



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

**12 DECEMBER 2016 AT CONCLUSION OF BUDGET AND FINANCE
COMMITTEE**

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

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

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
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 21 November 2016.

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OTHER BUSINESS

CLOSE



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

21 NOVEMBER 2016

MEMBERS PRESENT

Cr B Vermeer (Chairman)
Mayor G Aldridge (*from 7:35 pm*)
Cr D Balaza
Cr L Caruso
Cr D Pilkington
Cr D Proleta

STAFF

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

The meeting commenced at 7.19 pm.

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

APOLOGIES

Apologies were received from Cr S Bedford, Cr D Bryant and Cr R Cook.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr D Proleta
Seconded Cr D Balaza

The Minutes of the Resources and Governance Committee Meeting held on 17 October 2016, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr L Caruso
Seconded Cr D Proleta

1. The information be received.

CARRIED

Health, Animal Management and By-laws

3.3.1 Proposed Dog and Cat Management Regulations 2016

Moved Cr D Pilkington
Seconded Cr L Caruso

1. The information be received, and the Local Government Association be advised that Council supports the proposed Dog and Cat Regulations 2016.

CARRIED

3.4.1 Election of Metropolitan Representatives to the Local Government Association Board

Moved Cr D Balaza

Seconded Cr D Proleta

1. Candidates for election of Metropolitan Representatives to the Local Government Association Board be placed in the following order on the ballot paper:
 1. Gillian Aldridge
 2. Kevin Knight
 3. Karen Redman
 4. Glens Spear
 5. Rosalina (Mikki) Bouchee
 6. David Parkin
 7. Susan Clearhan
 8. Bill Spragg
 9. Arthur Mangos
 10. Robert Bria
 11. David O'Loughlin
 12. Angela Evans

With leave of the meeting and consent of the seconder Cr D Balaza
VARIED the MOTION as follows

1. Candidates for election of Metropolitan Representatives to the Local Government Association Board be placed in the following order on the ballot paper:
 1. Gillian Aldridge
 2. Kevin Knight
 3. Karen Redman
 4. Glens Spear
 5. Rosalina (Mikki) Bouchee
 6. David Parkin
 7. Susan Clearhan
 8. Bill Spragg
 9. Robert Bria
 10. David O'Loughlin
 11. Angela Evans
 12. Arthur Mangos

CARRIED

Corporate Governance

3.6.1 Formal Meeting Schedule for 2017

Moved Cr L Caruso

Seconded Cr D Proleta

1. The 2017 Formal Meeting Schedule as set out in Attachment 1 to this report (Item 3.6.1, Resources and Governance Committee, 21/11/2016) be endorsed.
2. The Chief Executive Officer be delegated authority to amend the 2017 Formal Meeting Schedule should the need arise.

CARRIED

3.6.2 Variations to Delegations

Moved Cr D Pilkington

Seconded Cr L Caruso

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 19 December 2016 of those powers and functions under the following:
 - 1.1 *Local Government Act 1999*
 - Section 243(2)(b)(i)
 - 1.2 *Real Property Act*
 - Sections 39, 44, 78, 120, 121, 128(1), 129A(1), 143(1), 169(1), 169(6), 173(a), 191,
2. Council makes the following delegations under the Local Government Act 1999:
 - 2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and Regulations and specified in the proposed 'Instruments of Delegation', are hereby delegated from 20 December 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified within the Delegations Register.
 - 2.1.1 *Local Government Act 1999*
 - Sections 24(1)(e), 24(1)(f), 24(1)(g), 24(1)(h), 24(1)(i), 24(1)(j), 24(1)(k), 243(2)(b)(i), Clauses 13, 17(1), 20(5), 20(6), 24(1), 24(2)(b), 25, 25(2), 25(3)(b) and 26(3) of Schedule 1A

2.1.2 *Real Property Act 1886*

- Sections 39, 44, 56(5), 56(6)(a), 56(6)(b), 78, 120, 121, 128(1), 128(2), 128(4), 128B(1), 129A(1), 143(1), 153A(1), 154B(2)(va), 169(1), 169(6), 173(a), 191, 221(1a), and 223D(1)

2.1.3 *Road Traffic Act 1961, Road Traffic (Miscellaneous Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*

- Section 86

2.2 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Act and specified in the proposed 'Instrument of Delegation', are hereby delegated from 22 November 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified within the Delegations Register.

2.2.1 *Electronic Conveyancing National Law (South Australia) Act 2013*

- Sections 10(1)

3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

CARRIED

Mayor G Aldridge entered the meeting at 07:35 pm.

3.6.3 Nominations Sought for the Premier's Climate Change Council

Cr L Caruso declared a material conflict of interest on the basis of being nominated for the position which attracts a sitting fee. Cr L Caruso left the meeting at 7:35 pm.

Moved Cr D Balaza

Seconded Cr D Proleta

1. The information be received.
2. Cr L Caruso be nominated as an LGA member on the Premier's Climate Change Council.

CARRIED

Cr L Caruso returned to the meeting at 7:36 pm.

3.6.4 Nominations Sought for the Adelaide Cemeteries Authority Board

Moved Cr D Balaza

Seconded Cr D Pilkington

1. The information be received.
2. Cr S Reardon be nominated as a Local Government member on the Adelaide Cemeteries Authority Board.

CARRIED

3.6.5 Draft Annual Report 2015/16

Cr Balaza declared a material conflict of interest on the basis of being a member of the Board of NAWMA. Cr D Balaza left the meeting at 7:37 pm.

Moved Mayor G Aldridge

Seconded Cr D Proleta

1. Council approve the Draft Annual Report 2015/16, subject to the inclusion of the Northern Adelaide Waste Management Authority Annual Report and any changes recommended by Council.

CARRIED

Cr D Balaza returned to the meeting at 7:39 pm.

3.6.6 Summary Report for Attendance at 2016 Local Government Association Conference and Annual General Meeting - Cr Gill

Moved Cr L Caruso

Seconded Mayor G Aldridge

1. The information be received.

CARRIED

3.6.7 Revised Informal Gatherings Policy (to reflect new regulation 8AB - effective 24 November 2016)

Moved Mayor G Aldridge

Seconded Cr D Balaza

1. The proposed changes to the Informal Gatherings Policy, as set out in Attachment 1 to this report (Item No. 3.6.7, Resources and Governance Committee, 21/11/2016) be endorsed.

CARRIED

OTHER BUSINESS

Nil

Cr Vermeer thanked the Committee for supporting him in the role of Chairman over the past year.

The meeting closed at 7.51 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Appointment of Deputy Chairman - Resources and Governance 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	This report provides information with respect to the appointment and role of Deputy Chairman of the Resources and Governance Committee. In accordance with the Terms of Reference of the Resources and Governance Committee, an appointment is required to be made.

RECOMMENDATION

1. Cr _____ be appointed as Deputy Chairman of the Resources and Governance Committee for a term of twelve (12) months.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At the December 2014 Council meeting it was resolved (Resolution Number 0046/2014):
 - 1.1.1 Cr D Bryant be appointed as Deputy Chairman of the Resources and Governance Committee for the 2014/15 year.
 - 1.1.2 Cr R Cook be appointed as Deputy Chairman of the Resources and Governance Committee for the 2015/16 year.
- 1.2 The term of the current Deputy Chair will expire at the end of December 2016, and the Committee is therefore required to make a new appointment for the position of Deputy Chairman.

