



AGENDA

**FOR PROGRAM REVIEW SUB COMMITTEE MEETING TO BE HELD ON
13 NOVEMBER 2017 AT THE CONCLUSION OF SPORT, RECREATION &
GRANTS COMMITTEE**

IN COMMITTEE ROOMS, 12 JAMES STREET, SALISBURY

MEMBERS

Cr E Gill (Chairman)
Mayor G Aldridge
Cr S Bedford
Cr B Brug
Cr D Bryant
Cr G Caruso
Cr L Caruso (Deputy Chairman)
Cr D Proleta
Cr R Zahra

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto

APOLOGIES

Apologies have been received from Cr B Brug and Cr G Caruso.

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Program Review Sub Committee Meeting held on 09 October 2017.

REPORTS

PRSC1 CEO and Governance Program Review - Final Report 7

OTHER BUSINESS

CLOSE



**MINUTES OF PROGRAM REVIEW SUB COMMITTEE MEETING HELD IN
COMMITTEE ROOMS, 12 JAMES STREET, SALISBURY ON**

9 OCTOBER 2017

MEMBERS PRESENT

Cr E Gill (Chairman)
Mayor G Aldridge
Cr S Bedford
Cr G Caruso
Cr L Caruso (Deputy Chairman)
Cr D Proleta
Cr R Zahra

OBSERVERS

Nil

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
Manager Governance, Mr M Petrovski
Governance Coordinator, Ms J Rowett

The meeting commenced at 6:45pm

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

APOLOGIES

Apologies have been received from Cr B Brug and Cr D Bryant.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr R Zahra
Seconded Cr L Caruso

The Minutes of the Program Review Sub Committee Meeting held on 14 August 2017, be taken and read as confirmed.

CARRIED

Moved Cr R Zahra
Seconded Cr D Proleta

The Minutes of the Confidential Program Review Sub Committee Meeting held on 14 August 2017, be taken and read as confirmed.

CARRIED

MEETING SUSPENDED

Cr R Zahra moved that meeting procedures be suspended to enable discussion on the proposed Future Considerations of Program Review Sub Committee report.

Seconded Cr G Caruso

Formal meeting procedures were suspended at 6:48pm.

CARRIED

Formal meeting procedures were resumed at 7:14pm.

REPORTS

PRSC1 Future Considerations of Program Review Sub Committee

Moved Cr G Caruso
Seconded Cr D Proleta

1. That staff bring back a further report based on Part 6 of this report (PRSC 09/10/2017, PRSC1 Future Considerations of Program Review Committee), including options for a new name for the Sub Committee and membership details to include the Mayor and one Elected Member from each ward with the other Elected Member from each ward as proxy, together with draft Terms of Reference for further consideration.

CARRIED

OTHER BUSINESS

Nil

CLOSE

The meeting closed at 7:20pm.

CHAIRMAN.....

DATE.....

ITEM	PRSC1
	PROGRAM REVIEW SUB COMMITTEE
DATE	13 November 2017
HEADING	CEO and Governance Program Review - Final Report
AUTHOR	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Governance and Executive Office program review brief and background paper were endorsed in May 2017. This report brings together different elements of the work undertaken to deliver the program review, and provides recommendations to further improve support for Elected Members and ensure the processes for Council's informed decision making are contemporary.
RECOMMENDATION	<ol style="list-style-type: none"> 1. The CEO and Governance Program Review report be received and noted. 2. The Manager Governance undertake to achieve full compliance in those areas identified in the recommendations of the Legislative Compliance Audit at the earliest opportunity. 3. The Chief Executive work with the Manager Governance to identify further opportunities to improve and strengthen Council's governance processes, but in particular take action to: <ol style="list-style-type: none"> a. Implement the proposed changes to the Code of Conduct for Council Members - Dealing with Complaints Procedure as contained in Attachment 4 to this report. b. Proceed with changing the structure of all Council and committee agendas and minutes as proposed in Attachment 3 to this report, and with the provision of training for appropriate staff. c. Ensure appropriate advisory support resources, including legal advisory being in attendance at all future meetings of Council for the remainder of the current Council term, commencing with the December meeting. d. Further develop the corporate governance function through an expanded audit capability with regard to attaining contemporary corporate governance outcomes. e. Develop a program of Elected Member training, and source appropriate training provision options for putting to the Elected Members to determine level of interest for each training subject. f. Implement the delivery of digital agendas and minutes by 30 June 2018.

4. An additional contract resource with appropriate skills be appointed to assist in the transformation and embedding process referred to in recommendation 3(d) above; a contract position, at a level to be determined, commensurate with the skills and experience required for the role, be created in the Governance Division. This role is to be particularly focused on the audit/risk and governance functions of the Division, tasked with designing and implementing a whole-of-organisation program to systemically change/improve our internal decision making processes, promoting a proactive risk management approach, and developing a culture of awareness and encouraging ethical behaviours.
5. Funding for the position will be met from within the existing governance budget supplemented with funding sourced savings from the salaries and wages budget across the organisation.

ATTACHMENTS

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

1. Legislative Compliance Audit
2. Customer Survey
3. Format for Council and Committee Reports
4. Draft Code Of Conduct for EMs - Procedure
5. Comparison with Other Councils

1. BACKGROUND

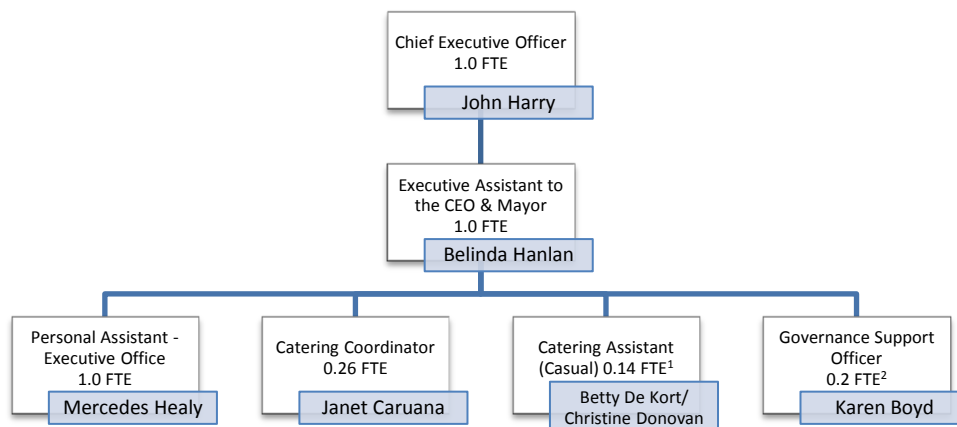
- 1.1 The CEO Governance Program Review Brief and Background Paper were endorsed by Council in May 2017. The process for conduct of the review included:
 - 1.1.1 Review of current service delivery
 - 1.1.2 Quantitative and Qualitative assessment of customer satisfaction with current service
 - 1.1.3 Legislative compliance check
- 1.2 To assist with the conduct of the review external resources were engaged as follows:
 - 1.2.1 Minter Ellison Lawyers: to undertake legislative compliance check
 - 1.2.2 Harrison Market Research: to undertake customer survey
- 1.3 In addition, staff undertook a review of the Governance/CEO functions within five councils of similar size to provide a comparison of resources and scope of activity for these functions.
- 1.4 Finally internal resources were used to bring together the information into a Program Review Findings Report.

1.5 Purpose of the Review

- 1.5.1 Council has implemented a comprehensive program review process to ensure that programs and services are delivered efficiently and effectively and provide value for money to the Salisbury Community. The CEO and Governance Program Review is one of the last reviews to be undertaken as part of this comprehensive program.
- 1.5.2 Reviews of this nature are generally intended to ensure that the organization is well position to respond to current and future operating requirements and to aid in the development of a sustainable/responsive organization.
- 1.5.3 As part of the overall program review process the following factors have been identified as critical elements that must be addressed during each review:
- Strategic relevance of the service
 - Customer expectations/needs
 - Compliance with legislative requirements
 - Efficiency and effectiveness of the delivery of services
 - Alternative service provision options
 - KPI/monitoring/measurement of performance

1.6 Structure of the CEO and Governance functions

Executive Office Structure



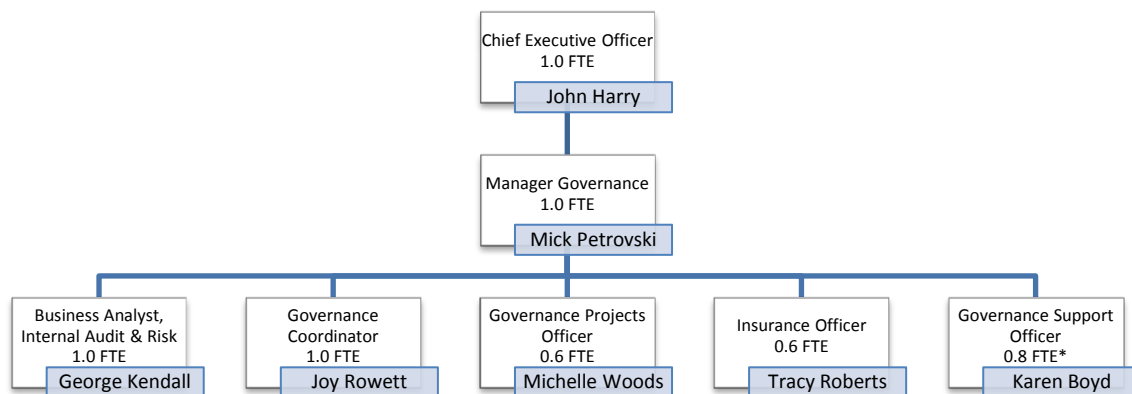
1 - 0.14 FTE used to cover periods of leave for Catering Coordinator
2 - Employee is full time, 0.8 FTE of Governance Support Officer allocated to Governance Division

- 1.6.1 The Executive Office reports directly to the Chief Executive Officer. The primary role of the office is to deliver services and support which facilitates the roles of Mayor and CEO to ensure Salisbury plays an influential role in the local government sector within South Australia.

