



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

**16 APRIL 2018 AT THE CONCLUSION OF THE BUDGET AND FINANCE
COMMITTEE**

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

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

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Governance, Mr M Petrovski
Manager Communications and Customer Relations, Mr M Bennington

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 19 March 2018.

REPORTS

Administration

- 3.0.1 Future Reports for the Resources and Governance Committee 9
- 3.0.2 Proposed changes to Council agendas 13

Health, Animal Management and By-laws

- 3.3.1 Parking Technology Trials 17

Corporate Governance

- 3.6.1 Disposal of Assets other than Land Policy 27
- 3.6.2 Variations to Delegations 31
- 3.6.3 Media Policy Review 51
- 3.6.4 Review of 'City of Salisbury Code of Practice for Meeting Procedures' 69
- 3.6.5 Review of the Affordable Housing Policy for Council Owned Surplus Land 95

OTHER BUSINESS

CLOSE



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

19 MARCH 2018

MEMBERS PRESENT

Mayor G Aldridge (ex officio)
Cr D Balaza
Cr L Caruso (Acting Chair)
Cr D Pilkington
Cr D Proleta

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Governance, Mr M Petrovski
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 10:13 pm.

APPOINTMENT OF CHAIR

In the absence of both the Chair and Deputy Chair of the Committee, Crs Bedford and Cook respectively, the Manager Governance called for nominations for the appointment of an Acting Chair of the Committee for the duration of the meeting.

Cr D Balaza nominated Cr L Caruso.

Cr L Caruso accepted the nomination and, in the absence of any other nominations, was appointed Acting Chair.

The Acting Chair assumed the Chair at 10:14 pm and welcomed the members, staff and the gallery to the meeting.

APOLOGIES

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

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Mayor G Aldridge
Seconded Cr D Proleta

The Minutes of the Resources and Governance Committee Meeting held on 19 February 2018, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Mayor G Aldridge
Seconded Cr D Proleta

1. The information be received.

CARRIED

Development Control Administration

3.2.1 Lighting and Public Safety in Shopping Centre Carparks

Cr D Balaza declared a perceived conflict of interest on the basis of being a member of the Salisbury Business Association. Cr Balaza managed the conflict by remaining in the meeting and voting in the best interest of the community.

Moved Cr D Pilkington
Seconded Cr D Proleta

1. That this report be received.

CARRIED

Health, Animal Management and By-laws

3.3.1 Update on Proposal to Amend the Australian Road Rules to enable parking on Council verges

Moved Cr D Pilkington
Seconded Cr D Proleta

1. That a further report be presented to the Resources and Governance Committee on options to expand application of the Council procedure for enforcing parking on verges, to allow parking on verges in streets in addition to those streets that are six metres or less in width.

CARRIED

External Relations

3.4.1 Nominations Sought for the Dog and Cat Management Board

Moved Cr D Pilkington

Seconded Cr D Proleta

1. That Council nominate _____ for appointment as a Local Government Member on the Dog and Cat Management Board.

CARRIED

Corporate Governance

3.6.1 Delegations to Issue By-Law Permits

Moved Cr D Pilkington

Seconded Mayor G Aldridge

1. The information be received.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the Council's *By-Law No. 1 – Permits and Penalties By-Law 2015* contained hereunder are hereby delegated from 2 April 2018 to the person occupying the office of Chief Executive Officer (and anyone acting in that position), subject to the conditions and / or limitations indicated in the Schedule of Conditions contained in the attached proposed Instrument of Delegation (Attachment 1, Item No. 3.6.1, Resources and Governance Committee, 19/03/2018):
 - the power to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law, or to otherwise grant permission under a Council By-law subject to any conditions the delegate sees fit to impose;
 - the power to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted;
 - the power to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and
 - the power to commence proceedings to prosecute an offence under a Council By-law.
3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

CARRIED

3.6.2 Cessation of Negotiations on Kurna Indigenous Land Use Agreement (ILUA) - Local Government Association Update

Moved Cr D Pilkington

Seconded Cr D Proleta

1. That this report be received and noted.
2. That the LGA be invoiced for the outstanding amount of \$11,965.72.
3. That the returned money be allocated to the Reconciliation Action Plan budget to support reconciliation outcomes within the City of Salisbury.