2. REPORT

- 2.1 The Terms of Reference for the Resources and Governance Committee provides for the appointment of the Deputy Chairman at the first meeting of the Committee for a period of 12 months, after which time the Committee will make a new 12 month appointment.
- 2.2 The Deputy Chairman acts in the role of Chairman in their absence.

3. CONCLUSION / PROPOSAL

- 3.1 In accordance with the Terms of Reference for the Resources and Governance Committee, the Committee is now asked to consider the position of Deputy Chairman and determine who should fulfil this role.

CO-ORDINATION

Officer:	Executive Group	MG
Date:	06/12/2016	01/12/2016

ITEM	3.0.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
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: Deferred to: Reason:	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 July 2017 The Dog and Cat Management Act amendments were only passed in Parliament in July 2016 and not likely to be implemented until July 2017.	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
27/06/2016 3.6.2 Due:	Mobile Food Van Policy 3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement. January 2017	Tim Starr
26/09/2016 OB2 Due: Deferred to: Reason:	Council Spokesperson Policy 1. That staff bring back a report and that Council review the media policy with consideration given to how Councillors interact with the media. December 2016 January 2017 To allow staff time to further evaluate the policies, and investigate current sector standards.	Craig Treloar
24/10/2016 NOM11 Due: Deferred to: Reason:	Review of the Procurement Policy to incorporate use of Australian Made steel for Council construction projects 1. A review of the Procurement Policy be conducted to investigate the implications of adopting an obligation for Council to use only Australian made steel, where there is an existing Australian made source, in all construction projects. December 2016 January 2017 Further research is being considered by staff prior to reporting to Council.	Charles Mansueto

24/10/2016 3.6.3	Elector Representation Review 3. That, on conclusion of the consultation period, staff provide a further report to Council to consider submissions in the context of the Report and to make its final determination on the Review. Due: December 2016 Deferred to: January 2017 Reason: Awaiting the second public consultation report from the consultant.	Joy Rowett
28/11/2016 Cnl-OB1	Provision of IT Loan Equipment 1. That staff report on options for Council consideration to facilitate provision of IT equipment to community groups through appropriate Council locations. Due: March 2017	David Bevan

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
Date: 06/12/16

ITEM	3.3.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Policy Review - Food Act Inspection Fees
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	Council Policies are subject to bi-annual reviews and re-endorsement by Council. The following report presents the Food Act Inspection Fees Policy for consideration and re-endorsement. Minor changes to the Food Act Inspection Fees Policy are proposed reflecting the review of fees under the Food Regulations 2002 and changes are proposed to the section on Food Markets.

RECOMMENDATION

1. The Information be received.
2. That the Food Act 2001 – Inspection Fees Policy as set out in Attachment 1 to the Item No. 3.3.1, Resources and Governance Committee, 12/12/2016 be endorsed.

ATTACHMENTS

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

1. Food Act 2001 – Inspection Fees Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and two years thereafter.
- 1.2 The Food Act 2001 - Inspection Fees Policy (the 'Policy') was last endorsed by Council in December 2014 and is now due for review.

2. REPORT

- 2.1 Minor amendments have been made to the Policy and identified in the tracked changed version (attached), with the only significant change proposed being to Clause 10 - Food Markets.
- 2.2 Under Clause 10, currently Inspection fees apply to inspections of individual food premises, food stalls and mobile food vans operating at food markets at a reduced rate equivalent to 50% of the standard fee for small businesses (currently \$42.75 per stall holder eligible for fees).

- 2.3 Alternative approaches are applied by other Councils at other markets, where a single fee is applied to the market as a whole and individual stall holders are not charged a fee. This approach is considered appropriate for the weekend markets occurring in the City of Salisbury, provided that the market managers and organisers agree to accept these fees, and provide appropriate details for establishing them as a debtor.
- 2.4 The market will be considered as one premise and the markets can be charged one fee, with the fee being at the rate for a business other than a small business (as determined by Council but with a maximum fee of \$214 as set by the regulations) and no individual fees will be charged to the stall holders (currently \$42.75 per stall holder eligible for fees). There will be a one inspection per annum subject to fees, and Council can also undertake additional no-fee routine inspections, spot inspections and follow up inspections. Two inspections are conducted per annum due to the transient nature of markets and the risks associated with temporary premises.
- 2.5 Any breaches or offences identified and other fees such as follow up inspections for compliance with Notices will be the responsibility of the individual food premises, food stalls and mobile food vans operators. All other requirements such as individual business and stall holder notifications will be required to be provided by the individual food business.
- 2.6 This approach for markets is recommended due to the nature of market traders:
- 2.6.1 They are temporary in nature - a trader will usually trade once a weekend at the markets as opposed to a permanent food premises which is available seven days per week in most cases, and is potentially servicing a greater proportion of the community.
 - 2.6.2 Markets are usually inspected once or twice per year and all traders that are present are assessed during the visit, as opposed to shopping centres where inspections occur at different premises at different times of the year due to their risk profile by premises type, and food safety history.
 - 2.6.3 Traders are transient in nature - a market trader could only trade at the markets for a limited time and return infrequently throughout the year.
 - 2.6.4 A centralised inspection fees approach would also encourage better information sharing between the market management and Council to ensure that food safety information can be provided to transient traders and other opportunities be considered for food safety inspections for traders that are not seen at markets.
- 2.7 The single fee also reduces the administrative burden on Council and individual stall holders associated with individual invoicing, costs associated with late notices and costs to address any outstanding debts. Debts that remain unpaid are referred to debt recovery and additional fees are added increasing the overall fees and charges liability for stall holders.
- 2.8 In 2015/16 the estimated costs associated with market inspections for staff were approximately \$1468 (excluding on-costs). This is based on two officers undertaking the inspections over a three hour period on Saturdays when markets generally occur, and inspections are conducted twice a year for the two regular markets currently in the City of Salisbury.

- 2.9 Approximately 52 stalls at both markets were inspected in 2015/16 and 13 were subject to fees (five at one market and eight at the other) as others were negligible risk premises selling predominantly fruit and vegetables. A food van at one of the markets was inspected at their base and was issued an inspection fee as part of the home-base routine inspection. The fees raised from these inspections were approximately \$555 (\$213 at one market and \$342 at the other). Other administrative costs associated with the process are invoicing the individual businesses and issuing monthly statements at 30, 60 and 90 days as well as implementing debt collection if the fees remain unpaid.
- 2.10 Currently fees for eligible businesses are based on their risk classification and as such all stall holders may not be eligible for a fee at every inspection. However the proposal for one market fee is to be based on one inspection per annum at the rate for a business other than a small business (as determined by Council but with a maximum fee of \$214 as set by the regulations) The inspections per annum for the two markets will result in a fee of \$428 per annum at the current maximum fee. There will still be two inspections conducted to assist in identifying new traders and ensuring existing traders are maintaining their standards. Additional follow ups can also be conducted and new traders inspected as they arise without any additional fees.
- 2.11 This approach is also aligned with the current review of Council policies and interactions with businesses under our ‘business friendly Council’ agenda, to ensure that, wherever possible, Council policies and practices stimulate and support local business growth, employment creation and the attraction of new businesses to the local area. A reduced fee for individual traders may assist a small trader in establishing a start-up business in food and encourage stall holders to seek out the Salisbury based markets increasing overall visitors to our City. Further, the approach proposed under the revised policy reduces the administrative burden for stall holders and market operators, as a single fee will replace multiple fees.

