



AGENDA

FOR POLICY AND PLANNING COMMITTEE MEETING TO BE HELD ON

19 MARCH 2018 AT 6:30 PM

IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY

MEMBERS

Cr D Pilkington (Chairman)
Mayor G Aldridge
Cr D Balaza
Cr S Bedford
Cr B Brug
Cr D Bryant
Cr C Buchanan
Cr G Caruso
Cr L Caruso
Cr E Gill
Cr R Cook
Cr S Reardon
Cr D Proleta
Cr G Reynolds
Cr S White
Cr J Woodman (Deputy Chairman)
Cr R Zahra

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
General Manager Community Development, Ms P Webb
Manager Governance, Mr M Petrovski
Manager Communications and Customer Relations, Mr M Bennington
Governance Support Officer, Ms K Boyd

APOLOGIES

An apology has been received from Cr G Caruso.

LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Cr S White.

PRESENTATION OF MINUTES

Presentation of the Minutes of the Policy and Planning Committee Meeting held on 19 February 2018.

Presentation of the Minutes of the Confidential Policy and Planning Committee Meeting held on 19 February 2018.

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OTHER BUSINESS

CLOSE



**MINUTES OF POLICY AND PLANNING COMMITTEE MEETING HELD IN THE
COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON**

19 FEBRUARY 2018

MEMBERS PRESENT

Cr D Pilkington (Chairman)
Mayor G Aldridge
Cr D Balaza
Cr S Bedford
Cr B Brug
Cr C Buchanan
Cr G Caruso
Cr L Caruso
Cr E Gill
Cr S Reardon
Cr G Reynolds
Cr S White
Cr J Woodman (Deputy Chairman)
Cr R Zahra

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
General Manager Community Development, Ms P Webb
Manager Governance, Mr M Petrovski
Manager Communications and Customer Relations, Mr M Bennington
Governance Support Officer, Ms K Boyd

The meeting commenced at 6:30 pm.

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

APOLOGIES

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

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr L Caruso

Seconded Cr R Zahra

The Minutes of the Policy and Planning Committee Meeting held on 22 January 2018, be taken and read as confirmed.

CARRIED

REPORTS

Administration

1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr R Zahra

Seconded Cr J Woodman

1. The information be received.

**CARRIED
UNANIMOUSLY**

1.0.2 Minutes of the Tourism and Visitor Sub Committee meeting held on Monday 12 February 2018

Cr D Balaza declared a material conflict of interest on the basis of being a member of the governing body of the Salisbury Business Association.

Cr D Balaza left the meeting at 6:32 pm.

1.0.2-TVSC2 Update on Discover Salisbury (Verbal)

Moved Mayor G Aldridge

Seconded Cr C Buchanan

1. That the report be received.

With leave of the meeting and consent of the seconder Mayor G Aldridge VARIED the MOTION as follows:

1. That the report be received.
2. Acknowledge and accept Deputy Chair Mr D Stockbridge's resignation.

LOST

Moved Cr R Zahra

Seconded Cr G Caruso

1. That the report be received.

CARRIED

Cr D Balaza returned to the meeting at 6:50 pm.

Community Development

1.1.1 Evaluation of the Twelve25 Advisory Committee & Youth Council

Moved Mayor G Aldridge

Seconded Cr G Reynolds

1. That the information be received.
2. That Council note that Council administration via the Community Capacity and Learning Division will develop a strategic approach to the training and mentor support offered to Youth Council members in governance matters to improve civic participation and effectiveness of the Youth Council.
3. That Council endorse the following recommendations of the internal review of the Twelve25 (Informal) Youth Advisory Committee:

Youth Council

- a. Youth Council remain a Section 41 Committee in accordance with the *Local Government Act 1999*.
- b. Terms of Reference for the Youth Council are amended to include the provision of analysis and reporting of performance, regular activities, programs and events of Youth Programming across the Community Capacity and Learning Division.

Twelve25 Salisbury Youth Enterprise Centre Advisory Group

- c. The Twelve25 Salisbury Youth Enterprise Centre Advisory Group provide input into the strategic development of Youth Services across the Community Capacity and Learning Division, in line with Youth Council Strategy.
- d. The terms of reference for the Twelve25 Salisbury Youth Enterprise Centre Advisory Group be amended to reflect their work across all Youth Programs.

CARRIED
UNANIMOUSLY

1.1.2 Minutes of the Youth Council Sub Committee meeting held on Tuesday 13 February 2018

1.1.2-YC1 Appointment of Youth Council Sub Committee Chairperson and Deputy Chairperson - 2018

Moved Mayor G Aldridge
Seconded Cr S White

1. Rebecca Etienne be appointed to the position of Chairperson of the Youth Council Sub Committee for 2018.
2. Reem Daou be appointed to the position of Deputy Chairperson of the Youth Council Sub Committee for 2018.

CARRIED
UNANIMOUSLY

1.1.2-YC2 Youth Council Project Teams 2018

Moved Mayor G Aldridge
Seconded Cr S White

1. The following project teams be endorsed to be undertaken in 2018 by the Youth Council:
 - a. Disability Inclusion Project Team; and
 - b. Anti-Bullying Project Team.
2. Tyler Rutka-Hudson be appointed to the position of Team Leader, Disability Inclusion Project Team.
3. Thomas Wood be appointed to the position of Team leader, Anti-Bullying Project Team.

CARRIED
UNANIMOUSLY

1.1.2-YC3 Information Updates for Youth Council Members

Moved Mayor G Aldridge
Seconded Cr S White

1. That the information be received and noted.

CARRIED
UNANIMOUSLY

1.1.2-YC4 Twelve25 Salisbury Youth Enterprise Centre - January Update

Moved Mayor G Aldridge
Seconded Cr S White

1. That the information be received and noted with the amendment to item 3.1.2 in the Twelve25 Salisbury Youth Enterprise Centre – January Update report:

The second sentence “*This was well-attended and received by participants.*” be removed.

CARRIED
UNANIMOUSLY

YC-OB2 Judd Street Laneway Status

Moved Mayor G Aldridge
Seconded Cr S White

1. That a report is provided to the Youth Council Sub Committee regarding the status of the Judd Street Laneway.

CARRIED
UNANIMOUSLY

OTHER BUSINESS

Nil

CONFIDENTIAL ITEMS

1.10.1 Compensation for Council property acquired to facilitate construction of the Northern Connector

Moved Cr S White

Seconded Cr J Woodman

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which 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*
 - *information the disclosure of which would, on balance, be contrary to the public interest.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non disclosure of this item at this time would protect sensitive commercial information in relation to acquisition of and associated compensation for Council Land with the Commissioner of Highways*

*On that basis the public's interest is best served by not disclosing the **Compensation for Council property acquired to facilitate construction of the Northern Connector** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED

The meeting moved into confidence at 7:05 pm.

The meeting moved out of confidence and closed at 7:09 pm.

CHAIRMAN.....

DATE.....

ITEM	1.0.1
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Future Reports for the Policy and Planning 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 Policy and Planning 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 Policy and Planning Committee as a result of a Council resolution:

Meeting Item	Heading and Resolution	Officer
19/12/2016 1.3.1 Due:	Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment update 4. That a further report be provided to Council on the outcomes of the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment public consultation process upon conclusion of the consultation period. April 2018	Peter Jansen
19/12/2016 P&P-OB1 Due:	RAAF AP-3C Tailfin for Purposes of Display That staff prepare a report working with Salisbury RSL to obtain an AP-3C Tailfin from RAAF for purposes of display within the Salisbury Council area, potentially as part of the Salisbury Oval Precinct upgrade. June 2018	Adam Trottman
24/04/2017 1.3.2 Due: Deferred to: Reason:	Privately Funded Development Plan Amendments Policy Review 2. That a review of the Privately Funded Development Plan Amendment Policy be conducted when relevant details of the Planning Reforms under the Planning, Development and Infrastructure Act are known. March 2018 September 2018 Still awaiting details from SA Planning Commission on this process and how private funding arrangements may occur, and if acceptable.	Peter Jansen
24/04/2017 1.3.1 Due: Deferred to Reason:	Salisbury, Mawson Lakes and Ingle Farm Car Parking Review Mawson Lakes Study Area: (ii) Subject to a further Council report a trial of electronic parking controls in Euston Walk and Metro Parade to assist in utilisation and turnover of parking spaces adjacent the Mawson Lakes interchange. March 2018 April 2018 Discussions are occurring with a private provider regarding a trial.	Peter Jansen
24/04/2017 1.3.1 Due:	Salisbury, Mawson Lakes and Ingle Farm Car Parking Review Salisbury City Centre Study Area: (d) Retain the current exemption from car park contribution for small business with a further review in two years. June 2019	Peter Jansen

25/09/2017 1.1.2	Change in Opening Hours at Salisbury Recreation Precinct 2. That a further report be presented to Council to cover concerns raised in relation to the financial impact on possible changes to opening hours, hot weather policy and minimum attendance numbers. Due: March 2018 Deferred to: April 2018 Reason: Belgravia will be presenting to Council as a part of the budget deliberations on 28 March, and a report will be prepared subsequent to this presentation for consideration in April.	Adam Trottman
27/11/2017 1.1.2	Regional Athletics Facility at Bridgestone Reserve 3. A further report be brought back to Council for consideration regarding the detailed scope of works and operating costs, revenue streams and end user commitments associated with Council's preferred option before June 2018. Due: June 2018	William McInerney
29/01/2018 NOM1	Consideration of Cities Power Partnership program 1. That staff report back on requirements and costs for the City of Salisbury to join the independent Climate Council's Cities Power Partnership program. Due: April 2018	Nina Parletta
29/01/2018 NOM2	Smartphone Charging Stations 1. That staff report on Council installing charging stations in the Salisbury CBD and charging facilities in Council-owned community buildings. Smartphones and technology are an essential aspect of Australians lives and as such smartphone charging facilities are a necessary investment in the basic infrastructure that would help people stay connected and safer. Due: March 2018 Deferred to: May 2018 Reason: Business Systems & Solutions are liaising with necessary staff in relation to the requirements to fulfill this resolution.	David Bevan
26/02/2018 NOM1	Compostable and Reusable Containers Incentive Scheme That staff undertake a report on the viability of a pilot project and detailing opportunities for a Salisbury business incentive scheme supporting compostable and reusable containers. The scheme would offer businesses financial or other inducements to stock compostable and reusable takeaway coffee and food containers. Due: May 2018	Terry Sutcliffe

4. CONCLUSION / PROPOSAL

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

CO-ORDINATION

Officer: EXEC GROUP

Date: 13.03.18

ITEM	1.0.2
	POLICY AND PLANNING COMMITTEE
HEADING	Minutes of the Tourism and Visitor Sub Committee meeting held on Wednesday 14 March 2018
AUTHOR	Mechelle Potter, Administrative Coordinator - Business Excellence, Business Excellence
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The minutes and recommendations of the Tourism and Visitor Sub Committee meeting held on Wednesday 14 March 2018 are presented for Policy and Planning Committee's consideration.
RECOMMENDATION	<p>1. The information contained in the Tourism and Visitor Sub Committee Minutes of the meeting held on 14 March 2018 be received and noted and that the following recommendations contained therein be adopted by Council:</p> <p>TVSC1 Appointment of Deputy Chairman - Tourism and Visitor Sub Committee</p> <p>1. Mr David Waylen be appointed as Deputy Chairman of the Tourism and Visitor Sub Committee for the remainder of the current Council term.</p> <p>TVSC2 Recreational Vehicle (RV) Park Assessment for Pioneer Park</p> <p>1. That the report be noted.</p> <p>2. That a detailed feasibility assessment and design works be undertaken prior to Council making a decision on whether to proceed to public consultation on establishing an RV Park at Pioneer Park or Happy Home Reserve, with the feasibility assessment and design work to consider, but not be limited to, the following issues:</p> <p>2.1. Preparation of a concept design for a “Basic” level RV Park for Pioneer Park or Happy Home Reserve, Salisbury.</p> <p>2.2 Further validation and refinement of preliminary engineering and cost assessment of the concept design in terms of construction feasibility and estimated costs.</p> <p>2.3 An assessment of options for funding, procurement and delivery of an RV Park in Pioneer Park or Happy Home Reserve.</p> <p>2.4 An indicative project time line taking into account statutory processes and requirements under the Local Government Act 1999 and Development Act 1993.</p> <p>2.5 A Consultation Plan.</p>

3. That consultants be engaged to undertake the preparation of a concept design for a "Basic" level RV Park on Pioneer Park or Happy Home Reserve, and for costing of the concept design.
4. That a further report on the feasibility assessment be brought back to Council for further consideration by June 2018 or earlier if available.

TVSC3 Draft Adelaide International Bird Sanctuary Management Plan

1. The City of Salisbury supports the formation of the Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara and the related Draft Management Plan for the proposed National Park.
2. The response to the call for comment on the Draft Management Plan from the Department of Environment, Water and Natural Resources include:
 - a. Council's Tourism and Visitor Strategy (2016- 2021);
 - b. Council's St Kilda Stage 2 Master Plan;
 - c. The summary sheet of comments provided as Attachment 6 to Item TVSC3 of the Tourism and Visitor Sub-committee agenda dated 14 March 2018; and
 - d. A request for the Department of Environment, Water and Natural Resources to engage with the City of Salisbury in the future development of operational plans and actions of the Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara Management Plan.

TVSC-OB1 Meeting Attendance

1. That Members Jack Buckskin and Janine Kraehenbuehl be contacted regarding non attendance at meetings and report to Council on their membership status.

TVSC-OB2 Secret Garden

1. That the City of Salisbury be congratulated on the success of the Secret Garden and receiving the Bank SA Best Event Award for week three of the Adelaide Fringe.

ATTACHMENTS

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

1. Minutes Tourism and Visitor Sub Committee - 14 March 2018

CO-ORDINATION

Officer:	CEO	GMBE
Date:	15/03/2018	15/03/2018



**MINUTES OF TOURISM AND VISITOR SUB COMMITTEE MEETING HELD IN
COMMITTEE ROOMS, 12 JAMES STREET, SALISBURY ON**

14 MARCH 2018

MEMBERS PRESENT

Cr S Reardon (Chairman)
Mr Kevin Collins
Ms Marilyn Collins
Mr Jeffrey Pinney
Mr David Waylen
Cr J Woodman
Cr R Zahra

OBSERVERS

Cr L Caruso (6.02 pm)

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
General Manager City Infrastructure, Mr M van der Pennen
Manager Communications and Customer Relations, Mr M Bennington
Manager Economic Development & Urban Policy, Mr G Ratsch
Coordinator Urban Policy, Mr C Watchman
Manager Governance, Mr M Petrovski (*from 5:12 pm*)
Administrative Coordinator - Business Excellence, Mrs M Potter

The meeting commenced at 4:37 pm.

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

APOLOGIES

Apologies have been received from Mayor G Aldridge and Cr R Cook.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr R Zahra

Seconded Cr J Woodman

The Minutes of the Tourism and Visitor Sub Committee Meeting held on 12 February 2018, be taken and read as confirmed.

CARRIED

REPORTS

TVSC1 Appointment of Deputy Chairman - Tourism and Visitor Sub Committee

Moved Cr J Woodman

Seconded Mr K Collins

1. Mr David Waylen be appointed as Deputy Chairman of the Tourism and Visitor Sub Committee for the remainder of the current Council term.

CARRIED

Mr K Collins declared a material conflict of interest on Item TVSC2 and left the meeting at 4:50 pm. Mr K Collins returned to the meeting at 4:57 pm pending further information regarding the conflict of interest.

The Chair sought leave of the meeting to bring forward Item TVSC3 to this point in the Agenda and leave was granted.

TVSC3 Draft Adelaide International Bird Sanctuary Management Plan

Moved Mr D Waylen

Seconded Cr J Woodman

1. The City of Salisbury supports the formation of the Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara and the related Draft Management Plan for the proposed National Park.
2. The response to the call for comment on the Draft Management Plan from the Department of Environment, Water and Natural Resources include:
 - a. Council’s Tourism and Visitor Strategy (2016- 2021);
 - b. Council’s St Kilda Stage 2 Master Plan;
 - c. The summary sheet of comments provided as Attachment 6 to Item TVSC3 of the Tourism and Visitor Sub-committee agenda dated 14 March 2018; and
 - d. A request for the Department of Environment, Water and Natural Resources to engage with the City of Salisbury in the future development of operational plans and actions of the Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara Management Plan.

CARRIED

The Chair sought leave to suspend the meeting to enable the Manager Governance to discuss Conflict of Interest with Mr K Collins and Ms M Collins and leave was granted. The meeting was adjourned at 5.12 pm.

The meeting resumed at 5.25pm

TVSC2 Recreational Vehicle (RV) Park Assessment for Pioneer Park

Mr K Collins declared a material Conflict of Interest due to his involvement with the Caravan and Motorhome Club of Australia and left the meeting at 5.26 pm.

Ms M Collins declared a perceived Conflict of Interest through her association with Mr K Collins. Ms M Collins managed the conflict by remaining in the meeting and voting on the item.

Moved Cr R Zahra

Seconded Cr J Woodman

1. That the report be noted.
2. That a detailed feasibility assessment and design works be undertaken prior to Council making a decision on whether to proceed to public consultation on establishing an RV Park at Pioneer Park or Happy Home Reserve, with the feasibility assessment and design work to consider, but not be limited to, the following issues:
 - 2.1. Preparation of a concept design for a "Basic" level RV Park for Pioneer Park or Happy Home Reserve, Salisbury.
 - 2.2. Further validation and refinement of preliminary engineering and cost assessment of the concept design in terms of construction feasibility and estimated costs.
 - 2.3. An assessment of options for funding, procurement and delivery of an RV Park in Pioneer Park or Happy Home Reserve.
 - 2.4. An indicative project time line taking into account statutory processes and requirements under the Local Government Act 1999 and Development Act 1993.
 - 2.5. A consultation Plan.
3. That consultants be engaged to undertake the preparation of a concept design for a "Basic" level RV Park on Pioneer Park or Happy Home Reserve, and for costing of the concept design.
4. That a further report on the feasibility assessment be brought back to Council for further consideration by June 2018 or earlier if available.

CARRIED
UNANIMOUSLY

Mr K Collins returned to the meeting at 6.25 pm

OTHER BUSINESS

The Chair advised that the resignation of Mr David Stockbridge from the Tourism and Visitor Sub Committee was endorsed by Council at its meeting held on 26 February 2018. A copy of Mr Stockbridge's letter of resignation was tabled at the meeting.

The Chair also advised the appointment of Mr David Waylen as the Business Community Representative to the Tourism and Visitor Sub Committee was endorsed by Council at its meeting held on 26 February 2018.

TVSC-OB1 Meeting Attendance

Moved Cr R Zahra

Seconded Cr J Woodman

That Members Jack Buckskin and Janine Kraehenbuehl be contacted regarding non attendance at meetings and report to Council on their membership status.

CARRIED

TVSC-OB2 Secret Garden

Moved Mr D Waylen

Seconded Mr J Pinney

That the City of Salisbury be congratulated on the success of the Secret Garden and receiving the Bank SA Best Event Award for week three of the Adelaide Fringe.

CARRIED

CLOSE

The meeting closed at 6.42 pm.

CHAIRMAN.....

DATE.....

ITEM	1.0.3
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Proposed Changes to Council Agendas and Future Training for Elected Members
AUTHOR	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
CITY PLAN LINKS	4.2 Develop strong capability and commitment to continually improve Council's performance. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Proposal to institute changes that were the subject of presentation to members during the Elected Member Strategic Workshop held on Saturday 24 February 2018, when the Manager Governance provided information and feedback about how Council meetings function and identified opportunities for improvements, indicating format changes to the structure of Council agendas to help improve decision making.

RECOMMENDATION

That:

1. The changes to Council agendas as proposed in Attachment 1 to this report (Policy and Planning Item No.1.0.3 19/03/2018) be adopted for implementation at the May meeting of Council, namely:
 - enabling the “en bloc” adoption of Committee recommendations to Council, and
 - requiring the administration to comment and to provide key information to Council in relation to each Motion on Notice listed on the Council Agenda.
 - reordering the matters that are listed for consideration on the Council agenda,
2. Approve the following training workshops to be scheduled and provided to Elected Members:
 - Council meeting procedures - “refresh” workshop,
 - the conflict of interest provisions - “refresh” workshop,
 - Elected Members Code of Conduct, and
 - Local Government elections – “do and don’t”.

ATTACHMENTS

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

1. Proposed changes to Council agendas

1. BACKGROUND

- 1.1 The report to the Program Review Sub-Committee meeting on 13 November 2017, dealing with the CEO and Governance Program Review contained (inter alia) a recommendation (adopted by Council on 23 November 2017) that proposed changing the structure of Council and committee agendas and minutes.
- 1.2 One of the recommendations in the report suggested that a legal practitioner be engaged to attend three meetings of Council (November and December 2017, and January 2018) for the purpose of observing the conduct of our meetings and to provide practical feedback that may assist with improving Council's conduct of meetings, as part of the ongoing governance review process. Council approved the recommendation and Mr Michael Kelledy was engaged for this purpose and attended the meetings.
- 1.3 The report also highlighted the opportunity for further training to be offered to Elected Members and (in the context of implementing the delivery of digital agendas and minutes by 30 June 2018) identified individual and reiterative training to be offered to Elected Members on the use of information technology; the aim being to increase use of electronic Council agenda papers and minutes and decrease reliance on hard copy printing of Council papers.

2. DISCUSSION

- 2.1 During the Elected Member Strategic Workshop, the Manager Governance, in his presentation to Members, provided feedback from Mr Kelledy about the conduct of our Council meetings, indicated that he would formally (through the Committee and Council process) propose changes to the structure of Council agendas (reordering items to be considered by Council), propose a return to "en bloc" voting on Committee recommendations to Council, and the introduction of a requirement that the administration provide comment and key information to Council in relation to Motions on Notice that are placed on the Agenda.
- 2.2 While other future changes were "flagged" for the way in which Council and Committee agendas and minutes are presented, Members were advised that the three critical changes described above are likely to be easier to implement from an IT system change perspective and would serve as a "pilot" project of changes.
- 2.3 Implementing this "pilot" component of three changes will require a change of the "scripts" used to compile agendas and minutes through InfoCouncil, our agenda management system. The changes to InfoCouncil will require our external provider to undertake the work and for off-line testing to be completed before we can produce the new agenda format. It is anticipated that the earliest Council meeting that the changes can be ready for is the May 2018 meeting.
- 2.4 Potential offerings of training for the remainder of this Council term were also proposed at the workshop. Although the Council has now entered the final 12 months of its elected term, this should not mean that opportunities for training and development shouldn't be identified and offered where needed.
- 2.5 The training that was suggested at the workshop largely emanated from the feedback received from Mr Kelledy, as follows:
 - Council meeting procedures - "refresh" workshop,
 - the conflict of interest provisions - "refresh" workshop,

- Elected Members Code of Conduct, and
- Local Government elections – “do and don’t”.

2.6 This training is in addition to offering individual training for the improved use of technology to increase use of electronic Council agenda papers and minutes.

3. CONCLUSION

3.1 The Elected Member annual strategic workshop provided an opportunity to brief Elected Members about changes that will be proposed formally through the Committee and Council decision process and enable informal discussion and feedback about how any changes might improve the way we make decisions in future.

3.2 The feedback received informed this report and the framing of the suggested changes.

CO-ORDINATION

Officer: CEO
Date: 15.03.18

“EN-BLOC” VOTING FOR COMMITTEE RECOMMENDATIONS**Format for Committee Reports to Council****Item No. ##.##****To: COUNCIL on (Date)****Title: (Name of Committee) – Committee Resolutions for Council Ratification**

Approving Officer: Chief Executive Officer

Reference No. 2017/ etc.

EXECUTIVE SUMMARY:

The [INSERT NAME] Committee met on [INSERT DATE] and considered [INSERT NUMBER] items on its Agenda. The [INSERT NAME] Committee agenda and reports were distributed to all Elected Members and made available to the public prior to the Committee meeting.

The resolutions of the Committee are provided in this report as recommendations to Council. The corresponding Executive Summary of each report to the Committee is also provided as a prompt.

The Council may wish to adopt all the Committee recommendations by way of a single resolution, having given due consideration to each matter, OR, Elected Members may identify individual item/s to be withdrawn for separate discussion and resolution by Council.

A draft recommendation has been provided for each approach and is subject to the will of the Council meeting.

RECOMMENDATION:

That Council adopt the recommendations of the [INSERT NAME] Committee meeting on [INSERT DATE], contained in the report to item No. ##.## on the agenda for the Council meeting held on [INSERT DATE HERE], and listed below:

- 1. [LIST ADOPTED RESOLUTION/S HERE HERE].**

OR

That Council adopt the recommendations of the [INSERT NAME] Committee meeting on [INSERT DATE], contained in the report to item No. ##.## on the agenda for the Council meeting held on [INSERT DATE HERE], and listed below, with the exception of item/s ## and ## which will be considered separately:

- 2. [LIST ADOPTED RESOLUTIONS HERE].**

THE SECOND PAGE OF A COMMITTEE REPORT TO COUNCIL WILL, IN TABLE FORM, EVERY ITEM FROM THE COMMITTEE AGENDA THAT REQUIRES COUNCIL RATIFICATION, ALONG WITH THE EXECUTIVE SUMMARY AND THE COMMITTEE RESOLUTION FOR THAT ITEM.

COMMITTEE RESOLUTIONS FOR COUNCIL RATIFICATION

<ul style="list-style-type: none"> • COMMITTEE AGENDA • ITEM NO. and TITLE • 	<ul style="list-style-type: none"> • EXECUTIVE SUMMARY AND COMMITTEE RESOLUTION • RECOMMENDED TO COUNCIL
<ul style="list-style-type: none"> • Item No. #.# • Title 	<ul style="list-style-type: none"> • EXECUTIVE SUMMARY: • The summary of the report should be inserted here. 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. • • COMMITTEE RESOLUTION: • That: ▪ <i>The Committee Resolution is inserted here, NOT the recommendation of the report (unless the two are the same).</i> ▪ <i>Once adopted by Council the Administration is bound by the decision so the wording is critical.</i> •
<ul style="list-style-type: none"> • Item No. #.## • Title 	<ul style="list-style-type: none"> • EXECUTIVE SUMMARY: • The summary of the report should be inserted here. 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. • • COMMITTEE RESOLUTION: • That: ▪ <i>The Committee Resolution is inserted here, NOT the recommendation of the report (unless the two are the same).</i> •
<ul style="list-style-type: none"> • Item No. #.### • Title 	<ul style="list-style-type: none"> • EXECUTIVE SUMMARY: • etc. • • COMMITTEE RESOLUTION: • Etc. •

Motions on Notice:**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 (Date)****Title: Notice of Motion – (Subject)****Council Member: Councillor #####****Receiving Officer: Manager Governance****Reference No. 2018/ etc.****MOTION ON NOTICE:**

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

That Council:

1. A report be brought forward...#####:
 - 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.

• Strategic Plan •	• Provide link
• Policy •	•
• 18/19 Budget Impact •	•
• Proposed 19/20 Budget Allocation •	•



AGENDA

COUNCIL

*meeting to be held on 27 November 2017 at 6:30 pm in
the Council Chamber, 12 James Street, Salisbury.*

Elected Members

Mayor G Aldridge

Cr L Caruso (Deputy Mayor)

Cr D Balaza, Cr S Bedford, Cr B Brug, Cr D Bryant, Cr C Buchanan,
Cr G Caruso, , Cr R Cook, Cr E Gill, Cr D Pilkington, Cr D Proleta, Cr S Reardon, Cr G Reynolds, Cr S
White, Cr J Woodman, Cr R Zahra

Apologies: Cr #####

Leave of Absence: Cr #####

Prayer

Father in heaven

We thank you for the wondrous resources of our City, for its people, its environment and its sense of community. We thank you for the opportunity to now deliberate over how best to help our community. Please bless that we will respect one another and that we will all do our best to make decisions that will help our community to grow and prosper. Bless our efforts this day in God's name. Amen.

Kaurna Acknowledgement

The City of Salisbury acknowledges that we are meeting on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living.