CARRIED

3.6.3 Utilisation of Australian Steel in Construction Projects

Cr D Balaza declared a perceived conflict of interest on the basis of his employment in the construction industry which may be affected. Cr Balaza managed the conflict by remaining in the meeting and not voting on the item.

Moved Cr D Pilkington

Seconded Cr D Proleta

1. Information be received and noted.

CARRIED

3.6.4 2018 National General Assembly of Local Government - Call for Motions and Attendance at Assembly

Moved Cr D Proleta

Seconded Cr D Pilkington

That:

1. Council nominate _____ to attend the 2018 National General Assembly of Local Government to be held in Canberra from 17 to 20 June 2018 as the City of Salisbury voting delegate.
2. Due to time constraints arising from the timing of the public release of motions to be considered at the NGA, Council's position on each motion be determined as follows:
 - The CEO and Mayor meet with the voting delegate and provide guidance on voting for NGA motions in the best interest of the City of Salisbury.
 - Council authorise the voting delegate to review the NGA motions and determine voting for each motion in the best interest of the City of Salisbury.

CARRIED

3.6.5 Review of Transfer of Cemetery Licences Policy

Moved Cr D Pilkington
Seconded Mayor G Aldridge

1. The Information be received.
2. The Transfer of Cemetery Licences Policy as set out in Attachment 1 to this report (Resources and Governance Committee Item No. 3.6.5, 19/03/2018) be endorsed.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 10:44 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

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

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

3. REPORT

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

Meeting Item	Heading and Resolution	Officer
22/06/2015 3.3.2 Due:	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. July 2019	John Darzanos
28/09/2015 3.6.1 Due:	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
28/08/2017 NOM3 Due:	Provision of telephone for use in case of domestic violence/other emergency situations 1. That, as part of the consideration of White Ribbon Australia Workplace Accreditation (refer Council resolution 1893/2017), staff investigate options and costs associated with the establishment of a telephone(s) located outside of council buildings which can be used by people fleeing domestic violence or other emergencies situations to obtain assistance from relevant emergency service providers. May 2018	Julie Douglas
26/02/2018 NOM5 Due: Deferred to: Reason:	Audio Recordings of Committee and Council Meetings 1. That a report be brought forward advising Council about uploading audio recordings of Committee and Council meetings to the City of Salisbury website and include information about any legal implications or risks with doing so. April 2018 May 2018 To allow for internal consultation to determine way to proceed.	Mick Petrovski
26/03/2018 3.3.1 Due:	Update on Proposal to Amend the Australian Road Rules to enable parking on Council verges 1. That a further report be presented to the Resources and Governance Committee on options to expand application of the Council procedure for enforcing parking on verges, to allow parking on verges in streets in addition to those streets that are six metres or less in width. May 2018	John Darzanos

4. CONCLUSION / PROPOSAL

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

CO-ORDINATION

Officer:	EXEC GROUP	GMCD	GMCD
Date:	09/04/2018	04/04/2018	04/04/2018

ITEM	3.0.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Proposed changes to Council agendas
AUTHOR	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	To respond to suggestions for changing the structure of council agendas as proposed by Cr Pilkington at the previous meeting of Council.

RECOMMENDATION

That the the order of business listed for consideration on Council's agendas for all future meetings, as proposed in Attachment 1 to this report (Resources and Governance, 16/04/2018, Item No. 3.0.2) be adopted.

ATTACHMENTS

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

1. Proposed format for Council agendas

1. BACKGROUND

- 1.1 Council, at its previous meeting on 26 March 2018 considered a recommendation from the Policy and Planning Committee for, among other things, changing the structure of Council and Committee agendas and minutes.