3. CONCLUSION / PROPOSAL

- 3.1 The Food Act 2001 – Inspection Fees Policy as contained within Attachment 1 has been reviewed and is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 06.12.16



Food Act 2001 - Inspection Fees

Policy Type:	Policy		
Approved By:	Council	Decision No:	2178, 2009/1731, 2014/0050
Approval Date:	26 June 2006	Most Recent Approval:	15 December 2014 December 2016
Review Date:	December 2018 6	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health and Safety
Function:	11 - Health Management	Responsible Officer:	Manager Environmental Health and Safety

A - PREAMBLE

1. Regulation 11 of the *Food Regulations 2002* (made under the *Food Act 2001*) provides for Councils as enforcement agencies to charge an inspection fee for the carrying out of any inspection of any premises or food transport vehicle, which is reasonably required in connection with the operation or administration of the Act.

B - SCOPE

1. This policy applies to premises and or food transport vehicles, which undertake the sale of food as prescribed in the *Food Act 2001*. The inspection fee must not exceed the reasonable costs of the enforcement agency with respect of the inspection, and in any event must not exceed the maximum prescribed.
2. ~~Under the regulations~~ The maximum fees for inspections have been set under the Food Regulations 2002;
The regulations establish two fees:
 - In the case of a small business (where not more than 20 people {full time equivalents} are engaged in handling food) ~~—\$85.504~~ (GST exempt fee, and
 - In any other case - \$21~~40~~ fee
(Fees are Subject to legislative changes and amendments via Council's Annual Review of Fees and Charges)
3. Where the inspection is levied and performed by the Council, it will be exempt from GST as the fee does not constitute consideration for GST purposes. This position is confirmed in Class Ruling 2013/41 where the Commissioner sets out the GST treatment of the following inspection fees. Exempt - paragraph 81-15.01(1)(f) of the GST Regulations.
4. Inspection fees may be recovered from the occupier of the premises or from the owner or operator of a food transport vehicle (as the case may be) as a debt due to the Council.
5. A fee shall be imposed for each routine inspection undertaken, for every premise, except in the circumstance when:

- Two business are owned by one proprietor; and
- They are registered under 1 ABN and
- The businesses are located next to each other; and
- The inspection for each site is carried out at the same time.

6. This policy has been developed in line with the model policy from the Local Government Association and SA Health.

C – POLICY PURPOSE/OBJECTIVES

1. This Policy depicts the circumstances and provision in which Council classifies and charges a food premises for an inspection.

D - FREQUENCY OF INSPECTIONS

1. The Food Business Risk Classification System endorsed by SA Health is utilised to allocate priority classifications for businesses and frequency of inspections. The frequency may be revised based on level of compliance.
2. Business risk ratings are based on the Australian New Zealand Food Authority Food Safety Priority classification system. In 2007, the Food Regulation Standing Committee (FRSC) endorsed the Risk Profiling Framework (the Framework) as the nationally-agreed tool for risk profiling.

The City of Salisbury's risk rating inspection schedule is as follows:

Table: Priority Classification Inspection Frequencies (every x month)

Priority Classification	Starting point	Maximum	Minimum	Continued Multiple Non Compliance or continued Serious Non Compliances
Priority 1 (P1) High Risk	6	3	12	3
Priority 2 (P2) Medium Risk	12	6	18	3
Priority 3 (P3) Low Risk	12	12	24	6
Priority 4 (P4) Negligible Risk	12	12	24 or No Inspection	6

3. Changes of Frequency
The frequency of inspection shall be changed under the following circumstances:
 - The frequency of inspection shall be increased to the next higher frequency for any business that registers:
 - 5 or more non compliances not including serious, or
 - 1 or more serious non compliances
 - The frequency of inspection shall be decreased to the next lowest frequency for any premise that registers two consecutive routine inspections with not more than 1 non compliances (not including serious)
 - The frequency of inspection shall revert to the 'starting point' in the circumstance of a new proprietor.
 - For repeated noncompliance the frequency will revert to 3 or 6 monthly depending on priority risk classification as per the above table.

E - DEFINITIONS

1. "**Community and charitable organisation**" means any group that does not provide financial gain to any members.

2. *"Negligible risk business"* means a business that handles only nominal risk foods, and hence will not warrant frequent or lengthy inspections. Nominal risk foods are foods that are not potentially hazardous and are received and sold in the same packaging.
3. *"Priority classification"* means the risk classification allocated to a business as determined by the SA Health Food Business Risk Priority Classification System.
4. *"Routine inspection"* means an inspection conducted at a frequency determined by the business' priority classification and performance history based on the Australian Food Safety Assessment system.
5. *"Small business"* means a business where not more than 20 people are engaged in handling food (determined as people who work full-time in handling food, or the full-time equivalents of such people).
6. *"Mobile food van"* means a van/vehicle used to transport, prepare and offer food for sale directly from the vehicle for immediate consumption.
7. *"Food transport vehicle"* means a vehicle used to store and transport food for sale.

F - POLICY STATEMENT

1. Routine Inspections

Inspection fees will apply to routine inspections of food premises, mobile food vans and food transport vehicles.

Comments:

Inspection fees will not be applied to food transport vehicles that have been inspected by the Council in whose jurisdiction the food transport vehicle is located. The nature of these businesses requires that they operate across numerous Council areas and hence it is not expected that inspection fees be charged by other Councils that choose to inspect the vans while they are operating in their areas.

Inspection fees will not be applied to mobile food vans and food transport vehicles based in the City of Salisbury and inspected as part of the routine food premises inspection, and those issued a street trading permit.

Mobile food vans operating at Markets will be subject to half fees as specified in clause 10.

2. Routine Inspections for Home Based Food Premises

Inspection fees will apply to routine inspections of home based food premises, mobile food vans and food transport vehicles. A home based food business is one that meets the criteria in the Council's Guidelines for Home Based Food Businesses.

Comments:

The frequency of inspection will be dependent on the Food Business Risk classification, and the results of the Australian Food Safety Assessment. Inspection frequency of food businesses may increase or decrease depending on their performance history. Refer to Table: Priority Classification Inspection Frequencies above

Where the home based food business has been granted approval in accordance with the guideline to use the domestic kitchen and is classified as a Priority 3 – Low Risk or Priority 4 – Negligible Risk then the business will receive a fee equivalent to 50% of the base fees for a small business.

3. Notice or Order Follow Up Inspections and Compliance Inspections

Inspection fees equivalent to 50% of the base fees will apply to follow up inspections of food premises, mobile food vans and food transport vehicles, related to ensuring compliance with an Improvement Notice or Prohibition Order.

Inspection Fees will not be applied if an expiation has been issued for the non-compliances or the non-compliance of the Notice or Order.

Inspection fees will not be applied to compliance follow-up inspections related to non-compliance of the Food Act that are addressed with a letter or the AFSA report or verbally.

