2016 Reason: The Civic Chains and Robes are still being investigated and staff are obtaining quotes.	Joy Rowett
22/02/2016 OB3	Lost Dog and Cat Information 1. That staff report back on the number of stray and lost dogs and cats captured by Council over the last three financial years and how many of those animals were eventually euthanased. 2. The report to address potential strategies to reduce the number of captured animals that are euthanased and the potential for achieving a zero kill rate. Due: June 2016	John Darzanos

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer:	Executive Group	GMCID	GMBE	GMCI
Date:	11/03/2016	09/03/2016	11/03/2016	11/03/2016

ITEM	3.2.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
HEADING	Building Fire Safety Committee
AUTHOR	Jeff Shillabeer, Acting Manager Development Services, City Development
CITY PLAN LINKS	1.2 To enhance and create quality urban areas with high amenity and integrated infrastructure 2.5 To have sustainable and resilient built environments that contribute to quality amenity
SUMMARY	<p>The Building Fire Safety Committee (the BFSC) is established under the Development Act 1993, with specific requirements and limitations as to the membership. Its primary role is to ensure the fire safety of all buildings in the City. It is recommended that the Council appoint persons with the requisite skills to be members (and deputy members) of the BFSC for a term not exceeding three years.</p> <p>A new nominee, along with a Deputy, has been proposed by the Chief Officer of the South Australian Metropolitan Fire Service. It is recommended that Council accept these nominations, and confirm appointment to the BFSC.</p> <p>Alan Taylor – The BFSC’s Presiding Member is no longer employed by the City of Salisbury, it is recommended that he be removed from the BFSC.</p> <p>Jeffrey Shillabeer, City of Salisbury Acting Manager Development Services (Principal Building Officer) and Bahaa Tabet, City of Salisbury Senior Building Officer, are recommended to be appointed to the BFSC.</p> <p>Rene Arens, Tonkin Consulting Engineers, and David Kubler, South Australian Metropolitan Fire Service, are recommended to be reappointed to the BFSC.</p>

RECOMMENDATION

1. That the following persons be appointed to the City of Salisbury Building Fire Safety Committee for a period of three (3) years, concluding 31 March 2019:

Members

- Mr Jeff Shillabeer (City of Salisbury staff) –an accredited Building Surveyor;
- Mr Bahaa Tabet (City of Salisbury staff) – an accredited Building Surveyor;
- Mr Rene Arens – Member with specialist fire safety knowledge and an accredited Building Surveyor; and
- Mr David Kubler – Member nominated by the Chief Officer South Australian Metropolitan Fire Service.

Deputy Members

- Mr Andrew Sharred – Deputy for Mr Kubler nominated by the Chief Officer South Australian Metropolitan Fire Service.
2. That once established, the Building Fire Safety Committee appoint an appropriate Presiding Member (Chairperson) and Deputy Presiding Member, and review its *Terms of Reference* including where necessary alterations to the terms of reference to be consistent with the State Government’s “*Guide to Council Building Fire Safety Committees*”.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Guide to Council Building Fire Safety Committees

1. CONSULTATION / COMMUNICATION**1.2 External**

- 1.2.1 Chief Officer of the South Australian Metropolitan Fire Service (SAMFS).

2. REPORT

- 2.1 The Building Fire Safety Committee (the BFSC) is established under the *Development Act 1993* (the Act) and its primary role is to ensure the fire safety of all buildings in the City with particular attention to those which have been identified as a high risk (eg aged care facilities, accommodation buildings including boarding houses, public assembly buildings and the like) and also those that have inadequate fire safety provisions.

- 2.2 Section 71(19)(b) of the Act provides that the period of appointment to the BFSC should be for a period not exceeding three years. As the membership of the BFSC was last reviewed in 2008, it is overdue that the membership be reviewed. Section 71(19)(a) of the Act requires that the BFSC be constituted of:
- (i) *a person who holds prescribed qualifications in building surveying appointed by the council or councils; and*
 - (ii) *a person nominated by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (determined by the council or councils after taking into account the nature of its area or their areas); and*
 - (iii) *a person with expertise in the area of fire safety appointed by the council or councils; and*
 - (iv) *if so determined by the council or councils—a person selected by the council or councils;*
- 2.3 The Act also allows for Deputy Members to be appointed.
- 2.4 The current membership of the BFSC is:
- 2.4.1 Mr Alan Taylor (former COS staff) – Presiding Member;
 - 2.4.2 Mr Jeff Shillabeer (COS staff) – Member – qualifications in building surveying;
 - 2.4.3 Mr Rene Arens – Member with specialist fire safety knowledge; and
 - 2.4.4 Mr David Kubler – Member nominated by the Chief Officer SAMFS.
- 2.5 Given that the majority of the Council area lies within the jurisdiction of the SAMFS, in 2008 the Council decided it was appropriate to appoint a representative of the SAMFS, to concur with the nomination by the Chief Officer of the SAMFS and appoint his nomination to the BFSC.
- 2.6 Given some operational difficulties associated with meeting times it is recommended that the membership of the BFSC be modified to allow for Deputy Members to be appointed for a three year period.
- 2.7 As provided for under Section 71(19)(b) of the Act, the current Membership of the BFSC includes a nominee of the Chief Officer of the relevant fire authority; SAMFS.
- 2.8 Council have been advised by the Chief Officer of the SAMFS that Mr David Kubler has been re-nominated for appointment to the BSFC, with Mr Andrew Sharrad nominated as alternate. It is recommended that both nominees be appointed for a period of three (3) years.
- 2.9 Mr Rene Arens, has served several terms on City of Salisbury's BFSC. Mr Arens holds extensive local knowledge regarding BFSC proceedings and has extensive expertise in the area of fire safety. It is recommended that Mr Arens be reappointed to the committee for a period of three (3) years as independent technical expert. This position is a remunerated position.
- 2.10 Mr Jeffrey Shillabeer (COS), holding prescribed qualifications in building surveying, is recommended to be reappointed to the committee for a period of three (3) years.

- 2.11 Mr Bahaa Tabet (COS), holding prescribed qualification in building surveying is recommended to be appointed to the committee for a period of three (3) years.
- 2.12 The committee, upon its first meeting shall review the operating procedures (terms of reference). The term of reference shall include but not be limited to the requirement of the BFSC to appoint a Presiding Member or chairperson from within its membership.

3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that the Council accept the nominees of the Chief Officer of the South Australian Metropolitan Fire Service, and appoint those persons to the stated positions for a period concluding 31 March 2019.
- 3.2 It is recommended that the Council accept the nominees of the City of Salisbury employees, who hold the appropriate qualifications, for a period concluding 31 March 2019.
- 3.3 It is recommended that the Council accept the nomination of Rene Arens, being a person who holds technical knowledge in the area of fire safety, for a period concluding 31 March 2019.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 11.03.16



Guide to Council Building Fire Safety Committees

Draft February 2001



Guide to Council Building Fire Safety Committees

Draft February 2001

Planning SA

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INTRODUCTION

Local government councils play an important role in protecting the ongoing safety of building occupiers and users through the provisions of the *Development Act 1993*.

Section 71 of the Act establishes the power for councils to investigate whether building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether they be residents and workers who use them regularly, or clients and visitors who only use them occasionally.

An 'authorised officer' from a council can inspect existing buildings to check if the fire safety is adequate. If not, a Building Fire Safety Committee, as an 'appropriate authority' under the Act, can take action to require the owner to upgrade the fire safety of the building to an appropriate level.

This guide is designed to:

- assist councils and Building Fire Safety Committee members to understand their roles and responsibilities with regard to fire safety of existing buildings; and
- outlines suggested procedures and protocols that a Building Fire Safety Committee may follow.

BUILDING FIRE SAFETY COMMITTEE PROTOCOLS

What is the role of a Building Fire Safety Committee?

The role of a Building Fire Safety Committee includes-

- developing appropriate building fire safety inspection policies
- scrutinising the fire safety of buildings that have been identified as having inadequate fire safety provisions;
- issuing Notices of Fire Safety Defect to building owners, which identify fire safety provisions that need to be upgraded to an extent that provides a reasonable level of safety for occupants;
- forwarding information on section 71 fire safety notices to council administration for Section 7 enquiries (made by a vendor when a building is available for sale or lease - refer Appendix D);
- where appropriate, negotiating a cost effective performance solution with a building owner to reduce fire safety risks to an acceptable level;
- issuing Notices of Building Work Required, which schedule prescribed building work that must be carried out in order to raise the building fire safety to a reasonable level of safety;
- initiating enforcement or other action to ensure a building owner complies with a Notice of Building Work Required; and
- revoking or varying fire safety notices when appropriate.

How does Council establish a Building Fire Safety Committee?

The process for a council to establish a Building Fire Safety Committee is generally as follows:

- 1 decide whether to have a stand alone Building Fire Safety Committee to serve its council area, or to have an agreement with one or more adjoining councils to form a regional Building Fire Safety Committee;
- 2 select and appoint appropriate Building Fire Safety Committee members;
- 3 appoint the Building Fire Safety Committee under Section 71 of the *Development Act 1993*;
- 4 note and support building fire safety inspection policies;
- 5 appoint one or more authorised officers, who may enter and inspect the fire safety of existing buildings; and
- 6 provide administrative support to the Building Fire Safety Committee.

If a regional Building Fire Safety Committee is appointed, agreement will need to be reached on matters such as cost sharing arrangements for legal proceedings etc.

Who can be a member of a Building Fire Safety Committee?

A Building Fire Safety Committee is required to have at least 3 members, of whom-

- (a) one must be a person with prescribed qualifications in building surveying appointed by the council or councils;
- (b) one must be a person nominated by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the Country Fire Service (as relevant); and
- (c) one must be a person with expertise in the area of fire safety appointed by the council or councils.

Councils have the option of appointing a fourth member to a Building Fire Safety Committee, who may be-

- (d) any person the council or group of councils considers appropriate to nominate.

The prescribed qualifications for member (a) are set out in the *Development Regulations* as either a person with current accreditation as a Building Surveyor or, for buildings having a rise in storeys not exceeding 3 and having a floor area not exceeding 2000 square metres, a person with current accreditation as an Assistant Building Surveyor.

In relation to member (b) from the Fire Services, the council or group of councils will need to write to the Chief Officer relevant to its area of jurisdiction, asking that an officer be nominated for appointment to its Building Fire Safety Committee.

For areas under the jurisdiction of the Metropolitan Fire Services contact-

The Chief Officer
SA Metropolitan Fire Service
GPO Box 98 ADELAIDE SA 5001
www.samfs.sa.gov.au

For areas under the jurisdiction of the Country Fire Services contact-

The Chief Officer
SA Country Fire Service
GPO Box 2468 ADELAIDE SA 5001
www.cfs.org.au/splash.shtml

For areas with dual jurisdiction (MFS and CFS), it would be advisable to contact both jurisdictions and ask that they collaborate with each other and nominate the most appropriate officer.

In relation to member (c), 'a person with expertise in the area of fire safety', this person would be expected to have significant practical and technical knowledge and experience in the principles of building fire safety, including (but not limited to)-

- Detection;
- Communication;
- Evacuation;
- Containment; and
- Extinguishment.

In some areas the Council may consider that a person with qualifications in building as defined in Regulation 87(3), who has had training in the principles of building fire safety relative to the size and complexity of buildings likely to be scrutinised, would be suitable.

In other cases the council may regard a person who has previously been a member of a Building Fire Safety Committee (including under Part VA of the repealed *Building Act 1971*) as having appropriate building fire safety expertise, or that appointing a fire safety engineer is more appropriate.

With regard to member (d), the Council has the option of appointing any person it considers appropriate under their particular circumstances.

In some cases the Council may decide to appoint a fourth member on an as needs basis. For example, using a fire engineer or other expert to match knowledge with building types and complexity of fire safety issues.

Deputy members:

Deputies can be appointed and it is recommended that a deputy for each member is nominated when the Building Fire Safety Committee is established to ensure that meetings are held at the appropriate times.

Conflict of interest

Under the *Development Act 1993*, a member of a Building Fire Safety Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Building Fire Safety Committee must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter.

What policies and procedures need to be considered and/or established by a Building Fire Safety Committee?