- 1.2 In considering the recommendation, Council resolved, specifically in relation to the order of business on the agenda, as follows:

"That the proposed changes to the Agenda be reported at the next Council meeting taking into account the following suggestions made by Cr Pilkington:

- *Inclusion of Public Question Time*
- *Questions Without Notice being at the beginning of the Agenda*
- *Inclusion of two Motions on Notice in two sections -*
 - *Notices of Motion relating to Items, and*
 - *Notices of Motion not relating to Items that are on the existing Agenda."*

- 1.3 Each component of the resolution is addressed in the discussion below.

2. DISCUSSION

- 2.1 ***Inclusion of Public Question Time*** - the omission of a public question time in the order of business was an oversight, and has been inserted as item number two as shown in the attachment to this report.
- 2.2 ***Questions without Notice at the beginning of the agenda*** – this suggestion has been incorporated in the attachment to this report as item number 6, following Questions on Notice. It should be noted that questions without notice can (with the assent of the Chair) be asked at any time during a meeting.
- 2.3 ***Inclusion of two Motions on Notice in two sections (Notices of Motion relating to Items and Notices of Motion not relating to Items on the agenda)*** – it is recommended that Council do not proceed with this suggestion for the following reasons:
 - 2.3.1 Previous advice regarding where in the order of business Motions on Notice should be listed, reasoned that council ought to give priority to matters that have been the subject of prepared reports to, and consideration by, a Council committee, prior to considering matters that are raised by an individual Elected Member.
 - 2.3.2 Elected Members are able to move a Motion without Notice at any time that proposes to bring forward an item on the agenda for early consideration. This includes proposing to bring forward a Motion on Notice for early consideration also. It is then for Council to decide whether a matter (in this case a Motion on Notice) should be brought forward.
 - 2.3.3 In relation to introducing separate sections or categories of Motions on Notice - those that relate to a matter already listed as an ordinary business item, and those that are individual matters being proposed by an Elected Member – it is considered unnecessary as a matter can be dealt with by an Elected Member as described in paragraph 2.3.2 above.

3. CONCLUSION

The proposal to amend the order of business listed on the Council agenda, as shown in Attachment 1 to this report, is focused on ensuring that matters (the subject of prepared reports to, and consideration by, a Council committee), with considerable resources invested in their presentation to Council are considered in a timely way and dealt with as a matter of priority.

CO-ORDINATION

Officer: EXEC GROUP
Date: 09/04/2018



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 Councillors to person addressing Council, and at the conclusion of questions will offer an opportunity for a Councillor 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 – Public Question Time

ITEM NO. 3 – Petitions

ITEM NO. 3.1 – TITLE – name of person/organisation.....page ##

ITEM NO. 4 – Confirmation of Minutes (previous meeting)

ITEM NO. 5 – Questions on Notice

ITEM NO. 5.1 – TITLE – name of Elected Member.....page ##

ITEM NO. 5.2 – TITLE – name of Elected Member.....page ##

ITEM NO. 6 – Questions without Notice

ITEM NO. 7 – Committee Reports

ITEM NO. 7.1 – COMMITTEE TITLE – date of meeting - name of Chair.....page ##

ITEM NO. 7.2 – 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. 8 – General Business Reports