Comments:

In those instances where non-compliance has occurred (after being given appropriate time frames to rectify problems) and re-inspection is required, Councils as enforcement agencies are provided with the mechanisms to achieve compliance using the provisions of the Food Act, for example expiation notices, prohibition and/or improvement orders. Notices and orders are utilised to achieve compliance of food safety standards where there are multiple concerns or recurring concerns or serious non compliances. Issuing a Notice or Order requires a follow up inspection and subsequently places greater demand on resources. As the inspection is usually specific in nature the length of inspection is reduced and subsequently the fee is set at 50% of the base fee.

Where a penalty or expiation is imposed for the non-compliance or failure to comply with the notice the inspection fee is not charged as the expiation penalty is considered sufficient.

4. Complaints Inspections

Inspection fees will not be applied to inspections carried out in relation to complaints received from the public.

Comments:

From time to time Councils will inspect food premises as a reaction to complaints received from the public. Inspection fees should not be charged in these instances due to complaints often being unsubstantiated and because the ad hoc inspection for this purpose is often quite quick (normal inspection fees would apply to these businesses for standard inspections)

5. Community and charitable organisations

Inspection fees will apply to inspections of food premises, mobile food vans and food transport vehicles operated by listed community and charitable organisations.

Comments:

Inspection fees for community and charitable organisations will not be applied if the following criteria are evident:

- The organisation conducts only one fund raising event per annum, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface, or
- The organisation only provides food for free (or donation) to recipients for charitable purposes

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

Other types of activities involving sale of food, conducted by community and charitable organisations may be considered nominal risk and is at the discretion of the Environmental Health Assessment Unit.

6. Local Sporting Clubs

Inspection fees will apply to food premises, mobile food vans and food transport vehicles operated by local sporting clubs.

Comments:

Inspection fees for local sporting clubs will not be applied if the following criteria are evident:

- The organisation is predominately run by volunteers, or
- The organisation conducts only one fund raising event per annum, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

7. Negligible risk businesses

Inspection fees will not be applied to “negligible risk” businesses.

Comments:

“Negligible risk businesses” applies to those organisations, which are regarded as very low risk as they handle pre-packaged nominal risk food, and hence will not warrant regular or lengthy inspections. Businesses in this category include most/some pharmacies, video stores, bottle shops, fruit/vegetable vendors (selling whole fruit and vegetables only), warehouse storage and distribution, newsagents and alike.

8. Schools

Inspection fees will apply to inspections of canteen facilities in education institutions.

Comments:

Inspection fees for education institutions will not be applied if the operator of the canteen facility is run by the school /institution and is not for profit,

9. Festivals, fetes and shows

Inspection fees will not be applied to inspections of food premises, food stalls and food vehicles operating at the festivals, fetes and shows that only occur once a year.

Comments:

These events can be one off events or annual events and are in the main conducted by community and/or charitable organisations, and as such should not be imposed an inspection fee. When events occur on a frequent basis they will be classified as “Food Markets” and fees can apply as per the following section.

10. Food Markets

Inspection fees will apply to inspections of food premises, food stalls and mobile food vans operating at the food markets at a reduced rate equivalent to 50% of the standard fee for small businesses.

Where the market managers and organisers agree and provide appropriate details and to accept fees:

- the market will be considered as one premise;
- and the markets will be charged one fee at the rate for a business other than a small business; and
- no individual fees will be charged to the stall holders.

- There will be one inspection per annum subject to fees and there can be additional no fee inspections, spot inspections and follow up inspections.
- Any breaches or offences identified and other fees such as follow up inspections for compliance with Notices will be the responsibility of the food premises, food stalls and mobile food vans operators; and
- All other requirements such as individual business and stall holder notifications will be required.

Inspection fees for food markets will not be applied if the following criteria are evident:

- The food premises, food stalls and mobile food vans operating at the food markets are run by a community club or charitable organisations, and is a one off fundraising event conducted only once a year
- The food premises, food stalls and mobile food vans are deemed to be a “*Negligible risk business*”.
- The food business is offering for sale pre-packaged, shelf stable and appropriately labelled products that do not require specific storage requirements such as temperature controls.
- The business operating the mobile food van is based in the City of Salisbury and is inspected as part of a routine premises inspection and subject to an Inspection Fee during that inspection.

Comments:

The reduced rate of fees is applicable as many stall holders could be established at numerous locations and be subject to fees from other authorities also. The reduced fee also recognises the transient nature of the stall holders and many will change from time to time.

The establishment of a single fee for markets is possible under the provisions of the regulations where it is considered as one business and not a small business by definition of the regulations.

This approach for markets is due to the nature of market traders:

- They are temporary in nature - a trader will usually trade once a weekend at the markets as opposed to a permanent food premises which is available 7 days a week in most cases, and is servicing a greater proportion of the community.
- Markets are usually inspected once or twice a year and all traders that are present are assessed during the visit as opposed to shopping centres where inspections occur at different premises at different times of the year due to their risks and food safety history.
- Traders are transient in nature - a market trader could only trade at the markets for a limited time and only return several times throughout the year.
- A centralised inspection fees approach would also encourage better information sharing and would ensure that food safety information can be provided to transient traders and other opportunities be considered for food safety inspections for traders that are not seen at markets.

11. Businesses with Food Safety Programs

Inspection fees will apply to food businesses that have formal food safety programs in place and are audited by external auditors.

Inspection fees will not be applied if the food safety program is required by legislation and the auditing agency is a Government Authority, including but not limited to:

- Primary Industries and Resources South Australia
- Dairy Authority of South Australia

- SA Health (Department of Health)
- Local Government Food Safety Auditors
And
- The food safety program covers the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards,
and
- Council receives copies of all Audit Reports conducted by the 3rd party auditors.

Comments:

Formal food safety programs are those based on Hazard Analysis and Critical Control Point (HACCP) principals, however they are only legislatively required across several business sectors within SA at this point in time. Many businesses in the manufacturing and processing sector have chosen to implement food safety programs within their organisations for business reasons, or as a proactive measure to help ensure food safety.

Organisations that invest the time, upfront and ongoing costs of a fully audited food safety program may consider the additional cost of a Council inspection fee is unfair/unwarranted, however inspections of these premises are likely to take as long as similar type inspections.

As the enforcement agency Council can inspect such food businesses as part of their general inspection program, however audited premises that fulfil the above requirements with regards to their audits that are required by legislation may be exempted from inspections, and inspection fees.

Premises that have an audited Plan not required by legislation at present are subject to regular inspections and subsequently fees are applicable.

F - LEGISLATION

1. Food Act 2001
2. Food Regulations 2002, Regulation 11
3. A NEW TAX SYSTEM (GOODS AND SERVICES TAX) ACT 1991 Division 81 - Payments of taxes, fees and charges

Document Control

Document ID	Food Act 2001 - Inspection Fees
Prepared by	John Darzanos
Version	56
Document Status	ApprovedDraft
Issue Date	

ITEM	3.4.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Nominations Sought for the South Australian Local Government Grants Commission
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	The Minister for State / Local Government Relations has written to the Local Government Association (LGA) requesting nominations for a Local Government Member on the South Australian Local Government Grants Commission for a term of up to five years commencing April 2017. Nominations must be forwarded to the LGA by COB Monday 16 January 2017.