Once established, a Building Fire Safety Committee will need to determine its procedures and protocols. These are likely to include:

- Where and how often it will meet;
- How many members constitute a quorum;
- Who will chair the meetings;
- Who will act as the minute secretary;
- How records are to be kept, filed and stored;
- What types/classes of buildings are to be scrutinised;
- Who the Council has appointed as authorised officer to undertake inspections;
- Procedures for Building Fire Safety Committee inspections;
- Appropriate formats for fire safety notices, correspondence etc;
- Procedures for issuing, varying and revoking notices; and
- Procedures for prosecutions/appeals.

Meeting procedures and protocols

A Building Fire Safety Committee will need to meet on a regular basis to consider and determine matters such as-

- appropriate action to take following a fire safety inspection;
- whether upgrading works outlined in a fire safety report submitted by an owner are appropriate;
- negotiating and agreeing appropriate performance solutions with building owners;
- issuing, varying or lifting fire safety notices;
- monitoring progress and checking if owners are complying with fire safety notices; and
- instigation of prosecution and/or enforcement action.

The Building Fire Safety Committee may decide to meet monthly until it has had an opportunity to assess the particular needs of the area.

Quorum

It is recommended that for a 3-member Building Fire Safety Committee, two members should constitute a quorum and that one of those members be the Fire Services representative.

For a 4-member Building Fire Safety Committee, it is recommended that three members should constitute a quorum and that one of those members be the Fire Services representative.

Each Building Fire Safety Committee will need to determine what to do if a majority decision cannot be reached. Some options include:

- provisions for one particular member (eg the Chair) to have a second or casting vote; or
- deferral until a majority decision can be reached.

Chair

It is recommended that each Building Fire Safety Committee has a Chairperson to preside at meetings. It may be that member (a) who has building surveying qualifications would be the most appropriate person for this role, however, this is not mandatory. In the absence of the Chair, the Committee should appoint the next most appropriate person to preside at meetings.

Secretarial and administrative support

A council or group of councils may provide a staff member to act as secretary to the Building Fire Safety Committee, or the Building Fire Safety Committee may decide that one of its members will undertake this function.

Regardless of the administrative support, it is important that proper, accurate minutes and records be kept of Building Fire Safety Committee proceedings and actions, as they may later form the basis of:

- legal proceedings should an appeal be made against a decision of the Building Fire Safety Committee; or
- a history of sites with recurrent issues over long periods of time.

Irrespective of who will take minutes, additional administrative support will need to be provided by council(s) to:

- prepare and issue correspondence and notices;
- co-ordinate information for Section 7 enquiries;
- track progress of actions; and
- file, store and retrieve records.

[Refer to Appendix D for details of Section 7 statements and Appendix E for examples of standard letters that may be useful]

Specialist support

The Building Fire Safety Committee will need to check if the council(s) has appointed an authorised officer to undertake fire safety inspections of buildings in its area, and if procedures are in place for forwarding fire safety reports to the Building Fire Safety Committee.

Inspection policy

Once appointed, a Building Fire Safety Committee will need to develop a broad inspection policy that sets out the basis for undertaking inspections. Inspections must be carried out at the request of the fire authority, but may also be carried out when:

- a) a complaint is received;
- b) on an audit basis; or
- c) on a targeted high risk basis.

In determining its policy, a Building Fire Safety Committee should have regard to the types of buildings and/or occupancies within its area of jurisdiction to identify those that may constitute a high fire safety risk and need to be systematically inspected. For instance;

- buildings that provide overnight accommodation for unrelated persons might be identified as a high-risk priority (even though many of these were upgraded under processes in place under the repealed Building Act 1971); or
- buildings where large crowds congregate during operating hours, such as shops or assembly buildings.

When a Building Fire Safety Committee has determined its policy on buildings to be scrutinised, it would be good practice to have that policy noted by the elected council members.

A fire safety inspection policy also needs to address how the policy is to be monitored.

Issuing of Notices

It is advisable for a Building Fire Safety Committee to inspect a building before issuing a Notice of Building Work Required so that it can make better informed decisions regarding the fire safety adequacy and extent of upgrading work it may require.

Before undertaking an inspection, the Building Fire Safety Committee should advise the building owner in writing of its intention to do so, to give the owner the opportunity to be present during the inspection.

Under the Act, the Building Fire Safety Committee can authorise the following fire safety notices to be served on a building owner -

- a Notice of Fire Safety Defect; and
- a Notice of Building Work Required.

In order to reduce exposure to criticism or legal challenge it would be advisable to have at least two members of a Building Fire Safety Committee sign notices issued under Section 71 of the *Development Act 1993*.

It may also be appropriate to seek legal advice regarding any notices before they are issued to ensure technical and procedural soundness and avoid exposure to actions in relation to due process.

The Building Fire Safety Committee can vary or revoke a fire safety notice at any time if it is satisfied that it is appropriate to do so. For example, the Building Fire Safety Committee should revoke a Notice of Building Work Required once it is satisfied that the prescribed works scheduled in the notice have been completed.

Both the building owner and the council administration responsible for providing information for Section 7 enquiries must be notified of any change to a fire safety notice.

Why are Fire Safety Notices issued and what should they include?

Notice of Fire Safety Defect

A Notice of Fire Safety Defect is issued to alert the building owner that the building fire safety is considered inadequate, and that certain work needs to be undertaken to rectify the situation.

The Act stipulates that such a notice may-

- require the owner to report to the Building Fire Safety Committee on building work or other measures necessary to ensure that the fire safety of the building is adequate; or
- require the owner to carry out a program of work, or other measures to overcome any fire hazard, or
- require evacuation of the building or part of a building until the Building Fire Safety Committee is satisfied that the fire hazard no longer exists.

A list of building work or other measures that the Building Fire Safety Committee considers should be carried out to make the fire safety of the building or structure adequate may be attached as a schedule to the Notice of Fire Safety Defect.

The Notice of Fire Safety Defect must stipulate a period of time (not less than 2 months) in which the owner can make representations to the Building Fire Safety Committee about the fire safety of the building and work or other measures to be carried out.

The Notice of Fire Safety Defect should also inform the owner of his/her right to appeal within 14 days to the Environment, Resources and

Development (ERD) Court if he or she disputes anything in the notice or schedule.

A suggested format for a Notice of Fire Safety Defect can be found in Appendix A.

Information regarding fire safety notices must be declared by the council if a Section 7 enquiry is made to the council. *[Refer to Appendix D]*

Notice of Building Work Required

A Notice of Building Work Required is issued to require a building owner to undertake appropriate upgrading work to rectify matters identified in a Notice of Fire Safety Defect.

The Development Act 1993 stipulates that such a notice may-

- require the owner to seek development authorisation to carry out a program of work or other measures to make the fire safety of the building or structure adequate; or
- prohibit occupation of the building, or part of the building, until the Building Fire Safety Committee is satisfied that the fire hazard no longer exists.

In addition, a schedule detailing the building work required to be undertaken must be attached as a schedule to a Notice of Building Work Required.

A Notice of Building Work Required must also stipulate a period of time in which the prescribed works are to be completed. The specified time period may include time for the owner to obtain development approval (if required).

It is recommended that when issuing a Notice of Building Work Required the Building Fire Safety Committee informs the owner of his/her right to appeal within 14 days to the ERD Court if he/she disputes anything in the notice or schedule.

A suggested format for a Notice of Building Work Required is included in Appendix B.

Information regarding fire safety notices must be declared by the council in Section 7 statements. *[Refer to Appendix D]*

Prescribed building work

When determining what work is appropriate to include in a schedule or program of prescribed building work (forming part of a Notice of Building Work Required), it is recommended that the Building Fire Safety Committee take a performance approach and take the following into consideration-

- any representation made by the building owner;

- any report/s submitted by the building owner;
- any risk analysis undertaken of the building by the building owner;
- any action plans previously prepared by the building owner to eliminate or minimise identified risks at the earliest opportunity, including those identified by the Building Fire Safety Committee; and
- the cost implications for the owner (minimise whenever possible and/or allow works to be staged).

Staged works

A Building Fire Safety Committee may allow an owner to undertake fire safety rectification work in stages, provided that the agreed program of work eliminates or minimises risks that threaten the life safety of occupants as a first priority.

Staging the works can reduce the cost burden for an owner to a manageable level. It may also be useful in cases where the building owner elects to take the opportunity to progressively upgrade the whole building to meet current Building Code requirements (ie over and above the elimination of urgent high priority risks).

What rights and obligations does a building owner have in relation to actions by a Building Fire Safety Committee?**Fire safety notices**

A building owner served with a Notice of Fire Safety Defect has at least two months in which to develop an appropriate upgrading proposal and report to the Building Fire Safety Committee on work or measures proposed to be undertaken to make the fire safety of the building adequate.

A building owner can:

- during that period make representations to the Building Fire Safety Committee about the fire safety of the building and the work or other measures that need to be carried out;
- apply to the Building Fire Safety Committee at any stage to have a fire safety notice varied or revoked; or
- appeal to the ERD Court against the service of a notice under Division 6 of the Act.

An owner must comply with a fire safety notice or risk prosecution and/or enforcement action through the ERD Court.

On completion of any work required by a fire safety notice, the owner must notify the Building Fire Safety Committee in writing that the work has been completed.

Appeals with the ERD Court

Appeals are lodged with and determined by the ERD Court.

An appeal must be lodged within 14 days after a notice is given unless the Court allows longer time.

The operation of a fire safety notice is not suspended pending the determination of an appeal, unless the ERD Court orders otherwise.

To initiate an appeal the applicant must-

- submit a notice of appeal with the ERD Court; and
- pay the prescribed fee.

A notice of appeal must be in writing, in a form determined by the ERD Court, setting out the grounds of the appeal, with a copy of the disputed notice attached.

The Building Fire Safety Committee may only become aware of the appeal when the notice of appeal is served on them by the ERD Court.

What does a Building Fire Safety Committee do if a building owner fails to comply with a notice?

If a building owner fails to comply with a notice, the Building Fire Safety Committee can apply to the ERD Court for an enforcement order, and/or apply for a summons to be issued for the defendant to appear at a prosecution hearing (both procedures can run concurrently).

Prosecution

A building owner is guilty of an offence if he/she contravenes or fails to comply with a fire safety notice. The maximum penalties are:

- failure to comply with a notice under s71 (3) (b) or (6) - a division 5 penalty (max 2 yrs imprisonment or \$8,000 fine), and a default penalty (\$50) payable for every day that the owner continues to fail to comply.
- failure to comply with a notice under s71 (3) (a) - a division 7 penalty (max 6 months imprisonment or a \$2,000 fine).

Offences under the *Development Act* lie within the criminal jurisdiction of the ERD Court. A prosecution may be commenced within 3 years after the date of the alleged offence or at a later date with the authorisation of the Attorney General.

With any ERD Court activities the Building Fire Safety Committee must provide reasonable information to the Court as to the nature of the charge including a statement of the specific offence with reference to the relevant section of the *Development Act*.

A summons for appearance of defendant (in duplicate) will-

- be directed to the defendant charged by the information;
- state shortly the matter charged; and
- require the defendant to appear before the Court at a specified time and place to answer the charge.

Enforcement of notices

The Building Fire Safety Committee may apply to the ERD Court for an order to remedy or restrain a breach of the *Development Act*.

If the Court is satisfied on the balance of probabilities that the respondent has breached the Act, the Court may make an order requiring the respondent to comply with the order or take any other action as the Court thinks fit under the circumstances. This can include ordering the respondent to pay penalties for failing to comply with a notice as prescribed in the regulations.

Application to Court for an enforcement order

A Building Fire Safety Committee can commence proceedings for an enforcement order by filing the following documents with the ERD Court-

- (a) an application seeking leave to serve a summons;
- (b) the summons in respect of which leave is sought;
- (c) one or more supporting affidavits; and
- (d) where the applicant brings the proceedings in a representative capacity, a memorandum.

Every application must-

- be in writing and give the full name of the applicant;
- identify the person or persons on whom it is sought to serve the summons;
- specify the address for service of the applicant and, if available, the telephone and facsimile numbers of the applicant; and
- be signed by the applicant, or on his or her behalf by a solicitor, agent or other representative.

Every summons must be in a format prescribed by the ERD Court Rules. An example of a summons is given in Appendix C.

Every accompanying affidavit must set out-

- the facts and circumstances upon which the applicant relies; and
- the name, address, telephone and facsimile numbers of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application.