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

ITEM NO. 9 – Motions on Notice

ITEM NO. 9.1 – TITLE – name of Elected Member.....page ##

ITEM NO. 9.2 – TITLE – name of Elected Member.....page ##

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

ITEM NO. 10 – Mayor's Diary

ITEM NO. 11 – Elected Members Representation Activities

ITEM NO. 12 – Other Business/ Motions without Notice

ITEM NO. 13 – Confidential Items

ITEM	3.3.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Parking Technology Trials
AUTHORS	John Darzanos, Manager Environmental Health & Safety, City Development Peter Jansen, Strategic Planner, City Development
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. 4.4 Embed long term thinking, planning and innovation across the organisation.
SUMMARY	A Review of Salisbury, Mawson Lakes and Ingle Farm Car Parking was considered by Council at the April 2017 Policy and Planning Committee (item 1.3.1, Council resolution 1703/2017). The range of matters in the review included the management, parking funds, permits and associated matters in Salisbury City Centre, Mawson Centre and Ingle Farm District Centre. The assessment was that generally there is sufficient car park capacity in the three centres, but there are localised issues, and in relation to Mawson Lakes particularly around the Mawson Interchange. A number of actions were endorsed which are being worked through. One of these was an approach to increase parking utilisation and turnover through enforcement, education and new technologies that will assist in managing car parking. This report informs of the new technologies available to Council at the moment.
RECOMMENDATION	<ol style="list-style-type: none"> 1. The information be received. 2. An in ground parking sensor trial for a period of 12 months be endorsed for the Mawson Lakes area on Euston Walk, Metro Parade and other streets adjacent to the Mawson Lakes interchange (or other suitable areas as identified), for 50 in-ground sensors. 3. A Licence Plate Recognition trial for a period of 6 months (up to 2 days per week) be endorsed for the Salisbury Town Centre Precinct to include monitoring of Council car parks and on street parking. 4. The Chief Executive officer be authorised to engage an appropriate firm(s) to implement the trials, within Council's normal procurement processes, with funding for the trials to be sourced from the Carparking Reserve Fund. 5. A further report presenting the outcomes of the trials be presented to Council at the conclusion of the trials.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The development of parking technologies has grown over the last few years and this has been highlighted with the recognition to investigate these opportunities in the recent Salisbury, Mawson Lakes and Ingle Farm Car Parking Review, and also identified as part of the General Inspectorate Program review.
- 1.2 In addition smart parking options are also being considered as part of the Smart Cities agenda where Council is seeking a grant from the Australian Government Smart Cities and Suburbs Program. If successful in the grant application, smart parking is one of the connected technologies that would be included in the submission for the grant.
- 1.3 The use of parking technology including sensors and licence plate recognition has shown positive results in several Councils that have implemented the technology. It provides several benefits to not only Council enforcement staff but to the community.
- 1.4 The technology improves the efficiency of staff resources by reducing the time required to mark-up carparks and directing staff to those parks where there are overstays, and it can benefit members of the community via apps to identify parking locations and parking availability, and to alert them when their vehicle is approaching the time limit.
- 1.5 This report presents an overview of the technology and presents background information to consider a trial of either sensors or licence plate recognition (LPR) technology or both in an effort to assist in utilisation and turnover of parking spaces and improve operating efficiencies in relation to parking enforcement.
- 1.6 In Item 1.3.1, reported in April 2017 to the Policy and Planning Committee it was resolved for the Salisbury City Centre and the Mawson Lakes Study Area that parking fund monies from the respective areas be utilised for the investigation and trial of parking technologies.
- 1.7 The relevant resolutions included:
 - 1. The Council endorse the following actions:*
 - a. Salisbury City Centre Study Area:*
 - (a) Use fund monies to contribute to:*
 - (i) Parking management initiatives:*
 - 4. Investigate use of new technologies to assist in parking utilisation and enforcement, including remote monitoring of parking controls and electronic and app-based wayfinding information.*
 - b. Mawson Lakes Study Area:*
 - (a) Use fund monies to contribute to:*

(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.

- 1.8 The General Inspectorate Program review also made the following service model improvement recommendation that was supported and endorsed by Council.