AGENDA

ITEM NO. 1 – Deputations

ITEM NO. 1.1 – TITLE – name of person speaking.....page ##

ITEM NO. 1.2 – TITLE – name of person speaking.....page ##

[at the conclusion of each deputation the Mayor will ask if there are questions from Elected Members to person addressing Council, and at the conclusion of questions will offer an opportunity for an Elected Member to move a Motion without Notice related to the topic of the deputation before moving to the next item on the agenda]

ITEM NO. 2 – Petitions

ITEM NO. 2.1 – TITLE – name of person/organisation.....page ##

ITEM NO. 3 – Minutes (previous meeting)

ITEM NO. 4 – Committee Reports

ITEM NO. 4.1 – COMMITTEE TITLE – date of meeting - name of Chair.....page ##

ITEM NO. 4.2 – COMMITTEE TITLE – date of meeting - name of Chair.....page ##

[each Committee will have a covering Council report that will have as its attachment the list of items that went to the Committee and the resolution/recommendation to council. The covering Council report will have a recommendation to be moved by the Chair of the Committee that the recommendations be adopted by Council, unless an Elected Member asks for any to be discussed individually, then the residual recommendations are to be adopted by the Council and the individual item/s will be considered separately]

ITEM NO. 5 – General Business Reports

[where the Administration might submit a report directly to Council for decision]

ITEM NO. 6 – Motions on Notice

ITEM NO. 6.1 – TITLE – name of Elected Member.....page ##

ITEM NO. 6.2 – TITLE – name of Elected Member.....page ##

[see separate attachment showing structure of individual Motion on Notice page]

ITEM NO. 7 – Questions without Notice

ITEM NO. 8 – Questions on Notice

ITEM NO. 8.1 – TITLE – name of Elected Member.....page ##

ITEM NO. 8.2 – TITLE – name of Elected Member.....page ##

ITEM NO. 9 – Mayor's Diary

ITEM NO. 10 – Elected Members Representation Activities

ITEM NO. 11 – General Business/ Motions without Notice

ITEM NO. 12 – Confidential Items

ITEM	1.0.4
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Elected Members Strategic Workshop - 24 February 2018
AUTHOR	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
CITY PLAN LINKS	4.2 Develop strong capability and commitment to continually improve Council's performance. 4.4 Embed long term thinking, planning and innovation across the organisation.
SUMMARY	The Elected Member Strategic Workshop was held on Saturday 24 February 2018 at the Mawson Lakes Centre. The workshop provided a useful opportunity for the executive group to present to Elected Members information about current initiatives and to raise key strategic issues for informal discussion.

RECOMMENDATION

That Council:

1. Note the summary of discussion points raised during the Elected Member Strategic Workshop held on Saturday, 24 February 2018 at the Mawson Lakes Centre, contained in Attachment 1 to this report (Policy and Planning Item No.1.0.4 19/03/2018).

ATTACHMENTS

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

1. Elected Members Strategic Workshop, 24 February 2018 - notes.

1. BACKGROUND

- 1.1 The Elected Member Strategic Workshop is an annual workshop involving the Executive Group and Elected Members that provides an opportunity to share information and discuss strategic matters that provides context for the formal budget deliberations of Council for the forthcoming financial year, and assists in identifying key areas of focus for further consideration by Council.

2. DISCUSSION

- 1.2 During the workshop members of the Executive Group, together with the Manager People and Culture and the Manager Governance presented information for discussion with the Elected Members.

1.3 Key topics that were covered included:

- Update on the City Plan
- Events Management
- Budget and Resource Overview, long term financial plan/budget drivers/measuring
- NAWMA (Waste Management) opportunities
- Flood Management
- Water Business Unit
- Governance
- Marketing and Communication
- Strategic Property Development – projects/land acquisition
- Paddocks Masterplan

1.4 The Notes of the topics covered are shown in Attachment 1.

1.5 Several matters that were discussed during the workshop have already been further discussed as part of the budget formulation process for the 2018/19 financial year, including:

- Budget – long term financial plan
- Budget Drivers and Parameters.

1.6 Elected Members requested regular (periodic) reporting on the progress of core strategies in the City Plan. Other strategic priorities that arose from the discussions and will be the subject of advice to Council, following necessary research and analysis include:

- Marketing and Communication (report to Innovation and Business Development Sub-Committee – April 2018)
- Paddocks Masterplan (Informal Strategy presentation then report to Committee)
- Events (refer separate report on current Policy and Planning Committee Agenda – March 2018)
- Flood Management (report to Works and Services Committee – April 2018)
- NAWMA (Informal Strategy presentation by Chair and Chief Executive of NAWMA being arranged).

2. CONCLUSION

2.1 The Elected Member annual strategic workshop is a valuable initiative in the management of the organisation. It enables information to be imparted in an informal setting, where key strategic pressures and priorities for Council and the community can be examined and discussed, opportunities identified, without the pressure of decisions having to be made.

2.2 The process now is for the administration to prepare necessary advice for submission to the Council for formal consideration, decision and implementation on those matters identified as priorities that Council wishes to pursue.

CO-ORDINATION

Officer: CEO
Date: 15.03.18

ELECTED MEMBER STRATEGIC WORKSHOP NOTES/OBSERVATIONS 24 February 2018

Expectations and Outcomes:

The Manager and Chief Executive Officer welcomed all in attendance, commenced the workshop with some introductory comments and sought input from participants about their expectations for the day, to frame the discussions that would ensue.

These are summarised below:

- Clarification of where we are going.
- Any alterations to the direction.
- Opportunity to delve into financial matters.
- Chance for longer conversations in an informal setting .
- Coming up with ideas about where Salisbury is going.
- Renewal – town centre and expanding out into our suburbs.
- Disappointed that not all Elected Members attend and we have to go over things again.
- Helps to frame what we are doing - looking at budget.
- Valuable – budget discussion.
- Management –
 - Making sure we are doing the right thing
 - Validation, listening
 - Social opportunity
 - Remove distractions.
- Action Plan – we know which GM will have carriage.
- Raise awareness of what council services are.
- Making our community better.

City Plan Update:

The CEO and General Manager City Development provided a review of the status of the Critical Actions contained in Council's City Plan 2030.

Workshop comments:

- Plans for railway at Park Tce – Rail freight diversion – Church St extension – Labor.
- Defence Precinct (Tech Park and Edinburgh Parks) – Office facility vacant for one year.
- Awareness Edinburgh Parks – office / Polaris – **GMCID**.
- Media graphics (positive stories) – info Graphics (send to EMs) – use other than social media – EMs share on social media – promote positive stories – **GMBE** (Informal Strategy presentation marketing).
- Update on new factories (update on Defence – not DAs) – Salisbury Aware – St Jays (promote) – advocate for private investment.

Events:

The General Manager Community Development provided an overview of the endorsed calendar of events, along with events that could be added and funding options. Discussion highlighted the need to work with key partners, and the recommendation of the Community

Planning and Vitality Program Review for a report to Council with budget implications for any additional events outside of the core suite approved by Council.

Workshop comments:

- Food and cultural festival – work with Business Association.
- Funding – reform of Grants structure – Clubs pull all applications together – separate categories \$2,500/\$5,000/\$20,000 – increase capacity.
- Strategy – (Council) delivery or support partner – public or private sponsorship – or partner with service clubs – promote (“sponsored by Salisbury Council”).
- Scope – review (wider group – community and visitors).
- Live music in the Square.

Budget – Long Term Financial Plan (LTFP):

Elected Members were presented with various scenarios of the LTFP that compared impacts against the agreed financial indicators, being;

- Operating Surplus Ratio (0.5 -5%),
- Asset Sustainability Ratio (90-110%), and
- Net Financial Liabilities (< 40%).

The various LTFP scenarios provided members an understanding of implications of changes in rating and spending levels that would fall within or outside the financial indicators. The intention was to update members on the financial status of Council and provide information that would assist it in developing its budget for 2018/19 during the upcoming budget discussions and planning for the future.

A key fundamental of any financial consideration by Council has been its drive to maintain financial sustainability which has been previously defined as,

“A Council’s long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services”

The possible rating options considered covered a range from rating increases linked to CPI (based on Deloitte Access Economics forecast) through to the current LTFP option of continuing rate increases at approximately 3% each year. An option at CPI would see the financial targets not being met and also potential implications on Council’s ability to maintain financial sustainability.

Comparison was made to Council’s current rate levels compared to other Councils, which showed that the City of Salisbury still sits at the third lowest for residential properties. Of note was also the current low debt levels (\$13.4m) which is estimated to peak at \$20.8m in total in 2019/20.

Through the discussion members sought further information on other rating options, including a link to CPI and impacts on reducing rate increases in the early part of the LTFP. This information will be presented as part of the budget workshops and committee considerations.

Workshop comments:

- Impact of rates on long term financial plan (LTFP) – 3% or CPI+0.6%? [down to 2% this year likely to mean >4% later to catch up] – useful to make link to CPI for explaining to community – preference for CPI+ x.x%.
- \$4million operating surplus – result of setting ratio.
- Identify what the next big project is/are – a plan v.options, spend funds making city look better.
- Rate capping impact [previous report to Council] – link to CPI (impact on asset renewal) (impact on service levels).
- Debt management – table explain where we are [impact of Playford debt on us?].
- Maintain asset management renewal and new initiatives – report back to Council.
- Identify our point of difference.
- Average residential rate 3rd lowest in SA – average commercial rate? – comparative of rate increase.
- Capability building (timeframe and legend) – cost increase (water?).
- Business improvement savings – field services (pick up branches – trucks driving past).
- Ongoing reporting – feedback?

NAWMA:

The General Manager City Infrastructure gave an overview of the strategic directions of NAWMA. Discussion was particularly focussed on identifying opportunities for minimising waste going to landfill.

Workshop comments:

- Waste to energy – tyres – procurement policy (recycled materials).
- Coffee pods – lithium batteries.

Flood Management:

The General Manager City Infrastructure gave a presentation on work being progressed for managing potential flooding in future. Discussion centred on planning for and implementation of works to be provided in a future report to Council.

Workshop comments:

- Hydro take any of our water away? – work on local streets? (increase in local flooding?).

Water Business Unit:

An update was provided on plans for increased harvesting and storage of stormwater as part of the Dry Creek Catchment - in line with the strategic review conducted on the water business. The potential to partner with other organisations to capitalise on their knowledge, resources and expertise on larger scale water harvesting schemes to ensure the best outcomes for Council and the community, was highlighted.

Workshop comments:

- Business opportunity – maintain majority control (consider expansion opportunities – protect our borders) – community owns the water – PFOS PFOA update.

Governance:

The Manager Governance provided comment about the conduct of Council meetings, and indicated structural changes that would be proposed for the structure of Council agendas to help improve decision making. Discussion ensued about various elements that can improve conduct of meetings.

Workshop comments:

- Change order of Council Agenda – Motion on Notice [MoN] related to agenda items (bring forward, not at the end) – deputation relevant item brought forward.
- MoN proposed format (yes) – include budget impact and reference to previous reports.
- Questions on Notice (QON) – no debate (yes) – call relevant GM/CEO beforehand.
- Questions without Notice (QwN) – have question ready – point of order (question only) – not recorded in minutes unless voted so by Council.
- Speaking over 5 minutes - turn off microphone.
- Conflict of interest workshop – external members separate [legal advice first].
- Format of reports – sample report –
 - *“I don’t like what I am seeing and hearing, feels like dumbing down”*
 - *“have enough problems with not reading reports now”.*
- Committee reports to Council – “en bloc” voting – ability to pull a recommendation out – conflict of interest (pull out recommendation for separate decision) – make all consistent from sub-committee to committee to Council.
- When will changes be made? – pilot first and fully incorporated for new term.

Marketing and Communication:

The General Manager Business Excellence provided an update on the delivery of the approved Communications Plan, providing an opportunity to review progress against the plan and ensure key messages (e.g. enhanced messaging about council services and updates on projects) are being appropriately communicated to the broader community.

Discussion ensued about other areas of service provision and project delivery that might deserve more focus. The feedback will inform the review and reporting back to the Innovation & Business Development Sub Committee (previously the Program Review Sub Committee), as requested by the committee.

Workshop comments:

- Polaris – its own (linked in?) – rollovers (natural growth on a site? – increase Discover Salisbury (drop Salisbury Aware) – local area brochure (upgrades) – look at TTG “Grapevine” – rotate EM input to publication.
- Both Community Hubs.
- Strategy – advocate for private investment – repeat good messages – feed info to EMs (EMs put on F/book – opt in opt out) – see outcomes on investment.
- Tactical – Town Hall forum in each ward (new term) – cinema advertising – billboards on Main North Rd and Edinburgh Parks – community centres and shopping centres – take Salisbury Aware to business breakfast.
- Direct marketing to business? Polaris
- Print media a waste of money – Salisbury Aware (junkmail) – promote on social media.

Strategic Land Purchase Opportunities:

The General Manager City Development provided a background to Council's role in land purchase and development, which need to be policy driven and identified in Council endorsed plans; and specific considerations relating to land purchase – to address specific issues and opportunities; strategic alignment, impact on Long Term Financial Plan, role of Council in facilitating outcomes, potential market distortions, competition principles. Queries and comments arising from Elected Members in response to the presentation included:

Workshop comments:

- Purchase properties and sell to investors who match our vision and direction.
- Office building at Tech Park.
- Not sure if community want us to be property speculators.
- Identity/vision (major sporting complex) – vision (aboriginal culture celebration) – strategic objective alignment – ensure particular services (eg. Secure land – community building).

Paddocks Master Plan:

An update on the status of The Paddocks master plan was provided by the General Manager City Development. An outline of the project scope was provided, and information on feedback from the initial community consultation on the role and future of The Paddocks, which will inform key proposals for inclusion in the draft master plan for consideration by Council and subsequent public consultation in April/May 2018. It was noted that funding for any master plan initiatives endorsed by Council would be subject to future budget or budget review consideration, unless appropriate to be funded from existing operational or capital (eg renewal) budgets.

Workshop comments:

- Long term plan for significant study area – includes residential and is adjacent industry.
- Thorough consultations for "one of a kind" asset – strong local attachment – safety - grand park.
- Appropriate signage – resolve anti-social behaviour – zones for sports – clubs relocate within the area – regional playground (add a third playground) – need for appropriate furniture.
- Funding.

ITEM	1.1.1
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Community Street Art Program
AUTHOR	Pippa Webb, General Manager Community Development, Community Development
CITY PLAN LINKS	3.2 Have interesting places where people want to be. 3.3 Be a connected city where all people have opportunities to participate. 3.4 Be a proud, accessible and welcoming community.
SUMMARY	This report presents a range of options for Council to consider relating to community street and public art to support place curation, including potential costs

RECOMMENDATION

1. Adopt Option 2, Contract Artists Direct - where artists would be contracted direct to undertake artwork, mentor local street artists and instill a sense of local ownership of the art works.
2. Authorise staff to prepare a late new initiative bid for \$50,000 per annum for three years to deliver a community street and public art murals project including contracting artists direct, staff coordination and maintenance.
3. Note that staff liaison with Youth Council will take place to seek their involvement in the project.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Community street and public art programs can be used to enliven areas, create a sense of belonging, generate economic activity through improved amenity and to provide upskilling opportunities.
- 1.2 The City Pride Strategy 2020 has a strong focus on improving the public realm and working collaboratively with ratepayers, residents, traders and organisations to improve the amenity and visual appearance of the City.
- 1.3 City Pride Strategy 1.6 states “Improve the appearance of non-residential areas” with the following critical action “Pilot a project, working in partnership with local businesses in a non-residential area, to improve streetscape appearance including the frontage of private properties”.

- 1.4 There has been a small number of low scale street and public art projects that have been undertaken at locations across the City of Salisbury; however these have been once off projects not necessarily linked to the City Pride overall objective.
- 1.5 The quality, visual appearance and scale of community street and public art are important considerations in making a positive contribution to public realm.
- 1.6 Community street and public art also contributes to the City of Salisbury Tourism and Visitor Strategy 2016-2021. Objective 3 seeks to *create new visitor experiences that address identified gaps, capitalize on key themes, precincts and attractions; and increase visitor spend*. Strategy 3.6 specifically states to *work with industry, community groups and tourism stakeholders to develop new tourism and visitor attractions, products and experiences*. One of the key areas of focus for strategy 3.6 is arts and culture.
- 1.7 Many councils have adopted community street and public art as a way to address issues such as:
 - A lack of youth engagement and pride leading to excessive tagging/graffiti
 - Variability in standards in business precincts from business owners regarding the maintenance of property facades
 - Low foot traffic leading to safety issues, and lack of economic activity
 - Developing business skills in the artistic community
- 1.8 Community street and public art projects vary in the manner in which they are deployed. The following is a summary list of the various methodologies which are currently in use by other councils;
 - Contract an organisation to work with community groups across the city to determine sites, training and up skill and project manage the deployment of murals across the city. An example of this is the approach taken by Renewal SA in partnership with the City of Port Adelaide Enfield and the “Wonderwalls” project. This bi-annual event in the Port attracts thousands over a weekend of mural painting with significant international artists involved in projects. Young people also have the opportunity to attend workshop and be mentored by some of the artists.
 - Community based programs – these are generally run with a coordinator who is responsible for project management of the sites as well as coordinating content approvals and skilling community members who then undertake the work. Prospect Council have previously adopted this methodology.
 - Private Owner incentives – some councils offer incentives to private owners through funding the application of artistic content to their buildings, and also include a budget for council owned buildings. Under this method a panel of suitable artists are available for contracting commissioned works to be placed on council and private buildings in precincts, and an application processes for submissions is held annually. A panel of artists is selected to provide the services. Co-ordination of the art works is undertaken by council staff.
- 1.9 All of these methods also require consideration of ongoing maintenance for the art works. If the art work is not refreshed the value is lost to the community over time. As a result there are costs involved in maintaining a commitment to works once they are completed.

- 1.10 Typically where community street and public art has been successful from a visitor and tourism perspective, in addition to improving public realm, has been where projects have been done on a large scale. Adelaide CBD, Port Adelaide and Coonah silos are examples where the quality, scale and number of works have contributed to their success.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Manager Community Planning and Vitality

2.2 External

- 2.2.1 Gallery and Public Art Coordinator, City of Prospect (formerly City of Adelaide)
- 2.2.2 Salisbury Business Association

3. REPORT

- 3.1 It is important that Council makes some early decisions regarding their primary objective for street and public art as this will inform decisions and costings regarding the best methodology to be deployed.
- 3.2 The City Plan Vision outlines the following outcomes if the plan is achieved. These outcomes include;
- Well designed and maintained neighborhoods and places that are inclusive and accessible
 - New communities and a regeneration of existing urban areas
 - Increased investment and a wider range of job opportunities
- 3.3 Under the heading the Livable City the following actions are relevant;
- Enhance our neighborhoods, streets and public spaces so they are welcoming and connected
 - Provide experiences that make our places livelier and more interesting
 - Provide opportunities for the community to engage in learning
- 3.4 Under the heading of Prosperous City the following action is relevant;
- Ensure Council's regulations and procurement activities support local economic growth where possible
- 3.5 There are a number of steps involved in rolling out a community street and public art project including:
- Determining the quality, scale and guiding principles of proposed works
 - Agreeing on the precinct for community street and public art
 - Identifying walls and locations through the precinct in consultation with landowners
 - Artist call out, selection and engagement
 - Engagement for initial works and ongoing maintenance
 - Community engagement and building capacity of local youth

- 3.6 It is important that a community street and public art program:
- Provides opportunities for the community to learn new skills
 - Ensure the program delivers vibrant spaces across the precinct which attracts people to view the works
 - Where possible funding supports local economic growth
 - Engage reputable artists and where possible, engage artists that are respected by the local street art community
- 3.7 Advice received regarding the experience of art works undertaken in the City of Adelaide suggests that ongoing maintenance is key to the success of any works and reducing ongoing vandalism.
- 3.8 Maintenance of the artwork should be agreed upon with artists as part of negotiations. This should include more frequent maintenance in the initial 12 months (suggested revisits at 1 month, 3 months, 6 months and 12 months and thereafter annually or as required). Artists should be able to be called back at short notice within the initial 12 month period to redo any vandalized works as this leads to reduced vandalism in the future. Many pieces of works in the City of Adelaide receive little to no vandalism as a result of this approach.
- 3.9 Maintenance beyond the initial 12 months should be undertaken as required.
- 3.10 Verbal advice received from staff from other Councils and the local street art community suggests that depending on the size, scale and nature of works sought, an amount of \$4,000-\$6,000 should be allowed per piece for a local artist to undertake the work. A further amount of \$1,000-\$2,000 should be allocated for maintenance in the initial 12 month period per piece. This amount is for quality work that is likely to be of the scale and nature that will contribute to the vibrancy of a precinct.
- 3.11 Should higher profile artists be sought from interstate or overseas, this amount would not be sufficient and a larger budget per piece would be required based on negotiations.
- 3.12 The management methodology would vary depending upon the objectives which Council deem relevant. If the above principles were to be adopted the following management methodology analysis is provided to assist Council in making a decision on which approach best suits to achieve the objectives.
- 3.13 It is important to note that the below options do not take into account marketing and promotion of the works. For projects like *Wonderwalls* in Port Adelaide, marketing and promotion was a significant additional cost of the project and included promotional signage, temporary wayfinding signage, printed maps, mobile phone applications, social media and paid advertising through television, print and radio.
- 3.14 The City of Salisbury has established mediums such as social media and printed publications in order to promote community street and public art well.

OPTIONS FOR COMMUNITY STREET AND PUBLIC ART PROGRAM**4. OPTION 1 - CONTRACT AN ORGANISATION**

- 4.1 Under this model the contracted organisation would need a high profile suite of local and international artists in order to ensure that local economic growth was well supported.
- 4.2 The organisation would need to demonstrate their ability to deliver a project on a large scale and would also need to demonstrate their ability to deliver training and mentoring of local street artists.
- 4.3 This model results in a third party building relationships within the local community and reduces the opportunity for sound community development by Council. In addition, there can be added risk to Council where contractors may not have the same approach to balancing community, business and council interests.
- 4.4 The cost for this model could be in the vicinity of \$80,000 per annum for four to five artworks. Council would still need to administer and oversee the contract to ensure compliance and consistency with Council objectives.

5. OPTION 2 - CONTRACT ARTISTS DIRECT

- 5.1 Under this model artists would be contracted direct to undertake artwork.
- 5.2 Artists would be identified through an expression of interest or similar process.
- 5.3 Sites would be identified also through an expression of interest process in addition to sites identified by Council. Where Council has identified a site, an approach would be made to landowners to negotiate the placement of works.
- 5.4 This approach allows Council to work with both sites identified by landowners and sites identified by the community or Council itself. It also allows Council an opportunity to match identified artists with complimentary sites to ensure maximum impact of the artworks.
- 5.5 Artists would also be required to mentor local street artists and instill a sense of local ownership of the works.
- 5.6 The City of Salisbury Youth Council would be best placed to co-ordinate the engagement with young people; however the mentoring would be undertaken by artists themselves.
- 5.7 The cost for this model could be in the vicinity of \$4,000-\$6,000 per piece plus additional costs for ongoing maintenance and staff time to coordinate the project.
- 5.8 An initial budget of \$50,000 per annum over a three year period could be considered for around six to seven works per year including staff coordination time and an initial twelve months maintenance.

6. OPTION 3 - FUNDING PROGRAM

- 6.1 Under this model a funding program could be established where landowners or artists apply for funding to undertake the works. Council could be included on the list of eligible organisations to facilitate works on public buildings.

- 6.2 Sites and artists would be selected based on an established set of criteria which would include the need for local street artists to be engaged and mentored through the process.
- 6.3 A twelve month maintenance program could be included as part of the funding conditions for artists and a longer period required for landowners.
- 6.4 Artists would also be required to mentor local street artists and instill a sense of ownership of local street artists on the works.
- 6.5 The cost for this model could be in the vicinity of \$4,000-\$6,000 per piece plus additional costs for ongoing maintenance and a reduced amount of staff time to coordinate the funding program and oversee funded projects.
- 6.6 An initial budget of around \$45,000 per annum could be considered for around six to seven works including staff time to coordinate the funding and twelve months maintenance.
- 6.7 The risk with this model is that the success of the program relies heavily on the type and number of funding applications received by both artists and landowners. Council also has reduced ability to negotiate direct with key sites to improve the vibrancy of a particular area.
- 6.8 This model is one that should be considered once a street and public art program has matured over three years and Council has built relationships with the artistic & business/landowner community and has successful examples to draw upon to guide applicants.

7. CONCLUSION / PROPOSAL

- 7.1 Community street and public art can contribute to the overall vibrancy of a precinct, increase visitation and contribute to reduced crime.
- 7.2 A model whereby Council contracts artists direct and works with landowners will provide the best return on investment and support for community development in the initial phase.
- 7.3 A budget allocation of \$50,000 per annum, will provide for six to seven artworks and allow for coordination, support and maintenance for a twelve month period.
- 7.4 An expression of interest process should be run as part of this model to select artists and sites appropriate that complement each other and the precinct they are within.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 13/03/2018

ITEM	1.1.2
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	City of Salisbury Events
AUTHOR	Adam Trottman, Manager Community Planning & Vitality, Community Development
CITY PLAN LINKS	3.2 Have interesting places where people want to be. 3.3 Be a connected city where all people have opportunities to participate. 3.4 Be a proud, accessible and welcoming community.
SUMMARY	This report presents options to consider for events to be added to the endorsed calendar of events that support place curation, including a proposed resourcing strategy.
RECOMMENDATION	
	<ol style="list-style-type: none"> 1. That it be noted that: <ol style="list-style-type: none"> a. the existing events currently resourced in the Community Planning and Vitality Review (resolution number 1824/2017) in the Program Review are listed in Section 4.2 of this report. b. budget savings of \$35,000 from Australia Day will be reported at the 3rd quarter budget review. 2. That staff be authorised to prepare a three year New Initiative Bid for \$183,500 per year for consideration in the 2018/2019 Budget for the following: <ul style="list-style-type: none"> • Australia Day Picnic for \$59,500 each year. • Salisbury Food and Cultural Festival partnered event for \$20,000 each year • Salisbury Plays Bridgestone Reserve event for \$20,000 each year • Salisbury Plays at St Kilda event for \$22,500 each year • Salisbury Plays at Mawson Lakes event for \$22,500 each year • Salisbury Plays at Ingle Farm event for \$20,000 each year • Christmas Parade partnered event for \$9,000 each year • \$10,000 contingency for public safety, risk management and inclement weather associated with delivery of events. 3. That staff prepare a further report to be brought to Council in May 2018 regarding future delivery of Salisbury Secret Garden following a review of the 2018 event. 4. That an additional \$40,000 be made available to the Sport Recreation and Grants Committee to allow eight events per year with a maximum of \$5000 per event.

5. That if recommendation 4 is endorsed that staff be authorised to prepare a three year New Initiative Bid for \$63,000 comprising of increased funding for events with \$40,000 per year made available through the Sport Recreation and Grants Committee and \$23,000 to ensure events are supported with risk management, internal coordination, additional field services (eg. ancillary works, additional mowing, additional clean up) to maintain Councils reputation.
6. That a sponsorship policy, guidelines and application process for the new category of Grant consistent with funding criteria for events listed in Attachment 2 be prepared for Sport Recreation and Grants Committee consideration.

ATTACHMENTS

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

1. Existing and Proposed Events
2. Funding Criteria for Events
3. Salisbury Christmas Carols

1. BACKGROUND

1.1 On 22 May 2017, Council endorsed the Community Planning & Vitality Review resulting in a number of changes to that division.