Every memorandum must specify all the people or organisations upon behalf of whom or which the proceedings are brought and signed by all the people or organisations in such manner as shows that all the people or organisations consent to the proceedings being brought on their behalf.

Leave to serve a summons

On hearing an application to serve a summons, the ERD Court may refuse to grant the application or amend or strike out part of the summons.

If leave is granted by the Court to serve a summons it must be issued within one month of the leave being granted, and once issued it remains in force for three months unless the Court extends such period.

As soon as is reasonably practicable after a summons and accompanying affidavits have been served, the applicant must file an affidavit verifying such service.

Non Compliance with Court order

A person who fails to comply with a Court order shall be guilty of contempt of Court and be liable to imprisonment or a fine or both.

APPENDIX A

Example of a Notice of Fire Safety Defect

NOTICE OF FIRE SAFETY DEFECT

In the matter of the *Development Act 1993* and the premises situated at *[insert name and location of premises]*

TO: The Owner/s

[Insert name of premises]

c/-*[Insert name of owner's representative]*

[Insert postal address of owner's representative]

TAKE NOTICE that whereas the *[insert name of council or council region]* Building Fire Safety Committee (hereinafter referred to as 'the Committee') or an authorised officer of the council has inspected the building situated at *[insert location details of premises]*;

TAKE NOTICE that the said Committee is satisfied that the fire safety of the building so inspected is not adequate and, pursuant to Section 71 (3) and (4) of the said *Development Act 1993*, hereby gives notice that you are required to report within two months to the Committee on the work or other measures necessary to ensure that the fire safety of the building is adequate.

PURSUANT TO the provisions of Section 71 (5) of the said *Development Act 1993* you may, during the period of two months commencing upon the date of issue of this notice, make representations to the Committee about the fire safety of the building and the work or other measures to be carried out or taken.

PURSUANT TO the provisions of Section 71 (12) of the said *Development Act 1993*, if you dispute the propriety of any requisition contained in this notice, you have 14 days in which to lodge an appeal with a registry of the Environment, Resources and Development Court.

Dated at.....thisday of.....in the year two thousand and.....

CHAIR:

MEMBER:

MEMBER:

APPENDIX B

Example of a Notice of Building Work Required

NOTICE OF BUILDING WORK REQUIRED

In the matter of the *Development Act 1993* and the premises situated at *[insert name and location of premises]*

TO: The Owner/s

[Insert name of premises]

c/-*[Insert name of owner's representative]*

[Insert postal address of owner's representative]

TAKE NOTICE that whereas the *[insert name of council or council region]* Building Fire Safety Committee (hereinafter referred to as 'the Committee') did, by notice dated *[insert relevant date]* advise that it considered that the fire safety of the building situated at *[insert location details of premises]*, was not adequate, and required you to report to the Committee on the work or other measures necessary to ensure that the fire safety of the building is adequate; and

TAKE NOTICE that during the period of two months, commencing upon the date of issue of the said notice, such representations as were made on your behalf were considered by the Committee, now therefore

TAKE NOTICE that pursuant to the provisions of Section 71 (6) of the said *Development Act 1993*, the Committee hereby gives you notice of building work or other measures, which it requires you to carry out within *[insert appropriate period of time]* from the date of issue of this notice. The building work or other measures required are set out in the attached schedule.

The building work required is to be completed in the following stages-

[Stage 1 insert date by which stage 1 must be completed]

[Stage 2 insert date by which stage 2 must be completed]

[Stage 3 insert date by which stage 1 must be completed]

Before commencing any building work you are required to obtain a development approval from the council. Time has been allowed in the program of work for obtaining development approval.

PURSUANT TO the provisions of Section 71 (12) of the said *Development Act 1993*, if you dispute the propriety of any requisition contained in this notice, you have 14 days in which to lodge an appeal with a registry of the Environment, Resources and Development Court.

Dated at.....thisday of.....in the year two thousand and.....

CHAIR:

MEMBER:

MEMBER:

APPENDIX C

Information required in an application to the ERD Court to serve a summons:

SOUTH AUSTRALIA
IN THE ENVIRONMENT RESOURCES AND DEVELOPMENT COURT

No..... of 20.....

IN THE MATTER OF THE DEVELOPMENT ACT 1993
BETWEEN

A.B Applicant
and
C.D.Respondent

Let C.D.of.....
(insert full names) (insert full address)

and.....
(insert full names and addresses of any other persons upon whom the summons is to be served)

within fourteen days after the service of this summons on him (her/them) cause an appearance to be entered to the summons which is issued at the request of-

A.B.of.....
(insert full name of the applicant) (insert full address)

seeking from the Court an order (orders) as follows:-

.....

.....

.....
(insert the order(s) sought)

The facts upon which the applicant relied are set out in the affidavit of (or affidavits of)-

.....served with this summons.

Dated the.....day of20.....

This summons remains in force for three months only after its date of issue unless it has been extended by order of the Court.

A respondent may enter an appearance by filing an appropriate document either personally or by a solicitor at a Registry of the Environment, Resources and Development Court. The Principal Registry of such Court is situated at Sir Samuel Way Building, Victoria Square, Adelaide.

If a respondent does not enter an appearance within 14 days of service, the Court may make orders on this summons without reference to him or her.

.....Registrar

This summons is taken out bywhose address for service is-
(applicant or applicant's solicitor)

.....

telephone number facsimile number

Appendix D

Land and Business (Sale and Conveyancing) Act 1994 - Section 7 enquiry

Under Section 12 of the Land and Business (Sale and Conveyancing) Act 1994, if a council receives a Section 7 enquiry from a vendor, requesting information regarding any charge or prescribed encumbrance over land within the council area, or regarding insurance under Division 3 of Part 5 of the *Building Work Contractors Act 1995*, the council must provide the information within eight clear business days after receiving the request.

The council is required to provide information on any of the following relevant items (item 25 relates to fire safety notices):

5 Condition (that continues to apply) of an approval or authorisation granted under any of the following repealed Acts-

Building Act 1971

City of Adelaide Development Control Act 1976

Planning and Development Act 1966

Planning Act 1982

Nature of condition:

.....

6 Development Plan under the Development Act 1993 of zone or policy area in which the land is situated (as shown in the Development Plan):

Title or other brief description

.....

Is the land situated in a designated State Heritage area? YES/NO

Is the land designated as a place of local heritage value? YES/NO

Has a council submitted a Plan Amendment Report to the Minister?
 YES/NO

If YES, state the name of the council:

Has the Minister released for public consultation a Plan Amendment Report prepared by the Minister? YES/NO

7 Condition (that continues to apply) of a development authorisation that granted under the Development Act 1993

Name of relevant authority that granted authorisation:

Date of authorisation:

Conditions of authorisation:

[attach in a schedule if appropriate]

8 Enforcement notice under section 84, or enforcement notice under section 85(6), 85(10), or 106, of the Development Act 1993

In the case of a notice under section 84 - name of the relevant authority giving notice:

Date notice given:

Nature of directions contained in notice:

[attach in a schedule if appropriate]

Building work (if any) required to be carried out:

Amount payable (if any): \$

In the case of an order under section 85(6), 85(10) or 106 - name of the relevant authority:

Name of Court that made order:

Action number:

Name of parties:

Date order made:

Terms of order:

Building work (if any) required to be carried out:

[attach in a schedule if appropriate]

9 Land management agreement under section 57 of the Development Act 1993.

Date of Agreement:

Name of parties:

Terms of agreement:

10 Requirement under section 50(1), or agreement under section 50(2), of the Development Act 1993 to vest the land in a council or the Crown to be held as open space.

In the case of a requirement under section 50(1)-

Date requirement given:

Name of body giving requirement:

Nature of requirement:

Contribution payable (if any): \$

In the case of an agreement under section 50(2)-

Name of parties:

Terms of agreements:

Contribution payable (if any): \$

23 Notice, order, declaration, charge, claim or demand given or made under the Local Government Act 1934.

Name of council by which, or person by whom, notice, order etc is given or made:

Date of notice, order etc:

Land subject thereto:

[attach in a schedule if appropriate]

Nature of requirements contained in notice, order etc:

Amount payable (if any): \$

24 Emergency order under section 69 of the Development Act 1993.

Name of authorised officer who made the order:

Name of authority that appointed the authorised officer:

Date of order:

Nature of order:

Amount payable (if any): \$

25 Fire safety notice under section 71 of the Development Act 1993.

Name of authority giving notice:

Date of notice:

Requirements of notice:

Building work (if any) required to be carried out:

[attach in a schedule if appropriate]

Amount payable(if any): \$

26 Order under section 55 of the Development Act 1993 to remove work or notice or order under section 56 of that Act to complete development.

In the case of an order under section 55-

Date of notice of order:

Terms of order:

Building work (if any) required to be carried out:

[attach in a schedule if appropriate]

Amount payable (if any): \$

In the case of a notice under section 56-

Date of notice of order:

Requirements of notice or terms of order:

Building work (if any) required to be carried out:

[attach in a schedule if appropriate]

Amount payable (if any): \$

27 Proceedings under Division 2 of Part 11 (disputes and appeals) of the Development Act 1993.

Date of commencement of proceedings:

Date of determination or order (if any):

Terms of determination or order (if any):

28 Notice under section 666b of the Local Government Act 1934.

Name of council:

Date of notice:

Requirements of notice:

Time for carrying out requirements:

29 Notice of declaration under the Housing Improvement Act 1940.

Those particulars required to be provided-

(a) the housing authority on a statement under section 60:

(b) a council under section 23:

30 Notice under the Health Act 1935.

Person or body giving notice:

Date of notice:

Requirements contained in notice:

32 Direction under section 28(5) of the Food Act 1985 prohibiting the use of unclean or insanitary premises for the manufacture, transportation, storage or handling of food for sale.

Date direction given:

Name of council or other authority giving direction:

Requirements of direction:

Date of notice:

Name of authority:

33 Notice under section 40 of the Country Fires Act 1989.

Date of notice:

Name of authority giving notice:

Requirements of notice (as stated therein)

34 Notice under Section 48 or 58 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 for the destruction or control of animals or plants.

Date of Notice:

Name of person giving notice:

Description of area of land to which the notice applies (as stated therein):

Requirements of notice (as stated therein):

Amount payable (if any): \$

Time within which payable (as stated in notice):

Time for compliance with notice (as stated in the notice):

36 Notice under section 60 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 for costs of destruction or control of plants on road reserve.

Date of Notice:

Name of control board giving notice:

Amount payable (as stated in the notice): \$

Building indemnity insurance status under sections 33, 34 and 35 of the Building Work Contractors Act 1995:

Details:

Appendix E

Standard letters:

1. Letter to owner that the Building Fire Safety Committee wishes to inspect premises

Date

[Insert name of property owner]

[Insert name of property]

[Insert postal address for property owner]

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety Inspection**

[Insert as appropriate - 'an authorised officer from the council' or 'an authorised officer from the Fire Services'] has inspected the fire safety of the above premises and reported to the *[insert name of council or regional council area]* Building Fire Safety Committee that the fire safety of the building is not considered adequate to protect the safety of the occupants should a fire occur in the building.

Where the fire safety of a building is not considered adequate, a Building Fire Safety Committee is empowered under Section 71 of the Development Act to serve notice on the building owner requiring the owner to undertake actions to improve the fire safety to an adequate level.

Before serving a Fire Safety Defect notice, the Building Fire Safety Committee wishes to inspect the above premises. Could you please ring *[insert details]* on *[insert details]* to arrange a convenient time for this inspection.

Yours sincerely

[Insert name of Chairperson]

CHAIR

BUILDING FIRE SAFETY COMMITTEE

[Insert name of council or regional council area]

Appendix E

Standard letters:

2. Letter associated with issuing a Notice of Fire Safety Defect

Date

[Insert name of property owner]

[Insert name of property]

[Insert postal address for property owner]

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety Notice**

The *[insert name of council or regional council area]* Building Fire Safety Committee inspected the fire safety of the above premises on *[insert date]*. The Building Fire Safety Committee determined that the fire safety of the building is not adequate to protect the safety of the occupants should a fire occur in the building.

Where the fire safety of a building is not considered adequate, a Building Fire Safety Committee is empowered under Section 71 of the *Development Act 1993* to serve notice on the building owner requiring the owner to undertake actions to improve the fire safety to an adequate level.