1.8.1 *Parking and Traffic Control*

Investigate options to leverage parking sensor technology for surveillance in priority Council zones, including remote monitoring of parking controls (e-smart sensors and camera enforcement systems) and electronic and app-based wayfinding information for users.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Strategic Planner, City Development
- 2.1.2 Traffic Management Team, City Infrastructure

2.2 External

- 2.2.1 Companies providing Sensor and LPR technologies
- 2.2.2 Other Local Government Authorities utilising and trialling parking technology

3. REPORT

- 3.1 Parking control and enforcement are undertaken to administer the legislative requirements conferred to Council's under the Road Traffic Act and Australian Road Rules. However the basis for these rules is to not only ensure public safety is maintained by administering rules associated with safety provisions and managing traffic movements, but also and to ensure equitable access to parking is provided in public on-street and off-street car parks.
- 3.2 Equitable parking access is managed through timed parking restrictions that help facilitate parking turnover for customers and visitors wishing to access businesses, recreation areas and shopping precincts.
- 3.3 The technologies available allow for improved enforcement through monitoring if timed parking and enabling enforcement to be undertaken efficiently with a view of improving and managing car park user behaviours.
- 3.4 Parking technologies have been investigated and two technologies have been identified that could assist in achieving these outcomes, in ground sensors and license plate recognition.

In Ground Sensors

- 3.5 In ground sensor technology utilises wireless sensors buried underground in parking bays that automatically alert officers to overstaying vehicles. These devices transmit data when a vehicle moves over the sensor and when a vehicle moves off the sensor. It provides real time data to officers and alerts them to over stays and therefore allows for targeted enforcement when these over stays are detected, eliminating the need for physical patrols to chalk tyres. This immediate alert allows for improved enforcement and increases turnover and effective parking space usage as parkers become aware that the areas are monitored all the time.

- 3.6 The other advantage of in-ground sensors is that they can also provide Council with a raft of data for analysing parking usage rates and determining the parking demands in an area which provides an insight into parking behaviour at the locations. The reports include:
- Occupancy rates of parking bays by day and by hour if required
 - Occupancy duration by day and by hour if required
 - Overstays recorded and maximum possible fines that could have been issued (and when tied to the expiation system the actual number of expiations issued)
 - Patterns associated with parking and
 - Seasonal variations or variations associated with school terms
- 3.7 Sensors are primarily used to monitor and enforce time limit parking areas, as opposed to safety-related parking zones such as ‘no standing’ or ‘no parking’ zones.
- 3.8 It is recommended that if sensors are installed that they are first monitored for an initial period of time (four weeks is recommended by providers) to establish base data to identify usage and parking habits in a location, and that existing patrol methods and frequencies are applied during the initial monitoring period. Once the sensors go “live” then the impact of the sensors in changing the parking behaviours and also the level of compliance can be compared. There would also be a period prior to full scale enforcement of areas in which the sensors are installed to issue information and warnings to drivers regarding the changed monitoring and enforcement process. Signs located in these areas would also inform drivers of the presence of the sensors.
- 3.9 In addition to or in place of automatic notification to Council officers of overstays, some locations may be suitable for sensors to be paired with a mounted camera to capture overstays. This removes the requirement for visits to an area by patrols enabling remote monitoring and for expiations to be issued via post to the registered owner of a vehicle that is in breach. This system has additional costs and conditions as locations must be able to provide power for the cameras, and there is an also a cost for the cameras and associated software. The cameras must be able to provide line of sight detection for a group of vehicles without visual interferences to be cost effective. It should be noted that camera surveillance does not need to be installed as part of a trial and can be a consideration dependent upon any future Council consideration of sensor technology monitoring dependent upon the outcome of the trial.
- 3.10 The other benefit of sensors is that most systems provide a user app that enables the sensor information to be relayed to users via the app and enables them to search for vacant bays and available parking and/or being alerted when they are about to overstay at their parking locations. In Councils that have paid parking, these apps allow users to top up their parking fee if this is permitted.
- 3.11 The use of sensors also supports the introduction of paid parking if it was required in any particular precinct.
- 3.12 Any sensor technology must be able to withstand legal scrutiny and provide quality control testing to ensure that any expiation challenge can be upheld in a court. This will be a requirement for any of the providers that provide the technologies in the trial.