1.2 Council resolution 1824/2017 stated inter alia:

That the recommendations of the Community Planning and Vitality Program Review Report as follows be endorsed:

- a. *The Community and Planning Vitality Division focus on facilitation and coordination of sports development and cultural development to improve efficiency, effectiveness and sustainability of programs and events in these areas.*
- c. *The Community Planning and Vitality Division develop a strategic approach to the value of events as they align to the City Plan, and implements a decision-making process for requested additional unbudgeted events.*
- d. *A Place Curation Plan be developed and Council support be sought if resources are required to implement the Plan.*

1.3 In addition, Council resolution 1126/2016 (27 June 2016) stated inter alia:

1. *Council offer to provide in kind support, specifically event planning advice and promotion of the events in Salisbury Aware and via the City of Salisbury's social media to the 2016 Christmas Carol events to be held at Tyndale Christian School and Mawson Lakes.*
2. *Council continue to investigate and consult with service groups such as Lions/Rotary for a possible partnership for Christmas Carols to be held at Pioneer Reserve in 2017.*

1.4 Also, Council resolution 2148/2017 stated:

1. *That in light of the Administration preparing a comprehensive report to Council on a potential extended calendar of events for the City of Salisbury, the report also include:*

1.1 advice on reviving the Mawson Lakes Fishing Competition, including ways of mobilizing and supporting Traders with the event; and

1.2 Council's potential involvement in running and facilitating Clean Up Australia Day events, and supporting Elected Members to be involved in the local events in their wards.

1.5 This report addresses these Council resolutions.

1.6 On 26 February 2018, Mr David Waylen, Executive Officer, Salisbury Business Association made a deputation to Council and the following points have been addressed as part of this report:

- Increased funding to support larger scale events, which have an impact across the community
- Allowing organisations to apply for funding for multiple events in any one year, where they are successful
- Establishing an advisory group for larger events

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 GM City Infrastructure

2.1.2 Team Leader Place Curation

2.2 External

2.2.1 Nil

3. REPORT

3.1 Events form an important part of the cultural and economic fabric of the City of Salisbury. They are designed to stimulate activity, provide interesting places for people to engage, provide learning and healthy lifestyle opportunities. The City plan 2030 contains the following commitment that we will:

- Provide experiences that make our places livelier and more interesting
- Encourage wellbeing through healthy lifestyles, sport, social and recreational opportunities
- Develop a community where peoples' culture, ideas and their capacity to achieve is supported and valued

3.2 On 22 May 2017, Council endorsed the Community Planning & Vitality Program Review resulting in a number of changes to that division.

- 3.3 During the Community Planning and Vitality Review undertaken in May 2017, a list of Council endorsed events was agreed to and funding was secured to undertake those events, as a part of the operating budget for the Division (see 4.2 for a list of endorsed events). Since the review, there have been a number of requests from Elected Members and the community to support additional events, over and above those listed.
- 3.4 A number of additional events have also been delivered by or in partnership with Community Planning and Vitality which has required resourcing. These events (such as Salisbury Plays at Bridgestone Reserve and St Kilda) were delivered using funds remaining from the now defunct OPAL program, and budget savings from other events.

4. CITY OF SALISBURY EVENTS AND CEREMONIES

- 4.1 A core set of principles is used by staff to assess the impact and purpose of events for inclusion as part of the City of Salisbury Events calendar. These include:
- Activation of spaces across the City
 - Broad community appeal
 - Showcasing new places and spaces
 - Future ability to grow and expand to increase impact
 - Relatively low cost with maximum impact, in terms of place activation and ongoing use of space (return on investment)
- 4.2 The following events form a part of the endorsed events for the City of Salisbury:
- Salisbury Secret Garden
 - Watershed Art Prize
 - Salisbury Writers' Festival
 - Growing for Gold
 - Matsuri on Mobara
 - 10 Art Exhibitions
 - Vietnam Veterans Day
 - Asbestos Victims Memorial Service
 - International Women's Day Breakfast
- 4.3 The current budget for these events is: \$23,000 plus 1.5 full time equivalent, with an additional \$50,000 for Salisbury Secret Garden. Growing for Gold is funded separately from the Sports Development budget.
- 4.4 Since the Program Review of Community Planning and Vitality was conducted, a number of new events have been able to be added to the events calendar, utilising excess grants funding and a small amount of savings in the budget. The suggestions regarding new events have come from a combination of community and elected members. They include events which are designed to celebrate and activate new and existing spaces.

- 4.5 These events included:
- Salisbury Plays at Bridgestone Reserve
 - Salisbury Plays at St Kilda
 - Supporting Aussie Era Car Show (hosted by the Salisbury Business Association)
 - Christmas Parade (hosted by the Salisbury Business Association)
 - Salisbury Food and Cultural Festival (partnered with Salisbury Business Association)
 - 2018 Australia Day Family Picnic
- 4.6 In relation to the Christmas Parade, the scope of involvement in this event continues to evolve and grow resulting in additional operating costs which cannot be covered within existing budgets.
- 4.7 The 2017 Salisbury Food and Cultural Festival and the 2018 Australia Day Family Picnic were funded by Council however there is no recurrent or ongoing funding for these events.
- 4.8 In 2017 an internal audit into events found that there is significant work required to ensure that events (internally delivered and partnered), comply with risk assessments, contingencies, and are able to be delivered in a manner that doesn't pose reputational risk to Council.
- 4.9 In order to deliver this there is an ongoing administrative resourcing required to ensure that external organisations have the capability to properly risk assess and deliver events. This risk occurs both when the Council is delivering as well as partnered and sponsored events. It is an important function which helps support community groups develop skills in event management and delivery, but also protects Council from various risks and the potential for reputational damage.
- 4.10 Adding to the events calendar therefore has resource implications which were not factored into the Community Planning and Vitality Review of 2017, as they have been added subsequently. In addition when events are held on City of Salisbury land there are some requirements regarding site clean-up before and after, which are over and above the event organiser's clean.

OPPORTUNITIES FOR CONSIDERATION

5. SALISBURY PLAYS

- 5.1 The Salisbury Plays concept has been well received by the community and engages with local community groups providing residents with the opportunity to interact with local clubs, experience new and existing play spaces and draw attention to parks and places within the City of Salisbury.
- 5.2 Attendance at these events attracts between 500 to 1,500 people and building alliances with local schools has proved to be the best method to ensure high participation rates. There is also an ongoing benefit as people return to the location to utilize the space they have experienced, thus ensure that our open spaces are well utilized.
- 5.3 There is an opportunity to replicate the Salisbury Plays concept at other locations across the council area.

- 5.4 Community Planning and Vitality has been able to deliver the Salisbury Plays events with a budget ranging from \$20,000-\$22,500 per event depending on the location (some locations require significantly more traffic management which can cost anywhere up to \$5,000 per event).
- 5.5 Staffing of \$4,500 is required to deliver each one of these Salisbury Plays events. This is currently not resourced within Community Planning and Vitality and is included in the new initiative bid.
- 5.6 Additional field and property services in the order of \$3,000 per event is required to deliver these events. Depending on the location, these services may include additional toilet cleans, rubbish collection and removal, site service mark outs (ie. marking out where irrigation systems are to allow pegging of marquees) post site clean and security. This has been included in the new initiative bid.

6. SALISBURY FOOD AND CULTURAL FESTIVAL

- 6.1 In 2017 the Salisbury Food and Cultural Festival was delivered in partnership with the Salisbury Business Association. The Salisbury Food and Cultural Festival was well received by patrons and is an opportunity to promote the diversity of the City in line with the Intercultural Strategy. The event was attended by approximately 3,000 people. This number is projected to increase as the event builds patronage over time. In addition the vision to support local traders by holding the event in John Street will also ensure ongoing support across the community.
- 6.2 Whilst Council allocated \$10,000 to the Salisbury Business Association for the 2017 event (Council Resolution 1125/2016), a review of the Salisbury Food and Cultural Festival budget and comparisons with other event budgets indicate that an amount of \$12,500 is required for the Salisbury Business Association to deliver the event in partnership with the City of Salisbury in the future.
- 6.3 City of Salisbury staffing and field services required to support delivery of the event is in the order of \$7,500 is required to support the implementation of the event (eg. assistance with planning and compliance with Council's risk management, insurance and statutory obligations, field services including additional site preparation, additional site clean, security, additional rubbish collection). This is not currently resourced. The event was managed this year by savings from grant funded program, which is no longer available.
- 6.4 In 2017 the event was relocated at short notice due to forecast inclement weather. Additional costs were incurred by Council to support this relocation. The proposed contingency budget would allow additional support to be provided in these types of circumstances. It is not envisaged that savings will be able to be utilized as an ongoing method to fund this sort of contingency.

7. SALISBURY SECRET GARDEN

- 7.1 Salisbury Secret Garden has grown since its inception and its importance to the North is highlighted by its inclusion in the Northern Economic Plan. Attendance at this event is around 12,000 across the program and had its biggest ever single weekend attendance. This event has an economic benefit to local traders and venues across the city, and is leveraged by the City based events around the Fringe Festival. This year with the headline act of Jebediah, approximately 32% of patrons surveyed on the night traveled from areas outside of the City of Salisbury as far away as the York Peninsula, Barossa Valley, Fleurieu Peninsula and Mildura region in Victoria.
- 7.2 As construction of the Salisbury Community Hub will temporarily change access to the City Centre and may impact of delivery of the event for one year, staff will bring a further report back to Council regarding costs and delivery of the event in the future. The budget for the 2018 Salisbury Secret Garden was \$95,000, with a small income stream from sponsorship.
- 7.3 Currently there is a \$50,000 recurrent budget for this event. It is proposed that a report will be brought back in May 2018, following the post event review which will provide recommendations for this event.

8. AUSTRALIA DAY

- 8.1 The Australia Day Family Picnic was previously delivered through a partnership between the City of Salisbury and Rotary.
- 8.2 Council allocated \$50,000 to conduct the event in 2018 and it appears that this is insufficient to provide an event on a similar scale and nature as what has previously been provided.
- 8.3 Until the event was cancelled due to the heat, Council worked with an events company to deliver this event within budget allocated by Council. An amount of \$35,000 remained unspent from the Australia Day Family Picnic and this will be reported as budget savings in the 3rd quarter budget review process.
- 8.4 It is estimated that staffing and field services costs associated co-ordination and delivery of the event is approximately \$9,000. This is currently being undertaken via re-deployment of resources which is not sustainable.

9. CHRISTMAS PARADE

- 9.1 The Salisbury Christmas Parade is delivered by the Salisbury Business Association.
- 9.2 In previous years Council's participation has been limited to its volunteer groups. In 2017, Council had a much more significant presence with historical vehicles, carts and staff volunteering for the event. There are costs associated with coordination, delivery of historical vehicles to site and horses associated with drawing them. Council's presence at the 2017 parade was positively received by the community with many on social media stating it was one of the highlights.
- 9.3 It is proposed that in 2018 Council increases its presence further through additional vehicles/tractors/equipment that displays the breadth of Council's services.

- 9.4 Due to the scale of the event, there are costs to Council to assist with coordination and field services required prior to, at and following the event in the order of \$9,000.

10. SUGGESTED OPPORTUNITIES

- 10.1 There is an opportunity to build on the successful events conducted in 2017. Events proposed include:

- Salisbury Plays at Bridgestone Reserve
- Salisbury Plays at St Kilda
- Salisbury Plays Mawson Lakes and Ingle Farm
- Salisbury Food and Cultural Festival (Partnered Event)
- Australia Day 2019
- Christmas Parade

- 10.2 The total costs to fund these events is \$183,500. As mentioned previously, these have been undertaken using grants funding which is no longer available, small savings across the division, as well as Council allocations for the Salisbury Food and Cultural Festival in 2017 and the Australia Day Family Picnic in 2018. In addition, a contingency budget is required to assist in the case of emergency relocations or additional infrastructure or services due to inclement weather events and risk management.

- 10.3 It is recommended that Council fund these events listed in 10.1.

11. LARGER SCALE EVENTS 2018/2019

- 11.1 There have been two suggestions which have been made for larger scale events, they are Christmas Carols and Salisbury Day Fireworks.

12. CHRISTMAS CAROLS

- 12.1 Currently there are 10 known organisers of community Christmas Carols across the City of Salisbury in Attachment 3. This list is not exhaustive and it is likely there are others that are also held.
- 12.2 In 2018 the City of Salisbury will work with carols organisers to promote these existing events through social media and the new Discover Salisbury calendar of events. These events in the future could be sponsored for around \$5,000.
- 12.3 If Council were to deliver a single large community Christmas Carols event in either the Salisbury City Centre or another location the required budget would be in the vicinity of \$60,000-\$80,000. Costs associated with staging, sound, lighting, performers, marketing, services (toilets, security, traffic) are significant for these types of events.
- 12.4 The Community Hub to be constructed in Salisbury will reduce these costs significantly and would be a suitable location for Carols when constructed.
- 12.5 It is recommend that rather than investing in a separate standalone event Salisbury sponsor with existing events which are accessible to the broader public and in a central location.

- 12.6 It is not recommended that Council fund a large Scale Christmas Carols event, but make available \$5000 sponsorship available through a reformed grants program to support organisations who may wish to run such an event (See Section 14 Opportunities for Funding New Events).

13. SALISBURY DAY (NAIDOC WEEK) FIREWORKS

- 13.1 Salisbury Day could be held as a family celebration during NAIDOC week and could consist of evening entertainment and fireworks. The aim of this celebration would be to acknowledge Indigenous peoples contribution to the City of Salisbury. There is currently no equivalent event held during NAIDOC week celebrations and the name and nature of the celebration would require consultation with the RAP working group.
- 13.2 Estimated costs of such an event would be in the order of \$120,000.
- 13.3 It is not recommended that Salisbury invest in this type of events due to the order of costs which could be deployed across the city to support greater activation of spaces which has an ongoing benefit to the community.

14. OPPORTUNITIES FOR FUNDING NEW EVENTS

- 14.1 Attachment 1, Table 2 is a list of events proposed to be conducted by or in partnership with the Council, and events proposed by either Elected Members, community groups or others.
- 14.2 A number of events listed in Attachment 1, Table 2 could be considered for funding through the Community Grants program, as they are likely to require under \$2,500 worth of funding, include; Animal Expo's (Cat and Dog), Aussie Era Car Show, National Laser (model boat) Championships, Lego Family Day, Retro Gaming Day and Clean Up Australia Day and a Mawson Lakes Fishing Competition.
- 14.3 Council could also give consideration to funding other more substantial events up to \$5000, to provide community based organisations with the opportunity to deliver. These could include the above events at a larger scale as well as music festivals, cultural celebrations such as Dwali, Oz Asia Festival, and large celebrations on the calendars of our multicultural groups. It is envisaged to be successful in a sponsorship, the event organization would have to demonstrate a maturity around risk and organization management, as well as be able to demonstrate significant community impact and attraction across the broader community, not limited to membership of an organization for example. This would also require promotion of the City of Salisbury.
- 14.4 To facilitate support for these types of events at a larger scale and impact, allocating an additional \$40,000 to that budget would allow the Sport Recreation and Grants Committee to consider funding an additional 8 events per year up to \$5,000 each year. Consideration could be given to a new category "Sponsorship" rather than grant. This would involve an agreement regarding the use of City of Salisbury branding and logo and due diligence along with sponsorship guidelines to reduce the risk for reputational damage to the City of Salisbury.

- 14.5 It is important to allow organisations to make multiple applications each year for different events to encourage community events. Guidelines which ensure that organisations are able to deliver effectively and ensuring city wide impact would also need to be developed.
- 14.6 Under these arrangements expectations that Council will provide traffic management, risk assessments, additional site maintenance, and post event cleaning. Often staff need to need to undertake additional risk management processes and ensure relevant notifications (to SAPOL, Community, residents) as often organisers fail to properly deal with these areas. Experience has shown that even the most mature event organisers sometimes fail to undertake these basic requirements.
- 14.7 There is also a growing expectation that Council will provide these services which are unbudgeted, such as additional mowing, street cleaning and rubbish removal for any events which are of a community nature.
- 14.8 Without suitable oversight of events by Council Staff there is a high degree of reputational risk to Council.
- 14.9 The order of associated operating costs would be \$23,500 to ensure well planned events through the Grants funding mechanism.
- 14.10 This approach if adopted would further strengthen the move towards Council sponsoring of events rather than direct delivery.

15. EVENTS MANAGEMENT

The events management model currently consist of utilising a range of expertise for larger events by calling on voluntary working group members. The Australia Day working group is one example. It is proposed that this model be adopted for all larger scale events with a focus on sponsorship attraction, connections to cultural groups and business.

16. OTHER CONSIDERATIONS REGARDING EVENTS BUDGETS

- 16.1 There has been no contingency budget for weather affected events and consideration should be given to allowing a \$10,000 annual allocation for this. In 2017 additional expenditure was incurred for the Vietnam Veterans Day (due to rain) and the Salisbury Food and Cultural Festival (due to forecast high winds). This contingency would allow staff to make timely decisions to either deliver City of Salisbury events or provide timely support to partnered events to ensure the safety and comfort of patrons and minimize reputational risk.

17. CONCLUSION / PROPOSAL

- 17.1 Events offer opportunities to increase tourism and visitation by residents and visitors to the city, participation, skills development, volunteering and social, cultural, economic and environmental development.
- 17.2 Events role and purpose align with the following City Plan Objectives:
- Provide experiences that make our places livelier and more interesting
 - Encourage wellbeing through healthy lifestyles, sport, social and recreational opportunities

- Develop a community where peoples' culture, ideas and their capacity to achieve is supported and values.
- 17.3 It is recommended that Council provision for larger scale events by making available a new events sponsorship category as a part of the Sport recreation and Grants Committee to fund eight events up to \$5000 (total 40,000).
- 17.4 It is recommend that Council provision for \$10,000 contingency budget for events.
- 17.5 It is recommend that the following events be funded through the budget process;
- Salisbury Plays at Bridgestone Reserve
 - Salisbury Plays at St Kilda
 - Salisbury plays Mawson Lakes and Ingle Farm
 - Salisbury Food and Cultural Festival (Partnered Event)
 - Australia Day 2019
 - Christmas Parade
- 17.6 It should be noted that there are savings from the 2018 Australia Day Family Picnic of \$35,000 and Community Grant savings estimated to be around \$37,000. Savings of this nature are reported through the budget review process and as a result cannot be directly utilised to off-set Divisional budgets.
- 17.7 It should also be noted that Council has yet to make a decision on the format and funding of Salisbury Secret Garden which it is suggested be subject to a separate report following the post event review and presented to Council in May 2018.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 13/03/2018

Table 1

The table below contains events endorsed and funded (in black text) and new events added in 2017 which require funding to continue, in red text.

New events for consideration in Red below. Existing endorsed events in Black below.

Event	Required Budget	Date	Location
JANUARY			
Exhibition	Existing	January	John Harvey Gallery
Australia Day Picnic (funding sought for 2019,220,2021)	\$59,500	Friday 26/01/2018	Carisbrooke Park
FEBRUARY			
Exhibition	Existing	February	John Harvey Gallery
Salisbury Secret Garden	\$110,000	23 February - 4 March 2018	Various
MARCH			
Salisbury Secret Garden Showcase	Above	Friday 2/03/2017	Civic Square
Salisbury Secret Garden Sounds in the Square	Above	Saturday 3/03/2017	Civic Square
Salisbury Secret Garden Family Fun Day	Above	Sunday 4/03/2017	Civic Square
Venues SSG support & schools program	Above	23 February - 4 March 2018	Various
International Women's Day Mayoral Breakfast	Existing	8-Mar	John Harvey Gallery
Youth Exhibition	Existing	15 March- 13 April	John Harvey Gallery
APRIL			
ANZAC Day	Existing	25-Apr	Salisbury RSL Memorial
Salisbury Plays - Mawson Lakes	\$22,500.000	potential 29 April (school holidays)	TBA
Watershed Art Prize	Existing	27 April - 1 June	John Harvey Gallery
MAY			
Exhibition	Existing	May	John Harvey Gallery
Salisbury Plays at Ingle Farm	\$20,000.000	TBA	TBA
Salisbury Food and Cultural Festival	\$20,000.000	TBA	Salisbury
JUNE			
Exhibition	Existing	June	John Harvey Gallery
JULY			
Exhibition	Existing	July	John Harvey Gallery
AUGUST			
SALA Festival (Exhibition)	Existing	1 - 31 August	John Harvey Gallery
Vietnam Veterans Day	Existing	18-Aug	Pooraka
Salisbury Writers' Festival	Existing	24 to 26 August	Salisbury City Centre
SEPTEMBER			
Exhibition	Existing	September	John Harvey Gallery
Salisbury Plays - Salisbury (Bridgestone)	\$20,000.000	17-Sep	Bridgestone Reserve
Growing for Gold	Existing	29 September to 14 October	Various

OCTOBER			
Aged to Perfection Exhibition	Existing	4 Oct - 2 Nov	John Harvey Gallery
CoS Legends Awards Cocktail Function	Existing	11-Oct	John Harvey Gallery
Salisbury Plays - St Kilda	\$22,500.000	TBA	TBA
NOVEMBER			
Exhibition	Existing	November	John Harvey Gallery
Remembrance Day	Existing	11-Nov	N/A
Asbestos Victims Memorial Service	Existing	24-Nov	Pitman Park
DECEMBER			
Salisbury Community Christmas Parade	\$9,000.000	1-Dec	Salisbury City Centre
Salsibury Christmas Carols	\$29,000.000	December	Partnered event
Friends of the Gallery Exhibition	Existing	6 Dec - 18 Jan	John Harvey Gallery
Mayors Christmas Breakfast	Existing	8-Dec	John Harvey Gallery

Table 2

The table below is a list of events which have been identified by elected members, the community and staff as additional opportunities. Some of these may be able to be funded via the grants program in either the existing criteria (under 2,500) or through an expanded grants program as discussed in the report.

Event			Location
MARCH			
Cat expo at Ingle Farm			Parafield Gardens
April			
Motorcycle Showcase			Salisbury City Centre
MAY			
History Festival			Salisbury City Centre
JUNE			
Superhero Saturday			Salisbury City Centre
JULY			
Lego Family Day (Gallery)			Salisbury City Centre
AUGUST			
Guitar Festival			Various
SEPTEMBER			
RC Laser National Championships			Mawson Lakes
OZ Asia Festival			Mawson Lakes
OCTOBER			
Aussie Era Salisbury Car Show			Salisbury City Centre
NOVEMBER			
Dog expo/day out Mawson Lakes			Mawson Lakes
DECEMBER			
Sponsored Community Carols			Various
OTHERS			
Big Trucks Day			Salisbury City Centre
Retro Gaming Day			Salisbury City Centre
Mawson Lakes Fishing Event			Mawson Lakes
Clean Up Australia Day			Various

Attachment 4 – Funding Criteria for Events

The below criteria would be applied to funding applications for events:

Events will be considered for funding where:

- The organisation is an incorporated entity
- Expected numbers of 1,000 or more
- Contribute to a balanced event calendar
- Support the City Plan 2030
- Relate to tourism and visitor strategies
- Are strategically important to the City
- Generate positive media coverage for the area
- Support infrastructure funded or upgraded by Council or Government
- Provide a pathway to bid for other desired major events
- Are financially viable with a sustainable management model
- Contribute to the cultural and social fabric of the City
- Positively impacts on the community
- Rotational events will be assessed on a case by case basis

Events that are not eligible would include:

- Charity or fundraising activities
- Club rallies, reunions or celebrations
- Markets, fetes or open days
- Events with political affiliations
- e- Closed events (where they are not accessible to the wider public)

Salisbury Christmas Carols

Salisbury Cathedral – Carols by Candlelight 22nd Dec

Parafield Community Carols – Parafield Gardens 10th Dec

Christmas Carols with Edgar – para hills community club 24th Dec

Helping Hand Parafield Gardens Christmas Carols – Parafield Gardens 12th Dec

The Salvation Army Community Christmas Choir – Ingle farm 16th Dec

Tyndale Community Carols - Tyndale 3rd Dec

The Christmas Garden - UniSA Mawson Lakes Campus 15-17th Dec

The Grove Seventh-Day Adventist Church - Harry Bowey Reserve 23rd Dec

Salisbury Uniting Church Christmas Carols – Salisbury Uniting Church 12th Dec

Mawson Lakes Christmas Carols 25th Nov (*TBC)

ITEM	1.1.3
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Status of Salisbury Active Community Network (SACNET)
AUTHOR	Julie Douglas, Senior Social Planner, Community Development
CITY PLAN LINKS	3.1 Be an adaptive community that embraces change and opportunities. 3.3 Be a connected city where all people have opportunities to participate. 4.1 Strengthen partnerships that enable us to better address our community's priorities.
SUMMARY	This report provides an update on the status of the Salisbury Active Community Network (SACNET) and other similar community networks in the City of Salisbury.

RECOMMENDATION

1. That this report be received and noted.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 At the January 2018 Council meeting it was resolved that:

A report be provided informing Council on the status of SACNET and on similar community networks in the City of Salisbury (2276/2018).

- 1.2 This report provides a status report on SACNET and other similar community networks operating within the City of Salisbury.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal

2.1.1 Community Development – Community Planning & Vitality

- 2.2 External

2.2.1 N/A

3. REPORT

SACNET – Background

- 3.1 SACNET was established in the City of Salisbury in 1998 with funding from The Office for Recreation and Sport for the appointment of a part-time (25 hours per week) project officer. The SACNET initiative was an outcome of Active Australia program: a national program aimed at increasing the activity levels in all Australians. In 2002 the Federal Government ceased funding for SACNET. After 2002 the program was funded via external sponsorship and from 2004 Council allocated funding for the program.
- 3.2 The aim of SACNET was to maximise the number of people within the community actively involved in quality sport, community recreation, fitness, outdoor recreation and other physical activities.
- 3.3 SACNET's key directions provided members with access to assistance through programs delivered within four key areas:
- quality program - the provision of training and development programs to clubs;
 - quantity program – the organisation of activities designed to increase membership for clubs, this included Growing for Gold;
 - communication; and
 - administration.

SACNET – 2007 Review

- 3.4 In 2007 a review of SACNET was undertaken. The review considered the SACNET model, its relevance to the needs of the clubs, community and the operations of Council and to identify opportunities to enable the:
- facilitation of the whole of community input on a broader range of recreation planning and provision issues;
 - fostering of sustainability and independence; and
 - integration into Council's planning as a necessary function of informing and implementing strategy and program development.
- 3.5 The review identified numerous issues with the SACNET model and proposed significant changes. The key issues identified were:
- the resourcing required for effective administration of this type of community network was dependent on the City of Salisbury for its ongoing operations;
 - the structure was ineffective due to the level of formality;
 - SACNET was not representative of the community and community sporting clubs - this was demonstrated by the membership of SACNET and lack of new membership;
 - only some clubs actively participated in SACNET and SACNET initiated programs; and
 - the provision of the training program was no longer considered appropriate nor required – demonstrated by the very poor attendance and cancellation of programs.

- 3.6 It was identified that there was still a need for a network within Salisbury however it was recommended that the structure and purpose be significantly different. All of these findings were discussed with the SACNET committee as part of the review.

Development of the Salisbury Sport and Recreation Network

- 3.7 As a result of the review SACNET was replaced by the Salisbury Sport and Recreation Network, recognising that:
- club support is a necessary component of City of Salisbury's recreation planning;
 - the administration of the new network is more sustainable and can be coordinated within existing roles and responsibilities within Council's Community Planning and Vitality division;
 - membership is much broader and more fluid to capture whole of community needs and wants in sport and recreation planning;
 - enables broader consultation on relevant issues and opportunities relating to community physical activity provision; and
 - provides a clear and relevant voice for directing Council's recreation planning and program provision, beyond club based issues.
- 3.8 Membership to the Salisbury Sport and Recreation Network is included for all lease and license holders operating within Council facilities, the funding generated by the membership fees contributes to the implementation of club development initiatives. The yearly membership fee is \$22, and membership is available to clubs not operating within Council facilities.
- 3.9 A focus of the network is to address club based sport and recreation issues, and club and sport development, specifically:
- developing participation programs;
 - maintaining effective communication;
 - facilitating training and development – for volunteers, coaches and other club officials;
 - staying up to date with industry trends and data;
 - providing and promoting relevant funding programs; and
 - creating community awareness of clubs activities.
- 3.10 In May 2017, the Community Planning and Vitality reinforced this approach, with the Council endorsing sports development to be conducted in a manner that builds the expertise of Clubs across the city rather than targeting a small number of sports.

3.11 Recent highlights of the Salisbury Sport and Recreation Network include:

- 3.11.1 Partnership with the City of Tea Tree Gully in 2017 to expand the reach of the network. This will be continued in 2018 with opportunity to collaborate with other neighbouring Councils in the future.
- 3.11.2 A number of successful Network Forums were held in 2017 where attendees heard from industry professionals and other local clubs on a range of topics.
- 3.11.3 A 'Local Sport Needs Women Forum' saw over 70 attendees from local and regional sport and recreation clubs hear from an expert panel about the important role women play in local sport, how clubs can create a welcoming environment for women, and how they can support women to develop in various roles within sport.