The *[insert name of council or regional council area]* Building Fire Safety Committee met on *[insert date]* to consider appropriate action. In this case the Building Fire Safety Committee resolved to serve you with the attached Notice of Fire Safety Defect.

The Notice of Fire Safety Defect requires you to report within two months to the Building Fire Safety Committee on the work or other measures necessary to ensure that the fire safety of the building is made adequate. During that period, you may make representation(s) to the Building Fire Safety Committee about the fire safety of the building and the work or other measures to be carried out.

If you dispute any of the details of this notice, you have 14 days in which to lodge an appeal with the Registrar of the Environment Resources and Development Court. For more information contact the Court administration on 8204 0300.

Yours sincerely

[Insert name of Chairperson]

CHAIR

BUILDING FIRE SAFETY COMMITTEE

[Insert name of council or regional council area]

Appendix E

Standard letters:

3. Letter associated with issuing a Notice of Building Work Required

Date

[Insert name of property owner]

[Insert name of property]

[Insert postal address for property owner]

Dear Sir/Madam

[Insert property name, and property location] – **Building Fire Safety Notice**

A Notice of Fire Safety Defect was issued on the above premises on *[insert date]*. The Notice required that you report to the Building Fire Safety Committee on work or other measures necessary to ensure that the fire safety of the building is made adequate.

Following an inspection of the above premises on *[insert date]* the *[insert name of council or regional council area]* Building Fire Safety Committee met on *[insert date]* to consider appropriate action. The Building Fire Safety Committee has considered all reports or representations made by you, or on your behalf, in relation to the fire safety of these premises, and has resolved to serve you with the attached Notice of Building Work Required. This notice requires you to undertake the scheduled building work within the time prescribed, to ensure that the fire safety of the building is made adequate.

If you dispute any of the details of this notice, you have 14 days in which to lodge an appeal with the Registrar of the Environment Resources and Development Court. For more information contact the Court administration on 8204 0300.

Yours sincerely

[Insert name of Chairperson]

CHAIR

BUILDING FIRE SAFETY COMMITTEE

[Insert name of council or regional council area]

Further information

For further information and enquiries on the integrated planning and development assessment system or assistance in regard to development applications, contact your local Council.

Additional details can also be found in the following publications:

- *Guide to South Australia's Integrated Planning and Development Assessment System;*
- *Guide to the Assessment of Major Developments or Projects;*
- *Guide to Development Assessment;*
- *Guide to Crown Development;*
- *Guide to Preparing Plan Amendments;*
- *Guide to Council Building Inspection Policies.*

Available from:

Planning SA

Level 5, 136 North Terrace
GPO Box 1815, Adelaide SA 5000
Phone (08) 8303 0600

or

Planning SA's Internet site
www.planning.sa.gov.au

ITEM	3.4.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
PREV REFS	
HEADING	Nominations Sought for the South Australian Public Health Council
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	Nominations are sought for a Local Government Member on the South Australian Public Health Council for a three year term commencing in June 2016. Nominations must be forwarded to the Local Government Association by COB Monday 18 April 2016

RECOMMENDATION

1. _____ be nominated as a Local Government Member on the South Australian Public Health Council.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. South Australian Public Health Council Fact Sheet
2. South Australian Public Health Council Terms of Reference
3. Selection Criteria - Part A - South Australian Public Health Council

1. BACKGROUND

- 1.1 Professor Paddy Phillips, Presiding Member of the South Australian Public Health Council (SAPHC) has written to the Local Government Association (LGA) on behalf of the Hon Jack Snelling, Minister for Health and Ageing, requesting nominations of a Local Government Member for the South Australian Public Health Council.
- 1.2 The SAPHC is established pursuant to the *South Australian Public Health Act 2011*.
- 1.3 The role of the SAPHC is to:
 - 1.3.1 assist and advise the Chief Public Health Officer in relation to:
 - i. the protection and promotion of public health;
 - ii. the development and maintenance of a system of strategic planning for public health at the local, regional and State-wide levels;
 - iii. the development of health plans under this Act;

- iv. strategies to ensure that a sufficiently trained and skilled workforce is in place for the purposes of this Act;
- v. programs to promote public health research in the State;
- vi. the preparation of the biennial report under Division 2; and the setting of standards and qualifications for authorised officers; and

1.3.2 any other functions assigned to the SAPHC by this or any other Act or by the Minister or the Chief Public Health Officer.

1.4 The LGA is currently represented by two Members and two Deputy Members nominated by the LGA Board.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Circular 10.10 dated 10 March 2016 from the LGA was posted on the Elected Members Portal and emailed to Elected Members, the Executive Group, the Manager Environmental Health and the Health and Inclusion Senior Coordinator on 10 March 2016.

2.1.2 Nil interest has been registered to date.

2.2 External

2.2.1 Nil.

3. REPORT

3.1 Nominations are sought for one Member. Appointed Members are eligible for reappointment.

3.2 Appointments to the SAPHC are for a period up to three years commencing June 2016. SAPHC meets approximately four times per annum. An appointed Member is entitled to fees, allowances and expenses approved by the Governor. Further information on the SAPHC is available in the attached SA Public Health Council Fact Sheet and Terms of Reference.

3.3 LGA Nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.

3.4 Nominations addressing the Selection Criteria (attached) for the SAPHC must be forwarded to the LGA by COB Monday 18 April 2016.

3.5 The LGA Executive Committee will consider nominations received at its meeting on Thursday 21 April 2016.

4. CONCLUSION / PROPOSAL

4.1 Council is asked to determine if a nomination is to be made for the South Australian Public Health Council.

4.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer: Exec Grp
Date: 11/03/2016

Fact sheet

South Australian Public Health Council (SAPHC)

The South Australian Public Health Council (SAPHC) is the successor body to the Public and Environmental Health Council established under the *Public and Environmental Health Act 1987* which is replaced by the *South Australian Public Health Act 2011* (the Act)

General:

SAPHC must have regard to, and seek to further, the objects of the Act (section 4(2)).

Functions:

The functions of SAPHC are set out in Division 3, section 31 of the Act and include:

- (a) *to assist and advise the Chief Public Health Officer in relation to:*
 - (i) *the protection and promotion of public health; and*
 - (ii) *the development and maintenance of a system of strategic planning for public health at the local, regional and State-wide levels; and*
 - (iii) *the development of health plans under this Act; and*
 - (iv) *strategies to ensure that a sufficiently trained and skilled workforce is in place for the purposes of this Act; and*
 - (v) *programs to promote public health research in the State; and*
 - (vi) *the preparation of the biennial report under Division 2; and*
 - (vii) *the settings of standards and qualifications for authorised officers; and*
- (b) *any other functions assigned to the South Australian Public Health Council by this or any other Act or by the Minister or the Chief Public Health Officer.*

Consultation:

The Act requires consultation with SAPHC on certain matters, in particular:

- the preparation of any guidelines prepared or adopted that relate to the application of the principles of the Act (section 15(2))
- a proposal of the Chief Public Health Officer to exercise any power conferred on a council under the Act (section 40)
- a proposal of the Minister to direct a council to perform a function under the Act (section 41)
- a request from a council that a function of the council under the Act be performed by the Chief Public Health Officer (section 42)
- the proposal to create or amend the State Public Health Plan (section 50(7))
- the preparation of guidelines to assist councils in the preparation of Regional Public Health Plans (section 51(6))
- the Chief Public Health Officer may refer a Regional Public Health Plan to SAPHC for consultation (section 51(14))
- any proposal to create or amend a State Public Health Policy (section 54)

Annual Report:

The SAPHC must provide a report to the Minister each annum on its activities for the financial year. This report is laid before both Houses of Parliament by the Minister (section 35).

The Minister may also require SAPHC as a designated authority to provide a report on any matter relevant to the administration or operation of the Act (section 18(2)).



Composition of SAPHC:

- (1) SAPHC consists of—
- (a) the Chief Public Health Officer *ex officio* (who will be the presiding member); and
 - (b) 9 other members appointed by the Governor on the nomination of the Minister, of whom—
 - (i) 2 must have experience in local government selected by the Minister from a panel of 5 nominated by the LGA; and
 - (ii) 1 must have qualifications in public health and experience in the administration of public health at the local government level selected by the Minister from a panel of 5 nominated by Environmental Health Australia (South Australia) Incorporated; and
 - (iii) 2 must be persons nominated by the Minister who have qualifications in public health; and
 - (iv) 1 must have experience in the administration of environment protection laws or strategies or in environmental management, selected by the Minister from a panel of 5 nominated by the Presiding Member of the Board of the Environment Protection Authority; and
 - (v) 1 must be a person nominated by the Minister who has experience in the field of health promotion; and
 - (vi) 1 must be a person nominated by the Minister who has experience in the prevention and control of communicable diseases; and
 - (vii) 1 must be a person nominated by the Minister who has experience in non government community sector activities relevant to public health

Review Panel:

A Review Panel may be constituted under section 95 where a person to whom a notice has been issued applies for a review of the notice under this section. A review panel is constituted by the Chief Public Health Officer and 2 members (including deputy members) of SAPHC and any other person/s selected by the Chief Public Health Officer.

Immunity:

No personal liability attaches to a member of a body (including SAPHC) constituted under the Act for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act (section 102).

Protection for liability:

As a designated authority failure to perform a function under the Act, or a breach of a duty imposed under the Act, does not give rise to any civil liability (section 103).

For more information

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SOUTH AUSTRALIAN PUBLIC HEALTH COUNCIL

TERMS OF REFERENCE

South Australian Public Health Act 2011 (Extracts)

Extract #1 – South Australian Public Health Council

Division 3—South Australian Public Health Council

26—Establishment of SAPHC

The *South Australian Public Health Council* (SAPHC) is established.

27—Composition of SAPHC

- (1) SAPHC consists of—
 - (a) the Chief Public Health Officer *ex officio* (who will be the presiding member); and
 - (b) 9 other members appointed by the Governor on the nomination of the Minister, of whom—
 - (i) 2 must have experience in local government selected by the Minister from a panel of 5 nominated by the LGA; and
 - (ii) 1 must have qualifications in public health and experience in the administration of public health at the local government level selected by the Minister from a panel of 5 nominated by Environmental Health Australia (South Australia) Incorporated; and
 - (iii) 2 must be persons nominated by the Minister who have qualifications in public health; and
 - (iv) 1 must have experience in the administration of environment protection laws or strategies or in environmental management, selected by the Minister from a panel of 5 nominated by the Presiding Member of the Board of the Environment Protection Authority; and
 - (v) 1 must be a person nominated by the Minister who has experience in the field of health promotion; and
 - (vi) 1 must be a person nominated by the Minister who has experience in the prevention and control of communicable diseases; and
 - (vii) 1 must be a person nominated by the Minister who has experience in non-government community sector activities relevant to public health.
- (2) If the Minister, by notice in writing, requests a body to make nominations for the purposes of this section, and the body fails to make the nominations within the time allowed in the notice, a person may be appointed to SAPHC on the Minister's nomination and that member will be taken to have been appointed on the nomination of the body in default.
- (3) The Governor may appoint a suitable person to be the deputy of a member of SAPHC and the deputy may, in the absence of that member, act as a member of SAPHC.
- (4) The provisions of this section relating to the qualification and nomination of a member extend to a deputy of that member.

28—Conditions of appointment

- (1) An appointed member of SAPHC will hold office on conditions determined by the Governor for a term, not exceeding 3 years, specified in the instrument of appointment and will, at the expiration of a term of office, be eligible for reappointment.

- (2) The Governor may remove an appointed member of SAPHC from office—
 - (a) for breach of, or non-compliance with, a condition of appointment; or
 - (b) for mental or physical incapacity to carry out duties of office satisfactorily; or
 - (c) for neglect of duty; or
 - (d) for dishonourable conduct.
- (3) The office of an appointed member of SAPHC becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is found guilty of an indictable offence; or
 - (e) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (f) is removed from office by the Governor under subsection (2).
- (4) On the office of a member of SAPHC becoming vacant, a person must be appointed to that office in accordance with this Act.

29—Allowances and expenses

An appointed member of SAPHC is entitled to fees, allowances and expenses approved by the Governor.