1.6.2 The following services are provided by the Executive Office:

- Executive Support to CEO and Personal Assistant support to the Mayor;
- Executive Group meeting processes;
- Management of requests for information from elected members and external parties;
- Coordination and conduct of Citizenship Ceremonies;
- Coordination and conduct of Civic/Ceremonial Events including international delegation visits;
- Media liaison, in conjunction with Communications and Customer Relations Division; and
- Internal Catering service.

Governance Division Structure



* Employee is full time, 0.2 FTE of Governance Support Officer allocated to Executive Office

1.6.3 The Governance Division reports directly to the Chief Executive Officer and contributes to the development of a workplace culture that values and applies appropriate governance practices to support decision making, risk management and planning. To this end, the following Corporate Governance services are provided:

- Administration of the Governance framework and associated processes, including ensuring integrity of decisions made and opportunity of review (internal review of Council decision/ICAC/Ombudsman processes)
- Administration of the Policy Framework, Delegations and coordination of Legal Services provision
- Monitoring/administration of legislative compliance obligations
- Internal Audit, Risk Management, program review and oversight and administration of Internal Controls Framework
- Insurance

1.6.4 Council/Elected Members require a range of services to enable them to fulfil the requirements of their role in accordance with legislative and policy requirements. The Governance Division provides services to support Elected Members in the following areas:

- Administration of Council/Committee meeting processes
- Elected Member support and communications
- Elected Member training and development
- Monitoring/administration of legislative compliance obligations
- Management of Election processes

1.7 Budget

1.7.1 High level Budget allocation for 2017/08 for each area is as follows:

Executive Office	
	2017/18 Budget
Chief Executive Officer	
Organisation Review	150,000.00
Executive Management Admin	615,490.00
Catering	16,900.00
Total Chief Executive Officer	782,390.00
Civic & Ceremonial	
Civic	48,900.00
Sister Cities	3,000.00
Total Civic & Ceremonial	51,900.00
TOTAL	834,290.00

Governance Division	
	Budget 2017/18
38 - COUNCIL MEETINGS	
Council - Governance	619,389
Council - Printing Services	45,400
Council - Legislative Process Management	10,000
Council - Elected Member Training and Development	48,650
38 - COUNCIL MEETINGS TOTAL	723,439
41 - ELECTIONS	
Elections	65,000
41 - ELECTIONS TOTAL	65,000
42 - GOVERNANCE	
Corporate Memberships	95,000
Governance - Administration	390,790
Governance - Internal Audit	188,010
Insurance	531,480
42 - GOVERNANCE TOTAL	1,205,280
TOTAL	1,993,719

2. REPORT

2.1 The Executive Office and Governance functions report directly to the CEO with both areas primarily internal service delivery functions.

- 2.2 The Governance Division contributes significantly to the development, implementation, application and management of processes and systems that ensure effective and informed decision making, both from an administrative and Council perspective.
- 2.3 A key element of the work of the Governance Division is the management of Council/Committee processes and provision of direct support to Elected Members.
- 2.4 The Executive Office, whilst primarily internal service delivery, also manages a significant interface with external customers and stakeholders thereby playing a key role in relationship management on behalf of both the Mayor and CEO.
- 2.5 This Program Review has comprised:
- 2.5.1 Legislative Compliance Audit
 - 2.5.2 Customer Survey
 - 2.5.3 Comparison of similar functions in other Councils
- 2.6 The information gathered from each element of this Review is set out below.

2.7 Legislative Compliance Audit

- 2.7.1 Minter Ellison Lawyers were engaged to undertake an audit of compliance with legislative requirements to provide assurance to Council that service delivery in relation to legislation obligations by the Governance Division and Executive Office was appropriate.
- 2.7.2 The scope of the audit included:
- Undertake a review to assess compliance with all governance and executive related provisions of the *Local Government Act 1999 (SA) (the Act)*, including an assessment:
 - to confirm Council has all required policies and procedures. A sample review was undertaken of randomly selected policies to assess compliance against requirements in the Act;
 - to determine whether Council has established and is keeping and maintaining registers and records, including Register of Salaries (staff), Registers of Interest for staff and Elected Members and assessment record;
 - of the establishment of committees and subsidiaries;
 - of meeting notice requirements (Council and Committees);
 - of Council's legislative reporting requirements (including for example its annual report); and
 - of Council's complaint handling and management (including internal review and code of conduct procedures).
 - Review the procedures used to make and review delegations to assess their validity and review a sample size of delegation instruments to confirm compliance.
 - Review the validity of (a sample size of) authorisations, including the procedures used to appoint authorised officers.
 - Assess the adequacy of internal audit arrangements.

- Review the extent and adequacy of training for staff and elected members in relation to governance including delegations, conflict of interest, duties, roles and responsibilities, and the effect of the new public integrity framework (consistent with mandatory training obligations).
 - Additionally, where the Audit under the *Local Government Act 1999* did not specifically result in an assessment of compliance against these acts, an assessment of compliance of governance and executive functions under other key statutes was undertaken, including the following:
 - Local Government (General) Regulations 1999;
 - Local Government (Procedures at Meetings) Regulations 2013;
 - Local Government (Elections) Act 1999;
 - Local Government (Elections) Regulations 2010;
 - Local Government (Member Allowances and Benefits) Regulations 2010;
 - Local Government (Financial Management) Regulations 1999;
 - Whistleblowers Protection Act 1993;
 - Independent Commissioner Against Corruption Act 2012; and
 - Other: Eg Fire and Emergency Services Act 2005, South Australian Public Health Act 2011.
- 2.7.3 Nearly 200 individual processes, authorisations, policies and procedures, and legislative obligations, as well as the extent of training for staff and elected members were examined as a part of the Audit.
- 2.7.4 In more than 75% of cases the Audit found that Council met its legislative requirements and in another 15% of cases it found Council *“has not failed to meet a legislative requirement adequately, but could improve its processes or documents to ensure stricter compliance”*.
- 2.7.5 With regard to those cases (nearly 10%) identified as failing to meet a legislative requirement adequately, most have either been resolved or are in the process of being resolved, and a few are under consideration about the best approach for ensuring compliance.
- 2.7.6 Attachment 1 to this report sets out the recommendations of the Legislative Compliance Audit. They are grouped as those that must be implemented and those that should be considered for implementation.

2.8 Customer Survey

- 2.8.1 Harrison Market Research were engaged to undertake a customer survey. A total of 81 people were invited to participate in the survey (including the 17 Elected Members) with a total of 48 responses received (59% response rate). Attachment 2 provides some high level data to illustrate the survey findings.

- 2.8.2 An extract from the “Summary of Findings - In Brief” from the report by Harrison research is as follows:

“Overall there is a very high level of satisfaction with the services provide by each the Governance Division and Executive Office.

Internal customers displayed moderate to high satisfaction towards almost all areas assessed, however service satisfaction was highest in regards to Civic Governance, Insurance and Citizenship Services. Internal Catering Services received the lowest satisfaction scores overall, however Internal Catering had much lower service use and service importance. Although it would not be considered a priority, consideration should be given to improving this area in terms of the customer service provision and food options provided.

Despite the majority of staff providing positive feedback, some staff noted that there is always room for improvement. The results of an importance/performance analysis suggest that the following four services should be prioritised if any such improvements are deemed necessary (as these areas were considered to be of high importance to service users but received below optimal satisfaction scores):

- *Mayoral Support Services*
- *Corporate Governance*
- *Internal Audit/Risk Management*
- *Executive Support Services*

The majority of respondents were satisfied with most aspects of service delivery provided by each the Governance Division and the Executive Office, however lower satisfaction was generally noted in the following areas :

- *Continual improvement and innovation*
- *The clarity of processes/action(s)*

...

The vast majority of the key staff surveyed indicated there is no need for further clarity of the roles of the Governance Division and Executive Office. The few individuals who considered there to be a lack of clarity outlined the desire for a greater understanding of the roles of personnel within these areas, the processes and what services are available to other Divisions...

The majority of key service users felt that Governance Division and Executive Office personnel adequately understand and anticipate their divisions’ specific business needs. However, minor dissatisfaction was identified in terms of approval and processing timelines (and their subsequent impact on other Divisions) and a perceived tendency to be reactive rather than proactive.

It is recommended that the provision of services within the Governance Division and the Executive Office be monitored to continue to maintain such a high degree of satisfaction among key users. The specific service improvements raised should be assessed and action taken accordingly to rectify any issues deemed to be of concern (noting that in many cases a suggestion may have only been raised by one or two staff)."