3.12 In addition to the forums, other opportunities for involvement in Council events and programs are promoted to the Salisbury Sport and Recreation Network member clubs including but not limited to the annual Growing for Gold program and Salisbury Plays events.

4. CONCLUSION / PROPOSAL

- 4.1 This report has provided an overview of the status of SACNET and the development of the Salisbury Sport and Recreation Network.
- 4.2 The SACNET review undertaken in 2007 considered all aspects of the Network – what had worked well, those aspects that could be improved and those that were no longer considered relevant. As a result of the review SACNET ceased to exist and the Salisbury Sport and Recreation network was created.
- 4.3 The establishment of the Salisbury Sport and Recreation network enables the City of Salisbury to have a better understanding of the city wide issues facing sport and recreation clubs. Clubs are supported via the provision of participation programs; the maintenance of effective communication channels between clubs and with Council; the facilitation of training and development programs for volunteers, coaches and other club officials; and creating community awareness of clubs activities.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 13/03/2018

ITEM	1.1.4
	POLICY AND PLANNING COMMITTEE
HEADING	Minutes of the Strategic and International Partnerships Sub Committee meeting held on Wednesday 14 March 2018
AUTHOR	Bronwyn Hatswell, PA to General Manager, Community Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The minutes and recommendations of the Strategic and International Partnerships Sub Committee meeting held on Wednesday 14 March 2018 are presented for Policy and Planning Committee's consideration.
RECOMMENDATION	<p>1. The information contained in the Strategic and International Partnerships Sub Committee Minutes of the meeting held on 14 March 2018 be received and noted and that the following recommendations contained therein be adopted by Council:</p> <p>SIPSC1 Presentation of the Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 November 2017</p> <p>1. The Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 November 2017, be taken and read as confirmed.</p> <p>SIPSC2 Future Reports for the Strategic and International Partnerships Sub Committee</p> <p>1. The information be received.</p> <p>SIPSC3 Strategic and International Partnerships Sub Committee Membership</p> <p>1. That:</p> <p>a. the Sub-Committee note the correspondence from Fr O'Brien, and his change of parish from Salisbury to Port Adelaide-Enfield Council area.</p> <p>b. Staff prepare a letter on behalf of the Mayor to thank Fr O'Brien for his participation on the Sub-Committee.</p> <p>2. Staff seek a membership nomination from Northern Economic Leaders to fulfil the membership requirements as per the Strategic and International Partnerships Sub Committee Terms of Reference Clause.</p>

SIPSC4 Strategic Civic Building Partnerships

1. That this report be received.
2. That the business case set out in Attachment 1 to this report (Item No. SIPSC, Strategic and International Sub Committee, 13/02/2018) be noted.
3. That best and continuing opportunity to deliver on the relationships suggested by the Sub Committee are within existing operations of Council under the Reconciliation Action Plan and Intercultural Strategic Action Plan.
4. That staff write to the RAP and intercultural working groups recommending that opportunities for the formation of strategic civic partnerships within their respective areas be investigated to achieve the aims as per para 1.1.ii of the report.

SIPSC5 Request for Development of a Sister City Relationship from Bharatpur Municipality, Nepal

1. That this report be received.
2. That the request for a Sister City relationship between the Bharatpur Municipality of Nepal and the City of Salisbury outlined in attachment 1 to this report (Item No, SIPSC1, Strategic Partnerships Sub Committee, 13/02.2018) be declined based on the assessment undertaken in attachment 4 to this report (Item No. SIPSC4, Strategic Partnerships Sub Committee, 13/02.2018).
3. That a letter be prepared for the Mayor's signature to advise the Embassy of Nepal of this decision.

SIPSC6 Delegation to Mobara July 2018

1. That the duration of the itinerary delegation to Mobara, Japan be for a total of 7 days tentatively proposed for 26th July – 1st August 2018, to coincide with the Tanabata-Matsuri Festival which occurs 27th – 29th July 2018.
2. That membership of the delegation comprise of a maximum of 15 people.
3. That the delegation potentially consists of:
 - Mayor - Gillian Aldridge;
 - CEO - John Harry;
 - Jo Cooper – Manager Community Capacity and Learning (liaison and coordinator for the delegation);

- the balance of the 15 member delegation be determined via an expression of interest process open to:
 - Members (and adult partners) of the Strategic and International Partnerships Sub Committee;
 - Elected Members (and adult partners); and
 - City of Salisbury Executive Team.
- 4. That costs associated with the participation in the Mobara delegation for Jo Cooper as the liaison and coordinator for the delegation be met by Council.
- 5. That costs associated with the participation in the Mobara delegation for members of the Strategic and International Partnerships Sub Committee; Mayor, Chief Executive and any other staff of Council (other than Jo Cooper), Elected Members and all adult partners be borne by those participants.

SIPSC7 International Staff Exchange Program

1. Information be received.
2. An International Staff Exchange Program is undertaken as a two week program, with projects linked to key objectives in the City Plan.
3. A Staff representative on the Mobara Delegation be tasked to investigate the priority projects for the exchange for consideration by the Committee.
4. A New Initiative Bid for \$7,000.00 is put forward for Council consideration in the 2018/2019 budget.

ATTACHMENTS

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

1. Minutes Strategic and International Partnerships Sub Committee - 14 March 2018

CO-ORDINATION

Officer: GMCD
Date: 15/03/2018



**MINUTES OF STRATEGIC AND INTERNATIONAL PARTNERSHIPS SUB
COMMITTEE MEETING HELD IN COMMITTEE ROOMS, 12 JAMES STREET,
SALISBURY ON**

14 MARCH 2018

MEMBERS PRESENT

Cr E Gill (Chairman)
Cr D Balaza
Cr G Reynolds
Cr J Woodman
Mr Brett George (Sporting Club Representative)
(Advisor) Mr Nigel Relph (Dep. Vice Chancellor: Int'l & Advancement,
UniSA)

OBSERVERS

Cr L Caruso

STAFF

Chief Executive Officer, Mr J Harry
General Manager City Development, Mr T Sutcliffe
General Manager Community Development, Ms P Webb
Manager Economic Development & Urban Policy, Mr G Ratsch
PA to General Manager Community Development, Mrs B Hatswell

The meeting commenced at 6:53 pm.

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

APOLOGIES

Apologies have been received from Mayor G Aldridge and Mr R Morris.

LEAVE OF ABSENCE

OTHER BUSINESS**SIPSC8 UniSA Bilingual and Bi-Curricula Chinese School at Mawson Lakes
- Presentation by Mr Nigel Relph**

Mr Nigel Relph gave a presentation on the UniSA Bilingual and Bi-Curricula Chinese School at Mawson Lakes.

PRESENTATION OF MINUTES

The Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 13 February 2018, be taken and read as confirmed.

REPORTS**SIPSC1 Presentation of the Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 November 2017**

Moved Cr D Balaza

Seconded Cr J Woodman

1. The Minutes of the Strategic and International Partnerships Sub Committee Meeting held on 14 November 2017, be taken and read as confirmed.

CARRIED

SIPSC2 Future Reports for the Strategic and International Partnerships Sub Committee

Moved Cr D Balaza

Seconded Cr G Reynolds

1. The information be received.

CARRIED

SIPSC3 Strategic and International Partnerships Sub Committee Membership

Moved Cr D Balaza

Seconded Cr G Reynolds

1. That;
 - a. the Sub-Committee note the correspondence from Fr O'Brien, and his change of parish from Salisbury to Port Adelaide-Enfield Council area.
 - b. Staff prepare a letter on behalf of the Mayor to thank Fr O'Brien for his participation on the Sub-Committee.
2. Staff seek a membership nomination from Northern Economic Leaders to fulfil the membership requirements as per the Strategic and International Partnerships Sub Committee Terms of Reference Clause 4.1.

CARRIED

SIPSC4 Strategic Civic Building Partnerships

Moved Cr G Reynolds

Seconded Cr D Balaza

1. That this report be received.
2. That the business case set out in Attachment 1 to this report (Item No. SIPSC, Strategic and International Sub Committee, 13/02/2018) be noted.
3. That best and continuing opportunity to deliver on the relationships suggested by the Sub Committee are within existing operations of Council under the Reconciliation Action Plan and Intercultural Strategic Action Plan.
4. That staff write to the RAP and intercultural working groups recommending that opportunities for the formation of strategic civic partnerships within their respective areas be investigated to achieve the aims as per para 1.1.ii of the report.

CARRIED

SIPSC5 Request for Development of a Sister City Relationship from Bharatpur Municipality, Nepal

Moved Cr J Woodman

Seconded Cr G Reynolds

1. That this report be received.
2. That the request for a Sister City relationship between the Bharatpur Municipality of Nepal and the City of Salisbury outlined in attachment 1 to this report (Item No, SIPSC1, Strategic Partnerships Sub Committee, 13/02.2018) be declined based on the assessment undertaken in attachment 4 to this report (Item No. SIPSC4, Strategic Partnerships Sub Committee, 13/02.2018).
3. That a letter be prepared for the Mayor's signature to advise the Embassy of Nepal of this decision.

CARRIED**SIPSC6 Delegation to Mobara July 2018**

Moved Cr J Woodman

Seconded Cr G Reynolds

1. That the duration of the itinerary delegation to Mobara, Japan be for a total of 7 days tentatively proposed for 26th July – 1st August 2018, to coincide with the Tanabata-Matsuri Festival which occurs 27th – 29th July 2018.
2. That membership of the delegation comprise of a maximum of 15 people.
3. That the delegation potentially consists of:
 - Mayor - Gillian Aldridge
 - CEO - John Harry
 - Jo Cooper – Manager Community Capacity and Learning (liaison and coordinator for the delegation);
 - the balance of the 15 member delegation be determined via an expression of interest process open to:
 - Members (and adult partners) of the Strategic and International Partnerships Sub Committee;
 - Elected Members (and adult partners); and
 - City of Salisbury Executive Team.
4. That costs associated with the participation in the Mobara delegation for Jo Cooper as the liaison and coordinator for the delegation be met by Council.

5. That costs associated with the participation in the Mobara delegation for members of the Strategic and International Partnerships Sub Committee; Mayor, Chief Executive and any other staff of Council (other than Jo Cooper), Elected Members and all adult partners be borne by those participants.

CARRIED

SIPSC7 International Staff Exchange Program

Moved Cr G Reynolds

Seconded Cr E Gill

1. Information be received.
2. An International Staff Exchange Program is undertaken as a two week program associated with a project linked to a key objective in the City Plan that provides benefits to the individual, the organisation and the community.
3. A New Initiative Bid for \$7,000.00 is put forward for Council consideration in the 2018/2019 budget.

LOST

Moved Cr J Woodman

1. Information be received.
2. An International Staff Exchange Program is undertaken as a one month program associated with a project linked to a key objective in the City Plan that provides benefits to the individual, the organisation and the community.
3. A New Initiative Bid for \$11,500.00 is put forward for Council consideration in the 2018/2019 budget.

The motion LAPSED for want of a seconder.

Moved Mr B George

Seconded Cr G Reynolds

1. Information be received.
2. An International Staff Exchange Program is undertaken as a two week program, with projects linked to key objectives in the City Plan.
3. A Staff representative on the Mobara Delegation be tasked to investigate the priority projects for the exchange for consideration by the Committee.
4. A New Initiative Bid for \$7,000.00 is put forward for Council consideration in the 2018/2019 budget.

CARRIED

OTHER BUSINESS

Nil.

CLOSE

The meeting closed at 8:28 pm.

CHAIRMAN.....

DATE.....

ITEM	1.3.1		
	POLICY AND PLANNING COMMITTEE		
DATE	19 March 2018		
PREV REFS	Governance	3.3.2	20 August 2012
	Policy and Planning Committee	1.5.3	18 August 2014
HEADING	Statutes Amendment (Decriminalisation of Sex Work) Bill 2015		
AUTHOR	Peter Jansen, Strategic Planner, City Development		
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice.		
SUMMARY	<p>Sex work is currently a criminal activity. There have been various Bills introduced to Parliament seeking its decriminalisation. Council considered a 2013 Bill and made a submission to the Local Government Association (Attachment 3). A refreshed Bill was introduced to Parliament in 2015. There is little change to the refreshed Bill from the earlier version.</p> <p>A Select Committee of the Legislative Council was established to inquire into and report on the refreshed Bill. The Select Committee has recommended the refreshed Bill be passed by the Houses of Parliament without amendment.</p> <p>The implications for Council of the refreshed Bill continue to remain as being the role of Council in Development Assessment of the land use and activities, and in public health management. The Select Committee has suggested that the new SA Planning Commission consider best practice planning rules that can be used by Local Government in the event that the Bill is passed. It has remained silent on the public health implications in its Report.</p> <p>It is expected that Parliament will continue its consideration of the refreshed Bill, but this will be subject to the outcomes of the March State election.</p>		
RECOMMENDATION	1. The information be received.		

ATTACHMENTS

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

1. Report of the Select Committee on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
2. Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
3. Council 2014 submission to LGA

1. BACKGROUND

- 1.1 There have been numerous iterations of legislation introduced into the South Australian Parliament with the purpose of reforming sex work. The general rationale has been that it is the criminalization of sex work that leads to sex workers being exploited, stigmatised, marginalised and without recourse to entitlements.
- 1.2 The Statutes Amendment (Decriminalisation of Sex Work) Bill 2013 was introduced into Parliament in 2014. Council considered the matter at its August 2014 meetings and its submission is provided as Attachment 1 to this report.
- 1.3 A refreshed Bill was introduced to Parliament in 2015 with little change to the 2013 version that was the subject of a Council submission.
- 1.4 A Select Committee of the Legislative Council was established to inquire into and report on the refreshed Bill. The Select Committee received a copy of Council's 2014 submission to the LGA for its consideration.
- 1.5 The Select Committee recommended that the Bill pass without amendment, however the Bill has lapsed due to Parliament being prorogued. Given the frequent attempts over the years to decriminalise sex work it is possible that it will reintroduced in some form at some stage post-election.
- 1.6 Council resolved at its meeting on 29 January 2018:

That a report be brought forward advising Council on the likely implications for the City of Salisbury if the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, currently before the South Australian Parliament, is enacted.

Resolution [2257/2018]

2. CITY PLAN CRITICAL ACTION

- 2.1 Not applicable

3. CONSULTATION / COMMUNICATION

- 3.1 Internal
 - 3.1.1 Manager, Environmental Health and Safety
- 3.2 External
 - 3.2.1 Nil

4. REPORT

- 4.1 The draft Bill sought to decriminalise sex work by amending the *Criminal Law Consolidation Act 1935*, *Equal Opportunity Act 1984*, *Spent Convictions Act 2009*, *Summary Offences Act 1953* and the *Return to Work Act 2014*.
- 4.2 Its main intention was to remove sex work as a criminal activity ensuring that past and present workers are not discriminated against, have convictions under current legislation cleared on enactment of the new Bill, bringing sex workers under the Return to Work Act, and remove from the Summary Offences Act the act of Soliciting, Procurement for Prostitution, Living on the Earnings of Prostitution, and the operation of Brothels.
- 4.3 The Bill was silent on if and how the sex work industry is to be regulated. However, based on experience interstate local government's role could include regulating approval of brothels, allocating resources to ensure compliance with development and public health matters, and regulating soliciting which has traditionally been a police responsibility.
- 4.4 Development Implications
- 4.4.1 The consequence of legalising sex workers and brothels will be the introduction of the activity as a land use that is controlled through the Development Plan and Regulations. There was no reference in the draft Bill on any proposed changes to the Development Act or Regulations.
- 4.4.2 The current development control policies do not specifically refer to brothels or prostitution. If the Bill changes were to occur without additional change to the Development Act and Regulations, it is considered two scenarios could occur.
- 4.4.3 In the first scenario under current Development Plan and legislation provisions Council could categorise a brothel as a "Shop" by virtue of being a "Personal Services Establishment" which is a subcategory of the definition, or "Consulting Room", or as something other than already defined in the legislation. The Development Plan designation of various land uses would then dictate the preferred zone for such a defined use and whether applications are put to consultation. Council would then depend on the zone and its relevant policies to guide the location and impacts of the activities.
- 4.4.4 The second scenario would be the ability to operate a less intense activity from residential premises by the owner/tenant which would possibly result in its categorisation as a Home Activity subject to the conditions attached to that definition. A Home Activity does not require formal development approval as long as the activity is conducted in accordance with the definition under the Development Act..
- 4.4.5 The proposed Bill does not reference how Streetworker activities were to be controlled. The removal of the relevant offences from the Summary Offences Act would have enabled street workers being able to operate anywhere. The development legislation does not deal with this as a land use and it is considered there could be community concern on this.

- 4.4.6 Council's previous submission to the LGA on this issue, which was subsequently provided to the Select Committee, included a comment that the Council did not support the decriminalisation of Streetworkers and recommended a prohibition on Streetworkers in any location and land use zone. Council made a recommendation to the LGA to seek legal advice as to whether the *Local Government Act 1999* could provide controls for Streetworkers. For example under Section 222, Permits for Business Purposes, which states, that a person must not use a public road for business purposes unless authorised to do so. This provision could ensure that Council could prevent the activity on roads. It is not known whether this application of the Local Government Act would breach the Equal Opportunity Act.
- 4.4.7 In addition under By Law 4 Local Government Land Council could restrict this activity from Local Government Land as it covers Trading. Requiring permission for anyone wishing to sell, buy, offer or display anything for sale.
- 4.4.8 NSW decriminalised brothels in 1995. Brothels were brought under the development control system, with Councils able to deal with proposals the same as other land uses and apply conditions on applications as considered necessary. In the NSW system, Brothels are a land use considered appropriate in Industry and Commercial Zones with distance separation requirements from sensitive land uses. A guideline was prepared in 2002 which is designed to assist NSW Councils in decision making on Sex Service Premises.
- 4.4.9 Additional legislation in NSW decreased the standard of evidence when investigating unauthorised activities, which allowed circumstantial evidence of operation rather direct evidence. This is not identified in the SA Bill.
- 4.4.10 The NSW system recognises Streetworkers provided there is no soliciting in licensed premises or in, or within view of, a church, school, hospital or dwelling.
- 4.4.11 In the report to Council in 2014 on this matter, it was identified that there could be individual development control approaches by differing councils and that the State should take a lead through a Ministerial Development Plan Amendment approach.
- 4.4.12 Since then, the Planning Reforms have been adopted by the State, and a new Planning and Design Code is being prepared by the SA Planning Commission to replace the individual Council Development Plans.
- 4.4.13 The Select Committee had suggested that the new SA Planning Commission consider best practice planning rules that could be used by Local Government in the event that the Bill was passed.

4.5 Public Health

- 4.5.1 The Bill does not address any potential public health issues. However, it is an activity that may require involvement from the Public and Environmental Health Division due to the nature of the activity. The provision of sex services is a high public health risk and may require some form of inspection services to ensure compliance with:
- adequate sanitation and disinfection of contact surfaces;
 - cleaning of linen and laundry services;
 - adequate shower facilities and sanitary facilities;
 - storage and disposal of potentially infectious wastes;
 - disinfection of swimming and spa pools (if provided); and
 - compliance with the Food Act for bars and food preparation areas.
- 4.5.2 It is envisaged that there would be a code of practice developed by SA Health and/or Safework SA for the safe operations within the industry. Similar publications have been developed interstate where the industry has been legalised and cover Work Health and Safety requirements along with public health requirements.
- 4.5.3 It is unknown whether the Council would be responsible for ensuring health checks of sex workers at an individual level and at a premises level.

5. **CONCLUSION / PROPOSAL**

- 5.1 It is considered the proposed Bill would have impacts on the development legislation and public health practices. There is little change to the 2014 Bill. Council's submission to that Bill was provided to the Select Committee which considered the matters in detail.
- 5.2 The Select Committee has suggested that the new SA Planning Commission consider the appropriate planning legislation and controls in the upcoming Planning and Design Code which will be available for public consultation when completed.
- 5.3 The Select Committee had recommended that the Bill pass without amendment, however the Bill has lapsed due to Parliament being prorogued. Given the frequent attempts over the years to decriminalise sex work it is expected that it will reintroduced in some form at some stage.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 13.03.18



Parliament of
South Australia

**REPORT OF THE
SELECT COMMITTEE
ON THE
STATUTES AMENDMENT
(DECRIMINALISATION OF SEX WORK)
BILL 2015**

Laid on the Table of the Legislative Council and ordered to be printed on 30 May 2017

Second Session, Fifty-Third Parliament 2015-2017

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1.1 APPOINTMENT

On 9 September 2015, a Select Committee of the Legislative Council was established to inquire into and report on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015.

At the commencement of this inquiry, the Committee advertised for interested persons to provide written submissions or to register an interest in appearing before it. The Committee met on 10 occasions to hear evidence. A list of people who appeared before the Committee is contained in Appendix 1. The Committee received 86 written submissions, which are listed in Appendix 2.

1.2 MEMBERSHIP

Hon. J.M.A Lensink (Chairperson)
Hon. R. L. Brokenshire MLC
Hon. J. A. Darley MLC
Hon. T. A. Franks MLC
Hon. J. M. Gazzola MLC
Hon. A. L. McLachlan CSC MLC
Hon. T. T. Ngo MLC

Secretary
Leslie Guy

Research officer
Carmel Young

1.3 PURPOSE OF THE BILL

The Statutes Amendment (Decriminalisation of Sex Work) Bill 2015 (the Bill) is currently before the Legislative Council and has passed the second reading stage.

The Bill seeks to amend various pieces of legislation to decriminalise sex work, to prohibit discrimination against people who are or have worked as sex workers, to allow for certain convictions to be spent, and to provide sex workers with the same rights and protections as other workers.

The Bill would amend the following South Australian Acts:

Criminal Law Consolidation Act 1935
Equal Opportunity Act 1984
Spent Convictions Act 2009
Summary Offence Act 1953
Return to Work Act 2014

1.4 OVERVIEW OF EVIDENCE

The Committee heard evidence from a range of stakeholders including government departments and agencies, sex workers and their representatives, professional associations and community groups, who presented evidence about sex work and the potential impacts of the proposed Statutes Amendment (Decriminalisation of Sex Work) Bill 2015.

While the Committee received submissions from male sex workers and transgendered sex workers, the majority of evidence heard related to women sex workers.

Overall, the evidence heard and submitted to this inquiry supported the proposed amendments to the Bill.

The Committee heard from groups and individuals who, for moral, religious or personal reasons, opposed the decriminalisation of sex work. Much of the evidence heard and received by the Committee conflated the legal principles of legalisation with decriminalisation, arguing that decriminalisation either leads to legalisation or decriminalisation is the same as legalisation. These arguments are considered outside the terms of reference of the Committee.

The evidence heard by the Committee can be divided into the following key matters:

- benefits of decriminalisation for sex workers, including access to the same rights and work health and safety protections as other workers, provision of access to finance, removal of the stigma associated with illegal work, increasing opportunities for workers to move into other fields of work;
- impacts upon policing, organised crime, sexual servitude and trafficking;
- the perception of criminal activity within the sex services industry;
- human rights;
- health;
- opposition to sex work based upon moral or religious grounds;
- feminist arguments for and against decriminalisation; and
- the preference for other models of legislation or criminalisation.

2. DISCUSSION OF THE BILL

On 1 July 2015, the Hon. J. M. A Lensink MLC introduced the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015 (the Bill) in the Legislative Council. The Bill seeks to decriminalise sex work by amending the *Criminal Law Consolidation Act 1935*, *Equal Opportunity Act 1984*, *Spent Convictions Act 2009*, *Summary Offence Act 1953* and the *Return to Work Act 2014*.

Criminal Law Consolidation Act 1935

The *Criminal Law Consolidation Act 1935* (CLC Act) is an Act to consolidate certain Acts relating to the criminal law; and for other purposes.¹

The Bill makes the following amendments to the CLC Act to decriminalise sex work by:

- amending section 270 by deleting the reference to ‘bawdy house’; and
- a variation to Schedule 11 which removes offences relating to prostitution.

The CLC Act is further amended by the insertion of new section 68AA which prohibits the provision of sexual services to children.

To be clear, there is no intention, nor provisions within the Bill, to remove sections 65A-68 from the CLC Act. These sections protect against the serious offences of sexual servitude (including specific protections for children) (s66), deceptive recruiting (s67) and the prohibition on the use of children in sexual services (s68). The Hon. JMA Lensink MLC MLC discussed this during her second reading speech on the Bill:

In the Criminal Law Consolidation Act, 65A is the definition section; 66 covers sexual servitude and related offences and makes it illegal to compel another person to provide commercial sexual services; 67 refers to deceptively recruiting someone for commercial sexual services—if you dupe someone into it; and 68 is the use of children in commercial sexual services... there is certainly no intention to remove those from the Criminal Code. I think we all support those particular provisions. (Hon. JMA Lensink MLC, second reading speech on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, Hansard, 1 July 2015, p.1109)

Equal Opportunity Act 1984

The *Equal Opportunity Act 1984* (the EO Act) is an Act to promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds; to facilitate the participation of citizens in the economic and social life of the community; and to deal with other related matters.²

The Bill extends the EO Act to protect individuals against discrimination on the grounds of being or having worked as a sex worker. The Bill inserts the definition of “sex worker” into the Act and prohibits discrimination on the ground of being, or having worked as, a sex worker. The Act is further amended to prevent discrimination in the following situations -

¹ Long title of the *Criminal Law Consolidation Act 1935*

² Long title of the *Equal Opportunity Act 1984*

- by associations;
- in the provision of good and services;
- by a person disposing of land;
- in relation to accommodation; and
- by charities.

The Bill also amends section 85ZK to include sex workers, or people who have formerly worked as sex workers, under the measures intended to achieve equality.

The purpose of amending the EO Act was outlined during the Bill's second reading speech -

The amendment of the Equal Opportunity Act is important for people who perform other jobs who may be discriminated against, so one of the things that I think a number of people who have raised concerns about decriminalisation say is that we need to provide options for people who may wish to exit the industry.

By amending the Equal Opportunity Act, we can assist people who either have other jobs or who may wish to exit the industry. There is a range of existing provisions within that legislation that have to do with discrimination on a range of grounds including marital domestic partnership, pregnancy, care and responsibility, religious dress and so forth. There is a range of amendments which add the ground of being or having been a sex worker to those as well. (Hon. JMA Lensink MLC, second reading speech, Hansard, 1 July 2015, p.1109)

Spent Convictions Act 2009

The *Spent Convictions Act 2009* is an Act to limit the effect of a person's conviction for certain offences if the person completes a period of crime free behaviour; and for other purposes.³

The reasons for amending the *Spent Convictions Act 2009* was described as "important for people who may have a particular conviction and will affect their future criminal record, so there are amendments to include somebody who has an offence in that section to be part of the *Spent Convictions Act*." (Hon. JMA Lensink MLC, second reading speech, Hansard, 1 July 2015, p.1109)

The Bill amends the *Spent Convictions Act 2009* by inserting section 16A which lapses the following convictions -

- offences under section 270(1)(b) of the CLC Act;
- an offence against section 21 of the *Summary Offences Act 1953* involving premises frequented by prostitutes;
- an offence against section 25, 25A or 26 or Part 6 of the *Summary Offences Act 1953*; and
- a common law offence of prostitution in relation to sex work.

Summary Offences Act 1934

The *Summary Offences Act 1934* is an Act to make provision for certain offences against public order and for other summary offences; to make provision for powers of police officers in relation to investigation of offences; and for other purposes.⁴

³ Long title of the *Spent Convictions Act 2009*

⁴ Long title of the *Summary Offences Act 1934*

The *Summary Offences Act 1934* is amended by deleting the definition of “prostitute” and “prostitutes” from the Act. The Bill also deletes sections 25, 25A and 26, which cover soliciting, the procurement for prostitution (procuring, advertising or approaching individuals to work as prostitutes), and the offence of living on the earnings of prostitution, respectively. The Bill also revokes Part 6 of the Act that contains provisions about brothels.