30—Validity of acts

An act or proceeding of SAPHC is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

31—Functions of SAPHC

SAPHC's functions are as follows:

- (a) to assist and advise the Chief Public Health Officer in relation to—
 - (i) the protection and promotion of public health; and
 - (ii) the development and maintenance of a system of strategic planning for public health at the local, regional and State-wide levels; and
 - (iii) the development of health plans under this Act; and
 - (iv) strategies to ensure that a sufficiently trained and skilled workforce is in place for the purposes of this Act; and
 - (v) programs to promote public health research in the State; and
 - (vi) the preparation of the biennial report under Division 2; and
 - (vii) the setting of standards and qualifications for authorised officers;
- (b) any other functions assigned to SAPHC by this or any other Act or by the Minister or the Chief Public Health Officer.

32—Conduct of business

- (1) The presiding member of SAPHC will, if present at a meeting of SAPHC, preside at the meeting and, in the absence of that member, the members present may elect 1 of their number to preside.
- (2) 6 members constitute a quorum of SAPHC.
- (3) A decision carried by a majority of the votes cast by the members of SAPHC present at a meeting of SAPHC is a decision of SAPHC.
- (4) Each member present at a meeting of SAPHC is entitled to 1 vote on a question arising for decision at the meeting and, in the event of an equality of votes, the person presiding is entitled to a second, or casting, vote.

- (5) A conference by telephone or other electronic means between the members of SAPHC will, for the purposes of this Act, be taken to be a meeting of SAPHC at which the participating members are present if—
 - (a) notice of the conference is given to all members in the manner determined by the members of SAPHC for that purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (6) Subject to this Act, the business of SAPHC may be conducted in such way as it determines.

33—Committees and subcommittees

- (1) SAPHC may establish committees or subcommittees as SAPHC thinks fit to advise SAPHC on any aspect of its functions, or to assist SAPHC in the performance of its functions.
- (2) A committee or subcommittee established under subsection (1) may, but need not, consist of, or include, members of SAPHC.
- (3) The procedures to be observed in relation to the conduct of a business of a committee or subcommittee will be—
 - (a) as determined by SAPHC; or
 - (b) insofar as a procedure is not determined by SAPHC—as determined by the relevant committee or subcommittee.

34—Delegation by SAPHC

- (1) SAPHC may delegate a function or power conferred on SAPHC under this or any other Act—
 - (a) to a specified person or body; or
 - (b) to a person occupying or acting in a specified office or position.
- (2) A delegation—
 - (a) may be made subject to conditions or limitations specified in the instrument of delegation; and
 - (b) if the instrument of delegation so provides, may be further delegated by the delegate; and
 - (c) is revocable at will and does not prevent the delegator from acting personally in a matter.

35—Annual report

- (1) SAPHC must, on or before 31 October in each year, provide to the Minister a report on its activities for the financial year ending on the preceding 30 June.
- (2) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

36—Use of facilities

SAPHC may, by arrangement with the relevant body, make use of the services of the staff, equipment or facilities of a public authority.


Extract #2 Public Health Review Panel

Division 3—Reviews and appeals

95—Reviews—notices relating to general duty

- (1) This section applies if a person has been issued with a notice under this Part to secure compliance with the duty under Part 6.
- (2) A person to whom a notice has been issued may apply for a review of the notice under this section.
- (3) The review will be to the *Public Health Review Panel* (the **Review Panel**) constituted under this section.

- (4) The application must be made within 14 days after the notice is served on the person unless the Review Panel, in its discretion, allows an extension of time.
- (5) Subject to a determination of the Review Panel to the contrary in relation to a particular matter, the operation of a notice subject to a review is not suspended pending the outcome of the proceedings.
- (6) A review under this section is to be conducted as a full review of the matter to which the review relates.
- (7) For the purposes of this section, the Review Panel will from time to time, in relation to a particular review, be constituted by—
 - (a) the Chief Public Health Officer (who will be the presiding member); and
 - (b) 2 members of SAPHC selected by the Chief Public Health Officer for the purposes of the particular review; and
 - (c) any other person or persons selected by the Chief Public Health Officer in order to provide additional expertise on the panel.
- (8) If the review relates to a notice issued by the Chief Public Health Officer, a delegate of the Chief Public Health Officer must act in place of the Chief Public Health Officer under subsection (7).
- (9) A reference to a member of SAPHC under subsection (7)(b) extends to a deputy of a member of SAPHC.
- (10) 3 members of the Review Panel constitute a quorum of the Review Panel.
- (11) A decision carried by a majority of the votes cast by the members of the Review Panel present at any proceedings of the Review Panel is a decision of the Review Panel.
- (12) Each member present at a meeting of the Review Panel is entitled to 1 vote on a question arising for decision and, in the event of an equality of votes, the person presiding has a second, or casting, vote.
- (13) A party is entitled to appear personally or, with leave of the Review Panel, by representative, in proceedings before the Review Panel.
- (14) The Review Panel may proceed to determine a matter in the absence of a party if the party has had notice of the time and place of the proceedings and fails to appear.
- (15) The Review Panel may, on its own initiative or on application by a party to the relevant proceedings—
 - (a) dismiss or determine any proceedings that appear—
 - (i) to be frivolous or vexatious; or
 - (ii) to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
 - (b) bring any proceedings to an end that appear—
 - (i) to be more appropriately suited to proceedings before the District Court rather than the Review Panel; or
 - (ii) to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
 - (c) bring any proceedings to an end for any other reasonable cause.
- (16) In any proceedings, the Review Panel is not bound by the rules of evidence but may inform itself about any matter relating to the proceedings in such manner as it thinks fit.
- (17) The Review Panel may, on hearing any proceedings under this section—
 - (a) confirm, vary or revoke any requirement to which the review relates and, if appropriate, discharge the relevant notice;
 - (b) substitute any requirement or notice that could have been made or given in the first instance;

- 
- (c) remit the subject matter to the relevant authority for further consideration;
 - (d) dismiss the matter;
 - (e) make an order for costs, but only to the extent that may be necessary in the interests of justice;
 - (f) make any consequential or ancillary order or direction, or impose any conditions, that it considers appropriate.
- (18) The Review Panel is to hear and determine an application under this section as soon as is reasonably practicable and in any event within 2 months unless the Chief Public Health Officer allows an extension of time in a particular case.



Nominations to Outside Bodies

PART A

Name of Body	South Australia Public Health Council
Legal Status of Body	Statutory Authority
Summary Statement	The South Australian Public Health Council (SAPHC) is pursuant to the <i>South Australian Public Health Act 2011</i> .
<p align="center"><u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u></p> <p align="center">The following selection criteria must be addressed when completing Part B</p>	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	N/A
Industry Experience	Must have experience in Local Government
Board / Committee Experience	N/A
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Qualifications in public health and experience in the administration of public health at the Local Government level is desirable.
<p align="center"><u>LIABILITY AND INDEMNITY COVER</u></p> <p align="center">The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)</p>	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ITEM	3.4.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
PREV REFS	
HEADING	Nominations Sought for the Local Roads Advisory Committee
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	Nominations are sought for a Local Government representative on the Local Roads Advisory Committee who will assume the role of Chairperson. Nominations must be forwarded to the Local Government Association by COB Monday 18 April 2016

RECOMMENDATION

1. _____ be nominated as a Local Government representative on the Local Roads Advisory Committee.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Selection Criteria - LRAC

1. BACKGROUND

- 1.1 The Hon. Stephen Mullighan MP, Minister for Transport and Infrastructure has requested that an LGA representative be nominated for the Local Roads Advisory Committee (LRAC) who will assume the role of Chairperson.
- 1.2 The LRAC was established in 1981 by the then Minister for Transport and currently has the main function of advising the Minister on all matters relating to the classification of roads in South Australia. The Minister for Transport and Infrastructure is responsible for appointing members to the Committee, which comprises:
 - 1.2.1 the Chairperson, who is the nominee of the Local Government Association of SA;
 - 1.2.2 a representative for the Minister of Transport and Infrastructure - currently Mr. Don Hogben, General Manager, Planning and Transport Policy; and
 - 1.2.3 a representative for the Minister for Local Government - currently Mr. Peter Ilee, Executive Officer, SA Local Government Grants Commission.

- 1.3 The Chairperson of the LRAC is the nominated representative of the LGA and is appointed by the Minister for Transport and Infrastructure. There is no specified term for appointments to the Committee.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Circular 11.1 dated 10 March 2016 from the LGA was emailed to Elected Members, the Executive Group, and relevant Council staff on 10 March 2016.
- 2.1.2 Cr Damien Pilkington has registered an interest in being nominated for the LRAC.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 Nominations are sought for a Local Government representative on the LRAC who will assume the role of Chairperson.
- 3.2 No formal or specific qualifications, specific industry experience or key expertise is required. However, a high level understanding of local government, including the role and funding of local roads and issues affecting both State and Local governments is important. Extensive experience and knowledge of local road matters, particularly regarding the road classification system in SA is also important.
- 3.3 In addition, the Chairperson should be experienced in chairing committees and have the ability to interact with both state and local government personnel at the senior level.
- 3.4 The Committee meets on an adhoc basis as needed. Currently, it generally meets about twice yearly for up to two hours, but this could increase depending upon the number of road reclassification applications received by the Committee.
- 3.5 It should be noted that the Committee has an Executive Officer (Mr. Silvio Visentin, DPTI) who provides the secretariat for the Committee. Many enquiries, particularly those relating to the 'road classification process' and other Committee business, are undertaken 'out of session' by the Executive Officer in consultation with the Chairperson.
- 3.6 The Committee meets at a location that is the most convenient to all members, generally in a DPTI office within the CBD.
- 3.7 There is no remuneration involved for either the Chairperson or Committee Members and no travel expenses claimable from the State Government.
- 3.8 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving council members or council staff. No more than two (2) nominees should be provided from each council.
- 3.9 Nominations addressing the Selection Criteria (attached) for the LRAC must be forwarded to the LGA by COB Monday 18 April 2016.

- 3.10 The LGA Executive Committee will consider nominations received at its meeting on Thursday 21 April 2016.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the Local Roads Advisory Committee.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer:	Exec Grp	MG
Date:	11/03/2016	11/03/2016



Nominations to Outside Bodies

PART A

Name of Body	Local Roads Advisory Committee
Legal Status of Body	Advisory Committee
Summary Statement	The Local Roads Advisory Committee (LRAC) has the main function of advising the Minister on all matters relating to the classification of roads in South Australia.

SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES

The following selection criteria must be addressed when completing Part B

Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal or specific qualifications are required. However, a high level understanding of local government, including the role and funding of local roads, is important.
Industry Experience	No specific industry experience is required. However, a high level understanding of issues affecting both State and Local governments is important.
Board / Committee Experience	Experience in chairing committees and the ability to interact with both state and local government personnel at the senior level.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Extensive experience and knowledge of local road matters, particularly regarding the road classification system in SA is also important.

LIABILITY AND INDEMNITY COVER

The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)

Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
HEADING	Informal Gatherings Policy
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report provides Council with information regarding amendments to the <i>Local Government Act 1999</i> , scheduled to commence on 31 March 2016, which include changes that require Council to adopt a policy before holding any ‘informal gatherings’ and seeks Council endorsement of the Draft Informal Gatherings Policy resulting from those amendments.

RECOMMENDATION

1. The information be received.
2. The Informal Gatherings Policy, as set out in Attachment 1 to this report (Resources and Governance Committee, Item No. 3.6.1, 21/03/2016), be endorsed to take effect from the commencement of inserted provisions in section 90 of the *Local Government Act 1999* relating to the adoption of an *Informal Gatherings Policy*.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Correspondence dated 17 February 2016 from the Minister for Local Government re Informal Gatherings Policy
2. DRAFT Informal Gatherings Policy

1. BACKGROUND

- 1.1 The amendments to the *Local Government Act 1999* made by the *Local Government (Accountability and Governance) Amendment Act 2015* are expected to commence by 31 March 2016.
- 1.2 One of the changes relate to provisions governing ‘informal gatherings’ under section 90(8).
- 1.3 These new legislative provisions introduce a requirement for Council to adopt a Policy governing informal gatherings and discussions and, once the amendments commence, Council will not be able to convene such gatherings in the absence of an endorsed Policy.

- 1.4 The Minister for Local Government has written to councils (attached) indicating that he expects that council's will implement an Informal Gatherings Policy that includes key measures in keeping with his statements in Parliament during passage of the legislation.