In Ground Sensor Trial and Trial Areas

- 3.13 Parking sensor technology is recommended to be undertaken as a 12 month trial as it requires an investment to establish the infrastructure and software:
- The parking sensors in ground (five year battery life)
 - Remote relays (available as solar powered) and located at set intervals to transfer data to a powered modem or access point
 - Powered modem to capture relayed data and send to server database.
- 3.14 The trial however would not have access to the user apps, as this is established once Council is committed to the technology and comes at additional charges and costs.
- 3.15 Expressions of interest were sought from two providers for sensor technologies in order to develop a trial. These providers have been identified by staff due to their proven work with other councils in this field and for the development and trials of their technology with other councils that have been previously consulted. The trial is best suited to short term parking in areas where turnover is required to support businesses, shoppers and clients of services that require turnover.
- 3.16 The Salisbury, Mawson Lakes and Ingle Farm Car Parking Review identified the 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. This area consists of short term time limited parking bays that would be well suited to setting up a trial for parking sensors.
- 3.17 However it has been identified that parking bays are not all line marked which must occur before the sensors are installed as they must be located in predefined parking bays that are all recorded and coded, and any untimed parking areas could be declared as timed before the trial begins.
- 3.18 Another area suited for the trial within the Salisbury City Centre Study is John Street from Gawler Street to Church Street and or extending up to Ann Street as it has short term parking and is clearly line marked with individual bays. The duration of parking along this area is predominantly 1 hour.

License Plate Recognition

- 3.19 Licence Plate Recognition (LPR) technology captures licence plate data through high definition cameras mounted on vehicles. The vehicle is driven through car parks and or streets where there are parking restrictions and photos are taken of vehicles and the number plates. Dual mounted camera options allows for two sides of a car park or road to be patrolled at once.
- 3.20 The photo of the number plate is converted to text and it is stored with a photo of the vehicle along with the GPS data of the vehicle location. The area is then re-patrolled after the time limits have expired and the area re-photographed. The system then compares the previous photos and matches any registration numbers that were detected previously. The numbers that are matched are then compared on the photograph and GPS data to determine if it is in the same location and if they are, then expiations can be issued for any overstays.

- 3.21 This technology also allows for reports from the data collected but cannot provide real time data as it only reports on the data collected during the patrols. This provides limitations and does not provide a true insight into parking behaviour at the locations during times when patrols are not conducted.
- 3.22 The technology provides a benefit to undertaking patrols and enforcement and significantly improves efficiencies, especially in larger car parks with set time limits where multiple cars can be recorded, as opposed to street parking with shorter time limits which require more regular monitoring. LPR also improves officer safety and can improve car parking turnover as patrols can be undertaken more regularly.
- 3.23 It is recommended that if LPR is trialled that there is also a period of time (2-4 weeks recommended by the providers) to establish base data to identify comparisons of actual expiations issued via foot patrols versus potential expiations that could have been issued via LPR patrols and the comparative staff time and resource impacts.

LPR Trial and Trial Areas

- 3.24 Trials for LPR technology can be undertaken over six months as there is no requirement for infrastructure to be installed. The trial can be undertaken by contracting providers who utilise this technology and therefore does not require any investment into software and or capital infrastructure.
- 3.25 The alternative would be to invest in the technology and manage it internally, requiring a dedicated vehicle fitted out with camera technology and staff resource.
- 3.26 Staff have sought expressions of interest from two LPR technology providers in order to develop a trial. One was for the supply and purchase of the cameras and software and was from a known supplier who has had experience in this area with other councils and the other was a service contract to undertake LPR patrols utilising their vehicles fitted out for this purpose. This provider was identified from their work with other local councils, universities and their management of private car parks.
- 3.27 The trial is best suited to longer term time limit parking in areas where turnover is required to support businesses, shoppers and clients of services. The main long term larger parking areas are within the Salisbury City Centre and include the Council public car parks located on James Street and Wiltshire Street.
- 3.28 Whilst the LPR trial can be used for short term parking areas it will not provide the suite of reports that the sensor technology can provide, and does not provide as comprehensive an insight into parking behaviour at these locations. Increased patrols can assist in capturing additional and more frequent data to assist in better understanding parking behaviours.
- 3.29 Anyone undertaking the work in a contract for service would be required to have the appropriate authorisations and delegations from the City of Salisbury to administer the relevant legislation and providing them with the authority to capture the evidence via the LPR photographs and or issue expiations.