2.9 Comparison of similar functions in other Councils

- 2.9.1 Four other Councils were identified as being similar in scale to the City of Salisbury. A review of publicly available information was undertaken to determine resources assigned to Executive Office/Governance functions as a means of providing some comparative assessment of the resources allocated to these functions at Salisbury.
- 2.9.2 A summary of each of the Councils is provided in Attachment 5.
- 2.9.3 There was no Council with a CEO and Governance function exactly the same as the structure in place at Salisbury. They were all similar in many ways, however, there were distinct differences, with a variety of other functions managed out of the 'Governance' or 'Executive Office' equivalent areas.
- 2.9.4 For example, the equivalent functional area in Council C also has responsibility for Contracts and Procurement and Strategic Planning functions, whilst Council A incorporates an Emergency Management function.
- 2.9.5 The assessment identified that there is consistent scope of civic and corporate governance activities across all Councils, however, the City of Salisbury has more than twice the number of section 41 Committees (12 Committees plus Council) than the other Councils (4 or 5 Committees plus Council).
- 2.9.6 In some of the comparison councils the Executive Office function sat within the Governance Division equivalent, whereas in others it was a separate function reporting directly to the CEO. In most cases, the resourcing for Executive Office equivalent functions was consistent with the City of Salisbury.
- 2.9.7 Whilst it is difficult to do a direct comparison with any one Council, due to the variable functions assigned to equivalent Divisions, when considering governance/executive office functions delivered by the City of Salisbury there did not appear to be a significant difference in the resources allocated in the comparison councils.

3. CHALLENGES AND OPPORTUNITIES

- 3.1 The review of current service delivery, the quantitative and qualitative assessment of customer satisfaction with current service, and the legislative compliance check illustrate that the CEO's Office and Governance Division have been effective in delivering the services and support to enable the Council and Elected Members to meet their overall objectives. Similarly, with regard to governance requirements for the organisation.

- 3.2 Both work groups also combine to support the elected Council with the necessary coordination and procedural advice to exercise their legislated authority and to make decisions that are informed by appropriate and necessary advice from the administration.
- 3.3 However, through the process that facilitated the Customer Survey and the benchmarking exercise with other Councils, opportunities did emerge to look at doing some things differently, as well as an acknowledgement that there is always room for improvement.
- 3.4 Interviews with key stakeholders, in particular the Elected Members, as well as discussions among executive and senior managers in the Administration highlighted several areas that would benefit from a renewed focus.
- 3.5 The current structure provides a solid platform for new initiatives and building greater capability to apply enhanced and proactive approach to corporate governance.
- 3.6 Key areas raised for change/improvement include:
 - 3.6.1 improving in the application of the Elected Member Code of Conduct process, and in particular the need to ensure the process instills confidence that matters will be addressed if breaches occur;
 - 3.6.2 more training to be provided to Elected Members for better use of technology to diminish reliance on use of hard copy for working papers, and increased use of the Elected Member portal;
 - 3.6.3 provision of legal advice available to Council meetings as well as to the organization, and the better use of existing resource capability;,,
 - 3.6.4 adjustments to how secretariat support for Council and committees is provided, so that processes are simpler and less resource intensive.
 - 3.6.5 improving the structure of Council and committee agendas and minutes, as well standardizing the presentation of key information in reports so that they are easier to digest, and using common terminology in the way recommendations for decision are constructed;
 - 3.6.6 ensuring that the decision-making framework for Council is relevant and appropriate through review of committee structure.

4. PROPOSALS

4.1 Breaches of Code of Conduct

- 4.1.2 It is proposed to change the process for evaluating potential breaches of conduct by introducing a referral mechanism that is not dependent on formal complaint.
- 4.1.2 The way this could function is that a matter is brought to the attention of the Chief Executive Officer or the Manager Governance without it being in the form of a formal complaint and, if the CEO/ Manager Governance form a reasonable view that a breach has occurred, it will be referred for preliminary external legal advice.

4.1.3 The advice sought will ask for two things, firstly, whether there is a breach of the code of conduct, and secondly whether the breach is significant or minor in nature. However, whether significant or minor, if there is a breach, a report will be submitted to Council providing the advice and offering options for dealing with the matter appropriately.

4.1.4 The purpose of this change is to improve the way potential breaches are managed and is aimed at ensuring objectivity in the in the process, through putting in place a continuous quality review process which supplements the existing rights of individuals to lodge individual code of conduct complaints. This process is more consistent and objective, and focusses on better governance management and outcomes.

4.1.5 An amended Code of Conduct for Council Members - Dealing with Complaints Procedure is shown in Attachment 4. If supported, the amended procedure will be progressed.

4.2 Council Working Documents

4.2.1 In the short term it is proposed that the structure of all Council and committee agendas and minutes be reviewed so that the format is easier to read and understand by all interested stakeholders.

4.2.2 Some work has already commenced and examples of a draft report and draft Motion on Notice by an Elected Member are shown in Attachment 3.

4.2.3 The aim of the changes is to enable Elected Members to access the key information in all documents very quickly and to understand what decision they are being asked to make.

4.2.4 To support these changes, it is fundamentally important that a consistency is established of language used for the content of reports and the way in which recommendations are framed. Some guiding principles are also contained in Attachment 3.

4.3 Secretariat and Co-ordination Function

4.3.1 Currently, agendas and minutes are prepared internally in a devolved fashion, depending on whether it is a committee or Council. The Governance Division acts predominantly as a co-ordinating function.

4.3.2 It is proposed to review the current process for putting together agendas and minutes so as to ensure a consistent approach and the exercise of quality control, in both content and timelines. In effect, to look at whether it is desirable for the Division to undertake all secretariat functions for the organization.

4.3.3 In addition, currently there is a consistently high level co-ordination required for Elected Members seeking advice and assistance in the course of dealing with constituents' enquiries. While great effort is put into responding to Elected Members, from time to time matters are missed and go unanswered or unresolved.

4.3.4 It is proposed to design a co-ordination function and template in the Governance Division that can track matters/issues that are raised by Elected Members and ensure appropriate resolution. It may be as simple as reinforcing existing processes with an incidental response officer.

4.4 Expert Legal Advice, Audit and Risk

- 4.4.1 The Administration seeks legal advice for various functions, from planning, to contracts, to dealing with processes of Council and Committees.
- 4.4.2 Currently, the Governance Division seeks external legal advice for somewhat narrow purposes related to Council and committee processes, and the Elected Member code of conduct.
- 4.4.3 There is potential for the Governance function to play a more critical role organizationally and to become a “clearing house” for seeking external legal advice so that it is coordinated and strategic (less ad hoc).
- 4.4.4 In the short term, and in response to Elected Member requests, and to assist in effective and timely decision making, it is proposed that steps be taken to arrange for a legal adviser to be in attendance at all future meetings of Council for the remainder of the current Council term, commencing with the December meeting.
- 4.4.5 This measure, through objective observation and participation when requested, will assist our continuous improvement program for our governance practices, structures and programs.
- 4.4.6 This measure will be the first step in a trial as part of the Governance Division investigating the introduction of permanent internal legal counsel for an expanded and centralized legal function for the Administration.
- 4.4.7 The aim of this would be to develop a clearer whole-of-organization perspective on the use and need for external legal advice. Over time we will develop a centralised database of advice sought and received that is likely to be a valuable resource of case history for the organization.
- 4.4.8 As an extension of this centralized approach to legal advice, a similar approach should be considered for the audit and risk function. There is an opportunity to redesign our approach to audit and risk management.
- 4.4.9 It is proposed that the Governance Division and the Executive Office build on the current foundation of the functions delivered, to provide enhanced leadership and support on an organization-wide basis to promote a corporate approach to governance matters so as to ensure the organization remains innovative - making decisions that are predicted on sound risk management principles for achieving desired outcomes.
- 4.4.10 In the short to medium term (to the end of the current term of Council) it would be advantageous to appoint an audit and risk management expert to establish a culture and enhanced core corporate governance processes and to work with existing functional areas to further strengthen this capability.

4.5 Elected Member Training

The Elected Member workshops raised numerous matters that might be subject to Elected Member training, from meeting procedures, to better use of technology and keeping up to date with legislative changes (like planning), and developing leadership skills. Some of these have already occurred but a refresher training program will be developed in some key areas and offered in due course.

5. CONCLUSION

5.1 As part of the review process it has become apparent that there is a significant reliance on the capacity and capabilities of the Governance Division and the Executive Office to provide critical advice and guidance on core matters.

5.2 It is important that the application of core organizational philosophies and business values which relate to, in particular:

- governance
- risk management and
- customer service

are commonly understood and equally applied across the organization so that they become part of “business as usual” on a day to day basis.

5.3 It is to this end that the recommendations of this report have been made and need to be endorsed for the envisaged improvements to be realized.

CO-ORDINATION

Officer:

Date:

LEGISLATIVE COMPLIANCE AUDIT REVIEW

Recommendations

Executive Office

We have identified the relevant recommendations from the body of the report that the Executive Office, as depicted below, must or should consider implementing.

The Executive Office of the CEO of Council **must implement** the following:

- Ensure that Council's register of interests of all Council members includes each Councillor's, including Councillor Brug's, ordinary return for 2017 by 29 August 2017;
- Amend Council's Salary Register to provide for, in the additional information column, 'vehicle included in salary' or 'vehicle in addition to salary';
- Ensure that the webpage containing notice of Council meetings is fixed; and
- Revoke the delegations S7.2.1 and S7.2.2 to the CEO, as they are expressly prohibited by section 44(3)(da) of the *Local Government Act 1999*.

The Executive Office of the CEO of Council **should consider implementing** the following:

- Making a delegation under sections 116 and 118 of the *Local Government Act 1999* in respect of Council's register of interests for staff;
- Including a review date on Council's Allowances and Benefits Register – All Elected Members;
- Including a 'payments to member' item in Council's Allowances and Benefits Register – All Elected Members;
- Creating a separate 'register of by-laws' identifying each by-law of Council;
- Amending Council's current document titled 'Instrument of Sub Delegation' and rename it 'Instrument of Delegation and Sub-Delegation'; and

☐ Ensuring that documents couriered to elected members are signed for on delivery, particularly when they contain an item or report that is subject to section 87(10) of the *Local Government Act 1999*.