2. REPORT

- 2.1 'Informal gatherings' is a general term used to cover informal meetings arranged by the Council which occur outside formal Council Meetings. For the City of Salisbury these would include, but are not limited to, Informal Strategy, Budget Workshops and briefing sessions.
- 2.2 An amendment inserting section 90(8) into the *Local Government Act 1999* enables the Minister to make regulations to include certain requirements, including:
 - 2.2.1 The imposition of limitations on the holding of informal gatherings or discussions
 - 2.2.2 Procedures for approval of informal gatherings or discussions
 - 2.2.3 The capacity of a council to impose conditions on an approval.
- 2.3 While the amendments provide for the Government to make regulations about the contents of these council policies, the Government, at this stage, has indicated it is not intending to make regulation, preferring to wait and see what policies councils adopt.
- 2.4 In his correspondence, the Minister for Local Government indicates that the provisions "*are intended to ensure that, while informal gatherings are a useful tool for elected members to gain a better understanding of Council matters, they are not to be used as a replacement for full debate and decision making at Council meetings*". In addition, that an Informal Gatherings Policy should include measures that ensure:
 - 2.4.1 "*Informal Gatherings are open to the public wherever possible;*
 - 2.4.2 *Decisions to hold informal gatherings in confidence are made on a case-by-case basis;*
 - 2.4.3 *Councils publish notification details of informal gatherings on their websites, to ensure that interested members of the public can attend;*
 - 2.4.4 *If a Council decides to hold an informal gathering in confidence, the reason for the decision is briefly stated in the website."*
- 2.5 To assist councils, the LGA's *Informal Gatherings – Model Policy* was endorsed by the LGA Board at its meeting on 28 January 2016.
- 2.6 This model policy was also the subject of detailed consultation with the Office of Local Government and the SA Ombudsman, as the Minister for Local Government and the Ombudsman had expressed views about the expected contents of the policy. As stated above, the option of regulations remains open if the Minister perceives a lack of policy compliance by councils.

3. CONCLUSION / PROPOSAL

- 3.1 A Draft Informal Gatherings Policy, which takes into consideration the LGA's Model Policy and operational requirements of the City of Salisbury, has been prepared and is attached for Council's consideration and endorsement.

CO-ORDINATION

Officer: Executive MG
Group
Date: 11/03/2016 02/03/2016



eA177877

Mr Gillian Aldridge
Mayor
City of Salisbury
PO Box 8
SALISBURY SA 5108

Dear Mayor Aldridge *Gillian*

I write regarding the *Local Government (Accountability and Governance) Amendment Act 2015* (the Act), which will commence near the end of the first quarter of this year.

The Act mandates that an informal gathering or discussion may only be held if the Council has adopted a policy on the holding of such gatherings and the gathering complies with the policy (section 90(8a)). The new section 90(8b) allows regulations to be made prescribing requirements that the policy must include.

These provisions are intended to ensure that, while informal gatherings are a useful tool for elected members to gain a better understanding of Council matters, they are not to be used as a replacement for full debate and decision making at Council meetings.

In keeping with my statements in Parliament during passage of the legislation, I expect that Councils' informal gatherings policies include measures that ensure—

1. Informal gatherings are open to the public whenever possible.
2. Decisions to hold informal gatherings in confidence are made on a case-by-case basis.
3. Councils publish notification details of informal gatherings on their websites, to ensure that interested members of the public can attend.
4. If a Council decides to hold an informal gathering in confidence, the reason for this decision is briefly stated on the website.

Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pisa.MinisterBrock@sa.gov.au




- 2 -

I trust that this information assists your Council when developing your policy. Please contact the Office of Local Government if you have any queries in this matter.

Yours sincerely



Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government


17 February 2016



Informal Gatherings Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	
Approval Date:	29 March 2016	Last Reapproval Date:	
Review Date:		Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager, Governance

A - PREAMBLE

1. Open and transparent Council meetings underpin representative democracy and ensure public confidence in Council's decision-making processes. Informal gatherings, where appropriate, provide opportunities for Elected Members to become better informed on issues and seek further clarification, prior to engaging in the formal decision making process which contributes to enhanced decision-making..

B - SCOPE

1. This Policy applies to Informal Gatherings arranged by the Council, either by the Chief Executive Officer or the Elected Members. For the purpose of this Policy, Informal Gatherings are defined as:
 - a. Planning sessions associated with the development of policies or strategies;
 - b. Briefing sessions; and
 - c. Workshops.
2. Both the Chief Executive Officer and the Council are responsible for ensuring Informal Gatherings are conducted in accordance with the *Local Government Act 1999*.

C – POLICY PURPOSE/OBJECTIVES

1. This Policy provides for the conduct of Informal Gatherings without prejudicing the requirements for openness and transparency as required by the *Local Government Act 1999*.
2. Section 90(8) of the *Local Government Act 1999* allows Informal Gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council meeting.
3. This Policy reflects the intention of the legislation for Informal Gatherings to be used for briefing, planning and information sharing sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for Council agenda items.

D - DEFINITIONS

1. **Elected Members** mean the Mayor and Councillors of the City of Salisbury.
2. **Informal Gatherings** mean planning sessions associated with the development of policies or strategies, briefing sessions and workshops.
3. **Training and Development Activity** mean any activity with the objective of increasing an Elected Members knowledge, skills and competencies in relation to the performance of their roles and responsibilities as Elected Members at the City of Salisbury.

E - POLICY STATEMENT**General Business of the Council**

1. Informal Gatherings will be used solely for the purpose of information sharing and not for the purpose of debating issues, building consensus positions or otherwise discharging Council's deliberative and decision-making functions, which must only be undertaken at formal Council/Committee meetings.
2. Informal Gatherings may be used to discuss issues that involve strategy or policy or other matters of Council administration and to brief Elected Members on issues relating to their decision-making function.

Timing of, and Access to, Informal Gatherings of Council

3. Informal gatherings of Elected Members or Elected Members and Council staff are, by their nature, a non-compulsory meeting of the Council, however, all Elected Members are encouraged to attend these sessions, particularly those designed to provide history, context or additional information to assist Elected Members to carry out their functions.
4. Informal gatherings are chaired by the Chief Executive Officer or another senior Council officer, and it is the Chief Executive Officer's responsibility to ensure that the purpose, intent and outcomes of the meeting fall within the permitted parameters of legislative provisions.
5. Informal Gatherings scheduled regularly to coincide with Council's meeting cycle, and ad-hoc Informal Gatherings, convened to consider matters that will form part of Council's meeting agenda will be advertised on the City of Salisbury Website.
6. At the time an Informal Gathering is scheduled the Chief Executive Officer will consider the content planned for discussion at the Informal Gathering and make a determination as to whether the Informal Gathering will be open to the public.
7. A decision to close an Informal Gathering will consider the nature of information to be discussed including:
 - a. whether the content to be discussed falls within the confidentiality provisions of s.90(3) of the *Local Government Act 1999*
 - b. whether the information to be presented constitutes a Training and Development Activity;
 - c. a request from an external party involved in the presentation of information that the Informal Gathering not be open to the public.

Where the Chief Executive Officer determines the need for private consideration of information to be discussed at the Informal Gathering outweighs the need to provide access to members of the public the Informal Gathering will be closed. The reason for this decision will be briefly stated on the City of Salisbury Website.

Agendas and Minute Taking

8. Consistent with the status of an Informal Gathering no formal minutes will be taken at these activities. A list of the matters to be discussed at an Informal Gathering may be published on Council's website in conjunction with details of the time and place of the Informal Gathering (in accordance with Clause 5 above).

F - LEGISLATION

1. *Local Government Act 1999*

G - REFERENCES

1. Nil

H - ASSOCIATED PROCEDURES

1. Code of Practice for Meeting Procedures
2. Code of Practice for Access to Meetings and Associated Document

Document Control

Document ID	Informal Gatherings Policy
Prepared by	Tami Norman
Release	1.00
Document Status	Draft
Date Printed	

ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
HEADING	Summary of Attendance at Event - Cr Bryant - Public Speaking
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	The Elected Member Training and Development Policy sets out requirements for reports to be presented by members after attendance at certain activities.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The Elected Member Training and Development Policy sets out requirements for reports to be presented by members after attendance at certain activities. Clause 23 of the policy states:

23. *Following attendance at a training and development activity Elected Members may give a verbal report in relation to their attendance at the training and development activity at the next Council meeting following attendance where appropriate.*

2. REPORT

- 2.1 Cr David Bryant attended a Public Speaking: Own the Room session run by the Local Government Association on Friday 26 March 2016.

- 2.2 Cr Bryant has provided the following summary:

On the 26th February I attended the Local Government Association (an all day event) to participate in training in public speaking.

The event was attended by other Councillors including elected members from City Charles Sturt and Campbelltown. During the day we learnt techniques about speech writing, breathing exercises, posture, and delivery methods.

I enjoyed the day and would encourage others to attend. The LGA holds these events 6 times a year.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to receive Cr Bryant's report.

CO-ORDINATION

Officer:	Exec Group	MG
Date:	11/03/2016	29/02/16

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
PREV REFS	
HEADING	Review of Transfer of Cemetery Licences Policy
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report presents the Transfer of Cemetery Licences Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and only minor editorial changes are required.

RECOMMENDATION

1. The Information be received.
2. The Transfer of Cemetery Licences Policy as set out in Attachment 1 to this report (Resources and Governance Committee, Item No. 3.6.3, 16/11/2015), be endorsed.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Transfer of Cemetery Licences Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 Following the general election in November 2014, Council Policies have been reviewed and presented over time since the election.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with the Contracts and Project Officer and Manager Business Support has occurred as to the continuing relevance of the Policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Transfer of Cemetery Licences Policy has been reviewed by the Policy Owner. Apart from minor editorial changes with respect to changes of titles of Responsible Officer and relevant documentation and warranties, no changes of substance are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Transfer of Cemetery Licences as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer:	Executive Group	MBS	MG
Date:	11/03/2016	09/03/2016	10/03/2016



The Transfer of Cemetery Licences Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	1397, 2009/1633, 2011/327, 2013/1611
Approval Date:	29 March 2005	Most Recent Approval:	29 March 2016
Review Date:	29 March 2018	Internal Reference No.:	
Department:	Community Development	Division:	Business Supports
Function:	17 - Social Cultural and Community Services	Responsible Officer:	Manager, Business Support

A - PREAMBLE

1. Cemetery licences have a commercial value. When a licence is transferred to another party, all of the rights that are applicable to that licence are also transferred. Current State Government legislation does not effectively address this matter, therefore the City of Salisbury has developed this Policy to set out its management of the transfer of Cemetery Licences.

B - SCOPE

1. This policy only applies to cemetery licences issued by the City of Salisbury for rights to Salisbury Memorial Park.

C – POLICY PURPOSE/OBJECTIVES

1. To clearly define a recognised lineage for the purpose of transferring a licence from one person to another person.
2. To adopt “best practice” as prescribed by the Cemeteries Association of South Australia, when transferring a cemetery licence.
3. To incorporate within the Regulations of Salisbury Memorial Park, section 8, ‘The conditions and transfer of licence.’

D - DEFINITIONS

1. **Entombment** – the disposition of the remains of a deceased person in a mausoleum or crypt, constructed for such purpose by Salisbury Memorial Park.
2. **Interment** – the disposition of the remains of a deceased person by burial in the earth.
3. **Inurnment** – the disposition of the cremated remains of a deceased person either by burial in the earth or by placement within a cremation space.
4. **Licencee** – any person in whose name a space is currently recorded in the records of Salisbury Memorial Park as the owner of the exclusive right to interment, inurnment or entombment.
5. **Memorial Plaque or Monument** – the type of plaque or memorial stone allowed by Salisbury Memorial Park to be placed on a space.

6. **Park**- the cemetery to which the Regulations relate.
7. **Space** – the space in which interments, inurnments or entombments may be made.