Anticipated Benefits of Parking Technology**Enforcement Efficiency**

- 3.30 Currently enforcement of timed parking restrictions is conducted via random and scheduled patrols and requires the chalking of tyres and returning after the set period has expired to identify any overstays to establish the evidence required for enforcing the breach. In short term parking areas enforcement requires considerable resourcing to ensure the frequency of patrols matches the short time limits. Due to the resourcing demands and constraints, this results in short term parking areas being patrolled on a random and less frequent basis in an effort to encourage compliance by drivers. However the level of compliance diminishes in between patrols. The sensor technology and resultant knowledge that the parking bays are monitored 24/7 helps to increase compliance and turnover and enables Council staff to enforce as often as is required when overstays are detected.
- 3.31 Many municipalities that have introduced sensor technology have also introduced enforcement principles that guide staff on the frequency of enforcement in certain areas. These frequencies are determined from the data that is captured from the sensors as it enables the council to make informed decisions on actual usage, and enables desired usage and targeted patrols for overstays on peak days and times.
- 3.32 The main reason for establishing enforcement frequency principles is that the shift from occasional monitoring to 24/7 monitoring can result in expiation numbers increasing and creating negative feedback from the community. It is important that the focus of parking enforcement is to address parking turnover during peak times to ensure availability and equitable use of these spaces by members of the community and customers for local businesses.
- 3.33 With LPR the current scheduled patrols can be maintained and the frequency varied if the level of non-compliance increases or decreases. The efficiency with LPR is achieved due to the reduced time taken to patrol large numbers of parking bays. Some LPR technology can scan over 2500 number plates per hour (in a single zoned car park) and car parks such as Sexton on James Street can be scanned in several minutes compared to chalking by staff at around 20 minutes. An additional benefit is the improved work health safety for staff by reducing exposure to inclement weather and any difficult customers.
- 3.34 The operators of the LPR patrol vehicle can issue expiations immediately after the second patrol as staff can review data in their vehicle and issue and print expiations and affix to the vehicles. Alternatively the data that is captured can be sent to Council and reviewed by Council staff who can generate and issue expiations by post. However the immediate affixing of expiations does have the desired immediate deterrent effect on driver behaviours, as posted notices can take several days to be received.

Driver Behaviours

- 3.35 If sensors are utilised to monitor parking it is recommended that the areas are sign posted and the community informed of the technology. This helps increase awareness and ultimately change driver behaviours and achieve the desired outcomes of timed zones including parking turnover and equitable usage. The knowledge that parking areas are patrolled 24/7 helps drive the desired behaviours.

- 3.36 With the use of LPR, regular and maintained patrols of car parks also drives the desired behaviours as the scheduled patrols can be maintained and not affected by staff shortages and or inclement weather. Random patrols can be undertaken at any time to ensure users are abiding by the restrictions in place.
- 3.37 Enforcement will always be required to maintain the desired behaviour and turnover within the available parking areas.

Customer Experience

- 3.38 The sensor technology can be expanded to relay the live data to user apps which can inform the community of available and free parking areas and also alert when they about to overstay. This information enables users to find a car park and move before they are expiated improving the users stay and experience in our City.
- 3.39 LPR has a focus on enforcement and changing driver parking behaviours, however it does not currently have the capacity to provide drivers with the same level of information and alerts as sensor technology potentially provides.