Governance Division

We have identified the relevant recommendations from the body of the report that the Governance Division, as depicted below, must or should consider implementing, either in the first instance or supporting other relevant departments of Council (eg Business Excellence in the case of a Community Land Management Plan).

Council's Governance Division, or other departments of Council (where appropriate) with the support of the Governance Division, **must implement** the following:

- Adopt a policy for the sale of land other than community land;

MinterEllison – September 2017

1

ATTACHMENT 1

- Amend Council's Procurement Policy to stipulate when Council will call for tenders (eg a dollar amount), or who has the discretion to determine that Council should call for tenders in relation to the procurement of a certain good or service;
- Amend Council's Prudential Management Policy to provide guidance or procedures under the 'accountability and reporting required' subheading;
- Amend Council's Code of Practice for Access to Meetings and Associated Documents to confirm that minutes of council and council committee meetings are placed on public display in the principal office of Council within five days after the meeting and kept on display for a period of one month;
- Ensure that Council's Code of Practice for Meeting Procedures is reviewed before July 2018;
- Amend Council's Code of Practice for Meeting Procedures to refer to regulation 6 of the *Local Government (Procedures and Meetings) Regulations 2013*;
- Include a report on the applications made to Council under the *Freedom of Information Act 1991* in Council's annual report;
- Include reference to the public initiated submissions process under section 28 of the *Local Government Act 1999* in Council's annual report;
- Make a delegation under section 68(1) of the *Dog and Cat Management Act 1995*, and include it in Council's Delegations Register, unless Council appoints each cat management officer under the Act by resolution;
- Ensure that any new appointment of authorised officers is under the correct section of the *Dog and Cat Management Act 1999*, being section 25A;
 - Resolve to delegate powers under section 68(1) of the *Dog and Cat Management Act 1995* to the CEO, so that he may appoint authorised persons;
 - Prepare a report, every year, concerning each confidential order in operation;
 - Include a summary of the annual business plan as required under section 123(9)(a) of the *Local Government Act 1999*, on Council's website;
 - Ensure that Council's most recent information statement under the *Freedom of Information Act 1999* is available on Council's website, or included in Council's annual report; and
 - Nominate its principal office.

Council's Governance Division, or other departments of Council (where appropriate) with the support of the Governance Division **should consider implementing** the following:

- Making Council's procurement procedures available publicly;
- Referring to the 'Suppliers Guide Tendering with the City of Salisbury' in its procurement policy;
- Amending Council's Prudential Management Policy to expressly require that Council (and not a delegate) consider a full prudential report prepared under section 48(1);
- Amending Council's Prudential Management Policy to expressly include the prudential issues set out in section 48(2) of the Act;
- Amending Council's Code of Practice for Access to Meetings and Associated Documents to refer to Council's Informal Gatherings Policy;
- Amending Council's Code of Practice for Access to Meetings and Associated Documents to refer to a decision to *hold* an informal gathering *closed to the public*;
- Amending Council's Code of Practice for Meeting Procedures to include a review date;

MinterEllison – September 2017

2

ATTACHMENT 1

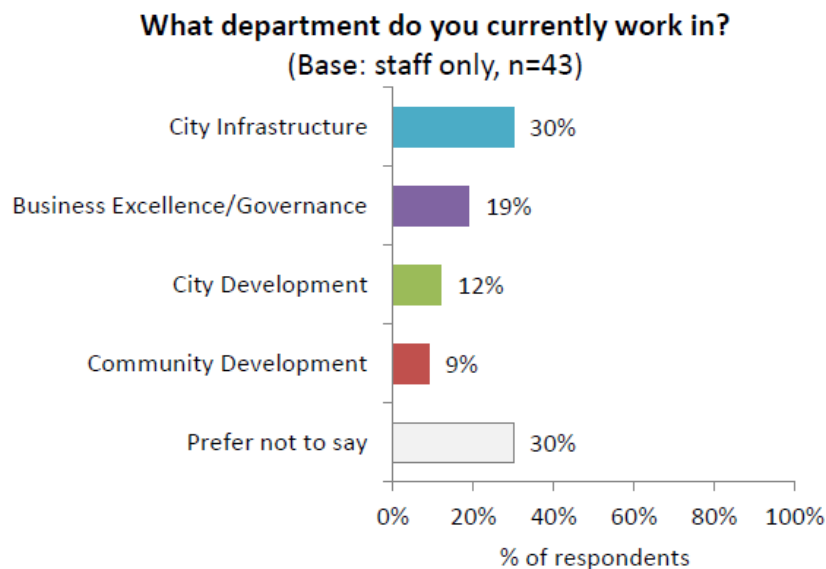
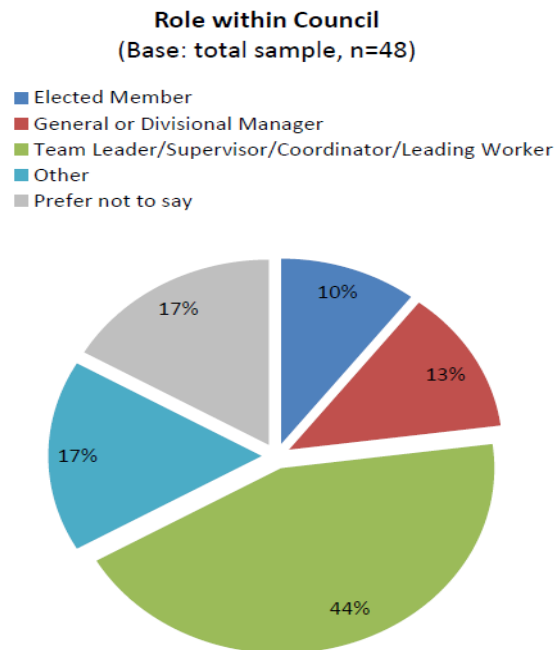
- Amending Schedule 3 to Council's Elected Members Allowances, Facilities and Support Policy to being with 'Council has specifically resolved that the provision of the following facilities and services is necessary or expedient to the performance or discharge of official functions and duties. These facilities and services *are therefore provided to Elected Members to assist in performing or discharging official functions and duties*';
- Amending Schedule 3 to Council's Elected Members Allowances, Facilities and Support Policy to confirm that the property in schedule 3 provided to an elected member remains the property of the Council;
- Amending Council's Community Land Management Plan No. 1 to include a review date;
- Amending the schedule to Council's Community Land Management Plan No. 1 to include a review date;
- Amending Council's community Land Management Plan No. 1 to include a 'landowner requirements' column, regardless of whether there is a requirement.
- Including reference to activities of council that have been subjected to cost effective measures and the extent to which Council has pursued local purchasing of goods and services in Council's annual report;
- Amending Council's Delegations Register to:
 - refer to the most recent review date on the front page;
 - remove reference to 'Executive Group' in the delegations register (and any other group for that matter) and replace it with a list of each individual person whom the power is sub-delegated to;
 - remove reference to s103(2) of Local Government Act (para 2AA of Delegations Register); and
 - Include 'conditions and limitations' and 'sub-delegations' columns.
- Determining whether an authorised officer is subject to a 'condition of appointment' or a 'note', and enter this on the instrument of appointment and ID card accordingly;
- Resolving to authorise relevant persons to affix Council's common seal to property documents where nil consideration is involved; and
- Nominating its principal office after each Council election.

Council's Governance Division, or other departments of Council (where appropriate) with the support of the Governance Division, **must implement** the following after the general Council elections in November 2018:

- Replace Council's Elected Members Allowances, Facilities and Support Policy; and
- Ensure that Council's Code of Practice.

Customer Survey (Harrison Research, September 2017)

Harrison Market Research were engaged to undertake a customer survey. A total of 81 people were invited to participate in the survey (including the 17 Elected Members) with a total of 48 responses received (59% response rate). Responses were received from:

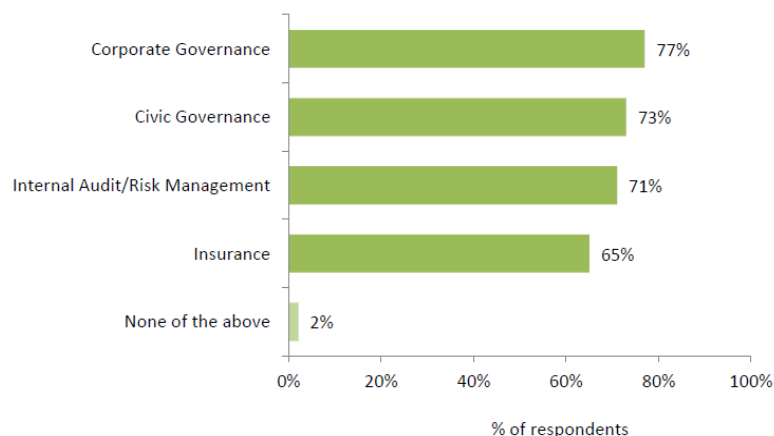


Survey respondents were asked a series of questions regarding services provided by both the Governance Division and Executive Office. Responses indicated which services had been utilized, importance of the service and overall satisfaction with the service provision.

Governance Division

Q1. Which services have you utilised or interacted with in any way during the course of your role within Council?