E - POLICY STATEMENT

1. The right and responsibility of a licence transfer resides with the licensee.
2. The rights granted to the licensee may be transferred upon the death or legal incapacity of the licensee to any one of the following people in descending order of entitlement:
 - a. The sole executor or administrator of the licensee
 - b. A joint executor or administrator (with the permission of all others) of the licensee
 - c. The spouse of the licensee (including a putative or common law spouse)
 - d. The eldest living and legally capable child of the licensee
 - e. The eldest living and legally capable grandchild of the licensee
 - f. The eldest living and legally capable sibling of the licensee
 - g. The eldest living and legally capable blood relative of the licensee
3. In the context of this Policy the City of Salisbury defines legally capable to be 18 years of age and over.
4. The substituted right may be devolved to one or more persons in succession in the event of the subsequent death or legal incapacity of such person.
5. The City of Salisbury may determine the criteria necessary to demonstrate the relationship and entitlement of a person claiming a substituted right and the City of Salisbury retains unfettered discretion to determine which person will be entitled to exercise the substituted rights in the event of a dispute between one or more persons.
6. A transfer can be affected at any time while the licence is current.
7. To affect a transfer, it is necessary to complete a Transfer of Right of Burial Declaration and provide the required documentation.
8. Licensees are responsible for advising the City of Salisbury of change of address.
9. Only the licensee has the right to relinquish the license.
10. The licensee may relinquish the licence for a grave and/or cremation garden memorial anytime except where a grave contains a burial. Removal of buried remains requires the consent in writing of the Attorney-General.
11. The monument or plaque may be reclaimed by the licensee upon relinquishment, or will be disposed of at the City of Salisbury's discretion.
12. Any fee paid on the license will not be refunded.
13. The City of Salisbury may extend, renew, relinquish or transfer the licence upon application.
14. The right to extend licences is perpetual and may be exercised in multiples of five (5) years. Fees are based on charges prevailing at the time of extensions.
15. Landscaping of grave and cremation memorial sites is not permitted (including placement of jars, bottles and potted plants) in accordance with Salisbury Memorial Park's Regulations.
16. Salisbury Memorial Park accepts no responsibility for the quality of metal or granite plaques supplied by the manufacturer.

F - LEGISLATION

1. The *Local Government Act 1999*
2. The *Local Government (Cemetery) Regulations 2010*

G - REFERENCES

1. Salisbury Memorial Park Regulations (revised 22 January 2010)
2. Salisbury Memorial Park Specifications (revised 23 June 2010)
3. Transfer of Licence Declaration.

H - ASSOCIATED PROCEDURES

1. Document Control

2. Document ID	3. Transfer of Cemetery Licences Policy
4. Prepared by	5. Brian Gillies
6. Release	7. 5
8. Document Status	9. Draft
10. Issue Date	11.

ITEM	3.6.4
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	21 March 2016
HEADING	Review of 'City of Salisbury Code of Practice for Meeting Procedures'
AUTHOR	Tami Norman, Manager Governance, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	<p>This report presents an update to the Code of Practice for Meeting Procedures, which incorporates a number of corrections, inclusions and modifications to the Code. All changes have been marked with revisions for ease of identification and a number of decisions are required from Council in order to finalise the update. These items are discussed individually within this report.</p> <p>Following endorsement of the revised Code of Practice for Meeting Procedures an updated version of the “A Guide for Meeting Procedures” handbook will be produced, which contains a range of other relevant resources and reference materials.</p>

RECOMMENDATION

1. The information be received.
2. The updated Code of Practice for Meeting Procedures (as set out in Attachment 1, Resources and Governance Committee, Item No. 3.6.4, 21/03/2016) and incorporating the following items:
 - a. *Council position on treatment of Notices of Motion when member absent*
 - b. *Council position on meeting conclusion time*
 be endorsed.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Code of Practice for Meeting Procedures - 2016 update

1. BACKGROUND

- 1.1 The City of Salisbury has adopted a Code of Practice for Meeting Procedures. The Code of Practice sets out procedures to apply during the conduct of Council and Committee meetings and is based directly on the *Local Government (Procedures at Meetings) Regulations 2013*.

- 1.2 In addition to the content of the Regulations, there are a number of City of Salisbury specific clauses that have been included within the Code of Practice, so that the document is a comprehensive resource dealing with procedures at meetings.

2. REPORT

- 2.1 A copy of the updated Code of Practice for Meeting Procedures is provided as Attachment 1 to this report. All proposed amendments have been marked with revisions to assist with identification of changes. A brief summary of the changes made is also provided below, along with a number of points requiring a decision from Council in order to finalise the update.

2.2 Inclusions required based on legislation or Council resolution

- 2.2.1 Amendments required as a consequence of changes to the *Local Government (Procedures at Meetings) Regulations 2013*, which include:
- Change to definition of ‘clear days’
 - Change to voting requirement (16(3)) to recognise participation in committee meetings by members via telephone or electronic means
 - CEO may submit report recommending revocation or amendment of council decision
- 2.2.2 Section ‘*S.RP Remote Participation in Committee Meetings*’ to reflect Council resolution 0905/2016 which provides for participation in Committee meetings via telephone or other electronic means.

2.3 Additions requiring Council position

- 2.3.1 Section ‘*S.NOM Member who places Notice of Motion on Agenda Absent*’

This section has been included based on legal advice that it is good practice for Council to have a pre-determined position in relation to the treatment of Notices of Motion on the Agenda when the Elected Member responsible for the motion is not in attendance. The advice provided was that the best place for this position to be recorded is within the Code of Practice for Meeting Procedures, hence the addition of this section.

There are a range of options available to Council in this circumstance. These include:

- the Notice of Motion will lapse
- the member may authorise another Elected Member to move the motion in their stead
- the Notice of Motion will be deferred to the next Council meeting
- another Elected Member may move a motion without notice in the same terms as the Notice of Motion

Council will need to determine which approach is to be incorporated within the Code of Practice.

2.3.2 Section ‘S.MCT Meeting Conclusion Time’

A proposal to include a conclusion time for all meetings has been incorporated within the revised Code of Practice for Meeting Procedures. As drafted, the section provides that meetings will not extend beyond 11pm unless the Council or Council Committee specifically resolves to do so. The section also provides that where a decision is not made to continue the meeting beyond 11pm, items of business remaining on the agenda would be deferred to the next meeting of the Council (which may include a Special Council Meeting) or Committee.

Council will need to determine whether it wishes to include the Section, and if so, what time is considered an appropriate conclusion time.

2.4 Corrections/Modifications

- 2.4.1 Numbering has been changed so that City of Salisbury specific clauses are identified with the letter ‘S’ followed by two or three letters that relate to the clause or a relevant number. This approach ensures that the numbering of the Regulations is maintained.
- 2.4.2 Former section 18: Right of Reply (renumbered to S.RoR) has been relocated to appear immediately after section 15-Addresses by Members.
- 2.4.3 Clause S.RoR (3)ii has been deleted as it incorrectly provided an option for a member to seek leave of the meeting to speak a second time after the Right of Reply had been delivered.
- 2.4.4 Section S.CoC Conduct of Members (formerly section 37) has been amended to make reference to the mandatory Code of Conduct for Council Members.

3. CONCLUSION / PROPOSAL

- 3.1 The Code of Practice for Meeting Procedures has been updated to reflect legislative and other necessary changes to support application of effective meeting procedures at Council and Committee Meetings.
- 3.2 Council is asked to consider the proposed updates and in particular, make a decision in relation to the items listed in section 2.3 of this report, prior to endorsing the Code of Practice for Meeting Procedures.
- 3.3 Following endorsement of the revised Code of Practice for Meeting Procedures and updated version of the “A Guide for Meeting Procedures” handbook will be produced, which contains a range of other relevant resources and reference materials.

CO-ORDINATION

Officer: Exec Group
Date: 11/03/2016



Code of Practice for Meeting Procedures

**In accordance with regulation 7 of the
*Local Government (Procedures at Meetings) Regulations 2000***

Adopted by Council ~~26 November 2012~~ 29 March 2016

Introduction

The City of Salisbury is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provide that meetings of the Council or a Council Committee will be conducted according to the procedures:

- Prescribed by regulation; and
- In relation to Council meetings, insofar as the procedure is not prescribed by the regulations – as determined by the Council; and
- In relation to Committee meetings, insofar as the procedure is not prescribed by the regulations, or determined by the Council – as determined by the Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2000* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

- The meetings of the Council;
- The meetings of a Council Committee performing regulatory activities; and
- The meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

These Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that varies certain of these provisions.

This document is the City of Salisbury Code of Practice for Meeting Procedures.

Procedures adopted by Council that are variations of the Regulations, or concern matters on which the Act and Regulations are silent, have been inserted (in boxes, italics and bold ***like this***) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the regulations. Further, the terms “regulation” and “sub regulation” appearing in the Regulations have been substituted with “clause” and “sub-clause” respectively for the purposes of this Code of Practice.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of the City of Salisbury.

As required under the legislation, this Code of Practice is reviewed annually. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.



CITY OF SALISBURY CODE OF PRACTICE FOR MEETING PROCEDURES

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PART 1 – PRELIMINARY

1. CITATION

- (1) *These procedures may be cited as the "City of Salisbury – Code of Practice for Meeting Procedures."*

2. COMMENCEMENT

- (1) *These procedures were approved by the City of Salisbury Council on ~~26 November 2012~~ 29 March 2016.*

~~3. REVIEW~~

- ~~(1) These procedures are to be reviewed on or before 30 June 2014.~~

4.3. INTERPRETATION

- (1) In these procedures, unless the contrary intention appears:
- (a) **"Act"** means the Local Government Act 1999;
 - (b) **"clear days"** see sub-clause (2);
 - (c) **"deputation"** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;
 - (d) **"formal motion"** means a motion
 - (i) that the meeting proceed to the next business; or
 - (ii) that the question be put; or
 - (iii) that the question lie on the table; or
 - (iv) that the question be adjourned; or
 - (v) that the meeting be adjourned¹;

¹ See Clause ~~12~~ 15 for specific provisions about formal motions.

- (e) **"Guiding Principles"** see Clause 5;
- (f) **"member"** means a member of the council or council committee (as the case may be);
- (g) **"point of order"** means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting;
- (h) **"presiding member"** means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;
- (i) **"written notice"** includes a notice given in a manner or form determined by the council *which includes either legibly hand written or typed and either in paper or electronic form.*

- (2) In the calculation of **"clear days"** in relation to the giving of notice before a meeting:
- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.



(3) For the purposes of the calculation of "clear days" under clause 3 (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these procedures, a vote on whether *leave of the meeting* is granted may be conducted by a show of hands (but nothing in this clause prevents a division from being called in relation to the vote).

5.4. GUIDING PRINCIPLES

- (1) The following principles (the "**Guiding Principles**") should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:
 - (a) procedures should be fair and contribute to open, transparent and informed decision-making;
 - (b) procedures should encourage appropriate community participation in the affairs of the council;
 - (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 - PRELIMINARY

6.5. APPLICATION OF PART

- (1) The provisions of this Part apply to, or in relation to
 - (a) the meetings of the Council;
 - (b) the meetings of a Council Committee performing regulatory activities;
 - (c) ***the meetings of:***
 - (i) ***the Policy and Planning Committee;***
 - (ii) ***the Works and Services Committee;***
 - (iii) ***the Resources and Governance Committee;***
 - (iv) ***the Budget and Finance Committee;***
 - (v) ***the Sports, Recreation and Grants Committee; and***
 - (vi) ***any other Committee, that the Council resolves is a Standing Committee;***
 - (d) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

(S.2) where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

7.6. DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a council may, by a resolution supported by at least two-thirds of the members of the council as a whole, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this clause.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council as a whole, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this clause at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Clause ~~126~~(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of clause ~~206~~.

DIVISION 2 - PRESCRIBED PROCEDURES**8.7. COMMENCEMENT OF MEETINGS AND QUORUMS**

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the Chief Executive Officer must:
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.



S.RP REMOTE PARTICIPATION IN COMMITTEE MEETINGS

- (1) A Committee Member may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:
- (a) Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and confirmed to the Chief Executive Officer not less than 3 working days prior to the scheduled commencement time for the meeting, and;
 - (b) The Chief Executive Officer has confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Members participation in the meeting and compliance with the Act, and;
 - (c) A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
 - (d) All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
 - (e) The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
 - (f) The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
 - (g) Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;
 - (h) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

9.8. MINUTES

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will:

- (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include:
- (a) the names of the members present at the meeting; and
 - (b) in relation to each member present
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any amendment or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) any other matter required to be included in the minutes by or under the Act or any Regulation.

10. S.MP MEETING PROTOCOL

- (1) *The Chief Executive Officer/appropriate General Manager and the minute taker will sit either side of the Presiding Member of Standing Committees.*
- (2) *If the time required to consider the business on the agenda extends beyond two (2) hours a five (5) minute break will be provided to members and staff present.*

11.9. QUESTIONS

- (1) A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
 - (a) the Chief Executive Officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.



- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

12. S.PQT PUBLIC QUESTION TIME

- (1) *A period of 30 minutes will be made available at the commencement of each ordinary Council Meeting to provide an opportunity for members of the public to ask questions of the Council.*
- (2) *A maximum time of ten (10) minutes per representative will apply. The presiding member may allow for an extension of time if appropriate.*
- (3) *People wishing to ask questions are encouraged to advise the Chief Executive Officer of the nature of their question in writing at least five (5) working days prior to the meeting, to enable the question/s and answer/s to be included in the publicly available agenda for the Council meeting.*
- (4) *Should notice of the question/s be advised to the Chief Executive Officer less than five (5) working days prior to the meeting, staff will make the best possible effort to provide an answer at the meeting, which the presiding member will read out.*
- (5) *If there has been insufficient notice given to allow the presiding member to give an answer to the question at the meeting, the question will be taken on notice and an answer given in the Agenda for the next meeting of Council.*
- (6) *Questions without notice may be asked by members of the public, however the presiding member will give priority to those who have given prior notice of their intention to ask a question.*
- (7) *The presiding member will provide an answer to the question asked and the answer will be recorded in the minutes. Where the question was:*
 - (a) *asked with notice, a written copy of the answers will be provided to the person who asked the question following the giving of the answer.*
 - (b) *asked without notice, a copy of the written response will be forwarded to the person who asked the question within three working days.*
 - (c) *taken on notice, an answer to the question will be entered into the Agenda and minutes of the next ordinary Council Meeting and a copy of the answer will be provided directly to the person who asked the question.*
- (8) *The presiding member may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:*
 - (a) *is unlawful in any way;*
 - (b) *contains defamatory remarks, offensive or improper language;*
 - (c) *questions the competency of Council staff or Councillors;*
 - (d) *relates to the personal affairs or actions of Council staff or Councillors;*

- (e) *relates to confidential matters, legal advice or actual or possible legal proceedings;*
 - (f) *is, in the reasonable opinion on the presiding member, proffered to advance a particular point of view, rather than to make a genuine inquiry;*
 - (g) *is vague in nature, or irrelevant to Council;*
 - (h) *is not related to Council activities; or*
 - (i) *is a question that has been substantially asked and answered at a previous Council meeting.*
- (9) **No debate is permitted on either the question or the answer.**

13.10. PETITIONS

- (1) A petition to the council must:
- (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) be addressed to the council and delivered to the principal office of the council.

- (2) If a petition is received under sub-clause (1), the Chief Executive Officer must ensure that **a summary of the petition including a statement as to the nature of the request or submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the council and that a copy of the full petition is provided to all elected members.**

- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to [regulation 6 clause 7](#) of the [Local Government \(Procedures at Meetings\) Regulations 2013](#).

14.11. DEPUTATIONS

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The Chief Executive Officer must transmit a request received under sub-clause (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The Chief Executive Officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.



15.12. MOTIONS

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought
 - (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election,
 whichever is the sooner.
- (5) Subject to the Act and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the **Guiding Principles**, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving a motion will speak to the motion at the time of moving the motion.

(S.9a) *A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.*

- (10) A member may only speak once to a motion except:
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply; or

(S.d) *A member may, with the leave of the presiding member, ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment; or*

(S.e) *Notwithstanding Clause 125 (10), a Member of a Committee may speak twice to a motion at a Committee meeting, in addition to the exceptions set out at Clause 125 (10)(a) – (d) inclusive and provided that, in so doing, they do not move or second an amendment to the motion or a formal motion.*

- (11) A member who has spoken to a motion may not at a later stage of the debate move an amendment to the motion.

(S.a) *Notwithstanding clauses 125 (10) and 125 (10)(e), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.*

(S.b) *A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause 125 (9)(a), may not move or second an amendment to the motion.*

(S.c) *Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and the minute taker in the subsequent preparation of the minutes of the meeting.*

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) below (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:
- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost:
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one member has spoken on the question.



- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to ~~clause 7~~regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

S.NOM MEMBER WHO PLACES NOTICE OF MOTION ON AGENDA ABSENT

(1) In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting ...

[option to be chosen]

- the Notice of Motion will lapse**
- the member may authorise another Elected Member to move the motion in their stead**
- the Notice of Motion will be deferred to the next Council meeting**
- another Elected Member may move a motion without notice in the same terms as the Notice of Motion**

46.13. AMENDMENTS TO MOTIONS

- (1) A member who has **not** spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(a) Notwithstanding clauses 125 (10), 125 (10)(e) and 136 (1), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.

- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only one further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to ~~clause 7~~regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

47.14. VARIATIONS, ETC.

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

18. RIGHT OF REPLY

- ~~(1) The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).~~
- ~~(2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.~~
- ~~(3) Notwithstanding clause 18 (2) a member may:~~
- ~~i. provide an explanation in regard to a material part of his or her speech (Clause 15 (10)(a)); or~~
 - ~~ii. seek leave of the meeting to speak a second time (Clause 15 (10)(b)); or~~
 - ~~iii. seek leave of the meeting to make a personal explanation (Clause 19 (3)).~~

19.15. ADDRESSES BY MEMBERS, ETC.

- (1) A member must not speak for longer than five minutes at any one time without leave of the meeting.
- (2) A member, may, with the leave of the **Presiding Member**, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Sub-clauses (1) and (2) may be varied at the discretion of the council pursuant to ~~clause 7~~regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

- (S7)** A member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.
- (S8)** A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee. In the event that this occurs, a member, or the Presiding Member, may request that the member withdraw any comments made.

S.RoR RIGHT OF REPLY

- ~~(1) The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).~~
- ~~(2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.~~
- ~~(3) Notwithstanding clause S.RoR18 (2), a member may:~~
- ~~i. provide an explanation in regard to a material part of his or her speech (Clause 125 (10)(a)); or~~
 - ~~ii. seek leave of the meeting to speak a second time (Clause 15 (10)(b)); or~~
 - ~~iii. seek leave of the meeting to make a personal explanation (Clause 159 (3)).~~



20.16. VOTING

- (1) The presiding member, or any other member, may ask the Chief Executive Officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-clause (3)
 - (a) may be varied at the discretion of the council pursuant to ~~clause 7~~ regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Local Government Act 1999.

24.17. DIVISIONS

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The Chief Executive Officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the council pursuant to ~~clause 7~~ regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

22.18. TABLING OF INFORMATION

- (1) A member may require the Chief Executive Officer to table any documents of the council relating to a motion that is before a meeting (and the Chief Executive Officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The Chief Executive Officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

23. S.GB GENERAL BUSINESS ITEMS (RAISED BY STAFF)

- (1) *will be included by staff on a Council meeting agenda where the matter is either:*
- (a) *urgent; or*
 - (b) *a matter that does not otherwise fit within the scope of an existing committee.*

24. S.OB OTHER BUSINESS ITEMS (RAISED BY ELECTED MEMBERS)

- (1) *Elected Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Other Business item.*
- (2) *To facilitate good and informed decision-making Elected Members will endeavour to raise such Other Business items by way of a motion seeking a report to be submitted to the relevant Committee.*

25.19. ADJOURNED BUSINESS

- (1) If a formal motion for a substantive motion to be adjourned is carried:
- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the council pursuant to clause 7 of the Local Government (Procedures at Meetings) Regulations.

26.20. SHORT-TERM SUSPENSION OF PROCEEDINGS

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The **Guiding Principles** must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - (i) the provisions of the Act must continue to be observed¹; and

¹See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.



- (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
- (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
- (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
- (d) the period of suspension will come to an end if:
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

27. S.EMG TERMINATION OF MEETINGS IN THE EVENT OF AN EMERGENCY

- (1) *In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of clause 26 (2).*
- (2) *The Presiding Member or Chief Executive Officer (in the absence of a Council Security Officer) will direct all staff and any visitor/s to the designated emergency assembly points via either:*
 - (a) *the front stairwell and front door to the Assembly Point between Council Office and the Cinemas via the front door; or*
 - (b) *the rear stairwell and rear sliding doors and compound gates to the Assembly Point in Parabanks Car Park outside the perimeter fence.*

S.MCT MEETING CONCLUSION TIME - Decision required regarding whether this is included

- (1) Meetings of Council and Council Committees to which this Part applies will not extend beyond 11.00pm, unless the Council or Council Committee specifically resolves to do so.
- (2) In circumstances where the Council or Council Committee does not resolve to continue a meeting beyond 11.00pm and items of business remain on the agenda, these items will be deferred to the next meeting of the Council (which may include a Special Council Meeting) or Council Committee.

21. CHIEF EXECUTIVE OFFICER MAY SUBMIT REPORT RECOMMENDING REVOCATION OR AMENDMENT OF COUNCIL DECISION

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

28. S.CONF CONFIDENTIAL ITEMS

- (1) *The consideration of confidential items at all Council and Committee meetings will be in accordance with the Act and Council's Code of Practice for Access to Meetings and Associated Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.*
 - (a) *Public access to meetings of Council and Committees is guaranteed, except where indicated on the Agenda that a matter may need to be discussed in confidence and Council/the Committee determines that is the case.*
 - (b) *Before a meeting excludes the public from discussion of a particular matter, the meeting will formally determine if this is necessary and that the matter falls within Section 90(3) of the Act. The meeting will then pass an appropriate resolution to exclude the public.*
 - (c) *The debate on whether or not the public should be excluded will be held in public. The public will only be excluded if a motion to that effect is carried.*
 - (d) *Confidential items will be placed last on the agenda and dealt with at the conclusion of all other business.*

29. S.AGD DISTRIBUTION OF AGENDA AND ASSOCIATED DOCUMENTS

- (1) *Prior to the commencement of a Council or Committee meeting a copy of the Agenda and associated documents for the meeting will be distributed to all Elected Members.*
- (2) *In accordance with section 91(3) of the Local Government Act 1999, within five days after a meeting of the council or a council committee, all Elected Members will be provided with a copy of all minutes of the proceedings of the meeting.*

PART 3 - MEETINGS OF OTHER COMMITTEES

30-22. APPLICATION OF PART

- (1) The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

34-23. NOTICE OF MEETINGS FOR MEMBERS

- (1) Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:



- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee; and
- (b) that notice need not be given for each meeting separately; and
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
- (d) that it is not necessary for the Chief Executive Officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

32.24. PUBLIC NOTICE OF COMMITTEE MEETINGS

- (1) Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:
 - (a) that public notice need not be given for each meeting separately; and
 - (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the Chief Executive Officer after taking into account the nature and purpose of the committee.

33.25. MINUTES

- (1) The minutes of the proceedings of a meeting must include:
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

PART 4 - MISCELLANEOUS

34.26. QUORUM FOR COMMITTEES

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) The **prescribed number** of members of a council committee is
 - (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding one; or
 - (b) a number determined by the council.

See also section 41(6) of the Act.

35-27. VOTING AT COMMITTEE MEETINGS

- (1) Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

36-28. POINTS OF ORDER

- (1) The presiding member may call to order a member who is in breach of the Act or these procedures.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these procedures, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.
- (7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

37. S.COC CONDUCT OF MEMBERS

- (1) ~~Council has adopted a Code of Conduct for Elected Members, which will be adhered to for all meetings. The mandatory Code of Conduct for Council Members sets out expectations of conduct for all Elected Members and will be adhered to at all times.~~

38-29. INTERRUPTION OF MEETINGS BY MEMBERS

- (1) A member of a council or council committee must not, while at a meeting:
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Sub-clause (1)(b) does not apply to a member who is:
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.



- (4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution:
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
 - (a) refuses to leave a meeting in contravention of sub-clause (4); or
 - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: \$1 250.

39-30. INTERRUPTION OF MEETINGS BY OTHERS

A member of the public who is present at a meeting of a council or council committee must not:

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

40. S.REC RECORDING OF MEETINGS

- (1) *Meetings of Council and Council Committees convened in the Council Chamber may be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose; however, where a recording of a meeting is taken the recording will be stored in the City of Salisbury record keeping system and managed in accordance with the requirements of the State Records Act.*

41. S.PH PUBLIC HOLIDAYS ON SCHEDULED MEETING DAYS

- (1) *Committee and Council meetings will be held one day later in the event of any public holiday falling on any scheduled meeting day.*