Return to Work Act 2014

Section 3 of the *Return to Work Act 2014* outlines the objects of the Act –

- (1) *The object of this Act is to establish a scheme that supports workers who suffer injuries at work and that has as its primary objective to provide early intervention in respect of claims so as to ensure that action is taken to support workers—*
 - (a) *in realising the health benefits of work; and*
 - (b) *in recovering from injury; and*
 - (c) *in returning to work (including, if required, after retraining); and*
 - (d) *in being restored to the community when return to work is not possible.*
- (2) *In connection with subsection (1), the other objectives that apply with respect to this Act are—*
 - (a) *to ensure that workers who suffer injuries at work receive high-quality service, are treated with dignity, and are supported financially; and*
 - (b) *to ensure that employers' costs are contained within reasonable limits so that the impact of work injuries on South Australian businesses is minimised; and*
 - (c) *to provide a reasonable balance between the interests of workers and the interests of employers; and*
 - (d) *to reduce the overall social and economic cost of work injuries to the State and to the community; and*
 - (e) *to support activities that are aimed at reducing the incidence of work injuries; and*
 - (f) *to reduce disputation when workers are injured at work by improving the quality of decision-making and by reducing adversarial contests to the greatest possible extent.*
- (3) *A person exercising judicial, quasi-judicial or administrative powers must interpret this Act in the light of its objects and these objectives without bias towards the interests of employers on the one hand, or workers on the other.*
- (4) *The Corporation, the worker and the employer from whose employment a work injury arises must seek to achieve an injured worker's return to work (taking into account the objects and requirements of this Act).*

The Bill inserts section 6A into the *Return to Work Act 2014*, which provides for additional provisions in respect of sexual services provided on a commercial basis. The insertion of section 6A enables “people who work in that industry to be covered by provisions which relate to people who are workers... [and] will mean that they will need to be subject to paying WorkCover levies.” (Hon. JMA Lensink MLC, second reading speech, Hansard, 1 July 2015, p.1109)

See Appendix 3 for the Bill in its entirety.

3. TYPES OF SEX WORK

The Australian Institute of Criminology Report, *Migrant Sex Workers in Australia*, discusses the types of sex work within the industry -

In the Australian literature on sex work, brothel work is generally defined as multiple sex workers working at premises where services are provided on-site. Massage parlours are similar in that they have several employees and provide services on-site, but the 'primary service offered is "relaxation massage"' (Donovan et al. 2012: 19). Private work refers to a sex worker arranging jobs independently (Donovan et al. 2012), where services are provided at private premises (owned or leased by the worker) or an off-site location arranged by a client. Escort agency work involves jobs that are arranged by a business (escort agency), and services are provided off-site at a location arranged by the client. Some brothels fulfil a similar function by arranging services to be provided by their employees off-site (Donovan et al. 2012). It is acknowledged, however, that these are simplified distinctions that may not reflect all sex workers' situations.⁵ (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.3)

The Sex Industry Network (SIN) submission to the Select Committee provided the following outline of the types of sex work engaged in South Australia:

The established sex industry is made up of brothels (sometimes called parlours or working 'inhouse'), escort agencies, massage studios, small collectives, independent (or private) workers, and a small number of street based sex workers. A sex worker may work in any, or more than one of these parts of the industry at one time or during their career as a sex worker. Like any other type of employment some sex workers may stay in the sex industry for only a short period of time, or work intermittently as need arises. Other sex workers may choose work in the sex industry as a long term career choice.

The majority of sex workers work in-house, where the client comes to them. Brothels in SA are small compared to those in other states and may employ a total of anywhere from 2 - 15 sex workers, although 2-3 is a more common number of staff on shift at any one time. The majority of brothels in SA are private or independent workers or small collectives of workers working together. Under our current laws even a single independent worker working from home is considered as working from a brothel and is therefore working illegally. Some brothels are masked as massage services as a response to heavy policing of the sex industry in the 1990s. Support and health promotion activities aimed at sex workers are severely hampered in these contexts.

Escort services are offered in the client's home or a hotel/motel room and therefore the most frequently used prostitution charges are not applicable in this context. Street based sex work is a traditional form of sex work but comprises only a tiny sector of the SA sex industry. Street based sex workers tend to be the most marginalised sex workers and their visibility and mode of working makes them the most vulnerable to arrest, assault and harassment. (Submission 30, p.2)

⁵ L Renshaw, J Kim, J Fawkes & E Jeffreys, *Migrant Sex Workers in Australia*, Australian Institute of Criminology, 2015.

4. LEGAL APPROACHES

The regulation and control of sex work is within the legislative purview of the states and territories, consequently the laws and structures vary across the jurisdictions. Commonwealth law leads in relation to certain criminal matters such as trafficking.

Major reforms occurred in New South Wales, Victoria, Queensland, the Northern Territory and the Australian Capital Territory in the 1970s and 1990s. These reforms led to the decriminalisation, legalisation and implementation of licensing schemes for commercial sex work. These reforms led to the decriminalisation, legalisation and implementation of licensing schemes for commercial sex work, reflecting a variety of factors including: changing social mores regarding sex work, growing support for harm reduction for sex workers and the links between illegal sex work and corruption revealed in the Wood and Fitzgerald inquiries.” (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.4)

Currently there are three legal approaches used to regulate the sex work industry across Australia: criminalisation, legalisation/licensing and decriminalisation. The following extract from the 2012 research paper prepared by the South Australian Parliament Research Library identifies the core aspects of each approach.

THE LEGAL APPROACHES ⁶

There are a number of different legal approaches that jurisdictions may utilise in the management of prostitution. These fall under three broad categories of criminalisation, decriminalisation, and legalisation, and are defined as follows.

Criminalisation

Under the criminalisation model, prostitution is prohibited and sex work acts are listed under the criminal code so that those engaging in such acts are liable to be prosecuted for criminal offences. However, this model is not absolute and can be applied in various graduations. For example, there are forms of prohibition that still allow for the sale of sex but prohibit activities such as “soliciting, living off the earnings of prostitution, brothel keeping and procurement.” Such an approach makes it difficult to sell sex without breaking some laws and so “effectively criminalises prostitution”. An additional refinement of the criminalisation model allows for two further different approaches to prostitution. Namely, the criminal code may criminalise either the *selling* or the *buying* of sexual services, but not necessarily both simultaneously. As Crofts and Summerfield explain, “the traditional approach is the former, which is aligned with abolition of sex work and is supported variously on feminist, moral or religious grounds.”

Legalisation

Prostitution is not seen as a criminal offence under a legalisation model and rather it is permitted provided that it is in accordance with various regulations and restrictions. For example, under most legalisation models, street-based sex work still remains illegal, while other sex work is authorised through the provision of licences and regulations such as mandatory health checks. Under the legalisation approach, “licenses can be managed by police and the judiciary, elected municipal authorities, or independent specialist boards. Businesses or workers without the necessary permits are subject to criminal penalties.” The rationale is usually to prevent the involvement of criminals in the prostitution industry. Under the legalisation model, it is understood that prostitution normally exists and can operate without legislation. However, by providing a way to manage the industry and bring

⁶ Skrzpiec, L, and Dimopoulos, E, *Different Approaches to Prostitution Regulation: A Comparative Analysis*, South Australian Parliament Research Library, 2012.

Please note - references have been removed from this extract but complete referencing and further sources can be found in the complete paper.

it into a legal framework, the hope is that the criminal elements will be forced out. This rationale was clearly evident in states such as Queensland and Victoria whose legislative changes to regulate rather than criminalise prostitution were in response to organised crime and police corruption.

The legalisation approach does not aim to necessarily condone prostitution, but instead acts to manage what is seen as an inevitable part of society. The objectives of specific regulations are to minimise harm to the community and those involved in the industry, and not to necessarily expunge prostitution from society.

Decriminalisation

Through decriminalisation laws that prohibit, criminalise or restrict the act of prostitution are repealed so that sex work is seen as being equivalent to all other work. This is in contrast to the legislation model discussed above. As Mossman explains, the key difference between legislation and decriminalisation is that with the latter there are no *prostitution-specific* regulations imposed on the state. Rather, any regulation of the industry is predominately through the existing statutes and regulations. Thus prostitution is recognised as a legitimate business and, as such, it comes under conventional employment and health regulations and is subject to standard local council business and planning controls. Those involved in prostitution have the same rights and responsibilities as other workers (e.g. paying taxes).

Generally, sex workers within the industry argue that this model provides best for their needs as it removes the stigma of prostitution (and any consequent discrimination) and allows workers access to the rights and protections held by all other workers in legitimate employment. New South Wales is one example where this approach is currently in force and it is the model that is favoured by sex workers in South Australia.

5. OTHER JURISDICTIONS

A detailed overview of the legal status of the various types of sex work across Australian jurisdictions is included in a table in Appendix 4.⁷

CRIMINALISED

South Australia, Tasmania and Western Australia

In addition to South Australia, sex work remains criminalised in Tasmania and Western Australia -

[S]ome or almost all forms of sex work are criminalised in Tasmania, Western Australia and South Australia. (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.4)

Tasmania

The *Sex Industry Offences Act 2005* imposes certain restrictions on the operation of sexual services businesses -

*Sex work in Tasmania is legal if no more than two sex workers work together, however there are conditions. Brothels and street-based sex work remain illegal. It is illegal to knowingly be a client of a sex worker working in a commercial sexual services business. However, private sex work is legal and you are permitted to work from a hotel or residence. (Scarlett Alliance)*⁸

In addition to the above, Part 2 of the *Sex Industry Offences Act 2005* also specifies the following offences in respect of sexual services businesses:

- prohibiting a person from intimidating, assaulting or threatening a sex worker or supplying or offering to supply drugs to a sex worker (section 7(1));
- prohibiting a person from inducing another to provide or continue to provide sexual services in a sexual services business through intimidation, assault or threats, by supplying drugs or through fraud (section 7(2));
- specific child protections (sections 8(2), 9 and 11); and
- the use of prophylactics is required (section 12).

There have been reviews of the legislation in 2008 and 2012, but to date, no legislative changes have occurred.

Western Australia

In Western Australia, sex work is largely controlled by the *Prostitution Act 2000*. A smaller number of offences are also contained in the Criminal Code, the *Health Act 1911* and the *Liquor Control Act 1988*. Criminal laws in Western Australia prohibit most prostitution related activities. However, like the laws in many common law jurisdictions, the act of prostitution in itself is not an offence. (Scarlett Alliance)

The *Criminal Code Act Compilation Act 1913* makes it an offence to be involved with prostitution and to procure people to be prostitutes (section 190 and 191). Part 2 of the *Prostitution Act 2000* prohibits the following -

- street-based prostitution for both the prostitute and the client (sections 5 and 6);
- inducing a person to act as prostitute (section 7);

⁷ L Renshaw, J Kim, J Fawkes & E Jeffreys *Migrant sex workers in Australia, Table 1 – Legal status of the sex industry by state/territory and sex work type*, Australian Institute of Criminology, 2015, pp.6-7.

⁸ www.scarlettalliance.org.au/laws/

- to not use a prophylactic (section 8);
- the promotion of employment in the prostitution industry (section 9); and
- the promotion or publicising, or agreeing to promote or publicise any person as a prostitute, or any business involving prostitution, under a sponsorship arrangement (section 10). (Skrzpiec & Dimopoulos, 2012, p.21)

Attempts to reform legislation governing sex work have all failed to progress. “In 2008, Western Australia enacted legislation to introduce a minimalist licensing system for sex work. This legislation has not commenced and it appears that the legislation will not be proclaimed (remaining uncommenced).” (Skrzpiec & Dimopoulos, 2012, p.21) The Prostitution Bill 2011 was introduced and was intended to reform the regulation of sex work, however, the Bill failed to gain majority support and as such, the laws remain unchanged. (Skrzpiec & Dimopoulos, 2012, p.21)

LEGALISATION OR LICENSING

Victoria, Queensland, the Northern Territory and the Australian Capital Territory

Some states and both territories have adopted a form of the legalisation or licensing model to regulate sex work.

Licensing inevitably creates a ‘two-tiered system’, with some sex workers and businesses able to comply with strict regulation, and the rest unable or unwilling to comply. (Scarlett Alliance, *The Principles for Model Sex Work Legislation*, p.6)⁹

Victoria and Queensland have legalised sex work within brothels and implemented a licensing system to regulate the brothel industry. Private workers and sole operators are allowed to operate legally within Queensland and Victoria without a licence, but in Victoria, they must be registered and in Queensland, they must work alone. (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.4-5)

In the Northern Territory, escort agencies are legal and must be registered with the NT Licensing Commission. Victoria and the Northern Territory use a similar system for escort agencies. However, the sex worker staff of escort agencies in the Northern Territory must register with police and receive a ‘free of convictions certificate’ from the Police Commissioner. Escort agency operators must enter into a contractual agreement with the worker, outlining the terms and conditions such as hours, payment, PAYE Tax, superannuation, health insurance. (Scarlett Alliance)¹⁰ Violent offenders and drug related offenders, whom have committed a crime within the proceeding a 10-year time frame may not be employed in an escort agency business. Private workers and sole operators in the Northern Territory are not required to be registered or licensed but are not allowed to provide services from the same premises from which they organise their business. Brothels, street work and soliciting are prohibited in the Northern Territory. (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.4-5)

The Australian Capital Territory has legalised brothels but only in two prescribed industrial suburbs. Brothels, escorts (agencies and sole operators) and private workers must register their business. Persons with a criminal history are prohibited from operating within the industry. Brothel workers are not required to register. (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.4-5)

⁹ Scarlett Alliance, *The Principles for Model Sex Work Legislation*, 2014.

¹⁰ www.scarlettalliance.org.au/laws/

DECRIMINALISED***New South Wales***

New South Wales has decriminalised all forms of sex work, with the regulations for brothels placed with the local planning and development authorities. New South Wales is the only jurisdiction to have legalised the soliciting of sex services (which affects the legality of street-based sex work) however, it is required to operate away from dwellings, schools, churches and hospitals. (Renshaw, Kim, Fawkes & Jeffreys, 2015, p.5)

The Law Society of South Australia's (the Law Society) submission to the Select Committee provides a detailed description of the decriminalisation of sex work in New South Wales and the subsequent review -

- 6.8 Sex work is decriminalised in NSW. Brothels fall within local council planning regulations, like any other business. There is no regulation with respect to escorts. Street prostitution is permitted, providing that it is away from dwellings, schools, churches and hospitals. It is illegal to live off the earnings of a sex worker, with the exception of owners and operators of brothels.
- 6.9 In June 2015, NSW's Minister for Innovation and Better Regulation announced a parliamentary inquiry into brothel regulation. The Select Committee on the Regulation of Brothels ("the Select Committee") was established to inquire into and report on:
 - a. appropriate local and State Government regulatory and compliance functions for brothels
 - b. the demarcation in local and State Government roles and responsibilities; and
 - c. possible reform options that address social, health and planning challenges associated with legal and illegal brothels.
- 6.10 The Select Committee was also charged with considering a number of specific issues in its inquiry, such as the protection of sex workers, including in respect to organised crime and sex trafficking, and options to maintain the high level of public health outcomes.
- 6.11 The report of the Select Committee was handed down on 11 November 2015. It concluded that there would be no public purpose to re-criminalise sex work in NSW, and that it would be undesirable to:
 - a. require sex workers to be licensed and, as such, be stigmatised by being forever recorded as having worked in the sex industry; and
 - b. criminalise clients of sex workers.
- 6.12 The Select Committee recommended a limited system of registration for owners and managers of brothels, similar to the system that operates in New Zealand. The recommendation was made with the aim of ensuring that only fit and proper persons own or manage brothels which, the Select Committee stated, is important in a decriminalised environment to protect sex workers from exploitation and also to protect the community against organised crime⁶.
- 6.13 The Select Committee made the following findings in relation to the protection of the health and safety of sex workers, employment/discrimination protections and public health outcomes:
 - a. while some sex workers are independent and able to freely choose to participate in the sex industry, others are vulnerable and may not be freely

- exercising a choice due to poverty, drugs, mental health issues, language barriers and sexual servitude
- b. there is an underground sex services industry operating in NSW due to a large number of businesses offering sexual services in premises without planning approval. This makes those working within such an environment vulnerable to exploitation, in terms of sexual servitude, health, safety and employment protections.
 - c. sexual servitude occurs in NSW
 - d. criminal networks operate in parts of the NSW sex services industry
 - e. some sex workers are subject to undesirable industrial practices that would not be acceptable in other work places. The sex services industry posed particular challenges. Practices included financial punishments and being forced to work up to 17 hours or more per day against the threat of deportation.
 - f. sex workers were subject to pressures from clients to compromise their OHS. The nature of the industry's operation made it difficult for the regulator to protect workers.
 - g. the incidence of sexually transmitted infections (STIs) amongst sex workers in NSW was reported to be equal or better than the population as a whole, but it was difficult to obtain accurate data given that individual sex workers are not registered. The rates of STIs in a more regulated environment, such as Victoria were equivalent to those in the less regulated environment of NSW.
 - h. medical and other experts concluded that decriminalisation has provided favourable public health outcomes.
 - i. greater checking and enforcement of visa conditions of sex workers is required to stop sexual servitude or trafficking. Greater coordination between Commonwealth and State Government agencies is needed to achieve this end. (The Law Society of South Australia , Submission 55, pp.4-6)

In 2015, the New South Wales Government rejected a recommendation of the Select Committee on the Regulation of Brothels, which called for the introduction of a licensing scheme in NSW. Minister for Innovation and Better Regulation, the Hon. Victor Dominello MP, stated in the Government response to the Select Committee:

The NSW Government has considered the regulatory recommendations of the final report of the Select Committee's inquiry as part of this work, as well as evidence-based best practice internationally and domestically. However, the NSW Government will not be introducing the licensing model described by the final NSW Government response to Legislative Assembly Inquiry: Regulation of Brothels report of the Select Committee because reintroducing such significant regulatory burdens and police involvement risks creating similar outcomes to recriminalising sex work. (*NSW Government response to the Legislative Assembly Inquiry into the Regulation of Brothels*, pp.2-3)¹¹

¹¹ The Select Committee Report and Government Response can be found here: www.parliament.nsw.gov.au/Committees/Pages/Committeeprofile/regulation-of-brothels.aspx

6. **BACKGROUND TO THE SOUTH AUSTRALIAN BILL AND CURRENT LEGISLATION**

There have been numerous iterations of legislation introduced into the South Australian Parliament with the purpose of reforming sex work.

...between 1980 and 1999 there were several attempts at reform with some very close votes in both chambers. There were a number of select Committees which did a great deal of work and I think particularly of note is the 1996 report of the Social Development Committee. (Hon. JMA Lensink MLC, second reading speech, Hansard 1 July 2015, p.1108)

The current Bill follows on from the Statutes Amendment (Decriminalisation of Sex Work) Bill 2013 introduced into the House of Assembly in May 2014 by the Member for Ashford, the Hon. Steph Key MP. A further attempt by the Hon. Steph Key MP to introduce the bill in 2015 did not progress due to the prorogation of Parliament.

In more recent history there has been a hiatus, until 2012 under the sponsorship of the member for Ashford. On 31 May 2012, she introduced the Statutes Amendment (Sex Work Reform) Bill 2012 into the House of Assembly, which was defeated on 15 November. An amended bill was brought in on 16 May 2013, that being the Statutes Amendment (Decriminalisation of Sex Work) Bill. Then there was the bill from May last year, which I understand did not progress because of the prorogation of parliament. (Hon. JMA Lensink MLC, second reading speech, Hansard 1 July 2015 p.1108)

In her second reading to Parliament, the Hon. Michelle Lensink MLC discussed the need to bring clarity to what is and is not illegal in relation to sex work in South Australia and that the lack of clarity has led to the many attempts at reform -

...there is certainly a range of inconsistencies. The former police commissioner, Mal Hyde, was fairly unequivocal about the fact that the laws in South Australia are out of date and unnecessarily tie up police resources. He made the following statements:

That the moral issue of prostitution is not one for police to debate. Any legislation must address possible harms associated with prostitution and any regulatory system that is put in place must be practically effective and workable for police.

Our former shadow attorney-general Stephen Wade received the following comments from SA Police in the context of the 2012 bill in relation to enforcement, and I quote:

The policing of brothel-based prostitution is problematic due to the restrictive nature of current legislation and precedent set by South Australian courts. The matter of *Police v Boileau* in 1999 provided police with practical difficulties in improving the two elements of offences related to brothels, the payment of money and that a sexual act took place for that payment.

This altered the then investigative approach to one which now proactively focuses on issues associated with brothel-based prostitution such as illicit drugs, illegal immigrants, organised crime and minors. (Hon. JMA Lensink MLC, second reading speech, Hansard 1 July 2015 p.1108)

South Australia's legal framework is one of full prohibition meaning that sex work is criminalized.

Brothels are illegal pursuant to Part 6 of the *Summary Offences Act 1953* (SA). Under the *Summary Offences Act 1953*, keeping, managing and receiving money paid in a brothel in respect of prostitution or permitting a premises to be used as a brothel is

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prohibited (sections 28 and 29). It is an offence to solicit or accost a person in a public place for the purpose of prostitution (section 25). A person must not engage in procurement for prostitution (section 25A). It is an offence to knowingly live, wholly or in part, on the earnings of prostitution of another person (section 26).

Division 12 of Part 3 of the *Criminal Law Consolidation Act 1935* (SA) creates offences relating to commercial sexual services, sexual servitude and the use of children in commercial sexual services (section 65A-68). (Skrzpiec & Dimopoulos, 2012, p.18)

South Australia Police (SAPOL) provided the Committee with a table (see below) which demonstrates the number of charges laid for sex work related offences for the last ten years. (SAPOL, Questions on Notice, p.2)

Offence Title	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
ASK A CHILD TO PROVIDE COMMERCIAL SEXUAL SERVICES	2	1							1		3	7
EMPLOY A CHILD TO PROVIDE COMMERCIAL SEXUAL SERVICES	1	2										3
ENGAGE IN PROCUREMENT FOR PROSTITUTION	2		2	3			2		2	1	2	14
FAIL TO DISCLOSE EMPLOYMENT OFFER INCLUDES SEXUAL SERVICES				1								1
INFLECT SEXUAL SERVITUDE ON A PERSON		1	1		2		1	1	1	1		8
KEEP BROTHEL	2	4	6	5	4	1	1	5	2	5	2	37
LET PREMISES TO BE USED AS A BROTHEL								1				1
LIVING ON THE EARNINGS OF PROSTITUTION		1	3		1	1	2	1	1			10
LOITER FOR THE PURPOSE OF PROSTITUTION	1	25	45	14	13	35	21	22	3	11	1	191
PERMIT PREMISES TO BE USED AS A BROTHEL	1	1							1			3
RECEIVE MONEY PAID IN A BROTHEL	1	2	4	2	3	1	1	3	4	4	1	26
SOLICIT FOR THE PURPOSE OF PROSTITUTION	3	36	8	16	2	12	7	9	2	4		99
USE UNDUE INFLUENCE TO GAIN COMMERCIAL SEXUAL SERVICES	2	2								1	2	7
Total	15	75	69	41	25	50	35	42	17	27	11	407

7. EVIDENCE

7.1 Same Rights and Protections as other workers

Ms Jules Kim, from the Scarlett Alliance, told the Committee “sex work is an occupation and can be regulated as any other occupation.” (Transcript of Evidence, p.35) and referred to New South Wales and New Zealand, which both have a decriminalised legal framework. The Committee heard that reviews into decriminalisation in New South Wales have demonstrated better “occupational health rights and safety for sex workers, for the general community.” (Transcript of Evidence, p.38 & Submission 30, p.5)

Ms Kim argued that a criminalised work place creates space for illegality to occur. (Transcript of Evidence, p.39) The Committee heard that when an occupation is “stigmatised, marginalised and criminalised there is no recourse to exploitation.” (Transcript of Evidence, p.41) In their submission to the inquiry, the Sex Workers Outreach Program NT (SWOP) argued full decriminalisation of sex work ensures “compliance with the state’s existing business legislation.” (Submission 35, p.1) One submission representing 90 co-signatories argued criminalisation “actively infringes on people’s rights by interfering with their efforts to earn a living.” (Submission 41, p.1)

Sex Industry Network (SIN) estimates there are two thousand (2,000) sex workers in South Australia in any one-year and approximates the tenure of any one member in the industry to be ten years. The Committee heard the current criminalised legislative regime creates covert working conditions with high risks to an individual’s health and safety.

If sex work was decriminalised, exploiting or abusing sex workers would still be a criminal act and prosecuting those involved would be a much easier process if it occurred as part of a lawful business. (Submission 30, p.8)

The Working Women’s Centre (WWC) supports the decriminalisation of the sex industry so those working in the industry have the same entitlements as other workers. (Transcript of Evidence, p.30) In their submission they argued there is an “extraordinary double standard operating” when some women in society are protected from coercion, exploitation or poor management practices in their workplace, and sex workers are not because what they are doing is classed illegal. They state, “sex work is work and as such is not necessarily harmful to women.” (Submission 32)

The New Zealand Prostitutes Collective in their submission argued expanding workers’ rights and protections to sex workers protects sex workers by giving the access to appropriate legal remedies. (Submission 52)

In their submission Relationships Australia, argued the current legislation is archaic and “not in line with current community standards.” Sex workers are left unprotected and any legitimate concerns cannot be addressed. (Submission 31, p. 2)

Submissions from sex workers outlined the issues for them working in a criminalised environment, the submissions expressed ongoing concern that the work they do is criminalised. They are unable to negotiate better working conditions. (Submissions 19 & 36) Others argued they are “sex workers” not “criminals.” (Submissions 63 & 76)

SA Unions argue “sex workers are workers first” decriminalisation would protect the rights of sex workers by protecting them under the *Work, Health and Safety Act*. (Submission 35)

The Committee heard decriminalisation would allow SafeWork SA to regulate the industry using the regulatory framework that already exists for the vast majority of South Australian workers. While recognising the need to upskill their inspectorate to deal with a new work environment, SafeWork SA did not foresee any insuperable problems in coordinating with the sex industry. SafeWork SA's policy is to work in partnership with a range of industries to identify key risks. The sex industry would be no different and SafeWork SA would develop partnerships with "business operators, employers, employees, workers contractors." (Transcript of Evidence, p.17)

Sex work would be subject to the same risk management principles that would apply to other forms of work. SafeWork SA's work health and safety inspectors would have the same powers to enforce compliance with the law. Its inspectors would engage in notified and random inspections as is the practice across a range of industries and the sex industry would be no different. SafeWork SA would also work with the industry to educate workers and employers, and business operators about safe work practices. (Transcript of Evidence, p.31)

The Committee heard there could possibly be an overlap between jurisdictions (interstate and federal) and the relevant government departments and agencies, but SafeWork SA did not see this as being any impediment to their jurisdiction or that of other agencies.