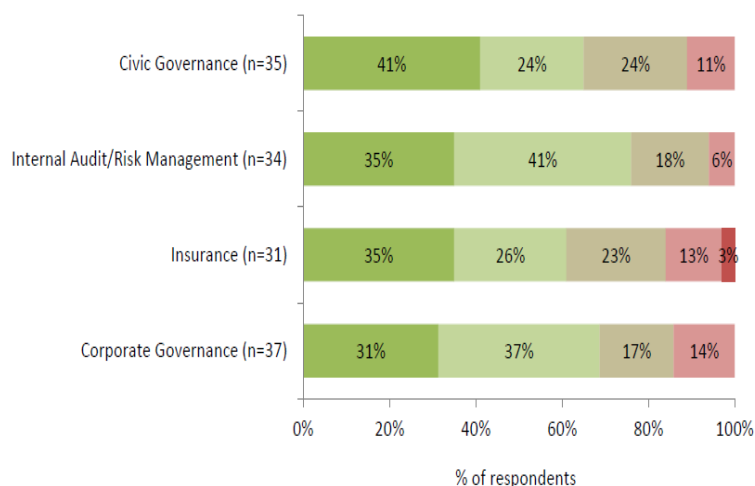
(Base: total sample, n=48)



Q2. How important (or valuable) are these services to you in your day to day role?

(Base: use or interact with service)

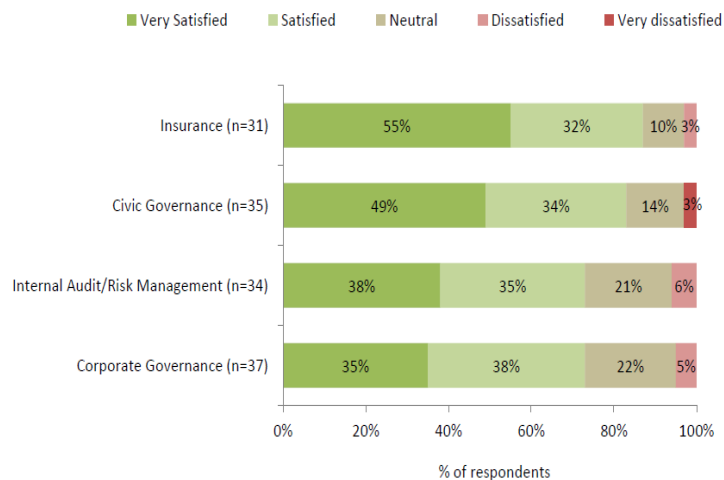
Extremely important Important Neutral Unimportant Not at all important



Services provided by the Governance Division were seen as Extremely Important/Important in their day to day role by the majority of survey respondents:

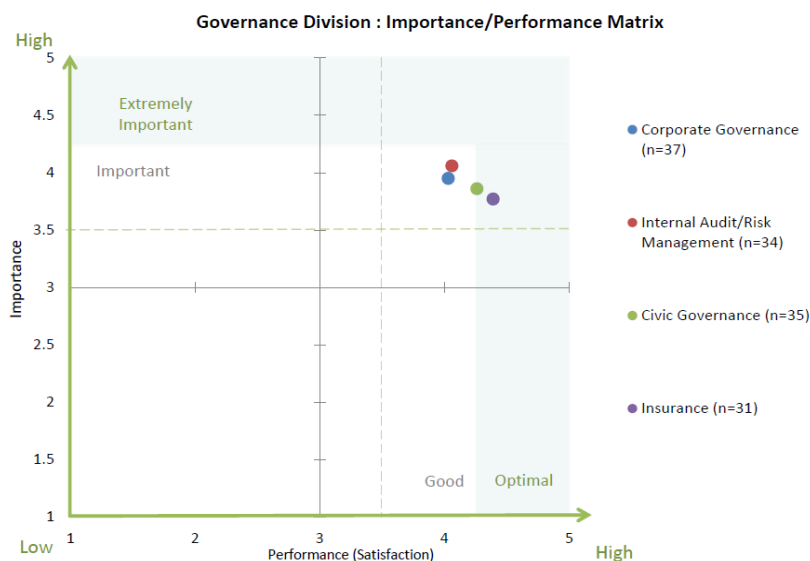
- Civic Governance – 65% of respondents
- Internal Audit/Risk Management – 76% of respondents
- Insurance – 61% of respondents
- Corporate Governance – 68% of respondents

Q3. How satisfied are you with the service provision of each of these services overall?
(Base: use or interact with service)



Overall satisfaction with the four service areas provided by the Governance Division was rated positively, with Very Satisfied/Satisfied ratings provided by survey respondents as follows:

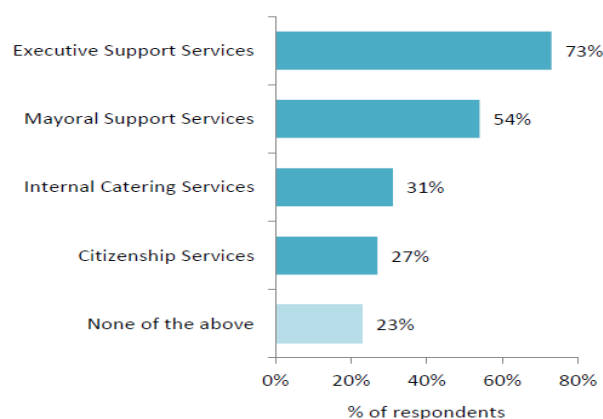
- Insurance – 87% of respondents
- Civic Governance – 83% of respondents
- Internal Audit/Risk Management – 73% of respondents
- Corporate Governance – 73% of respondents



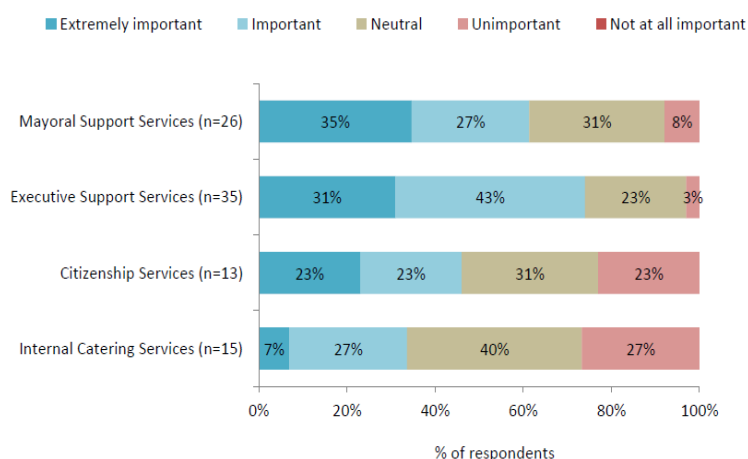
The above matrix identifies that survey respondents identified the four key service areas as important, and also indicates that from a performance perspective Insurance and Civic Governance fall within the 'optimal' range. Corporate Governance and Internal Audit/Risk Management have been rated as 'good' from a performance perspective, which provides some opportunity for improvement.

Executive Office

Q21. Which services have you utilised or interacted with in any way during the course of your role within Council?
(Base: total sample, n=48)



Q22. How important (or valuable) are these services to you in your day to day role?
(Base: use or interact with service)

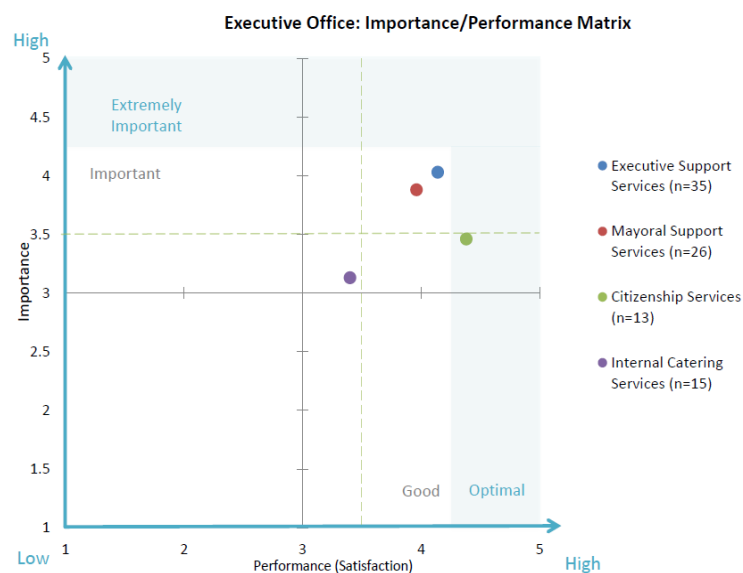
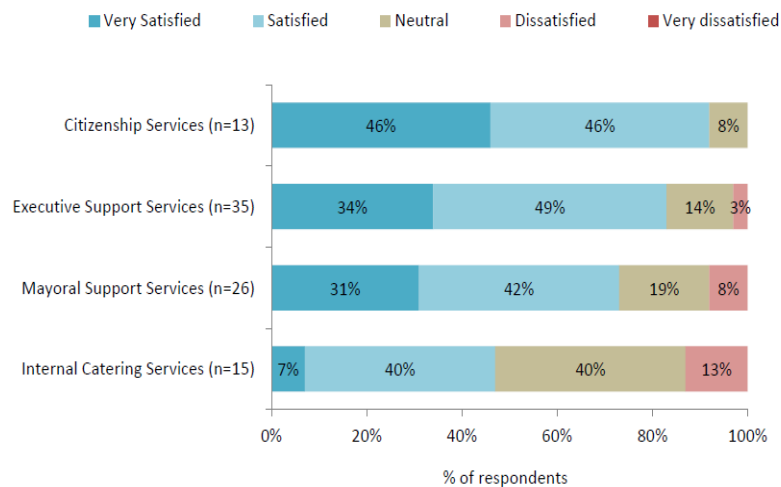


Key services provided by the Executive Office were seen as Extremely Important/Important in their day to day role by the majority of survey respondents:

- Mayoral Support Services – 62% of respondents
- Executive Support Services – 74% of respondents

Citizenship Services did not rate as highly in terms of importance 46% of respondents rated as extremely important/important) which is a reflection of the external focus of this service. The Internal Catering Service also rated comparatively low in terms of importance in survey respondents day to day roles, with 34% of survey respondents rating the service as extremely important/important.