RECOMMENDATION

1. _____ be nominated as a Local Government Member on the South Australian Local Government Grants Commission.

ATTACHMENTS

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

1. Selection Criteria - South Australian Local Government Grants Commission
2. Nomination Form - Part B

1. BACKGROUND

- 1.1 The South Australian Local Government Grants Commission (SALGGC) is formed pursuant to the *South Australian Local Government Grants Commission Act 1992*. The primary purpose of the Commission is to recommend the allocation of untied Commonwealth Financial Assistance Grants to South Australian Councils. Note that the State Act creates the Commission to comply with the Commonwealth *Local Government (Financial Assistance) Act 1995*.
- 1.2 The functions of the SALGGC are as follows:
 - 1.2.1 to make recommendations to the Minister as to the amounts that should be paid to councils by way of grants under this Act;
 - 1.2.2 to perform other functions assigned to the Commission by or under this Act or by the Minister; and
 - 1.2.3 to do all things necessary or expedient for the efficient and proper performance of the Commission's functions.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 Circular 47.3 dated 18 November 2016 from the LGA was posted on the Elected Members Portal and emailed to Elected Members and Executive Group on 21 November 2016. At the time of writing this report, Cr David Bryant has registered an interest in being nominated.

External

- 2.1.2 Nil

3. REPORT

- 3.1 Nominations are sought for a Local Government Member on the SALGGC for a period of up to five (5) years.
- 3.2 The SALGGC meets on a monthly basis.
- 3.3 The LGA is currently represented by Cr Luke Hutchinson whose term of office on the SALGGC expires on 1 April 2017.
- 3.4 As at November 2016, remuneration was in the vicinity of \$13,570 per annum.
- 3.5 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.
- 3.6 Nominations addressing the attached Selection Criteria for the SALGGC must be forwarded to the LGA using the attached Part B by COB Monday 16 January 2017. In addition to the Part B, the Department of Premier and Cabinet requires up to date fulsome CV's of candidates. Councils must provide these at the time of submitting nominations.
- 3.7 The LGA Board will consider nominations received at its first meeting in 2017 (late January or early February - date to be confirmed).

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the South Australian Local Government Grants Commission.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer: Executive Group
Date: 06/12/2016

Nominations to Outside Bodies**PART A**

Name of Body	South Australian Local Government Grants Commission (SALGGC)
Legal Status of Body	Statutory Authority
Summary Statement	The SALGGC makes recommendations to the Minister for Local Government on the distribution of untied Commonwealth Financial Assistance Grants to South Australian Local Government authorities in accordance with State and Federal legislative requirements.

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>	Nil.
Industry Experience	<ul style="list-style-type: none"> An understanding of the concept of horizontal fiscal equalisation and factors for consideration in determining appropriate methodologies to promote horizontal fiscal equalisation between Councils is desirable. Highly developed knowledge of Local Government issues, processes and activities and the nature of the distinction in revenue raising capacity and expenditure needs between Councils is desirable. An understanding of public finance and the different challenges Councils face in delivering services is desirable.
Board / Committee Experience	Relevant experience serving on high level intergovernmental boards or committees and funding allocation bodies is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	Nil.

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

ECM 644927

PART B: Nominations to Outside Bodies

This form:

- must not exceed 2 pages;
- must be submitted by a Council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION

COUNCIL DETAILS			
Name of Council submitting the nomination			
Name of person submitting this form on behalf of Council	Name: Email: Telephone:		
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member OR <input type="checkbox"/> Current Council Officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience:			
Key Expertise:			
Any other comments:			
Undertaking:			
The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current Local Government Members or officers. If you leave Local Government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Signature of Nominee: _____			

ECM 644929

ITEM	3.4.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Nominations Sought for the Power Line Environment Committee
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Technical Regulator (under delegation from the Minister for Energy) has written to the LGA requesting nominations for a Local Government Member on the Power Line Environment Committee for a term commencing on 5 March 2017. Nominations must be forwarded to the LGA by COB Friday 13 January 2017.

RECOMMENDATION

1. The information be received.
2. _____ be nominated as a Local Government Member on the Power Line Environment Committee.

ATTACHMENTS

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

1. Selection Criteria - Part A - Power Line Environment Committee - December 2016

1. BACKGROUND

- 1.1 The Technical Regulator (under delegation from the Minister for Energy) has written to the LGA requesting nominations for a Local Government Member on the Power Line Environment Committee for a term commencing on 5 March 2017.
- 1.2 Nominations must be forwarded to the LGA by COB Friday 13 January 2017.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 LGA Circular 49.4 dated 5 December 2016 was emailed to the Executive Group, Elected Members and Manager, Field Services and posted on the Elected Members Portal on 5 December 2016. At the time of writing this report no registrations of interest in nominating have been received.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Power Line Environment Committee (PLEC) is established pursuant to the Electricity Act 1996.
- 3.2 The Committee comprises eight members with one member representing the interests of each of the following:
- Department of Environment and Heritage (or its equivalent);
 - Transport SA (or its equivalent);
 - Tourism interests;
 - The Local Government Association of South Australia;
 - Conservation interests;
 - Holders of licenses under the Electricity Act which authorise the operation of networks (Network Licensees);
 - Two Community representatives
- 3.3 The Committee exists to assist local government with initiatives to enhance the aesthetics of a location by undergrounding power lines. Undergrounding can enable trees to be established and streetscaping projects to be implemented thereby improving the appearance of a locality.
- 3.4 The Essential Services Commission of SA (ESCOSA) is responsible for the administration of PLEC.
- 3.5 Appointments to the PLEC are for a period of up to three years, commencing 5 March 2017. The LGA is currently represented by Mayor Lachlan Clyne, of the City of Unley. Mayor Clyne's term on the Committee expires on 4 March 2017.
- 3.6 No remuneration is paid for Committee membership.
- 3.7 The PLEC meets on a monthly basis for approximately two hours. On-site inspections of PLEC proposals and meeting with various Councils in regional and metropolitan areas are also required.
- 3.8 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Management Group, be currently serving Council Members or Council Staff.
- 3.9 Nominations addressing the Selection Criteria provided in Part A (attached) for the Power Line Environment Committee must be forwarded to the LGA by COB Friday 13 January 2017.
- 3.10 The LGA Board will consider nominations received at its meeting on Wednesday 25 January 2017.

4. CONCLUSION / PROPOSAL

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

CO-ORDINATION

Officer: Executive Group
Date: 06/12/2016

Nominations to Outside Bodies**PART A**

Name of Body	Power Line Environment Committee (PLEC)
Legal Status of Body	Advisory Committee
Summary Statement	The role of the PLEC is to improve the aesthetics of an area, road safety and electrical safety for the benefit of the general community in respect to the undergrounding of power lines.