We have agreements and MOUs with key agencies where we overlap, so we have an identified process where, if we get notified and it impacts on someone else, we immediately notify them and then we work together to say who is the lead. (Transcript of Evidence, p.20)

Family Voice believe that the "legislation is exploitative" and stated that if sex work was to become a normal business, sex workers would be subject to "the customer is always right" and "he who pays the piper calls the tune" as other businesses are. (Submission 16, p.11)

The Queensland Director of the Australian Christian Lobby, Mrs Wendy Francis, argued the Bill would not remove associated stigma nor would it remove discrimination on the grounds that prostitution represents "structural inequality by gender, class and race." (Transcript of Evidence, p.44)

7.2 Provide access to finance

The Law Society told the Committee the benefits of having a "legitimate job that is legitimately recognised" such as access to tax records and Centrelink make it easier for those who wish to leave the industry. (Transcript of Evidence, p.103)

The *Income Tax Assessment Act 1936* (Cth) makes no distinction between income from legal or illegal activities. The Committee heard and received evidence from sex workers who argued they pay income and other taxes, often as sole operators and under other occupations. However, due to the criminalised framework of sex work, savings and possessions are classified as the proceeds of crime, regardless of whether the correct amount of tax has been paid. Sex workers argue they do not receive the same protections as other tax-payers. (Transcript of Evidence, p.161, Submissions 33 & 19)

The Committee heard evidence that working in an illegal environment prevents access to "bank guarantees" or purchasing real estate. (Transcript of Evidence, p.162)

7.3 Remove the stigma associated with illegal work

Evidence and submissions to the Committee argue that decriminalisation would remove the stigma and associated discrimination and provide sex workers access to the rights and protections held by all other workers in legitimate employment. (Submission 30, p.4) Ms Kim stated “decriminalisation empowers sex workers to access their rights as workers”. (Submission 40, p.8)

Ms Ari Reid from the Sex Industry Network (SIN) told the Committee the proposed legislation will benefit sex workers through increased industrial protection, improved relationships with the police and decreased barriers to accessing the same rights as other citizens. (Transcript of Evidence, p.3)

In 1999, the Scarlet Alliance and the Australian Federation of AIDS Organisations conducted a national survey to identify discrimination in the employment conditions and personal lives of sex workers in Australia. The report titled *Unjust and Counter-Productive: The Failure of Governments to Protect Sex Workers from Discrimination* found that sex workers experienced discrimination on the bases of their occupation in a number of areas:

- Access to goods and services, including credit cards, loans, insurance, and superannuation;
- Discriminatory advertising policies, higher fees, special conditions, unapproved changes to pre-paid advertisements;
- Discrimination in housing and accommodation, difficulties in obtaining rent agreements, eviction, rude treatment, non-consensual disclosure of occupation to landlord;
- Discrimination in seeking other employment stigma affecting employers decisions to recruit or dismiss staff, particularly in occupations such as teaching or policing;
- Criminal record discrimination because the place or nature of sex work has been deemed illegal;
- Intersectional discrimination on the basis of HIV status and sex work, including criminalisation, poor treatment and harassment from health providers, prosecution and jail; and
- Harassment vilification and social exclusion on the basis of sex work status. (Submission 30, pp.13-14)

The Law Society told the Committee decriminalisation will remove the associated stigma and will create better opportunities and livelihoods for those in the industry. (Transcript of Evidence, p.108)

Submissions from sex workers argued that sex work was a personal choice and they resented the implication they were victims, drug dependant, mentally unstable, or threats to society because they worked in an illegal industry. This type of stigmatization prevented sex workers from seeking the assistance of medical professionals and the reporting of crime for fear of further criminalisation. (Submissions 17, 24, 37, 58, 66, 68, 69, 70, 71) The Committee heard sex workers fear both the illegal nature of their work and the risk that information they provide to medical professionals and other services could be used against them in custody cases. (Submission 36) One submission stated the current laws “dehumanize, demoralize, disempower, and inhibit sex workers.” (Submission 64)

The submission from the Australian Services Union (SA & NT Branch) argued decriminalisation would improve health and safety within the industry and will provide sex workers with the “fundamental right to unionise.” (Submission 78)

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Sex workers, afraid of being prosecuted, are unlikely to report crimes that are committed against them. (Submissions 58, 59, 66, 67, 68, 69, 72) The Committee heard this extended to other crimes perpetrated outside of the sex work environment. Ms Reid told the Committee she had been 'outed' by police while reporting as a victim of crime. This experience had made her wary to call police at other times. (Transcript of Evidence, p.11) The Committee heard that street based sex workers are even less likely to report violent crimes committed against them for fear of being prosecuted themselves. (Transcript of Evidence, p.12)

The Committee heard evidence from people living with a disability who have great difficulty in procuring sex services through a third party, such as a carer, due to the criminalised model and its associated stigma. Decriminalisation would "make it easier for the industry to meet the needs of those who are vulnerable with special needs". (Transcript of Evidence, p.111)

Amnesty International argues that criminalisation does not address the gender inequality and discrimination against transgender, gay or bisexual male sex workers. They argue states must combat discrimination and harmful gender stereotypes, empower women and other marginalise groups. (Transcript of Evidence, p.134)

The Committee heard that the Bill would provide rights to sex workers that are not in the interest of building an equitable society. (Transcript of Evidence, p.43) The Committee heard the Australian Christian Lobby's objection to the amendment of the *Equal Opportunity Act 1984* (EO Act), arguing that the Bill would give a special status to those engaged in sex work which is not available to any other group. The Australian Christian Lobby stated the definition of 'sex workers' in the EO Act would prevent employers, accommodation providers, and landlords from being able to refuse employment or other services to someone who either currently or has in the past has provided sexual services for money. (Submission 40, p.23)

Dr Caroline Norma, of RMIT Melbourne and co-editor of *Prostitution Narratives*, challenged the argument that decriminalisation would remove the stigma of sex work and increase safety for sex workers

For you to believe that, you have to believe that legitimising these men and these entrepreneurs somehow leads to women's safety through a reduction in stigma, and I think that argument is fanciful. (Transcript of Evidence, p.46)

Ms Simone Watson of the Nordic Model Australia Coalition (NorMAC) and self-described "prostitution survivor" (Transcript of Evidence, p.119) disagreed that sex work was like any other type of work. She argued sex workers "endure a rate of PTSD comparable with combat veterans and survivors of torture." (Submission 79, p.3)

7.4 Provide greater opportunities for workers to move in to other fields of work

Both SIN and the Scarlett Alliance stated their support for the proposed changes within the Bill to the *Spent Convictions Act 2009*.

The Scarlett Alliance argued the decriminalised model enables people to work in other professions and the amendments to the *Spent Convictions Act 2009* would assist women to move from the sex industry into other industries, "I think decriminalising the industry would make that pathway a lot smoother." (Transcript of Evidence, p.30)

Evidence provided to the Committee indicates that people who have sex work related convictions suffer impediments to their ability to gain alternative employment, which further affects other parts of their life including mental health, finances and study. (Submission 31, p.13) SIN's written submission concluded:

The inclusion of spent conviction clause for sex work related charges has the potential to create positive outcomes for a large number of former sex workers in South Australia by reducing the barriers to fully participating in society. (Submission 30 p.13)

The WWC supports the changes to the *Spent Convictions Act 2009* arguing that it will enable women, with past convictions, to move into new work environments, which may be subject to police clearance requirements. (Transcript of Evidence, p.30)

Both FamilyVoice and the Nordic Model Australia Coalition (NorMAC) are supportive of amendments to the *Spent Convictions Act 2009* as it applies to those who they believe are a "prostituted person." Ms Watson told the Committee that the convictions should not be permitted "for the profiteers and procurers." (Transcript of Evidence, p.129) Ms Philips of FamilyVoice did not believe spent convictions should apply to "those who have been exploiting others" such as a "madam or a pimp." (Transcript of Evidence, p.130)

7.5 Impacts upon policing; organised crime, sexual servitude and trafficking

SAPOL's Licensing Enforcement Branch indicate there are approximately 180 brothels operating in South Australia. The Committee were advised these figures were an indication only and do not include services offered via websites or phone applications. (Transcript of Evidence, p.61)

During their evidence, SAPOL were clear in their position of not commenting on the Bill and decriminalisation, but did acknowledge a need for change to the current system. They told the Committee their position has remained consistent over the years that the current legislation presents "definite challenges and difficulties in policing" and this is reflected in "some of the outcomes in our court matters." SAPOL argued the need for regulation that both protects the "workers in the industry and prevents the infiltration of organised crime". (Transcript of Evidence, p.58) They argued "a completely unregulated environment will only lead us to problems in the future." (Transcript of Evidence, p.58)

However, SAPOL did highlight concerns with changes that could impact upon the effective policing of the sex work industry. SAPOL stated the removal of the power of entry would be a disadvantage to policing the sex services industry.

I think the minute you remove the police, you make people vulnerable to standover tactics and the criminal element. (Transcript of Evidence, p.144)

I do think that we need to give serious consideration to a regulatory model and the powers of the police to retain oversight and powers to enter. (Transcript of Evidence, p.145)

SAPOL also raised issues around probity and the appropriateness of people to operate and/or manage a sexual services business, noting that the Bill does not include probity checking on anyone involved in the industry, which they advocate as necessary. (Transcript of Evidence, p.58) Probity checking they argue prevents workers from being exploited -

...keeping people with poor probity history out of the industry should be a priority, and that's where the focus should be in terms of regulation. (Transcript of Evidence, p.58)

If changes were made to the current legislation, SAPOL indicated a preference for a model based upon the *Tattooing Industry Control Act 2015*, which incorporates provisions relating to outlaw motorcycle gangs and members of declared organisations. This would allow for criminal intelligence to establish whether it was in the public interest for a particular individual to be involved. (Transcript of Evidence, p.59)

It would be mandated that if you were a member of a declared criminal organisation you can't have a role in a brothel. Then there would be a series of offences, which would be agreed, probably by regulation—just as the Tattooing Industry Control Bill has—that would exclude you from involvement. (Transcript of Evidence, p.59)

SAPOL told the Committee it is often the people behind the scenes, such as outlaw motorcycle gangs, who may be a silent partner providing funds, or being paid protection money. (Transcript of Evidence, p.63)

The Law Society of South Australia supports the Bill without amendment. The Law Society representatives argued that decriminalisation creates a safe and secure environment for sex workers to report criminal activity and enables positive relationships with the police. Additionally, the Committee heard that legitimate businesses in Australia are highly regulated by the laws covering crime, occupational health and safety, and immigration and, therefore, a legal framework already exists to address areas of concern. The *Work Health and Safety Act 2012* provides SafeWork SA with extensive powers under that Act - sections 160, 163 and 165 of that Act. (Transcript of Evidence, p.101)

The Law Society also addressed SAPOL's right of entry concerns arguing state legislation provides for SAPOL through "broad and generous provisions with a general search warrant which just requires reasonable suspicion that an offence has been committed." (Transcript of Evidence, p.101)

The Law Society provided a list of the search powers available to the police under nine different State and Commonwealth Acts advising, "while the list is extensive, there may also be further search powers beyond this list".¹² (Law Society of South Australia, Questions on Notice, p.2)

The Committee was also advised that powers of entry exist under Commonwealth legislation such as the *Migration Act 1958*, and that the Australian Federal Police have extensive powers of investigation. (Transcript of Evidence, p.101)

Contrary to SAPOL's evidence, the Committee heard that the Law Society did not see the merit in applying a model similar to that used in the *Tattoo Industry Control Act 2015* arguing this would be counterproductive to the proposed Bill, providing for a sex industry -

...which can be legitimately, lawfully and properly regulated and run according to the standards and practices of any other legitimate business. (Transcript of Evidence, p.103)

¹² Offences Act 1953 (SA) sections s67; ss68-72;
Controlled Substances Act 1984 (SA) sections ss50;52;
Criminal Assets Confiscation Act 2005 (SA) ss 172-177;
Crimes Act 1914 (Cth) sections s3E – s3F
Criminal Investigation (Extraterritorial Offences) Act, 1984 (SA) section s54
Firearms Act 1977 (SA) section s 32(3)
Migration Act 1958 (Cth) sections s487D – s487E
Serious and Organised Crime (Control) Act 2008 SA section s33
Summary Offences Act 1953 (SA) (Indecent Behaviour and Gross Indecency) section s23 (Law Society Questions on Notice p.2)

FamilyVoice Australia, are concerned that the proposed Bill will remove police powers “to deal with problem brothels and other illegal activities that may be going on.” (Transcript of Evidence, p.123)

The Wilberforce Foundation, a national coalition of lawyers, argued the proposed legislation would make South Australia the “only state or territory which has no controls at all in relation to prostitution.” (Submission 4 p.2) In a subsequent submission they challenged the Law Society of South Australia’s evidence, “that the law should not make moral judgements”, (Transcript of Evidence, pp.104-105) arguing “all laws reflect some moral foundation.” (Additional submission 4b, p.1)

7.6 Organised crime, sexual servitude and trafficking

The Committee heard SAPOL in collaboration with Australian Border Force have discovered evidence of illegal immigrants working in brothels in South Australia. (Transcript of Evidence, p.62) These women are often there voluntarily because they believe a better life is being offered once a debt is recovered but they are being exploited. (Transcript of Evidence, p.63)

SAPOL see the potential for sexual servitude-type offences in South Australia and are in favour of the New Zealand model that prevents temporary work holders from working in the sex industry or being able to set up a brothel. (Transcript of Evidence, p.60)

SAPOL further commented on the prevalence of foreign nationals working in the sexual services industry working in states other than the ones they are residents of, presumably to avoid prosecution -

We were told that, for example, they are flown in, if they come into a city—they would fly them into Adelaide or Melbourne or Perth and they would work there for a few days, and then they would fly them back again. (Transcript of Evidence, p.149)

The Scarlett Alliance told the Committee research and anecdotal evidence amongst their members and member organisations suggests, “large scale organised crime and ‘pimping’ is not a characteristic of the sex industry in Australia.” (Submission 45, p.7) A Report into *Organised Crime and Trafficking in Persons* by Fiona David for the Australian Institute of Criminology (2012) found the assumption that “organised criminal groups are heavily implicated in trafficking persons is an assumption relatively untested.” (Submission 45, p.7)

In their submission, SIN argued anti-trafficking initiatives must be evidence-based, grounded in human rights principles and must not negatively affect the rights of sex workers. (Submission 30, p.12)

The Australian Christian Lobby argue there is evidence to support their claims of sexual servitude, trafficking and organised crime in the Australian sex industries. They refer to evidence presented by the then New South Wales Deputy Police Commissioner, Nick Kaldas to the Legislative Assembly’s Select Committee into the Regulation of Brothels -

There are clearly issues in the industry in terms of servitude, the use of illegal workers and extortion by or involvement of organised crime and outlaw motorcycle gang groups (Submission 40, p.8)

The Coalition Against Trafficking in Women Australia (CATWA) opposes the proposed Bill. While they agree persons engaged in sex work must be decriminalised as a matter of urgency

they argue the proposal to remove section 25 A of the *Summary Offences Act 1953* will allow for pimping and coercion into prostitution to be legal. (Submission 23, p.2)

FamilyVoice Australia claimed that sex trafficking is prevalent in Adelaide, stating this is a problem for Asian women in the sex industry across the nation. (Transcript of Evidence, p.128)

The Federal Minister for Justice, the Hon. Michael Kennan MP, in correspondence dated 13 October 2015, provided the Hon. J.M.A Lensink with the following information in relation to human trafficking for the purpose of sexual exploitation -

Due to the clandestine nature of the crime type, there is little reliable data about the nature and extent of human trafficking at a global, regional or domestic level. However, when compared to global trends, it is clear that instances of human trafficking remain relatively uncommon in Australia. Opportunities to traffic people into, or exploit people within, Australia are limited because of our strong migration controls, geographic isolation, and high degree of regulation, compliance and enforcement.

Since the Australian Government strategy to combat human trafficking and slavery commenced on 1 January 2004, as at 31 August 2015 279 suspected victims of human trafficking, slavery or slavery-like practices such as forced labour and forced marriage have been identified by the Australian Federal Police (AFP) and referred to the Australian Government Support for Trafficked People Program. Of the 279, 189 females and two males were referred for suspected exploitation in the sex industry. The majority of suspected victims were referred in New South Wales and Victoria, reflecting the population concentration and the relative size of industry in these jurisdictions.

Information available to the Australian Government agencies responsible for combating human trafficking and slavery indicates that the incidence of human trafficking for sexual exploitation in South Australia remains low. From 1 July 2012 to 31 August 2015, the AFP received three referrals for suspected sexual exploitation matters in South Australia, one of which was accepted for further investigation. One matter was not accepted for investigation as no victim was identified. The other matter was not accepted for investigation as the AFP's evaluation revealed no evidence that an offence had occurred.

7.7 The perception of criminal activity within the sexual services industry:

The Committee did not hear any evidence that confirmed criminal activity within the sexual services industry in South Australia. The Committee heard people perceive there to be risks with brothels - some customers are risky people; there is a risk to the community through organised crime; through drug use; risks to children; vulnerable people and sexual servitude. (Transcript of Evidence, p.150)

SAPOL argued that as a primarily cash industry, it is vulnerable to money laundering (Transcript of Evidence, p.143) and people within the industry are vulnerable to standover tactics. (Transcript of Evidence, p.144)

7.8 Human Rights

The Committee heard the Australian Government and the United Nations recognise sex workers as a group in need of human rights and anti-discrimination protection. Sex workers are recognised by the Australian Government's National Strategies, and globally, as a community that experiences unacceptable levels of discrimination and denial of human rights. (Submission 30, p.13)

Amnesty International informed the Committee that the decriminalisation of sex work is an important step toward addressing human rights issues:

...governments need to make sure that the system respects the human rights of sex workers. Sex workers still have to have control over their health and their workplace like any other worker in a legalised industry. (Transcript of Evidence, p.135)

SWAGGERR, a South Australian sex worker organisation, argue the current *Criminal Law Consolidation Act 1935* and the *Summary Offences Act 1953* are a breach of sex workers human rights. (Submission 33, p.2)

The YWCA Adelaide, representing a coalition of feminist women's organisations including Zonta International (SA and NT), Soroptimist International SA, and YWCA Australia, told the Committee these organisations support the decriminalisation of sex work, arguing it goes toward "safeguarding the human rights of sex workers". (Transcript of Evidence, p.153) They argue those in the sex industry are best placed to advise on health, workplace rights and gender equality. (Transcript of Evidence, p.155)

The proposed bill will provide human rights and protections for trans sex workers, often the most marginalised, stigmatised and discriminated sector in the community. (Submission 51)

Ms Watson of NorMAC, argued the proposed Bill is an open invitation to the ongoing human rights abuses of the sex trade. The Bill, she argues, will "entrench even further normalisation of violence to women in Australia." (Transcript of Evidence, p.121) She told the Committee having pimps, procurers and profiteers is not a "woman's human right". (Transcript of Evidence, p.121)

The Wilberforce Foundation argue the Bill will lead to the exploitation and traumatising of women, an increase in human trafficking of women and probably children and the undermining of sound Australian values. (Submission 4, p.1)

7.9 Health

In the area of health, the Committee heard from physicians from the Royal Adelaide Hospital's Sexual Health Clinic 275 and SA Health's Communicable Disease's Control Branch.

The Committee heard there was some evidence of several health benefits of decriminalisation particularly better access to health promotion programs, better condom carriage and use, and some evidence of better general health. There was no evidence of negative health outcomes from decriminalisation. The Committee heard that the legal status of sex workers affects condom use by sex workers:

Where sex workers themselves, or clients of sex workers, are criminalised, rates of violence against sex workers appear higher. Where higher violence occurs, there is more unprotected sex and there is more forced unprotected sex. (Transcript of Evidence, p.75)

The Committee was told between 2006 and 2010, Clinic 275 saw an increase in gonorrhoea in sex workers, heterosexual men and women, which correlated with an increase in policing and the seizure of condoms as evidence of sex work.

This peak coincided with a peak in charges against sex workers by South Australian police occurring in 2007 and 2008. (Transcript of Evidence, p.75)

The Committee heard that there are approximately twenty-five individuals (at any one time) who work directly on the street. While this is a small percentage of the sex industry in South Australia, they are the sex workers who are at the highest risk. (Transcript of Evidence, p.73) The Committee heard that 'safe houses', similar to those in New South Wales, provide safe places where street based workers can take clients; have access to condoms; healthcare professionals and other professional services, and were seen as having significant benefits to the health of sex workers and their clients -

What that does is to allow sex workers not to work in a brothel environment, which some sex workers choose not to do, particularly the highest-risk sex workers choose it, so that would benefit the highest-risk sex workers. (Transcript of Evidence, p.79)

Overall, the Committee heard the benefits of decriminalisation include "better access to health care, better access to education and safer sex peer-led education, which improve sexual health for sex workers and then the community as well." (Transcript of Evidence, p.79)

Both SIN and the Scarlett Alliance argue the decriminalisation model provides better access to health promotion and a best practice approach to achieving positive public health outcomes and low rates of STI's and HIV. This is recognised by Australia's National Health Strategies and the University of New South Wales Kirby Institute's annual *Surveillance Report into HIV, Viral Hepatitis and Sexually Transmissible Infection in Australia*. (Submission 45, p.13, Submission 30, p.14, Submission 32)

The Committee was informed that the World Health Organisation position on sex work is that all countries should work towards decriminalisation of sex work. Additionally, it argues that the police practice of using the possession of condoms as evidence of sex work should be eliminated. UNAIDS and the UN Development Program share the same position, and state that there is no evidence that criminalisation of clients reduces HIV transmission or improves quality of life of sex workers. It is argued that licensing and regulatory systems are not effective in preventing HIV epidemics among sex workers and that mandatory STI and HIV testing diverts resources from effective HIV prevention. (Transcript of Evidence, p.76-77)

The Australian Federation of AIDS Organisations (AFAO) strongly supports the decriminalisation of sex work across all Australian jurisdictions. They argue legal regimes that criminalise sex work infringe human rights, compromise public health and are a barrier to a more effective HIV response. (Submission 22)

The Committee heard that there is no evidence that decriminalisation would see an increase in the size of the sex industry.

A large representative national sample of over 8,000 Australian men which was published this year [2016] found 2.2 per cent of men reported paying for sex in the last 12 months, and there was no statistical difference between the state or territory regardless of the legal status of sex work. (Transcript of Evidence, p.84)

Evidence provided by Mrs Francis from the Australia Christian Lobby and the former West Australian MLA, Mr Peter Abetz, refers to international research conducted in 2003 involving 850 people across nine countries. This research showed high rates of sexual harassment and violence with many sex workers meeting the criteria for Post-Traumatic Stress Disorder (PTSD). A 2010 survey conducted by Law and Sexworker Health (LASH) UNSW found 10 percent of sex workers in Perth had extreme stress related to drug use. The same survey found intravenous drug use was high amongst Sydney's street sex workers (Submission 40, p.6, Submission 20, p.6)

7.10 Local Government

The Local Government Association of South Australia (the LGA) declined the Committee's request to appear and give evidence before it. The LGA belatedly provided the Committee with a copy of correspondence concerning the Bill, which had been sent to two Members of Parliament.

The LGA correspondence states that it has previously "provided comment on a number of iterations of this Bill" and raises two issues with the Bill "on behalf of the Local Government Sector", namely the location of sex-work premises in particular areas and the regulation of soliciting.

The LGA is concerned that the existing provisions [within *the Development Act 1993*] are not sufficiently robust to deal with these matters and seeks an amendment that provides a clearer regulatory framework in relation to sex-work

In relation to the use of premises for sex work "near schools and other sensitive land use areas", the LGA remain concerned that the proposed amendments to the Summary Offences Act in this 2015 Bill do not include the insertion of such restrictions.

And,

Councils have a limited regulatory role in relation to 'on-street' activities and do not want to have to take a regulatory role in the management of street soliciting through the limited powers of by-laws. These are matters appropriately left to the police or other regulatory agencies.

In addition to the LGA, the Committee received written submissions from three local councils that specifically addressed the provisions of the Bill. The City of Salisbury provided to the Committee correspondence it had sent to the LGA. The correspondence states that -

Council considers that proper protection for sex workers is appropriate and that an improvement to the current situation is needed." (Submission 2, p.2)

The Council argued that the LGA should provide a submission to the Committee on the Bill. Further, that any submission from the LGA should use the *Sex Services Premises - Planning Guidelines December 2004* (NSW) as "a resource of information on the matter and legislative responses by Government to the decriminalisation of Brothels in NSW" (Submission 2, p.1) and that,

additional legislation [could be] enacted [and] be based on the *Brothels Act 2007* (NSW) which sets the evidentiary requirements that Councils would be required to use to control unauthorised activities. (Submission 2, pp.1-2)

Further points raised in the City of Salisbury's submission include:

- brothels only being permitted to operate in industry zones and be prevented from operating in residential zones;
- brothels should be prevented from operating certain distances from sensitive land use areas, irrespective of the zoning;
- the prevention of converting vacant shops and buildings into brothels within Centre Zones;
- planning controls to accommodate development approvals of brothels, and the creation of legislation that allows unauthorised brothels to be shut down;
- escort agencies and entertainment premises (not referenced in the Bill) should be considered in the planning legislation;

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- the preparation of a Ministerial DPA to identify appropriate policy, zones, and distances from sensitive land uses and locations to ensure consistent policies; and
- the development of a Code of Practice by SA Health or SafeWork SA for safe operations with the industry. (Submission 2, p.1-2)

The City of Tea Tree Gully is opposed to the Bill in its current format arguing the Bill would place pressure on councils to -

- Effectively become the regulator of brothels and street prostitution, given that decriminalisation is the proposed model;
- Allocate resources to ensure compliance in an area which has traditionally been the responsibility of the police;
- Assume responsibility for brothels even though councils do not have power to regulate any illegal activity within those brothels (beyond planning regulations and approvals);
- Regulate public soliciting by prostitutes (street prostitution, which the bill allows for in an unfettered manner);
- Regulate approval of brothels (with council decisions having to be made purely on planning matters, potentially disregarding concerns of local residents); and
- Fight legal battles at ratepayers' cost against brothel owners who do not respect conditions placed on any planning application. (Submission 1)

The City of Marion is also opposed to the Bill in its current form and their submission reiterates the arguments about development planning outlined by both the City of Salisbury and City of Tree Gully. The City of Marion raises concerns about the planning system, the *Development Act 1993* and the zoning of premises used for the purposes of sex work. (Submission 14)

The Committee suggests that the new State Planning Commission consider best practice planning rules that can be used by Local Government in the event that this Bill is passed.

7.11 Preference for other models of legislation or criminalisation

A number of submissions and witnesses were in favour of what is referred to as the 'Nordic' or 'Swedish' Model (or Sex Buyer Law). The basic premise of the 'Nordic Model' is that purchaser of sexual services is criminalised.

The Committee heard from a number of advocates for the Nordic Model. Scandinavian Human Rights Lawyers, a Christian Swedish law firm, gave evidence in support of the Nordic Model -

...when it comes to trafficking in prostitution, we found it very encouraging to see the conclusion of the report where it is said that all member states in the Council of Europe are encouraged and encouraged to consider the Nordic model and the Nordic approach to the criminalisation of the purchase of sexual services because the Nordic model, according to this European report, is seen as the most effective tool to prevent and combat human trafficking. (Transcript of Evidence, p.83)

The Australian Christian Lobby (ACL) advised the Committee of their support for the 'Nordic Model'. (Submission 40, p.23) Mrs Francis from the ACL believes the starting point towards developing effective public policy towards prostitution is recognising the drivers of the industry. (Submission 40, p.23)

This works towards an eventual end to prostitution, supporting the women who are in it in the meantime and teaching men that buying sex isn't acceptable. (Transcript of Evidence, p.44)

A coalition of lawyers referred to as the Wilberforce Foundation argued the “Bill in its current form should be rejected and the Nordic Model Bill should be adopted.” (Submission 4, p.9) In a subsequent submission they challenged the Law Society of South Australia’s evidence “that the law should not make moral judgements” (Transcript of Evidence, pp.104-105) arguing, “all laws reflect some moral foundation” and reiterated their position in favour of the Nordic Model. (Additional submission 4b, p.1)

Opponents of the ‘Nordic Model’ argue this model of legislation poses the same unsafe work practices for sex workers as criminalisation. Laws against buying sex mean that sex workers have to take more risks to protect buyers from detection by the police. Consequently, this drives the sex industry underground and leaves sex workers at a greater risk of violence. (Submission 30, p.6-7)

Sex workers are negotiating services in places that are denoted by their clients rather than themselves. Their clients are stalked by police, and so sex workers are having to move around and work in very unsafe environments. Condom usage and things like that, the negotiations around all that, are very limited and usually only happen within the service, which has many adverse side effects as well. (Transcript of Evidence, p.6)

The Committee heard evidence suggesting that the ‘Nordic Model’ would criminalise some of the most disadvantaged members of our society.

If we are thinking about people living with a disability or other vulnerable people who are needing to reach out to seek some sexual intimacy or some skin-to-skin contact that they are not otherwise getting in other ways, then I think that those sorts of laws are not going to help those people at all. (Transcript of Evidence, p.117)

9. RECOMMENDATION

After considering the evidence and submissions placed before it, the Committee recommends the Bill pass without amendment.