Q23. How satisfied are you with the service provision of each of these services overall?
(Base: use or interact with service)



The above matrix identifies that survey respondents identified the two primary service areas (Executive Support Services and Mayoral Support Services) as important, and also indicates that from a performance perspective they fall within the 'good' range. Citizenship is rated as 'optimal' from a performance perspective, whilst rating slightly lower on the importance scale. Internal Catering ranks lower on both the importance and performance scales.

Format for Council and Committee Reports

THE FIRST PAGE OF REPORTS TO COUNCIL OR COMMITTEE WILL HAVE ONLY THREE CRITICAL SECTIONS:

1. REFERENCE DETAILS OF THE ITEM 2. EXECUTIVE SUMMARY 3. RECOMMENDATION

Item No. ##.##

To: COUNCIL on 27/11/2017

Title: STRATEGIC PLAN 2017/18 UPDATE

Approving Officer: John Harry, Chief Executive Officer

Reference No. 2017/ etc.

EXECUTIVE SUMMARY:

The summary of the report should be written as succinctly as possible. Ideally this summary should be no longer than two paragraphs. It should convey to the Council all of the key points they need to consider and give them a good sense of the purpose of the paper without necessarily needing to read the rest of the report paper.

RECOMMENDATION:

- ***The recommendation is the most important part of the report.***
- ***Once adopted by Council the Administration is bound by the decision so the wording is critical. There are six (6) options for framing recommendations. These can be found in the Writing Reports section of this document (below).***
- ***If the item is confidential then it is essential that the final recommendation seeks this confidentiality. Detail on this can also be found in the Writing Reports section of this document (below).***
- ***If required please contact the Governance Division if you need help with any of your recommendations.***

THE SECOND PAGE WILL PROVIDE INFORMATION OR DATA IN TABLE FORM THAT IS CRITICAL TO THE DECISION THAT COUNCIL OR COMMITTEE IS BEING ASKED TO MAKE.

Each row of the table below should contain the potential implications of the report and summarise them as succinctly as possible. If there are financial implications with the proposal, then the content in this section should be discussed with Finance before finalising the report. For some projects, where detailed financial modelling is required, further more detailed information can be included in other sections of the paper. A response to each section should be provided, trying to avoid using not applicable nil responses.

IMPLICATIONS AND FINANCIALS

Strategic Plan	In twenty-five (25) words or less describe the potential ongoing costs, the quantum and likely sources
Policy	
Leasing and Licensing Policy and Operating Guidelines.	
Consultation	
Risk / Legal / Legislative	
Opportunities	
17/18 Budget Allocation	
Proposed 18/19 Budget Allocation	
Life of Project, Service, Initiative or (Expectancy of) Asset	
17/18 Budget Reconsideration (if applicable)	
Ongoing Costs (e.g. maintenance cost)	

DISCUSSION

This section is for providing Council or Committee with the relevant information in a fuller, discursive form to support the recommendation. Please write as succinctly as possible.

ATTACHMENTS

This section is for listing documents that are attached and that have been specifically mentioned in the report. If there are no attachments, then it should simply say "Nil".

Format for Motions on Notice

MOTIONS ON NOTICE WILL NOW HAVE THREE CRITICAL SECTIONS:

1. REFERENCE DETAILS OF THE ITEM 2. MOTION ON NOTICE 3. ADMINISTRATION COMMENT

Item No. ##.##

To: COUNCIL on ??/ ??/ 2017

Title: #####

Council Member: Councillor #####

Receiving Officer: Mick Petrovski, Manager Governance

Reference No. 2017/ etc.

MOTION ON NOTICE:

Councillor ##### will move the following motion and seek a seconder to facilitate consideration by the Council:

That Council:

- 1. #####:**
 - a. #####**
 - b. #####**
 - 2. #####**
-

ADMINISTRATION COMMENT:

This section is an opportunity for the Administration to provide factual information to Council that is relevant to the matter that is the subject of the proposed motion. Ideally, it should be no longer than two paragraphs. It should avoid straying into the merits of the motion but should benefit the informed decision making of Council.

Writing Reports

When writing reports for Council or Committee please make sure that:

- City of Salisbury is expressed as either the Council or the City of Salisbury (depending on the context of your report);
- All references to numbers are in word and numerical form eg. six (6), unless the number is greater than ten (10), then you can write the number only eg. 27;
- Capitals are to be used sparingly i.e. start of sentences or when citing the name of a person, document or place;
- Any references to legislation are stated in full the first time they are mentioned in a paper, and include both the jurisdiction and year. They should also be placed in italics eg. *Local Government Act 1999 (SA)*. Following the first reference, and assuming you are only referring to one piece of legislation you can shorten this eg. *Local Government Act 1999 (SA)* (the Act);
- Any reference to particular sections of legislation must be outlined in full eg. Section 90 *Local Government Act 1999 (SA)*;
- Avoid using jargon and acronyms are to be used sparingly. Where it is essential to use acronyms i.e. a long name used often throughout the report, the first time it is mentioned in the report the name must be stated in full followed by the acronym in brackets eg. Department of Planning Transport and Infrastructure (DPTI).

RECOMMENDATIONS

Below are the six (6) different types of recommendations the Administration can make to Council and when to use each one. These will be recommendation conventions. If you are not sure which one to use talk to the Governance Division: -

Adopt – only to be used when the Council needs to formally accept a document required by legislation or regulation that has been prepared for the Council by its Administration eg. Strategic Plan, Community Land Management Plans, Business Plan and Budget, policies etc. Typically, an item that is being adopted has had considerable discussion and input from Elected Members before the item is put to the vote;

Approve – only to be used when the Council needs to decide on a particular matter or issue because it hasn't or it can't delegate the matter to the CEO or the CEO refers the matter to the Council to approve as it is contentious eg. to take or not to take legal action on a matter, contract above delegation etc;

Authorise - only to be used when the Council authorises the CEO to enter into a lease, licence, contract etc;

Endorse – only to be used when the Council decides to make a submission to a third party on a matter or chooses to provide support to a particular activity being undertaken by another entity;

Receive - only to be used to when Council needs to formally acknowledge consultation feedback, audit reports or annual reports from subsidiaries or third parties etc;

Note – only to be used when a letter or report has been received by a third party that needs to be formally presented to the Council or where the Council is being provided with an update on a particular matter because of the level of risk associated with it and no further action or discussion is expected at that point in time.

If your report needs to be confidential you will also need a confidentiality recommendation, which is discussed below.

GROUNDINGS FOR CONSIDERATION OF A REPORT IN CONFIDENCE –

All papers should be publically available (wherever possible). However, given the nature of work undertaken by the Council, sometimes there are reports that need to be considered in confidence.

It is important to understand that considering a report in confidence is not an automatic right and the Council must agree to the Administration's request.

Therefore, if you believe you need Council to consider a paper in confidence you must justify the need, based on Section 90 of the *Local Government Act 1999 (SA)*. In certain circumstances you must also state why release of information would be contrary to the public interest. Managing media releases or any embarrassment to the Council are not reasons for an item being considered in confidence.

You must select one or more of the following legislative provisions for an item to be considered in confidence

Section 90(3) (d) of the *Local Government Act 1999 (SA)*

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Section 90(3) (b) of the *Local Government Act 1999 (SA)*

(b) information the disclosure of which—

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest;

Section 90(3) (c) of the *Local Government Act 1999 (SA)*

(c) information the disclosure of which would reveal a trade secret;

Section 90(3) (d) of the *Local Government Act 1999 (SA)*

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest;

Section 90(3) (e) of the *Local Government Act 1999 (SA)*

(e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;

Section 90(3) (f) of the *Local Government Act 1999 (SA)*

(f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

Section 90(3) (g) of the *Local Government Act 1999 (SA)*

(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

Section 90(3) (h) of the *Local Government Act 1999 (SA)*

(h) legal advice;

Section 90(3) (i) of the *Local Government Act 1999 (SA)*

(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

Section 90(3) (j) of the *Local Government Act 1999 (SA)*

(j) information the disclosure of which—

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and

(ii) would, on balance, be contrary to the public interest;

Section 90(3) (k) of the *Local Government Act 1999 (SA)*

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

Section 90(3) (m) of the *Local Government Act 1999 (SA)*

(m) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Plan Amendment Report relating to the amendment is released for public consultation under that Act;

Section 90(3) (n) of the *Local Government Act 1999 (SA)*

(n) information relevant to the review of a determination of a council under the *Freedom of Information Act 1991*.

Section 90(3) (b) & (d) of the *Local Government Act 1999 (SA)*

(b) information the disclosure of which—

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest;

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest.