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>	<i>No formal qualifications required.</i>
Industry Experience	<i>Knowledge and experience of the Electricity Act and Local Government impacts.</i>
Board / Committee Experience	<i>Previous experience on intergovernmental boards and committees</i>
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ol style="list-style-type: none"> <i>1. Knowledge and experience relating to power line works</i> <i>2. Knowledge of the PLEC Program and infrastructure related projects would be an advantage.</i> <i>3. Ability to advocate and represent the interest of Local Government.</i>

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

ECM 645597

ITEM	3.5.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Request to Attend Interstate Activity - Australian Local Government Women's Association Bi-ennial Conference, Launceston
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	<p>Paragraph E17 of the Elected Member Training and Development Policy requires that for all interstate activities, regardless of total cost, approval is required by Council.</p> <p>This report seeks Council approval for Cr Betty Gill and Cr Julie Woodman to attend the Australian Local Government Women's Association National Conference in Launceston, Tasmania from 11-13 April 2017..</p>

RECOMMENDATION

1. Attendance by Cr Betty Gill and Cr Julie Woodman at the Australian Local Government Women's Association National Conference in Launceston, Tasmania from 11 – 13 April 2017 be approved.

ATTACHMENTS

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

1. Program for the 2017 Australian Local Government Women's Association National Conference, Launceston

1. BACKGROUND

- 1.1 The Australian Local Government Women's Association (ALGWA) National Conference will be held in Launceston, Tasmania from 11 – 13 April 2017 at the Hotel Grand Chancellor. The theme for the 2017 Conference is 'Be the Balance'. The program is attached for information.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Advice was provided to all Elected Members on 17 November 2016 of the Conference and seeking registrations for attendance. Refer paragraph 3.2.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 Elected Members were advised of the upcoming NGA via email on 17 November 2016 asking to register their interest in attending.
- 3.2 Cr Betty Gill and Cr Julie Woodman have expressed an interest in attending.
- 3.3 Anticipated costs associated with attending the ALGWA Conference 11 to 13 April 2017 are broken down as follows:

ALGWA National Conference - Launceston, Tasmania: 11 – 13 April 2017

Anticipated costs	Registration (early bird member: prior to 13/01/17)	\$ 550.00	additional \$100 for non-member
	Return airfare	\$ 800.00	approx.
	Accommodation x 3	\$ 500.00	approx.
	Meals + incidentals	\$ 150.00	approx.
	CabCharge vouchers		?
		\$ 2,000.00	approx.

Funding

- 3.4 Costs for any Elected Member attending will be taken from their individual training and development allocation.
- 3.5 Both Cr Gill and Cr Woodman currently have sufficient funds to cover the cost of their attendance

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to approved the attendance of Cr Gill and Cr Woodman at the ALGWA National Conference being held in Launceston, Tasmania from 11 – 13 April 2017.

CO-ORDINATION

Officer:	Executive Group	MG
Date:	06/12/2016	29/11/2016

JLT-ALGWA National Conference 2017

Hotel Grand Chancellor, Launceston
11-13 April, 2017

11 April

- 1pm – 5pm Reception Desk Open
2pm – 4pm Walking Tours in Launceston
See some of the local highlights close to the City Centre. A choice of 2 walks (one a bit more challenging than the other). Both at no charge
- 6pm -8pm Civic Reception hosted by **Mayor Albert van Zetten** at Launceston Town Hall

12 April

- 8am – 8:45 Registration
8:45 – 9:00 Welcome – ALGWA National President **Cr Coral Ross**
9:00 – 9:05 Welcome to Country
9:05 – 9:15 Official Opening by **Her Excellency, Professor the Honourable Kate Warner**
AM
9:15 – 9:30 **TSO Virtuosi**
9:30 – 10:15 Keynote speaker, **Helene Chung**
Helene Chung broke many barriers in her career, being the first non-white reporter on Australian television and the first female posted abroad by the ABC. Her story is a fascinating one of how a 4th generation Tasmanian changed the reporting landscape.
10:15 – 10:45 Morning tea
10:45 – 11:00 Let's move
11:00 – 12:20 Workshops
Option 1 – collective impact – a way to resolve wicked problems in the community? Hear from two groups involved in **Collective Impacts** projects and discuss how the methodology could be used in your municipal area.
Option 2 – age friendly cities. We all face the problem of aging populations, listen to Clarence City Council's **Positive Ageing** Committee with their award winning programs.
12:20 -12:30 Morning Wrap
12:30 – 13:30 Lunch
13:30 – 14:15 **Professor Megan Alessandrini** UTas Gender and Policy Strategy Group – an update on the status of women and girls
14:15 – 15:00 **Kate Jenkins**, Australian Sex Discrimination Commissioner
15:00 – 15:30 Afternoon tea
15:30 – 15:45 JLT – conference sponsor
15:45 – 16:30 **Ben Milbourne** – star of Master Chef, writer on how he balances fame and living in rural Tasmania

3.5.1 Program for the 2017 Australian Local Government Women's Association National Conference, Launceston

18:00 – late 13 April	Dinner with music by the Doctors Rocksters (bring your dancing shoes !)
8:45 – 9:00	Housekeeping
9:00 – 10:00	Commissioner Darren Hine on the Safe At Home program – working together to help reduce domestic violence
10:00 – 10:45	Dr Joan Webb , Creativity with the Frail Aged, “I only look forward to Mondays”
10:45 – 11:15	Morning tea
11:15 – 11:30	Let’s Move
11:30 – 12:15	Panel Discussion – what does Climate Change mean for Councils?
12:15 – 13:00	Dr Daryl Pebbles , Humour in the Workplace
13:00 – 14:00	Lunch
14:00 – 14:10	Conference sponsor
14:15 – 15:45	Rob Edwards – It’s All About ME !!!!!
15:45 – 16:00	2019 Conference presentation
16:00 – 16:15	Close
16:30	ALGWA AGM

ITEM	3.5.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Local Government Association of SA Governance Review Update
AUTHOR	Charles Mansueto, General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	4.1 Strengthen partnerships that enable us to better address our community's priorities.
SUMMARY	This report provides an update on the LGA Governance Review and the proposed next steps to finalise the review outcomes.

RECOMMENDATION

1. The information is received
2. Staff report back on the proposed changes from the LGA Governance Review once the LGA have finalised their position

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At the Council meeting held on 23 November 2015 it was resolved:
 - 1.1.1 "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."
- 1.2 At this stage no adopted recommendations have been made by the LGA but an update report was presented at the LGA Annual General Meeting held on the 21 October 2016.
- 1.3 The update report noted the feedback received through various forums and that further work will be undertaken with the aim of presenting recommendations at the April 2017 Ordinary General Meeting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 No internal consultation
- 2.2 External
 - 2.2.1 Review of LGA issued information

3. LGA GOVERNANCE REVIEW

- 3.1 In January 2016, the Local Government Association Board (Board) resolved to pursue a review of its governance framework that encompasses various matters raised by LGA members.
- 3.2 The Board also undertook to take into account whether the governance framework enabled the LGA to adequately fulfill its key function as outlined in the LGA's constitution, namely:
 - 3.2.1 To provide leadership for local government in SA
 - 3.2.2 To maintain key relationships with the State and Commonwealth governments
 - 3.2.3 To undertake appropriate business to maintain the economic health of local government in South Australia
- 3.3 During the year various forums were held to seek feedback from stakeholders as input into the review.
- 3.4 The feedback highlighted key areas that the LGA members wanted the review to consider namely:
 - The LGA is a facilitator of local government working together as one sector by bringing members together to develop clear policy and at the same time, representing and reflecting the different communities of interest is important.
 - Strategies and structures for 'regional' engagement are critical.
 - After engagement comes leadership and the setting of strategic direction with the LGA as facilitator.
 - Putting the leadership and strategic direction into action through:
 - Advocacy - advocacy and representation with other levels of government, the community and other stakeholders. Strong, quick and clear advocacy, representing the different communities of interest.
 - Advancing - provision of specialist services and commercial activities
 - Assisting - provision of frontline support and assistance
 - Communication is critical - closing the loop with communication back to members. All members need to know about and be able to communicate the achievements of the sector.
 - Everyone in local government should "feel" like a member of the LGA.
- 3.5 Following this initial process, the LGA conducted a series of further engagement sessions with a particular focus on the LGA's structure.
- 3.6 The key themes explored covered; How does the LGA organize itself, what is the structure, who is participating, are there different communities of interest which need recognition and separate representation, and how does the LGA ensure that the different communities of interest have a voice.