Hon. Michelle Lensink MLC
Chairperson
30 May 2017

**DISSENTING STATEMENT FOR THE
HON. A. L. MCLACHLAN CSC MLC AND THE HON. R. L. BROKENSHIRE MLC**

Considering the evidence and submissions, it is clear that existing legislation for sex work is outdated. In light of this, we both support the body of the report the Committee is presenting, however the evidence, in our opinion, did not successfully make the case for decriminalisation. The model that best appeared to deal with sex work in the 21st Century was the Nordic model, and we are of the view that the Nordic Model provides a better solution than is proposed in the Bill presented.



Hon. Andrew McLachlan CSC MLC



Hon. Robert Brokenshire MLC

Statement by the Hon. Tung Ngo MLC:**Select Committee on the Statute Amendment (Decriminalisation of Sex Work) Bill 2015 - May 2017**

The Statutes Amendment (Decriminalisation of Sex Work) Bill 2015 (hereafter referred to as "the Bill") was referred to the Select Committee on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015 (hereafter referred to as "the Committee") for further investigation.

I accept in its entirety, the evidence provided to the Committee which is contained in its Report.

I accept that current laws regulating sex work are outdated and need changing. However, I don't support the Committee Report's final recommendation that supports the Bill in its current form.

I believe that the following changes must be considered to the Bill in its current form:

- Current prohibitions on street work should remain within the Summary Offences Act.
- State planning laws should be changed to outline the definition of a brothel, the evidentiary requirements to prove one is operating, as well as where they can operate.
- Brothels should not be located less than 200 metres from a place of worship, school or children's centre. Furthermore, sex workers working from a residential building should be registered as living at their address, work only in tandem with another sex worker, and not have any advertising on their property to ensure discreetness of their work.
- Police should retain the right to enter brothels.
- A register of brothel owners should be established and maintained, including a "fit and proper persons" test.

Hon Tung Ngo MLC
Member of the Legislative Council

29th May 2017

EXTRACT FROM THE MINUTES OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR WEDNESDAY, 1 JULY 2015.

Statutes
Amendment
(Decriminalisation
of Sex Work) Bill.

9. The Hon. J.M.A. Lensink, by leave, moved Notice of Motion (Private Business) No. 3 in an amended form, viz.: That she have leave to introduce a Bill for an Act to amend the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Spent Convictions Act 2009, the Summary Offences Act 1953 and the Return to Work Act 2014.

Question put and passed.

Bill introduced and read a first time.

The Hon. J.M.A. Lensink then moved - That the Bill be now read a second time.

On motion of the Hon. T. J. Stephens, the debate was adjourned until Wednesday, 29 July 2015.

EXTRACT FROM THE MINUTES OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR WEDNESDAY, 20 JULY 2015.

Statutes
Amendment
(Decriminalisation
of Sex Work) Bill.

23. On the Order of the Day being read for the adjourned debate on the question - That the Statutes Amendment (Decriminalisation of Sex Work) Bill be now read a second time:

Debate resumed.

On motion of the Hon. D. W. Ridgway, the debate was adjourned until Wednesday, 9 September 2015.

EXTRACT FROM THE MINUTES OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR WEDNESDAY, 9 SEPTEMBER 2015.

18. Ordered - That the adjourned debate on the question - That the Statutes Amendment (Decriminalisation of Sex Work) Bill be now read a second time - be now resumed.

Statutes
Amendment
(Decriminalisation
of Sex Work) Bill.

Debate resumed.

Question put.

Council divided:

Ayes, 13

The Hon. J. A. Darley
The Hon. J.S.L. Dawkins
The Hon. T. A. Franks
The Hon. J. M. Gazzola
The Hon. I. K. Hunter
The Hon. G. A. Kandelaars
The Hon. K. J. Maher
The Hon. A. L. McLachlan
The Hon. M. C. Parnell
The Hon. D. W. Ridgway
The Hon. K. L. Vincent
The Hon. S. G. Wade
The Hon. J.M.A. Lensink (Teller)

Noes, 6

The Hon. R. L. Brokenshire
The Hon. D.G.E. Hood
The Hon. J. S. Lee
The Hon. R. I. Lucas
The Hon. T. T. Ngo
The Hon. T. J. Stephens (Teller)

So it was resolved in the affirmative.

Bill read a second time.

The Hon. S. G. Wade, by leave, moved Contingent Notice of Motion No. 2 standing in his name in an amended form, viz.:

- I. That the Bill be referred to a Select Committee of the Legislative Council for inquiry and report.
- II. That the Select Committee consist of seven Members and that the quorum of Members necessary to be present at all meetings of the Committee be fixed at three Members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.
- III. That this Council permits the Select Committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.
- IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.

Debate ensued.

The Hon. R. I. Lucas moved to amend the motion in Paragraph I, after the word "Bill" by inserting the following: "and any other related matter".

Question - That the amendment moved by the Hon. R. I. Lucas to the motion moved by the Hon. S. G. Wade be agreed to - put.

Council divided:

Ayes, 6

The Hon. R. L. Brokenshire
The Hon. D.G.E. Hood
The Hon. J. S. Lee
The Hon. D. W. Ridgway
The Hon. T. J. Stephens
The Hon. R. I. Lucas (Teller)

Noes, 13

The Hon. J. A. Darley
The Hon. J.S.L. Dawkins
The Hon. T. A. Franks
The Hon. J. M. Gazzola
The Hon. I. K. Hunter
The Hon. G. A. Kandelaars
The Hon. J.M.A. Lensink
The Hon. K. J. Maher
The Hon. A. L. McLachlan
The Hon. T. T. Ngo
The Hon. M. C. Parnell
The Hon. K. L. Vincent
The Hon. S. G. Wade (Teller)

So it passed in the negative.

The Hon. R. I. Lucas moved to amend the motion in Paragraph II by leaving out "three" and inserting "four".

Question - That the amendment moved by the Hon. R. I. Lucas to the motion moved by the Hon. S. G. Wade, be agreed to - put.

Council divided:

Ayes, 8

The Hon. R. L. Brokenshire
The Hon. J. A. Darley
The Hon. D.G.E. Hood
The Hon. J. S. Lee
The Hon. T. T. Ngo
The Hon. D. W. Ridgway
The Hon. T. J. Stephens
The Hon. R. I. Lucas (Teller)

Noes, 11

The Hon. J.S.L. Dawkins
The Hon. T. A. Franks
The Hon. J. M. Gazzola
The Hon. I. K. Hunter
The Hon. G. A. Kandelaars
The Hon. J.M.A. Lensink
The Hon. K. J. Maher
The Hon. A. L. McLachlan
The Hon. M. C. Parnell
The Hon. K. L. Vincent
The Hon. S. G. Wade (Teller)

So it passed in the negative.

Question - That the motion moved by the Hon. S. G. Wade be agreed to - put.

Council divided:

Ayes, 16

The Hon. J. A. Darley
The Hon. J.S.L. Dawkins
The Hon. B. V. Finnigan
The Hon. T. A. Franks
The Hon. J. M. Gazzola
The Hon. I. K. Hunter
The Hon. G. A. Kandelaars
The Hon. J.M.A. Lensink
The Hon. R. I. Lucas
The Hon. K. J. Maher
The Hon. A. L. McLachlan
The Hon. T. T. Ngo
The Hon. M. C. Parnell
The Hon. D. W. Ridgway
The Hon. K. L. Vincent
The Hon. S. G. Wade (Teller)

So it was resolved in the affirmative.

Noes, 4

The Hon. R. L. Brokenshire
The Hon. D.G.E. Hood
The Hon. J. S. Lee
The Hon. T. J. Stephens (Teller)

The Hon. S. G. Wade then moved - That the Select Committee consist of the Hon. R. L. Brokenshire, the Hon. J. A. Darley, the Hon. T. A. Franks, the Hon. J. M. Gazzola, The Hon. J.M.A. Lensink, the Hon. A. L. McLachlan and The Hon. T. T. Ngo. Select Committee appointed.

Question put and passed.

The Hon. S. G. Wade moved - That the Select Committee have power to send for persons, papers and records, to adjourn from place to place and report on Wednesday, 18 November 2015.

Question put and passed.

CLERK OF THE LEGISLATIVE COUNCIL.

APPENDIX 1- WITNESSES**SELECT COMMITTEE ON THE STATUTES AMENDMENT
(DECriminalISATION OF SEX WORK) BILL 2015****SCHEDULE OF WITNESSES
(In order of appearance)**

Witness	Page No.
Ms Sharon Jennings, Manager, Sex Industry Network	
Ms Ari Reid, Sex Industry Network	1-14
Ms Marie Boland, Executive Director, SafeWork SA	15-24
Ms Sandra Dann, Director, Working Women's Centre	25-31
Ms Jules Kim, Chief Executive Office, Scarlett Alliance	33-42
Mrs Wendy Francis, Queensland Director, Australian Christian Lobby	
Dr Caroline Norma, RMIT University	43-56
Assistant Commissioner Linda Fellows, South Australia Police	
Senior Sergeant Julie Foley, South Australia Police	57-69
Dr Russell Waddell, Senior Sexual Health Consultant, Communicable Disease Control, SA Health	
Dr Alison Ward, Consultant Sexual Health Physician, Head of Unit, Clinic 275, Royal Adelaide Hospital	71-80
Ms Rebecca Ahlstrand, Legal Counsel, Scandinavian Human Rights Lawyers	
Ms Ruth Nordström, President and Senior Legal Counsel, Scandinavian Human Rights Lawyers	81-98
Mr David Caruso, President, The Law Society of South Australia	
Ms Leah Marrone, President, Women Lawyers Committee, The Law Society of South Australia	
Ms Taruna Heuzenroeder, Women Lawyers Committee, The Law Society of South Australia	99-108
Mr Ralph Brew	
Witness B	
Witness A	109-118
Ms Simone Watson, Nordic Model Australia Coalition	
Mrs Ros Phillips, FamilyVoice Australia	119-130
Ms Vicki Jacobs, Board Director, Amnesty International	131-138
Chief Superintendent Thomas Osborne, Officer in Charge, Serious Crime Coordination Branch, South Australia Police	
Detective Chief Inspector Denise Gray, Officer in Charge, Licensing and Enforcement Branch, South Australia Police	139-151
Ms Dianne Potter, Past President, Soroptimist International South Australia	
Ms Claire Tatyzo, Communications and Policy Officer, YWCA Adelaide	153-158
Ms Sharon Jennings, Manager, Sex Industry Network	175-182

APPENDIX 2 - SUBMISSIONS**SELECT COMMITTEE ON THE STATUTES AMENDMENT
(DECriminalISATION OF SEX WORK) BILL 2015****SCHEDULE OF SUBMISSIONS**

1	City of Tea Tree Gully	51	Xavier Miles
2	City of Salisbury	52	New Zealand Prostitutes Collective
3	Persons Against Non-State Torture	53	SWOT NT
4	Wilberforce Foundation (plus additional)	54	Lets Do Good Inc
5	Marie Hume	55	The Law Society of SA
6	Luke	56	Name redacted
7	Kate	57	Bella
8	Chris M	58	Hadrian
9	Jai Heward	59	Leo
10	Amanda	60	Jen
11	Les Birch	61	Julian
12	Michele Mann	62	Anonymous
13	The Salvation Army	63	Pippa
14	City of Marion	64	Heather
15	Jewish Adelaide Feminist Lesbian Group	65	Holly
16	Family Voice Australia	66	Heidi
17	Elena Jefferys	67	Anthony
18	Jean	68	Jo
19	"R"	69	Paige
20	Peter Abetz	70	Sue
21	Madeline	71	Darcy
22	Australian Federation of AIDS Organisations	72	Evan
23	Coalition Against Trafficking in Women Australia	73	Barry
24	Erica	74	Anon
25	Claire	75	Roxana Baratosy
26	Anthony	76	Penny
27	Respect Inc.	77	Australian Services Union
28	Jeanette Mosey	79	Sister Survivor
29	Alan Fairley	80	Roscoe Hilton
30	Sex Industry Network	81	K.F.
31	Relationships Australia	82	Paulette
32	Working Women's Centre	83	David
33	SWAGGERR	84	Claire
34	YWCA	85	Touching Base
35	SA Unions	86	Advocates International
36	"A"	87	Linda
37	Ricky Madisson		
38	Tim Barritt		
39	Dr Judith Preppard		
40	Australian Christian Lobby		
41	"E"		
42	Fighting for Justice Foundation (plus additional)		
43	Name redacted		
44	Mel		
45	Scarlet Alliance		
46	Dr Helen Pringle		
47	Collective Shout		
48	David		
49	Jason Virgo		
50	Ru Rua Group Management Association		

Legislative Council—No 44**APPENDIX 3**

As introduced and read a first time, 1 July 2015

South Australia

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*, the *Equal Opportunity Act 1984*, the *Spent Convictions Act 2009*, the *Summary Offences Act 1953* and the *Return to Work Act 2014*

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Statutes Amendment (Decriminalisation of Sex Work) Bill 2015

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68AA Provision of commercial sexual services to children
- 5 Amendment of section 270—Punishment for certain offences
- 6 Variation of Schedule 11—Abolition of certain offences

Part 3—Amendment of *Equal Opportunity Act 1984*

- 7 Amendment of section 5—Interpretation
- 8 Amendment of section 85T—Criteria for establishing discrimination on other grounds
- 9 Amendment of section 85U—Application of Division
- 10 Amendment of section 85ZA—Application of Division
- 11 Amendment of section 85ZB—Discrimination by associations
- 12 Amendment of section 85ZD—Application of Division
- 13 Amendment of section 85ZF—Discrimination by person disposing of interest in land
- 14 Amendment of section 85ZG—Discrimination in provision of goods and services
- 15 Amendment of section 85ZH—Discrimination in relation to accommodation
- 16 Amendment of section 85ZI—Charities
- 17 Amendment of section 85ZK—Measures intended to achieve equality

Part 4—Amendment of *Spent Convictions Act 2009*

- 18 Insertion of section 16A
16A Certain convictions in relation to sex work taken to be spent

Part 5—Amendment of *Summary Offences Act 1953*

- 19 Amendment of section 4—Interpretation
- 20 Amendment of section 21—Permitting premises to be frequented by thieves etc
- 21 Repeal of sections 25, 25A and 26
- 22 Repeal of Part 6

Part 6—Amendment of *Return to Work Act 2014*

- 23 Amendment of section 4—Interpretation
- 24 Insertion of section 6A
6A Additional provisions in respect of sex work

Schedule 1—Transitional provision

- 1 Application of section 128(1) of *Return to Work Act 2014* to certain employers

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
Preliminary—Part 1

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Decriminalisation of Sex Work) Act 2015*.

5 **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 5—Interpretation

10 Section 5(1), definition of *common prostitute*—delete the definition

4—Insertion of section 68AA

After section 68 insert:

68AA—Provision of commercial sexual services to children

- 15 (1) A person must not provide commercial sexual services to a child.
Maximum penalty: 10 years.
- (2) However, it is a defence to a charge of an offence against this section if it is proved that the defendant believed on reasonable grounds that the person to whom he or she provided commercial sexual services had attained 18 years of age.

20 **5—Amendment of section 270—Punishment for certain offences**

Section 270(1)(b)—delete paragraph (b)

6—Variation of Schedule 11—Abolition of certain offences

Schedule 11, clause 1—after paragraph (29) insert:

and

- 25 (30) offences relating to prostitution.

Part 3—Amendment of *Equal Opportunity Act 1984*

7—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *sexuality* insert:

30 *sex worker* means a person who provides sexual services on a commercial basis;

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
 Part 3—Amendment of *Equal Opportunity Act 1984*

8—Amendment of section 85T—Criteria for establishing discrimination on other grounds

(1) Section 85T(1), definition of *discriminate*—after paragraph (f) insert:

or

(g) discriminate on the ground of being, or having been, a sex worker,

(2) Section 85T—after subsection (7) insert:

(8) For the purposes of this Act, a person discriminates on the ground of being, or having been, a sex worker—

- (a) if he or she treats another unfavourably because the other is, or has in the past been, a sex worker; or
- (b) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons who are, or who have in the past been, sex workers, or on the basis of a presumed characteristic that is generally imputed to persons who are, or who have in the past been, sex workers; or
- (c) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.

9—Amendment of section 85U—Application of Division

Section 85U—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or being, or having been, a sex worker

10—Amendment of section 85ZA—Application of Division

Section 85ZA—delete "or caring responsibilities" and substitute:

, caring responsibilities or being, or having been, a sex worker

11—Amendment of section 85ZB—Discrimination by associations

Section 85ZB(2)—after paragraph (c) insert:

or

(d) for persons who are, or who have in the past been, sex workers,

12—Amendment of section 85ZD—Application of Division

Section 85ZD—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or being, or having been, a sex worker

13—Amendment of section 85ZF—Discrimination by person disposing of interest in land

Section 85ZF(1)—delete "or caring responsibilities" and substitute:

, caring responsibilities or being, or having been, a sex worker

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
Amendment of *Equal Opportunity Act 1984*—Part 3

14—Amendment of section 85ZG—Discrimination in provision of goods and services

Section 85ZG(1)—delete "or caring responsibilities" and substitute:
, caring responsibilities or being, or having been, a sex worker

15—Amendment of section 85ZH—Discrimination in relation to accommodation

(1) Section 85ZH(1)—delete "or caring responsibilities" and substitute:
, caring responsibilities or being, or having been, a sex worker

(2) Section 85ZH—after subsection (5) insert:

(6) This section does not apply to discrimination on the ground of being, or having been, a sex worker in relation to the provision of accommodation by an organisation that does not seek to secure a pecuniary profit for its members, if that accommodation is provided only for persons who are, or who have in the past been, sex workers.

16—Amendment of section 85ZI—Charities

Section 85ZI(a)—after subparagraph (iv) insert:

(v) persons who are, or who have in the past been, sex workers; or

17—Amendment of section 85ZK—Measures intended to achieve equality

(1) Section 85ZK—delete "or persons with caring responsibilities" and substitute:

persons with caring responsibilities, or persons who are, or who have in the past been, sex workers

(2) Section 85ZK—delete "or persons without caring responsibilities" and substitute:

persons without caring responsibilities, or persons who are not, or who have never been, sex workers

Part 4—Amendment of *Spent Convictions Act 2009*

18—Insertion of section 16A

After section 16 insert:

16A—Certain convictions in relation to sex work taken to be spent

(1) Despite any other provision of this Act, a conviction of a person for a prescribed sex work offence will be taken to be spent on the commencement of this section (including, to avoid doubt, a conviction occurring after the commencement of this section).

(2) In this section—

prescribed sex work offence means—

(a) an offence against section 270(1)(b) of the *Criminal Law Consolidation Act 1935*; or

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015Part 4—Amendment of *Spent Convictions Act 2009*

- (b) an offence against section 21 of the *Summary Offences Act 1953* involving premises frequented by prostitutes; or
- (c) an offence against section 25, 25A or 26 or Part 6 of the *Summary Offences Act 1953*; or
- 5 (d) a common law offence relating to prostitution,
- (in each case, as in force before the commencement of this section).

Part 5—Amendment of *Summary Offences Act 1953***19—Amendment of section 4—Interpretation**

Section 4(1), definition of *prostitute*—delete the definition

10 **20—Amendment of section 21—Permitting premises to be frequented by thieves etc**

Section 21—delete ", prostitutes" wherever occurring

21—Repeal of sections 25, 25A and 26

Sections 25, 25A and 26—delete the sections

15 **22—Repeal of Part 6**

Part 6—delete the Part

Part 6—Amendment of *Return to Work Act 2014***23—Amendment of section 4—Interpretation**

Section 4(1), definition of *employer*, (a)—after "subsection (7)" insert:

20 or section 6A

24—Insertion of section 6A

After section 6 insert:

6A—Additional provisions in respect of sex work

25 The following provisions apply in respect of the provision of sexual services on a commercial basis (not being the provision of a service that is prohibited under a law of the State):

- (a) for the purposes of paragraph (b) of the definition of *contract of service* in section 4, the provision of such a service will be taken to be work of a prescribed class if—
- 30 (i) the work is performed by 1 person to the contract, arrangement or understanding (the *worker*) in the course of or for the purposes of a business carried on by another person to the contract, arrangement or understanding (the *employer*); and

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
Amendment of *Return to Work Act 2014*—Part 6

- 5
- (ii) the work is performed personally by the worker (whether or not the worker supplies any equipment); and
- (iii) the worker does not employ any other person to carry out any part of the work;
- (b) a reference to an employer in this Act does not include a reference to—
- 10 (i) a person to whom such services are personally provided; or
- (ii) a person of a class prescribed by the regulations for the purposes of this paragraph;
- 15 (c) in determining an application under section 175, the Corporation must not refuse to extend the protection of this Act to a self-employed person merely because the person is or has been engaged in the provision of commercial sexual services (other than where the provision of the services is prohibited under a law of the State);
- (d) the regulations may exempt a specified class of persons or bodies from a specified provision of this Act.

Schedule 1—Transitional provision

1—Application of section 128(1) of *Return to Work Act 2014* to certain employers

- (1) This clause applies to an employer of a person who provides sexual services on a commercial basis.
- 25 (2) An obligation under section 128(1) of the *Return to Work Act 2014* will be taken not to apply to an employer to whom this clause applies during the prescribed period.

Note—

30 That subsection provides that an employer must not employ a worker in employment to which that Act applies unless the employer is registered by the Return to Work Corporation of South Australia.

- (3) Nothing in this clause—
- (a) limits the operation of section 128(3) of the *Return to Work Act 2014*; or
- (b) prevents—
- 35 (i) an employer to whom this clause applies from applying for registration by the Return to Work Corporation of South Australia during the prescribed period; or
- (ii) such an application being processed by the Return to Work Corporation of South Australia during the prescribed period.

- (4) In this clause—
- 40 ***employer*** has the same meaning as in the *Return to Work Act 2014*;

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
Schedule 1—Transitional provision

prescribed period means the period commencing on the day on which this clause comes into operation and ending 6 months after that day.

	NSW	Vic	Qld	WA*	SA	Tas	ACT	NT
Street-based work	Soliciting is illegal in certain areas (near or within view of a dwelling, school, church or hospital) (<i>Summary Offences Act</i> , ss 19, 19A)	Illegal (<i>Sex Work Act 1994</i> , s 13(2))	Illegal (<i>Prostitution Act 1999</i> , s 73(1))	Illegal (<i>Prostitution Act 2000</i> , ss 5, 6)	Illegal (<i>Summary Offences Act 1953</i> , s 25)	Illegal (<i>Sex Industry Offences Act 2005</i> , s 8(1))	Illegal (<i>Prostitution Act 1992</i> , s 19(1))	Illegal (<i>Prostitution Regulation Act 2004</i>)
Brothel work	Legal to run a brothel with appropriate planning permission. Act does not state that it is a crime to work as a sex worker in a brothel without planning permissionb (<i>Restricted Premises Act 1943</i> , s 7(1))	Brothels must be licensed and working within the licence conditions to operate legally (<i>Sex Work Act 1994</i> , s 22(1)). It is a crime to live partially or wholly off the earnings of sex work unless working for legal premises (ie licensed, or exempt from requiring a licence but registered) (<i>Sex Work Act 1994</i> , s 10)	Brothels must be licensed and in accordance with planning laws (<i>Prostitution Act 1999</i> , s 66). It is unlawful to work as a sex worker in premises other than a licensed brothel or contrary to brothel licence, unless exempt from needing a licence (see private work below) (<i>Criminal Code 1899</i> , s 229C)	Illegal to run a brothel (<i>Criminal Code Compilation Act 1913</i> , Division 190, s 1(a)). Also illegal to live partially or wholly off the earnings that the person knows are the earnings of prostitution (<i>Criminal Code Act Compilation 1913</i> , s 190(3))	It is a crime to manage or keep a brothel, or to receive payment in a brothel for sex work (<i>Summary Offences Act 1953</i> , s 28). Illegal to live partially or wholly off the earnings of the prostitution of another person (<i>Summary Offences Act 1953</i> , s 26)	Illegal to run a brothel. Act does not state that it is illegal to work as a sex worker in a brothel (<i>Sex Industry Offences Act</i> , s 4)	Legal to run a brothel, but must be registered and based in prescribed locations. Act does not state that it is a crime to work as a sex worker in a brothel that is not registered or outside the prescribed locations of Mitchell and Fyshwick (<i>Prostitution Act 1992</i> , s 18(1); <i>Prostitution Act Regulation 1993</i> , s 1(4); see also <i>Prostitution Act</i> , s 12(1))	Illegal to run a brothel. Act does not state that it is a crime to work as a sex worker in a brothel (<i>Prostitution Regulation Act 2004</i> , s 4)
Escort agency work	Not mentioned within the <i>Summary Offences Act 1988</i> or <i>Restricted Premises Act 1943</i>	Escort agencies must also be licensed to operate legally (<i>Sex Work Act 1994</i> , s 22(1))	Clients of a social escort service must be informed that the service does not include prostitution (<i>Prostitution Act 1999</i> , s 96B). In addition, escort services cannot be advertised as including sexual services (<i>Prostitution Act 1999</i> , s 96A)	Not illegal to conduct an escort service but illegal to live off the earnings. See (<i>Criminal Code Act Compilation 1913</i> , s 190(3)) above	See above. Act does not state that it is illegal to work as a sex worker in an escort agency (<i>Summary Offences Act 1953</i> , s 26)	Illegal to run an escort agency. Act does not state that it is a crime to work as a sex worker in an escort agency (<i>Sex Industry Offences Act</i> , s 4)	Legal to run an escort agency, but must be registered. Act does not state that it is a crime to work as a sex worker in an unregistered escort agency (<i>Prostitution Act 1994</i> , s 12(1))	It is an offence to carry on an escort agency business unless they hold an operator's licence (<i>Prostitution Regulation Act 2004</i> , s 6(1)). Act does not state that it is a crime to work as a sex worker in an unlicensed escort agency
Private work/sole operators	Not mentioned within <i>Summary Offences Act 1988</i>	Small business operators (two people working separately or jointly) and solo workers are exempt from requiring a licence to operate legally but still need to register their service. Small business operators also need a planning permit for their premises if they are providing services there (<i>Sex Work Act 1994</i> , ss 23, 24)	Legal for a person to work solely from a premise without a licence	Nothing in the Act specifically about private workers but see (<i>Criminal Code Act Compilation 1913</i> , s 190(3)) above	Nothing in the Act specific to private workers	Up to two sex workers can work together but cannot manage or employ each other (<i>Sex Industry Offences Act 2005</i> , s 3(1))	Legal but private workers still need to register (<i>Prostitution Act 1994</i> , s 12(1))	Individual workers cannot work from the same premises from which they organise their business; however, an individual 'escort' who is working on their own does not need to have a licence or be registered with police (<i>Prostitution Regulation Act 2004</i> , s 6(4))
Regulatory authority	Local councils approve business applications (see <i>Restricted Premises Act 1943</i> , s 17(1) above)	Business Licensing Authority grants licences for brothels and escort services and maintains the register of private workers	Prostitution Licensing Authority grants licences to brothels	WA Police	SA Police	Tasmania Police	The Office of Regulatory Services is responsible for registering brothels, escort agencies and sole operators	Director-General of Licensing (formerly the Northern Territory Licensing Commission) grants licences to escort agencies. All staff of escort agencies must be registered with NT Police and receive a certificate from the Police Commissioner
Principal legislation	<i>Summary Offences Act 1988</i> , <i>Restricted Premises Act 1943</i>	<i>Sex Work Act 1994</i>	<i>Prostitution Act 1999</i> , <i>Criminal Code 1899</i>	<i>Prostitution Act 2000</i> , <i>Criminal Code Act Compilation 1913</i>	<i>Summary Offences Act 1953</i>	<i>Sex Industry Offences Act 2005</i>	<i>Prostitution Act 1992</i>	<i>Prostitution Regulation Act 2004</i>

APPENDIX 4

'Table 1, Legal status of the sex industry in Australia by state/territory and sex work type' in Renshaw, L *et al Migrant Sex Workers in Australia*, Australian Institute of Criminology, 2015, pp. 7-8.