[insert logo]

Code of Conduct for Council Members - Dealing with Complaints Procedure

[insert governance detail]

A – PREAMBLE

1. The *Independent Commissioner Against Corruption Act 2012* (ICAC Act) amended section 63 of the *Local Government Act 1999* to provide for the prescription of a Code of Conduct for Council Members via regulation.
2. The *Code of Conduct for Council Members* was published in the South Australian Government Gazette by the Minister for Planning on 29 August 2013, and took effect from 1 September 2013 (the Code).
3. Council Members must comply with the provisions of the Code in carrying out their functions as public officials. It is the personal responsibility of Council Members to ensure that they are familiar with, and comply with, the standards in the Code at all times.
4. This document sets out the procedure to apply regarding any allegation of a breach of the Code.
5. This procedure also refers to, and incorporates, the Independent Commissioner Against Corruption Directions and Guidelines for Inquiry Agencies, Public Authorities and Public Officers, and Directions and Guidance for Inquiry Agencies and Public Authorities (the Directions and Guidelines).
6. This procedure is to be read subject to the Code, the ICAC Act, the Directions and Guidelines and any direction of the Ombudsman or ICAC.

B - SCOPE

1. This procedure applies to all Council Members of the City of Salisbury ("the Council") arising from an alleged breach of the Code.
2. This procedure also applies to members of Committees and Sub-committees, who are not Council Members, as if they were a Council Member.

C - PROCEDURE PURPOSE/OBJECTIVES

1. This procedure sets out the process that will be used in response to any allegation of or concern about a breach of the Code. It provides a consistent, fair and equitable approach to the investigation and resolution of such matters.

D – PRINCIPLES

1. Any complaint or referral alleging a breach of the Code will be dealt with, or referred as appropriate, in a timely manner and in accordance with this procedure.
2. A Council Member about whom a complaint is made will be advised that a complaint has been received within the timeframes provided in accordance with this procedure.

3. All parties to a complaint will be advised of relevant steps taken to resolve and/or investigate the complaint as reasonably practicable.
4. The Council will, as far as reasonably possible, keep the identity of the person making the complaint (the Complainant) confidential, unless that person consents to their identity being disclosed.
5. The Complainant will not be victimised for making the complaint.
6. The Council may, in its absolute discretion, decide not to investigate an anonymous complaint.
7. The Council will not investigate complaints alleging a breach of Part 3 of the Code or criminal conduct and such matters will be referred to the Ombudsman or Office for Public Integrity (OPI) as appropriate.
8. All parties to a complaint are required to assist the Council with any investigation of the matters to which the complaint relates. The Council may, in its absolute discretion, not investigate, or may discontinue an investigation of a complaint, if the Complainant fails to assist in the investigation of the complaint.

E – CHIEF EXECUTIVE OFFICER RESPONSIBILITIES

1. The role of the Chief Executive Officer (CEO) is to administer this procedure.
2. The CEO will be assisted in the management of any complaints or referrals by a delegate, being a senior employee with the Council in a position of Manager or above.
3. The CEO (or delegate) will ensure that any complaints or referrals will be the subject of a preliminary assessment (respectively, under clause F. 1. or 2. of this procedure) and where the preliminary assessment identifies the complaint or referral as relating to behaviour which falls under Part 2 of the Code will provide a report to the Council and provide advice in relation to the complaint/referral and the application of this procedure to the matter.
4. Where any complaint received by the CEO contains an allegation of a breach of Part 3 of the Code or of criminal conduct, the CEO will refer the complaint to the Ombudsman or the OPI as appropriate.

F – PROCEDURE

1. The Making of a Complaint

- a. A complaint made by any person (whether a Council Member, a staff member of the Council, or a member of the public) that relates to an alleged breach of the Code must:
 - i. be made in writing;
 - ii. be addressed to the CEO;
 - iii. be specific and provide as much detail as possible;
 - iv. provide the name of the Council Member whom it is alleged has breached the Code;
 - v. identify the provisions of the Code which it is alleged have been breached;

- vi. be accompanied by any evidence that substantiates the breach;
 - vii. be marked as confidential; and
 - viii. be delivered to the CEO.
- b. Upon receipt of a complaint, the CEO (or delegate) shall:
- i. within seven (7) days provide written acknowledgement to the Complainant of receipt of the complaint.
 - ii. within that same seven (7) days, provide written notification to the Council Member who is the subject of the complaint, advising that a complaint has been received and providing details of the nature of the complaint.
 - iii. within ten (10) days of receipt of the complaint, the CEO (or delegate) will undertake or arrange to be undertaken, a preliminary assessment of the complaint to determine whether the complaint:
 - is trivial, frivolous, vexatious or not made in good faith; or if it has previously been dealt with and there is no reason to re-examine the matter; or otherwise there is good reason why no further action should be taken; or
 - relates to behaviour which falls under Part 2 of the Code; or
 - relates to misconduct or reasonable suspicion of corruption and/or systemic misconduct which triggers action under Part 3 of the Code; or
 - relates to criminal or corrupt behaviour.
- c. In the conduct of the preliminary assessment, the CEO (or delegate) may obtain and be assisted by, legal advice as required.
- d. The preliminary assessment will be conducted in accordance with natural justice requirements. It will involve a thorough and balanced assessment of evidence submitted regarding the alleged breach, the relevant circumstances prevailing at the time of the breach and any other factors deemed relevant, to make a fair and reasonable preliminary judgement about the matter.
- e. Where the preliminary assessment finds the complaint to be trivial, frivolous, vexatious or not made in good faith; or that it is a matter that has previously been dealt with and there is no reason to re-examine the allegation; or there is any other good reason why no further action should be taken, that finding will be referred to the Council for consideration. The Council will determine whether to accept the finding of the preliminary assessment or whether the complaint will be formally investigated.
- f. Where the complaint is assessed as relating to an alleged breach of Part 2 of the Code, the CEO (or delegate) will present a report to the next meeting of Council, for the Council to make a decision as to whether the complaint shall be formally investigated.
- g. Where the Council considers the matter is trivial, frivolous or vexatious, or otherwise there is good reason why the matter should not be formally investigated it may determine that no further action be taken and direct the CEO (or delegate) to advise the Complainant and the Council Member accordingly. The Council must provide its

reasons for so resolving that no further action be taken on a complaint, which reasons are to be communicated to the Complainant and the Council Member.

- h. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may, at the discretion of the Council, be escalated by resolution of the Council, to an allegation of misconduct under Part 3 of the Code and be reported to the Ombudsman or the OPI as appropriate.
- i. The Council must consider whether to escalate repeated or sustained inappropriate behaviour as listed in Part 2 of the Code, to an allegation of misconduct under Part 3 of the Code, where two (2) complaints within a twelve (12) month period or four (4) complaints within a Council term are received in relation to the same Council Member which have been found to be a breach of Part 2 of the Code.
- j. Where the complaint alleges a breach of Part 3 of the Code, the CEO (or delegate) will as soon as reasonably practicable refer the matter to the Ombudsman or the OPI as appropriate. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.
- k. Where the complaint alleges criminal conduct (including those matters set out in the Appendix to the Code) the CEO (or delegate) will refer the matter to the OPI. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.
- l. Notwithstanding anything in this procedure, a Complainant can, at any time, take the alternative option of lodging a complaint directly with the OPI or Ombudsman.
- m. Clause 2.15 of the Code provides that a Council Member, who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or CEO, the Ombudsman or the OPI.
- n. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach of Part 2 of the Code.

2. The Making of a Referral

- a. Nothing in this procedure prevents any senior officer or the principal member of the Council from referring to the Manager Governance, behaviour(s) of a Council Member, (whether a one off incident, or a course of conduct), that, an impartial, fair minded person may consider give(s) rise to a reasonable suspicion of a breach of Part 2 or the Code. A referral under this clause is not a complaint. Where the CEO and the Manager Governance concur, the matter will be immediately referred for preliminary assessment as to whether the conduct could be said to amount to a *prima facie* breach of Part 2 of the Code.
- b. The referrer in these circumstances is the Manager Governance.
- c. A preliminary assessment for the purposes of this Clause 2 will be undertaken by an external legal provider for the purposes of making a determination consistent with Clause 1.b.iii. and 1.d. and 1.e. of this procedure.

- d. Where the referred conduct, is assessed by the external legal provider as evidencing a prima facie breach of Part 2 of the Code, the Manager Governance will present a report to the next meeting of Council, for decision as to whether the conduct shall be formally investigated under the procedure.
- e. Where Council determines that a referred matter is to be formally investigated, the Council will be deemed to be the complainant and the matter will then proceed in accordance with this procedure as a complaint.

3. Assessment and Determination of Investigation Option

- a. Having regard to the seriousness of the allegation and the information provided, the Council will determine the preferred option for investigation of the complaint.
- b. Where a complaint is received from one Elected Member about another Elected Member, and the Council considers the complaint to be of a minor nature with the potential to be adequately resolved between the Elected Members, the Council may request the parties participate in a mediated discussion in the first instance.
- c. Mediation will not be undertaken unless all parties consent.
- d. Where the Council has requested that the parties participate in mediation, and all parties consent, the CEO (or delegate) will facilitate access to mediation services.
- e. Where mediation resolves the matter to the satisfaction of all parties, the complaint will be considered resolved and no further action will be taken. The CEO (or delegate) will present a report to Council advising that the complaint was resolved via mediation.
- f. Where mediation is not able to resolve the matter to the satisfaction of all parties, or where all parties do not consent to participating in mediation, the complaint will return to the Council to determine the preferred option for investigation and resolution of the complaint.
- g. Where the Council determines that a complaint requires formal investigation, the options for investigation available to Council are:
 - i. Referral to an external service provider (e.g. legal provider, consultant etc);
 - ii. referral to the Local Government Governance Panel (LGGP); or
 - iii. referral to any other body established in the Local Government sector for the purpose of considering complaints regarding Elected Member conduct.