3.7 The feedback to these themes resulted in consistent feedback covering:

- Annual and ordinary general meetings and showcases are key engagement mechanisms, bringing mayors, elected members and professionals together to debate and set high level policy positions that represent regional and sector wide views, with a vision for the State.
- A Governing Council (as distinct from a board) determining/defining policy detail, with LGA Secretariat translating this detail into a Policy Manual, which in turn informs the LGA Annual Business Plan and other organisational planning documents.
- South Australian Regional Organisations of Councils (SAROC) is working well. It provides opportunity for regional councils to support each other, and is a good filter for the Board. It should remain as currently structured albeit with some improvements to how it works.
- Regional LGA's to continue, but with a review of their current constituencies / boundaries.
- Metropolitan Local Government Group (MLGG) to take a 'regional' approach similar to that adopted by SAROC.
- Criteria should be developed to assist members to identify regional boundaries (including within metropolitan Adelaide) based on communities of interest.
- The unique role and function of Adelaide City Council to be recognised/considered in terms of metropolitan regions and Governing Council representation.
- A professional advisory group(s), ensuring the voice of local government's workforce and other professional advisors have avenues for input
- An Executive Committee of the Governing Council providing oversight of the Secretariat's operations.
- An LGA Audit Committee in its current form to continue.
- Consideration of a commercial enterprise board (perhaps a public corporation), providing oversight of the provision of specialist services and commercial activities.

3.8 The next step includes further engagement on the different structures that may be adopted by the LGA. As part of this process a leadership group consisting of Mayors, and CEOs from regional and metropolitan councils will review the feedback in detail and refine the structure further.

3.9 All Councils will have an opportunity to further input into the review of regional approaches and boundaries.

3.10 Any changes to the LGA Constitution will be presented to the April 2017 Ordinary General Meeting for consideration.

4. CONCLUSION / PROPOSAL

- 4.1 The information presented in this report provides Council with an update on the LGA Governance Review noting the key themes being considered.
- 4.2 The LGA propose to conduct further engagement and refining of feedback through various groups prior to finalising recommendations for consideration at the April 2017 Annual General Meeting.
- 4.3 A further report will be brought back to Council once further information is provided by the LGA on the proposed changes.

CO-ORDINATION

Officer: Executive Group
Date: 06/12/2016

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	12 December 2016
HEADING	Updated Elected Member Allowances, Facilities and Support Policy
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Clause E6 of the Elected Member Allowances, Facilities and Support Policy requires Clause 4 of Schedule 2 and all of Schedule 3 to be reviewed annually. This report addresses that requirement.

RECOMMENDATION

1. The Elected Member Allowances, Facilities and Support Policy as attached to Item 3.6.1, Resources and Governance, 12/12/2016 be endorsed.

ATTACHMENTS

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

1. Elected Member Allowances, Facilities and Support Policy

1. BACKGROUND

- 1.1 Section 78 of the Local Government Act 1999 allows for the provision of facilities and support to Elected Members to “assist the members in performing or discharging official functions and duties”.
- 1.2 Section 78(2) states that the provision of facilities and services is at the discretion of the Council subject to complying with the following requirements:
 - (a) *The council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;*
 - (b) *Facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);*
 - (c) *Any property provided to a member remains the council’s.*
- 1.3 Section 78(3) specifies:

“A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).”

1.4 Council has adopted an Elected Member Allowances, Facilities and Support Policy which sets out:

- Elected Member allowances as determined by the Remuneration Tribunal in Determination No. 7 of 2014: Members of Local Government Councils (as varied from time to time)
- the expenses that may be reimbursed to Elected Members, as provided for within the *Local Government (Members Allowances and Benefits) Regulations 2010*; and
- facilities and other support available to all Elected Members as determined by Council.

1.5 Clause E6 of the policy specifies:

‘Elected Member reimbursements, facilities and support, as detailed in Schedule 2 and 3 attached to this Policy, will be reviewed annually.’

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 This report has been prepared in consultation with the Manager Governance.

2.2 External

2.2.1 Nil.

3. REPORT

3.1 Allowances detailed in Schedule 1 have been updated to reflect the annual adjustment in accordance with the Remuneration Tribunal Determination No. 7 of 2014: Members of Local Government Councils (as varied from time to time).

3.2 As advised in paragraph 1.5, there are certain elements of the Elected Member Allowances, Facilities and Support Policy that can be modified by Council.

3.3 Text highlighted in yellow on the attachment (clause 4. of Schedule 2 and all of Schedule 3) are at Councils discretion and can be modified if required.

3.4 Any facilities/support accessed under the Elected Member Allowances, Facilities and Support Policy will be recorded in the Allowances and Benefits Register, in accordance with the requirements of section 79 of the *Local Government Act 1999*.

3.5 On 24 November 2016 the *Local Government (General) Variation Regulations 2016* (‘the Variation Regulations’) commenced.

3.6 In addition to changes relating to the holding of informal gatherings and discussions, the Variation Regulations amend the General Regulations by expanding the definition of ‘ordinary business’ for the purpose of Sections 74(6) and 75A(6) of the Local Government Act in relation to conflicts of interest.

- 3.7 Of relevance to this report, regulation 8AAA of the General Regulations has been replaced and now includes as ‘ordinary business’:
- *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable **equally to each member**.*
- 3.8 Consequently, Elected Members are not required to declare a conflict of interest for this item as the matter now falls within ‘ordinary business’.
- 3.9 However, the Mayor will continue to be required to declare a conflict of interest for this item as she receives ‘benefits’ under the policy in addition to those provided to other Elected Members, specifically paragraph 3 of Schedule 3.
- 3.10 In accordance with Resolution 0617/2015, a review of the provision of Elected Member IT equipment is scheduled to be presented to Council in July 2018.

4. CONCLUSION / PROPOSAL

- 4.1 Elected Members are asked to consider the attached Elected Member Allowances, Facilities and Support Policy and determine if any changes are required, noting that no change can be made to allowances payable to Elected Members as these are determined by the Remuneration Tribunal.

CO-ORDINATION

Officer:	Executive Group	MG
Date:	06/12/2016	01/12/2016



Elected Member Allowances, Facilities and Support Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	0753/2015
Approval Date:	24 November 2014	Last Reapproval Date:	23 November 2015
Review Date:	November 2016	Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager, Governance

A - PREAMBLE

1. The City of Salisbury seeks to ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with the *Local Government Act 1999*, Remuneration Tribunal Determination No. 7 of 2014: Members of Local Government Councils and the *Local Government (Members Allowances and Benefits) Regulations 2010*.
2. Allowances, reimbursements, facilities and support are provided to Elected Members to enable them to effectively perform or discharge official functions and duties.