House of Assembly—No 224

As received from the Legislative Council and read a first time, 6 July 2017

South Australia

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*, the *Equal Opportunity Act 1984*, the *Spent Convictions Act 2009*, the *Summary Offences Act 1953* and the *Return to Work Act 2014*

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015**Contents****Contents****Part 1—Preliminary**

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

- 3 Amendment of section 5—Interpretation
- 4 Insertion of section 68AA
68AA Provision of commercial sexual services to children
- 5 Amendment of section 270—Punishment for certain offences
- 6 Variation of Schedule 11—Abolition of certain offences

Part 3—Amendment of *Equal Opportunity Act 1984*

- 7 Amendment of section 5—Interpretation
- 8 Amendment of section 85T—Criteria for establishing discrimination on other grounds
- 9 Amendment of section 85U—Application of Division
- 10 Amendment of section 85ZA—Application of Division
- 11 Amendment of section 85ZB—Discrimination by associations
- 12 Amendment of section 85ZD—Application of Division
- 13 Amendment of section 85ZF—Discrimination by person disposing of interest in land
- 14 Amendment of section 85ZG—Discrimination in provision of goods and services
- 15 Amendment of section 85ZH—Discrimination in relation to accommodation
- 16 Amendment of section 85ZI—Charities
- 17 Amendment of section 85ZK—Measures intended to achieve equality

Part 4—Amendment of *Spent Convictions Act 2009*

- 18 Insertion of section 16A
16A Certain convictions in relation to sex work taken to be spent

Part 5—Amendment of *Summary Offences Act 1953*

- 19 Amendment of section 4—Interpretation
- 20 Amendment of section 21—Permitting premises to be frequented by thieves etc
- 21 Repeal of sections 25, 25A and 26
- 22 Repeal of Part 6

Part 6—Amendment of *Return to Work Act 2014*

- 23 Amendment of section 4—Interpretation
- 24 Insertion of section 6A
6A Additional provisions in respect of sex work

Schedule 1—Transitional provision

- 1 Application of section 128(1) of *Return to Work Act 2014* to certain employers

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Decriminalisation of Sex Work) Act 2015*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 5—Interpretation

Section 5(1), definition of *common prostitute*—delete the definition

4—Insertion of section 68AA

After section 68 insert:

68AA—Provision of commercial sexual services to children

- (1) A person must not provide commercial sexual services to a child.
Maximum penalty: 10 years.
- (2) However, it is a defence to a charge of an offence against this section if it is proved that the defendant believed on reasonable grounds that the person to whom he or she provided commercial sexual services had attained 18 years of age.

5—Amendment of section 270—Punishment for certain offences

Section 270(1)(b)—delete paragraph (b)

6—Variation of Schedule 11—Abolition of certain offences

Schedule 11, clause 1—after paragraph (29) insert:

and

- (30) offences relating to prostitution.

Part 3—Amendment of *Equal Opportunity Act 1984*

7—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *sexuality* insert:

sex worker means a person who provides sexual services on a commercial basis;

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015Part 3—Amendment of *Equal Opportunity Act 1984***8—Amendment of section 85T—Criteria for establishing discrimination on other grounds**(1) Section 85T(1), definition of *discriminate*—after paragraph (f) insert:

or

5 (g) discriminate on the ground of being, or having been, a sex worker,

(2) Section 85T—after subsection (7) insert:

(8) For the purposes of this Act, a person discriminates on the ground of being, or having been, a sex worker—

10 (a) if he or she treats another unfavourably because the other is, or has in the past been, a sex worker; or

15 (b) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons who are, or who have in the past been, sex workers, or on the basis of a presumed characteristic that is generally imputed to persons who are, or who have in the past been, sex workers; or

20 (c) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.

9—Amendment of section 85U—Application of Division

Section 85U—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or being, or having been, a sex worker

10—Amendment of section 85ZA—Application of Division

25 Section 85ZA—delete "or caring responsibilities" and substitute:

, caring responsibilities or being, or having been, a sex worker

11—Amendment of section 85ZB—Discrimination by associations

Section 85ZB(2)—after paragraph (c) insert:

or

30 (d) for persons who are, or who have in the past been, sex workers,

12—Amendment of section 85ZD—Application of Division

Section 85ZD—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or being, or having been, a sex worker

13—Amendment of section 85ZF—Discrimination by person disposing of interest in land

35 Section 85ZF(1)—delete "or caring responsibilities" and substitute:

, caring responsibilities or being, or having been, a sex worker

14—Amendment of section 85ZG—Discrimination in provision of goods and services

Section 85ZG(1)—delete "or caring responsibilities" and substitute:
, caring responsibilities or being, or having been, a sex worker

15—Amendment of section 85ZH—Discrimination in relation to accommodation

(1) Section 85ZH(1)—delete "or caring responsibilities" and substitute:
, caring responsibilities or being, or having been, a sex worker

(2) Section 85ZH—after subsection (5) insert:

(6) This section does not apply to discrimination on the ground of being, or having been, a sex worker in relation to the provision of accommodation by an organisation that does not seek to secure a pecuniary profit for its members, if that accommodation is provided only for persons who are, or who have in the past been, sex workers.

16—Amendment of section 85ZI—Charities

Section 85ZI(a)—after subparagraph (iv) insert:

(v) persons who are, or who have in the past been, sex workers; or

17—Amendment of section 85ZK—Measures intended to achieve equality

(1) Section 85ZK—delete "or persons with caring responsibilities" and substitute:

persons with caring responsibilities, or persons who are, or who have in the past been, sex workers

(2) Section 85ZK—delete "or persons without caring responsibilities" and substitute:

persons without caring responsibilities, or persons who are not, or who have never been, sex workers

Part 4—Amendment of *Spent Convictions Act 2009***18—Insertion of section 16A**

After section 16 insert:

16A—Certain convictions in relation to sex work taken to be spent

(1) Despite any other provision of this Act, a conviction of a person for a prescribed sex work offence will be taken to be spent on the commencement of this section (including, to avoid doubt, a conviction occurring after the commencement of this section).

(2) In this section—

prescribed sex work offence means—

(a) an offence against section 270(1)(b) of the *Criminal Law Consolidation Act 1935*; or

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015Part 4—Amendment of *Spent Convictions Act 2009*

- (b) an offence against section 21 of the *Summary Offences Act 1953* involving premises frequented by prostitutes; or
 - (c) an offence against section 25, 25A or 26 or Part 6 of the *Summary Offences Act 1953*; or
 - (d) a common law offence relating to prostitution,
- (in each case, as in force before the commencement of this section).

Part 5—Amendment of *Summary Offences Act 1953***19—Amendment of section 4—Interpretation**

Section 4(1), definition of *prostitute*—delete the definition

20—Amendment of section 21—Permitting premises to be frequented by thieves etc

Section 21—delete ", prostitutes" wherever occurring

21—Repeal of sections 25, 25A and 26

Sections 25, 25A and 26—delete the sections

22—Repeal of Part 6

Part 6—delete the Part

Part 6—Amendment of *Return to Work Act 2014***23—Amendment of section 4—Interpretation**

Section 4(1), definition of *employer*, (a)—after "subsection (7)" insert:

or section 6A

24—Insertion of section 6A

After section 6 insert:

6A—Additional provisions in respect of sex work

The following provisions apply in respect of the provision of sexual services on a commercial basis (not being the provision of a service that is prohibited under a law of the State):

- (a) for the purposes of paragraph (b) of the definition of *contract of service* in section 4, the provision of such a service will be taken to be work of a prescribed class if—
 - (i) the work is performed by 1 person to the contract, arrangement or understanding (the *worker*) in the course of or for the purposes of a business carried on by another person to the contract, arrangement or understanding (the *employer*); and

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015
Amendment of *Return to Work Act 2014*—Part 6

- (ii) the work is performed personally by the worker (whether or not the worker supplies any equipment); and
- (iii) the worker does not employ any other person to carry out any part of the work;
- (b) a reference to an employer in this Act does not include a reference to—
 - (i) a person to whom such services are personally provided; or
 - (ii) a person of a class prescribed by the regulations for the purposes of this paragraph;
- (c) in determining an application under section 175, the Corporation must not refuse to extend the protection of this Act to a self-employed person merely because the person is or has been engaged in the provision of commercial sexual services (other than where the provision of the services is prohibited under a law of the State);
- (d) the regulations may exempt a specified class of persons or bodies from a specified provision of this Act.

Schedule 1—Transitional provision

1—Application of section 128(1) of *Return to Work Act 2014* to certain employers

- (1) This clause applies to an employer of a person who provides sexual services on a commercial basis.
- (2) An obligation under section 128(1) of the *Return to Work Act 2014* will be taken not to apply to an employer to whom this clause applies during the prescribed period.

Note—

That subsection provides that an employer must not employ a worker in employment to which that Act applies unless the employer is registered by the Return to Work Corporation of South Australia.

- (3) Nothing in this clause—
 - (a) limits the operation of section 128(3) of the *Return to Work Act 2014*; or
 - (b) prevents—
 - (i) an employer to whom this clause applies from applying for registration by the Return to Work Corporation of South Australia during the prescribed period; or
 - (ii) such an application being processed by the Return to Work Corporation of South Australia during the prescribed period.

- (4) In this clause—

employer has the same meaning as in the *Return to Work Act 2014*;

Statutes Amendment (Decriminalisation of Sex Work) Bill 2015

Schedule 1—Transitional provision

prescribed period means the period commencing on the day on which this clause comes into operation and ending 6 months after that day.



City of Salisbury
ABN 82 615 416 895

12 James Street
PO Box 8
Salisbury SA 5108
Australia

Telephone 08 8406 8222
Facsimile 08 8281 5466
city@salisbury.sa.gov.au
TTY 08 8406 8596
(for hearing impaired)
www.salisbury.sa.gov.au

2 September 2014

Ms A Harfield
LGA
GPO Box 2693
Adelaide SA 5001

Contact: Peter Jansen

Dear Ms Harfield

Re: City of Salisbury
Submission on Statutes Amendment (Decriminalisation of Sex Work) Bill 2014

I advise that the City of Salisbury considered the matter at its August round of meetings and wishes to provide some comment on the matter. The previous LGA submission of 2011, the Statutes Amendment (Decriminalisation of Sex Work) Bill 2014, and the NSW Guidelines on Decision Making on Sex Service Premises were used in the preparation of the report to Council on the matter.

Council thanks the LGA for preparing an initial response on this matter.

The Council submission is as follows:

1. Council recommends the LGA make a submission on the draft "Statutes Amendment (Decriminalisation of Sex Work) Bill 2014.
2. The LGA should review its 2011 submission and ensure the relevant comments that still apply are resubmitted.
3. The LGA have regard to the NSW Planning Guidelines December 2004 Sex Services Premises as a resource of information on the matter and legislative responses by Government to the decriminalisation of Brothels in NSW.
4. The LGA should provide comment on the need to restrict Street Workers soliciting from certain areas. The City of Salisbury does not support the decriminalisation of Streetworkers and recommends a prohibition on Streetworkers in any location and land use zone.
5. Council recommends that the LGA seek legal advice as to whether the provisions of the Local Government Act enable Councils to restrict and prevent the activity of Street Workers on roads and if the By-Laws can restrict and prevent the activity of Street Workers on local Government Land.
6. Brothels should only operate in Industry Zones with location criteria to keep a certain distance away from sensitive land uses and activities irrespective of whether the sensitive land use is within an adjoining and different zone, and not in Residential zones and areas,

and not be able to use or convert vacant shops and buildings in Centre Zones and Residential areas as brothels.

7. Strong planning controls will be required to accommodate development approvals of brothels, and legislation created that allows the ability to close down unauthorised brothels, and that retrospective approvals should not apply as of a right to existing facilities.
8. The proposed Bill does not reference uses such as Escort Agencies and Entertainment Clubs or premises. The City of Salisbury considers that such activities should be considered in the planning legislation.
9. Council recommends additional legislation is enacted based on the NSW Brothels Act 2007 which sets the evidentiary requirements that Councils would be required to use to control unauthorised activities.
10. Council recommends that a Ministerial DPA be prepared to identify appropriate policy, zones, and distances from sensitive land uses and locations as it is considered a state wide issue and to ensure consistent policies are prepared and adopted, should the proposed Bill be assented.
11. Council recommends a Code of Practice be developed by SA Health or Safework SA for safe operations with the industry.

Council considers that proper protection for sex workers is appropriate and that an improvement to the current situation is needed. It appears that many if not all of the issues have been covered in the NSW Guideline and is considered a worthy resource of information.

If you require further information or clarification of this response, please contact Peter Jansen on 8406 8228 or pjansen@salisbury.sa.gov.au

Yours sincerely

Terry Sutcliffe
General Manager, City Development

ITEM	1.4.1
	POLICY AND PLANNING COMMITTEE
DATE	19 March 2018
HEADING	Cities Power Partnership Program
AUTHOR	Nina Parletta, Coordinator Economic Growth, City Development
CITY PLAN LINKS	<p>2.1 Capture economic opportunities arising from sustainable management of natural environmental resources, changing climate, emerging policy direction and consumer demands.</p> <p>2.2 Have a community that is knowledgeable about our natural environment and embraces a sustainable lifestyle.</p> <p>2.4 Have urban and natural spaces that are adaptive to future changes in climate.</p>
SUMMARY	<p>The City of Salisbury has signed a Sector Agreement with the City of Playford that informs the State Government's adaptation plan, <i>Towards a Resilient State: South Australian Government's Climate Change Adaptation Plan</i>. This agreement commits us to a range of activities as a part of the Adapting Northern Adelaide agenda. The Climate Council's Cities Power Partnership duplicates Council commitment to climate change actions already committed to with the State Government.</p>

RECOMMENDATION

1. That this report be noted.
2. That Council not proceed with becoming a partner of the Climate Council's Cities Power Partnership program.

ATTACHMENTS

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

1. City of Salisbury Focus Areas 2018 - Adapting Northern Adelaide

1. BACKGROUND

- 1.1 At its meeting on 29 February, Council resolved that staff report back on requirements and costs for the City of Salisbury to join the independent Climate Council's Cities Power Partnership program (*Notice of Motion 1, 2255/2018*).

2. CITY PLAN CRITICAL ACTION

- 2.1 Planning for adaptation to future changes in climate through resourcing and implementation of the Adapting Northern Adelaide Plan.

3. CONSULTATION / COMMUNICATION

3.1 Internal

- 3.1.1 General Managers – City Development, City Infrastructure, Community Development, Business Excellence

3.2 External

- 3.2.1 Nil

4. REPORT

- 4.1 The Climate Council's *Cities Power Partnership* (CPP), seeks to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities.

- 4.1.1 CPP is a free program that Councils need to register to join. However, within the first six months, Councils are required to identify five key actions offered from the partnership pledge ranging from renewable energy, efficiency, transport and advocacy that it intends to implement.

- 4.1.2 Councils are required to report on the status of activity every six months through a survey.

- 4.1.3 Launched in mid-2017, 35 councils joined the partnership in Round 1. Round 2 closed in late-2017 with a further 35 councils approved to join the program. A further three rounds will be offered in 2018 for Councils to register their interest in joining.

- 4.2 In November 2016, as a part of the State Government's *South Australian Climate Change Adaptation Framework*, the Cities of Salisbury and Playford entered into a Sector Agreement with the State Government pursuant to the *Climate Change and Greenhouse Gas Emissions Reduction Act 2007*, for the Adapting Northern Adelaide Initiative (ANA).

- 4.2.1 Through the endorsement of this Agreement, the South Australian Government, City of Playford and City of Salisbury committed to tackle climate change by reducing emissions, adapting to the changes occurring in climate and maximising opportunities in the transition to a low carbon economy.

- 4.2.2 The Agreement has been made for a period of five years from the date of signing (30 November 2016).

- 4.2.3 The areas of focus in the Agreement are:

- Adapting to climate change;
- Reducing emissions; and
- Supporting economic development in green and low carbon industries.

- 4.2.4 A Steering Committee comprising the General Manager City Development (Salisbury), Senior Manager Strategy and Planning (Playford), and Manager Adaptation, Department of Water and Natural Resources, oversee the implementation of actions in line with the Agreement and reporting arrangements back to the State Government.

- 4.2.5 During 2018, the City of Salisbury is chairing the Steering Committee, with the regional focus on progressing green industry and stormwater initiatives.
- 4.2.6 As per a report to Policy and Planning Committee on 18 September 2017, five areas of focus specifically for the City of Salisbury were identified by the former Coordinator, Northern Adelaide Adaptation Strategy.
- 4.2.7 These focus areas included: Smart Cities; Stormwater Management Plans; Cooler Cities; Green and Low Carbon Transition; and Enhancing Resilience in Communities for Extreme Weather Events.
- 4.2.8 Executive has considered these areas and the future focus of ANA for the City of Salisbury, including how future delivery of activities will occur, who will lead delivery of activities and how activities can be implemented and resourced within current arrangements. An outline of this information is at Attachment 1.
- 4.2.9 Activity within these focus areas is progressing:
- As a part of the 2018/19 budget NIB process, a budget bid has been prepared for the development of an Energy Management Plan.
 - The City of Salisbury has been working with the University of SA and existing industry in Salisbury to help facilitate a waste to energy project. Council's engagement with the Department of Premier and Cabinet on this work, has assisted in progressing the DeLorean Energy proposal, announced in February 2018, that may potentially see an investment of up to \$66.7 million in a bioenergy plant at Edinburgh Parks, with the objective of being operational by 2021.
 - The City of Salisbury has partnered with the Cities of Norwood, Payneham and St Peters, Unley, Burnside, Tea Tree Gully, Campbelltown, Prospect, Walkerville, Adelaide and Playford, on a Heat Mapping Project.
 - Development of the Digital Strategy including a Smart Cities focus is underway.
 - The Dry Creek Stormwater Harvest Study and flood mapping/modelling for the City of Salisbury projects have started.
- 4.3 The Sector Agreement signed by the Cities of Playford and Salisbury, along with all regional climate change adaptation action plans, informs the state plan, *Towards a Resilient State: South Australian Government's Climate Change Adaptation Plan*, released on 14 February 2018.
- 4.3.1 The state plan outlines 15 priority adaptation action areas that are critical to the continued prosperity of South Australia's urban and regional communities and business. A summary of the Plan is at Attachment 2.
- 4.3.2 Within the 15 priority action areas, 65 actions have been identified to strengthen the economy, safeguard the stability and continuity of services, empower individuals and communities to increase their resilience, and maintain the health and wellbeing of South Australians in a changing climate.

- 4.3.3 Implementation of the plan will involve the state government working with each region (including northern Adelaide) to deliver the identified actions.

5. CONCLUSION / PROPOSAL

- 5.1 The City of Salisbury is aware of the impact of climate change and the affect that this has on communities and economies around the world.
- 5.2 In 2016, the Cities of Salisbury and Playford, signed the Adapting Northern Adelaide Sector Agreement with the State Government, with the City of Salisbury committing to the delivery of actions within five focus areas.
- 5.3 While the CPP seeks to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities; the City of Salisbury is already a partner in a formalised, structured and state-supported program of activity to tackle climate change in South Australia.
- 5.4 Partnership of the CPP would duplicate activity already being undertaken through the Adapting Northern Adelaide agenda and Sector Agreement with the State Government, and would require the City of Salisbury having to commit to an additional five pre-approved CPP actions.
- 5.5 Further actions would result in additional workload to staff (as this would need to be incorporated into current resourcing arrangements) and additional reporting requirements with another partner organisation.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 13.03.18

Attachment A: City of Salisbury -Proposed focus areas for 2018

1.1 Smart Cities Theme

MISSION: Creating a Smart City through the use of smart technology and design to meet the social, economic and environmental needs of current and future communities

Where should the lead be?

Suggestion that the lead is best placed where concepts can be embedded in real and tangible projects through direct control or influencing developers. City of Salisbury's smart cities agenda is being coordinated through Business Excellence, with input from relevant areas across Council to address activities requirements outside of technology.

Other supporting teams include:

- Strategic Development Projects & Civic Hub Leadership Team (Salisbury)
- Information Services / Corporate communications in connecting assets and attractions and communicating to communities.
- City Infrastructure
- City Development (Economic Development & Urban Policy)

The role would include:

- Ensuring that every project is considered as an opportunity to embed climate adaptation, and to support local economic development through demonstration of technologies and systems
- That Adaptation Principles are incorporated at the scoping stage
 - Coastal Adaptation Principles
 - Biodiversity and open space adaptation principles
 - Procurement and green industry demonstration principles
 - Principles to support the Adelaide International Bird Sanctuary and COS Tourism and Visitors Strategy
 - Connecting opportunities for projects to deliver multiple objectives rather than single purpose outcomes.

Project Opportunities:

Live projects:

- Civic Hub
- Salisbury Oval Re-development
- Smart Cities and Community Funding – project being considered by Business Excellence
- Development of the Digital Strategy with smart city elements included.

Future projects:

- Ridley Salt Fields Development - Noting that should a major housing development proceed in this location it will be a challenging site to achieve climate adaptation and sustainability outcomes however it provides significant opportunities to embed appropriate design principles at an early stage.

Challenges:

- Embedding accountability
- Supporting Strategic Development Projects and Major Projects teams and leadership teams in developing and maintaining skills in understanding of sustainability opportunities and promoting an '*all projects approach*' to support social, economic and environmental needs in a changing climate and changing economy.

1.2 Stormwater Management & Infrastructure Theme

MISSION: Ensuring that City Infrastructure is designed and built to cope with stormwater and tidal surge impacts across the City of Salisbury, and that in areas proposed for new development that the financial and community risks and liabilities are managed

Where should the lead be?

Suggestion that the lead is best placed in City Infrastructure, Infrastructure Management to deal with all aspects of stormwater, coastal inundation, performance, risk assessment and prioritisation.

Other supporting teams include:

- Field Services for connecting opportunities in open space management, design of corridors and land management resource requirements
- Urban Policy, to ensure that planning policy reflects risks associated with flood prone areas
- Development Services, in ensuring that development assessment considers flood risks
- Business Excellence, Communications and Customer Service for connecting to opportunities to support the Tourism and Visitors Strategy
- Salisbury Water – Optimising management, harvest and use of stormwater.

The role would include:

- Ensuring that Stormwater Management Plans incorporate adaptation and increased rainfall coefficients of runoff
- Controlled release of stormwater risk mapping
- Identifying development requirements/ constraints where risks have a high impact, - coastal, bushfire etc.
- Maximising the opportunities of stormwater management for people (walking, cycling recreation etc.),

Project Opportunities:

Live projects:

- Northern Connector
- Dry Creek Stormwater Harvest Study (Business Excellence)
- Flood mapping/modelling for the City of Salisbury (Infrastructure Management)

Future projects:

- Optimising the use of SEB offset funding associated with St Kilda the AIBS lagoon restoration/ earthworks.
- Edinburgh Parks storm water and salt fields restoration

Challenges:

- Ensuring access to SEB funds and that projects deliver optimal and multiple objectives.

1.3 Cooler Cities Theme

MISSION: To create a cooler cities through increased canopy cover using trees, shrubs and irrigated green areas in open space, streetscapes and integrated with building and development projects.

Where should the lead be?

The suggestion is that City Infrastructure, Infrastructure Management take the lead role in this initiative as they have the operational and technical knowledge relating to vegetation and open space management.

Other supporting teams include:

- Strategic Development Projects / Civic Hub Leadership Team particularly for including cooler cities adaptation into projects and to influence developers.
- Urban Policy (through influence over development policy)
- Development Services (through assessment of vegetation and landscape plans in development assessment)
- Infrastructure Delivery
- Community Development (ensuring that social needs/open space management incorporate findings into planning and activities)

The role would include:

- Ensuring that canopy and heat mapping investigations are completed to a standard that is appropriate for decision making, including a thorough understanding of the different aspects of reflectivity, diurnal heat release and overnight heat release
- Communicating solutions for planning and development
- Incorporating Cooler City principles into open space management and irrigation priorities

- Investigating the role that heathland and shrub species can play where trees are not desirable and irrigation opportunities are constrained
- Influencing land disposal/procurement decisions that may impact on achieving a cooler cities of Salisbury
- Advocacy to the State Government for powerline undergrounding to also be a priority in urban hot spots where powerlines pose a significant constraint
- Collaborating and communicating opportunities for Cooler Cities connected with Water Sensitive Urban Design.
- Investigating smart city opportunities for the City of Salisbury and Salisbury City Centre

Project Opportunities:Live project

- Heat Mapping and Canopy Data Project (Infrastructure Management, in conjunction with Unley, Adelaide, Walkerville, Burnside, Prospect, Norwood Payneham & St Peters, Tea Tree Gully, and Campbelltown Councils)

1.4 Green and Low Carbon Transition

MISSION: *“Northern Adelaide to prosper as a nationally and globally recognised Green Industries Region”.*

Where should the lead be?

Economic Development

Other supporting teams include:

- Civic Hub Leadership Team
- Strategic Development Projects in advocating for procurements, partnerships and demonstrations through projects and developments
- Urban Policy
- Infrastructure Management

The role would include:

- Supporting the work that officers currently include in business attraction and support, business fundamentals programs and mentoring.
- Promoting the achievements of businesses and the region (branding, marketing promotion at the level of comfort agreed).
- Advocating for northern Adelaide to be the region of choice for renewable energy, energy storage recycling, water management resource efficiency and green industry demonstrations that enhance manufacturing and service delivery opportunities.
- Promoting the concept of SA regions collaborating on climate adaptation and economic development.

- Advocating for and implementing energy efficiency projects and activities across Council.

Project Opportunities:

Live project/s:

- Development of a City-wide energy strategy to look at low carbon energy opportunities for City operations and community (subject to a budget bid)
- Building Upgrade Finance
- Civic Hub (five star green energy rating)
- Energy efficiency activity – introduction of LED lighting in community spaces.

Future project:

- Scoping paper to understand what a green industry is rather than greening current industry, what the opportunities are and how they align to the value proposition of the City of Salisbury

Challenges:

- City of Salisbury requires an endorsed carbon management plan for its operations and plan to assist the community to transition
- Uncertainty of the council role and opportunities
- No narrative for green and low carbon industry development in the Northern Economic Plan
- State Government funding and attention currently targeted to Carbon Neutral Adelaide.

1.5 Resilience in Communities Theme

MISSION: To build resilience in communities and particularly in vulnerable sectors of communities to be better prepared to cope with extreme events including:

- Heatwaves
- Storm flooding and tidal surge
- Extreme wind
- Fire
- Earthquake

Where should the lead be?

Whilst the Zone Emergency Management Teams undertake part of this work, it is suggested that the lead role should sit with Community Development as a '*Community at the centre*' approach is required.

Other supporting teams include:

- Field Services, and Governance and Risk in relation to Zone Emergency Management collaboration

- Community Development
- SA Health and Lyell McEwin Hospital
- Secondary – LGA Emergency Management

The role would include:

- Identifying current roles, resources and gaps, together with what my need to be done to improve community resilience for extreme events
- Engaging on climate change, vulnerability and priority risks with communities as a part of existing engagement activities
- Targeting one extreme event scenario per year, commencing with longer heatwaves (for example, based around a heatwave that is a week longer than what we have previously experienced)
- Once gaps in services, resources and opportunities for solutions are identified. Advocating and planning for strengthening communities or services in these areas.
- Advocacy for energy and cool city initiatives to be targeted at vulnerable and low income households whether owned or rented, using funds such as the Waste to Resources Levy increase.
- Establishing programs which address the cause of energy stress rather than simply applying rebates.

Project Opportunities:*Future project:*

- For further investigation – is there worth in establishing a specific MoU between the City of Salisbury and the Red Cross, when the Red Cross already has an MoU with the State Government for extreme event preparedness, which aligns with the Adapting Northern Adelaide Priority Actions for extreme event preparedness?
Community Development to consider and advise of preferred approach.

Challenges:

- Communities have more resilience when they have energy security. Centralised generation with transmission over thousands of kilometres is not only inefficient, but susceptible to increases in extreme weather events as witnessed by our state in 2016. Micro grids reduce this risk, as powerlines are underground.
- State Government funding for climate related initiatives is largely is largely directed to the Energy Security Plan, assistance for businesses and Carbon Neutral Adelaide (business and households). There is a need to advocate for a greater share of the allocation of \$21.9 million of funding (over four years) from the increase of the solid waste levy, for climate change initiatives aimed towards low carbon future.

Currently, this funding is mostly being directed towards activities in the Adelaide CBD. In northern Adelaide, a share of this funding could assist in programs to provide renewable energy/energy storage systems for low income households whilst also providing opportunities for local green and low carbon businesses.