4. Formal Investigation and Reporting

- a. Where a complaint is referred for formal investigation to an external person or body, the process for investigation is to be determined by the external person or body, but must be conducted in accordance with natural justice requirements.
- b. A failure of a Council Member to cooperate with the Council's procedure for handling alleged breaches of Part 2 of the Code may be referred for investigation to the Ombudsman under Part 3 of the Code.
- c. At the conclusion of the formal investigation, the Council shall be provided with a written report that summarises the:

- i. allegations made in the complaint;
 - ii. evidence to which the investigation had regard;
 - iii. factual findings;
 - iv. conclusions; and
 - v. recommendations arising from the report.
- d. Subject to the provisions of section 90 of the *Local Government Act 1999*, reports in relation to complaints made in accordance with this procedure, other than reports finding a breach of the Code has been made out, will be recommended for consideration in confidence by Council.

5. Formal Investigation Findings and Remedies

- a. Where the formal investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council. The Council may, by resolution, take any of the following actions:
 - i. take no action;
 - ii. pass a censure motion in respect of the Council Member;
 - iii. request a public apology, whether written or verbal;
 - iv. request the Council member to attend training on the specific topic found to have been breached;
 - v. resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on the Council);
 - vi. remove a member from their position as Council representative on an outside body where Council has resolved their appointment;
 - vii. request the member to repay monies to the Council;
 - viii. refer the matter to the Ombudsman or OPI, as appropriate; or
 - ix. any combination of the above.
- b. The Council will not enter into any process of appeal in relation to any findings of a breach of Part 2 of the Code.
- c. Any report from the Ombudsman that finds a Council Member has breached Part 3 of the Code must be provided to a public meeting of the Council. The Council must pass resolutions to give effect to any recommendations received from the Ombudsman, within two (2) ordinary meetings of the Council following receipt of the report.

6. Criminal Matters – Appendix to the Code of Conduct for Council Members

- a. The matters within the Appendix to the *Code of Conduct for Council Members* are matters for which a criminal penalty applies. These matters must be reported to the OPI. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act 1999* must also be reported to the OPI.

- b. In compliance with the ICAC Act, referral of such complaints to the OPI will remain confidential.

7. Further Information and Review of Procedure

- a. This procedure will be available for inspection at the Council offices during ordinary business hours. Copies are also available at the principal office of the Council upon payment of the fee, if any, set by the Council. This procedure is also available to be downloaded, free of charge from the City of Salisbury website: www.salisbury.sa.gov.au.
- b. Copies of the 'Code of Conduct for Council Members – Dealing with Complaints' will be provided upon request. Please contact the City of Salisbury via:

Email: city@salisbury.sa.gov.au; or

Phone: 8406 8222; or

Post: PO Box 8, Salisbury SA 5108.
- c. This procedure may be reviewed at any time, and must be reviewed within 12 months of a general election.

G – LEGISLATION

1. *Local Government Act 1999*
2. *Local Government (General) Regulations 2013*
3. *Independent Commission Against Corruption Act 2012*
4. *Criminal Law Consolidation Act 1935*
5. *Equal Opportunities Act 1984*

H – ASSOCIATED POLICIES AND PROCEDURES

1. Code of Conduct for Council Members
2. City of Salisbury – Elected Member Training and Development Policy
3. City of Salisbury – Elected Members Allowances, Facilities and Support Policy
4. City of Salisbury – Code of Practice for Meeting Procedures

[insert governance detail]

[insert Code of Conduct for Council Members]

Council A**Elected Members:** 13**Section 41 Committees:** 5

- Strategic Planning
- Audit
- CEO Review
- Governance and Policy
- Traffic Management Safety.

Council Meetings: Monthly

The Governance function sits within the Office of the CEO with the Manager Governance and Policy reporting directly to the CEO. The Governance team comprises 5.8 FTE (7 positions, including the Manager) with responsibility for the following functions:

- Governance and policy
 - Advice provision to staff and elected members
 - Legislative compliance
 - Government/external liaison and representation including LGA
 - Council/Committee report preparation and support at meetings, meeting management and coordination of all associated processes
 - Governance framework – implementation, monitoring and management
 - Policy development, implementation, monitoring and review
 - Elected Member support
 - Internal review of Council decisions, Ombudsman/ICAC liaison, Code of Conduct complaints
 - Legal Services contract
 - Legislative processes such as Representation Reviews and by-law reviews.
- Internal audit
 - Development and delivery of risk based internal audit plan
 - Oversight/conduct of audits
 - Support to Audit Committee.
- Risk management
 - Risk management framework, systems, processes and strategies
 - Risk management advice, training and support
 - Coordinate risk profile/register review and monitor, update and report on risk profile
 - Corporate Insurance requirements
 - Coordinate MLS Risk Review process
 - Maintain security access card system, including issuing access cards and conducting duress alarm testing.
- Emergency management
 - Develop, support, maintain and test Emergency Management and Business Continuity Plans
 - Maintenance of emergency management information
 - Liaison with external agencies (including Emergency Services)
 - Provision of advice to staff on business continuity and emergency and risk management
 - Represent Council on the Northern Adelaide Zone Emergency Management Committee.

The Executive Assistant to the CEO and Mayor reports directly to the CEO (0.8 FTE) .

Council B

Elected Members: 15

Section 41 Committees: 5

- Finance and Regulatory
- Governance
- Strategy and Community
- Urban Services
- CEO Review

Council Meetings: Fortnightly

The Governance function sits within the Office of the Mayor and CEO, reporting through the Manager Strategy and Business. The Governance team comprises 3.0 FTE (3 positions) with responsibility for the following functions:

- Governance and policy
 - Management of council/committee meeting requirements including legislative compliance, monitoring of action against resolutions
 - Provision of advice to staff and elected members
 - Development, implementation and maintenance of policy and procedures
 - Management and monitoring of legislative requirements and compliance
 - Management and maintenance of delegations/authorisations
 - Research and report preparation
 - Management of formal/informal enquiries from Ombudsman/Minister/ICAC and code of conduct matters
 - Election processes, Representation Reviews and other statutory processes
- Risk management
 - Risk management framework, systems, processes and strategies
 - Risk management advice, training and support
 - Strategic Risk Review
- Management of Freedom of Information processes and requirements

There are a further 3.0 FTE (3 positions) within the Office of the CEO with responsibility for coordination of all council/committee agenda preparation and minute taking. This team is also responsible for the management of all civic matters.

Council C

Elected Members: 18

Section 41 Committees: 4

- Audit
- CEO Review

- Strategic Planning and Development
- Grants and Sponsorship

Council Meetings: Monthly

The Governance function is headed by a Manager Governance which reports to the Director Corporate Services, which in turn reports to the CEO. The function incorporates Executive Office support and comprises 11.7 FTE (12 positions) with responsibility for the following functions:

- Governance
 - Develop and maintain governance framework and systems
 - Advice to elected members and staff
 - Develop, implement, communicate and maintain governance/risk and compliance policies, processes and procedures
 - Development and maintenance of Delegations and other registers
 - Coordination of legal services provision
 - Management of legislative processes including elections, representation reviews and boundary reviews
 - Integrity frameworks, complaints and investigation processes, including FOI
 - External liaison/representation including elected member representation
 - Minute taking at Council/committee meetings
- Internal Audit/Risk Management
 - Develop and deliver internal audit plan and organisational reviews
 - Internal controls
 - Monitoring completion of management actions from internal audits/reviews
 - Audit Committee
 - Risk management framework
 - Risk mitigation advice and practices including strategic and operational risk reviews
 - Emergency Management plans
 - Insurance processes
 - WHS Management systems
 - Advise/assist in implementation of project management principles/methodology
- Executive and Mayoral Support
 - CEO and Mayoral administrative support including diary and correspondence management, attendance at events/functions and research/report writing
 - Coordination of responses to community issues and queries
 - Elected Member relationship management
 - Civic Events and Functions
 - Citizenship Ceremonies
- Strategic Planning
 - Development and maintenance of Strategic Management Planning Framework
 - Corporate planning and organisational performance assessment
- Procurement and Contract Administration
 - Develop and implement better practice procurement and contract administration processes
 - Strategic procurement and provision of operational support on procurement matters
 - Liaison with finance re procurement plan/long term financial plan
- Fleet Management/small plant

Council D

Elected Members: 17

Section 41 Committees: 4

- Asset management
- City Services
- Corporate Services
- Audit

Council Meetings: Fortnightly

The Governance function is headed by a Manager Governance and Operational Support which reports to the General Manager Corporate Services, which in turn reports to the CEO. The function incorporates:

- Governance and Business Support
- Fleet Services
- Contract and Procurement Services

The governance/executive support component comprises approximately 3.65 FTE (6 positions) and is responsible for:

- Operational and Civic Governance
 - council/committee meeting agenda, minute taking and associated processes
 - code of conduct complaints, Ombudsman enquiries and review of Council decision processes
 - Advice to Elected Members and staff
 - Elections, Registers, Representation Reviews and other legislative processes
 - Governance projects
 - Legal Services provision
 - External liaison and relationship management
- Risk Management
 - Risk Management Framework, including Internal Audit, Statutory Audit, Emergency Response, Business Continuity
 - Provision of risk mitigation advice and practices
 - Strategic and operational risk reviews
 - Work Health Safety requirements
 - Insurance portfolio and claims management
 - Return to work processes
 - Security
 - Civic amenities
- Executive/Mayoral Support
 - Administrative support to the CEO
 - Administrative support to the Mayor
 - Civic events
 - Citizenship functions

ATTACHMENT 2

In addition, 0.9FTE (3 positions) in other areas of the organisation coordinate agenda and meeting support requirements for committees.