B - SCOPE

1. This policy applies to all Elected Members.

C - POLICY PURPOSE/OBJECTIVES

1. This policy sets out:
 - Elected Member allowances as determined by the Remuneration Tribunal in Determination No. 7 of 2014: Members of Local Government Councils;
 - the expenses that may be reimbursed to Elected Members, as provided for within the *Local Government (Members Allowances and Benefits) Regulations 2010*; and
 - facilities and other support available to all Elected Members as determined by Council.

D - DEFINITIONS

1. **Eligible journey** – means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting.
2. **Prescribed meeting** – in relation to a member of a council, means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.
3. **Prescribed reimbursements** – are those reimbursements provided for within Section 77 of the *Local Government Act 1999* (and supporting Regulations).
4. **Facilities and support** – facilities and other forms of support made available to Elected Members in accordance with Section 78 of the *Local Government Act 1999*.

E - POLICY STATEMENT

1. Elected Members shall be provided with reimbursements, facilities or support that are necessary or expedient to the performance or discharge of official functions or duties.
2. In support of this philosophy Elected Members are provided with a range of reimbursements, facilities and support on the following basis:
 - All facilities and support are made available to Elected Members on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
 - Any property provided to an Elected Member in accordance with this policy remains the property of Council.
 - Reimbursements will be restricted to *prescribed reimbursements* (travel and child care related) unless otherwise approved within this Policy or specifically approved by way of Council resolution.
 - All reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred. Requests for reimbursement must be received within the financial year relevant to the expense incurred and must include full details of the nature of the expense, be supported by evidence of the expense and accompanied by the relevant request for reimbursement form.
3. Section 77(1)(b) of the *Local Government Act* allows for the provision of further reimbursement of expenses, subject to the approval of council. Schedule 2 of this Policy provides full details relating to reimbursements that may be made to Elected Members.
4. As required by section 79 of the *Local Government Act 1999*, the Chief Executive Officer will ensure a record of the allowances paid, expenses reimbursed or any other benefits paid or provided to a member is maintained (Register of Allowances and Benefits).
5. Elected Member Allowances are prescribed by Remuneration Tribunal Determination No. 7 of 2014: Members of Local Government Councils and will be adjusted in accordance with that Determination on an annual basis.
6. Elected Member reimbursements, facilities and support, as detailed in the Schedule 2 and 3 attached to this Policy, will be reviewed annually.

F - LEGISLATION

1. *Local Government Act 1999*, sections 76, 77 and 78
2. *Local Government (Members Allowances and Benefits) Regulations 2010*
3. Remuneration Tribunal Determination No. 7 of 2014: Members of Local Government Councils

G - REFERENCES

1. Schedule 1 – Elected Member Allowances
2. Schedule 2 – Approved Reimbursements
3. Schedule 3 – Additional Facilities and Support

H - ASSOCIATED PROCEDURES

1. Register of Elected Members Allowances and Benefits - *City of Salisbury*
2. Reimbursement Form - *City of Salisbury*

Document Control

Document ID	Elected Member Allowances, Facilities and Support Policy
Prepared by	Tami Norman
Release	1.00
Document Status	Draft
Date Printed	09/12/2015

Schedule 1 – Elected Member Allowances

1. Elected Member Allowances are determined by the Remuneration Tribunal and set out in Determination No. 7 of 2014: Members of Local Government Councils. In summary, this Determination provides the following allowances for City of Salisbury Elected Members:

Councillor:	\$22,008 per annum (effective 7/11/2016)
Mayor:	\$88,032 per annum (effective 7/11/2016)
Deputy Mayor:	\$27,510 per annum (effective 7/11/2016)
Chairman of Standing Committees	\$27,510 per annum (effective 7/11/2016)
Sitting fee payable to a Councillor (other than the principal member or deputy principle member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, such as a sub-committee.	\$205 per meeting limited to an aggregate amount of \$1,229 per annum (effective 7/11/2016)

2. The allowances prescribed in Determination No. 7 of 2014 are operative for all council members from the first ordinary meeting of the Council held after the conclusion of the 2014 Local Government elections.
3. In accordance with section 76(9) and 76(15) of the *Local Government Act*, allowances set out in Determination No. 7 of 2014: Allowances for Members of Local Government Councils will be adjusted annually on the first, second and third anniversary of the 2014 local government election to reflect changes in the Consumer Price Index, where the Consumer Price Index is defined as the “Consumer Price Index (All groups index for Adelaide)” published by the Australian Bureau of Statistics” (section 76(15) Local Government Act 1999).

Schedule 2 - Reimbursement of Expenses

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:
 - a) Travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if –
 - (i) The journey is an eligible journey; and
 - (ii) The journey is by the shortest or most practicable route;
 - b) Expenses for the care of –
 - (i) A child of the member; or
 - (ii) A dependant of the member requiring full time care

actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.
2. In relation to reimbursement of travelling expenses:
 - a) If an eligible journey relates to travel between a place within the area of the council and a place outside the area of the council (in either direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below).
 - b) The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculated deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1936* of the Commonwealth.
 - c) Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
3. In relation to reimbursement of care expenses:
 - a) A member of council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.
4. Council has also determined that reimbursement will be available for travel to and from the following meetings (both within and outside the Council area) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Sub Committee meetings
 - Informal Strategy
 - Working Groups supported by Council
 - Regional Subsidiary meetings when a member is appointed by Council
 - Annual Christmas Dinner
 - Civic receptions
 - External Committees where an Elected Member is appointed by Council
 - Activities where an Elected Member is representing the Mayor on behalf of Council
 - Conferences and Training
5. As provided under section 77(1)(b) of the *Local Government Act 1999*, reimbursement of travel expenses associated with attendance at meetings that are not included in the above list may be approved by Council on a case by case basis.

Schedule 3 – Additional Facilities and Support

1. To facilitate the performance and discharge of official functions and duties Council has resolved to make available to Elected Members the following facilities and support:
 - A suitable laptop or desktop computer
 - Tablet (eg Apple iPad)
 - A suitable multifunction device (printer, scanner and fax) with up to 16 sets of printer cartridges per Council term.
 - Either a broadband internet connection or reimbursement to the value of Council provided broadband internet connection (capped at \$60 per month)
 - Up to four (4) reams of paper per annum with the Elected Member to choose letterhead or plain paper as required.
 - Envelopes – up to 1500 per Elected Member per annum
 - Business cards – up to 500 per Elected Member per annum
 - With Compliments Slips - up to 500 per Elected Member per annum.
2. Where quantities of items are provided on a “per annum” basis these amounts apply for a financial year period (that is, from 1 July until 30 June). During an election year, a pro-rata quantity is determined following the conclusion of the election.
3. In addition to the additional facilities and support provided to Elected Members, Council has resolved to make available to the Mayor the following facilities and support to assist in the performance of the Mayor’s official functions and duties:
 - Fully maintained motor vehicle
 - A mobile phone and hands free car kit
 - Office space
 - Access to a Personal Assistant