Trial Costs and Funding

- 3.40 As per the previous resolutions from Item 1.3.1 in April 2017, the parking fund monies can be utilised to fund the trials. The Car Parking Reserve contained within the car parking funds may be applied by the Council for any of the following purposes (and for no other purpose):
- to provide car parking facilities within the designated area; or
 - *to provide funds for (or towards) the maintenance, operation or improvement of car parking facilities within the designated area; or*
 - to provide funds for (or towards) the establishment, maintenance or improvement of transport facilities within the area of the council with a view to reducing the need or demand for car parking facilities within the designated area.
- 3.41 The trials for sensors within Mawson Lakes and LPR within Salisbury align with the use of the funds as per dot point 2 above. The Salisbury City Centre Fund balance is \$587,402 and the Mawson Lakes Fund balance is \$227,453. The total cost to implement both trial options – parking sensor technology on Mawson Lakes and LPR technology in Salisbury City Centre is estimated to be up to \$45,000, proposed to be funded by the respective Car Parking Funds.
- 3.42 However it is expected that the trials will generate expiation income which could partially or wholly offset the costs of the trials. This is difficult to quantify at this stage, and a trial will enable the net costs of the options to be determined before making a commitment to proceed with either or both of the options. However it should be noted that in the medium to long term improved driver compliance can be expected to result in a decrease in expiation income, which would be a positive outcome as it would reflect improved compliance with parking controls.
- 3.43 A LPR trial can be implemented quickly due to no capital costs or infrastructure installations, whereas sensors will require a bigger lead time due to the set up and installation of the required infrastructure.

- 3.44 Ultimately, the introduction of parking apps for the sensor technology should result in increased levels of compliance and subsequently a decrease in penalties and overall a better experience within our City.
- 3.45 The limitation with a sensor trial is that it would only monitor 50 parking bays, compared to LPR which is not restricted to the number of bays, as it can be applied to entire carparks and lengths of streets in a trial area. The limitation for LPR is the number of days per week that the service would be provided.

4. CONCLUSION / PROPOSAL

- 4.1 Parking technologies are developing at a rapid pace and the benefits include enforcement efficiencies and improved work health safety for staff, along with the potential for improved customer experiences through the use of apps associated with some of the technologies.
- 4.2 The technologies aim to achieve increased turnover and availability of parking spaces for the community and visitors to areas where parking restrictions apply due to high demand for parking.
- 4.3 Sensor technology has higher start-up costs and would require a longer term trial period, however it also provides increased data from the monitored parking bays that will allow analysis of parking usage rates and turnover.
- 4.4 LPR has a lower start up costs and requires no capital investment and will provide for more efficient management and patrols of car parking areas and result in improved car park usage and turnover.
- 4.5 As both technologies provide benefits to parking usage and enforcement there is an opportunity to undertake a trial of both technologies. Consequently it is recommend that sensor technology be trialed in Mawson Lakes and LPR within the Salisbury Town Centre.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 09.04.18

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Disposal of Assets other than Land Policy
AUTHORS	Charles Mansueto, General Manager Business Excellence, Business Excellence Matt Harris, Manager Strategic Procurement, Business Excellence
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Disposal of Assets other than Land Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and only minor editorial changes are required.

RECOMMENDATION

1. The information be received
2. The Disposal of Assets other than Land Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 16/04/2018), be endorsed.

ATTACHMENTS

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

1. Disposal of Assets other than land Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 The Disposal of Assets other than Land Policy was last endorsed by Council in November 2015 and is now due for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with the Manager, Strategic Procurement has occurred as to the continuing relevance of the Policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Disposal of Assets other than Land Policy has been reviewed by the Policy Owner. Apart from minor editorial changes with respect to changes in practice, the only other changes include:
- 3.1.1 inclusion of value for money with least risk for disposal of vehicles and major plant
 - 3.1.2 the ability to distribute surplus other assets covered within the policy to other council facilities, and
 - 3.1.3 reinforcing the principal to minimise landfill in disposing of any surplus assets

4. CONCLUSION / PROPOSAL

- 4.1 The Disposal of Assets other than Land Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 09/04/2018



Disposal of Assets other than Land Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2003/457, 2009/1482, 2011/522, 2015/749
Approval Date:		Last Reapproval Date:	23 November 2015
Review Date:	273 November-February 2018	Internal Reference No.:	
Department:	Business Excellence	Division:	Contract and Procurement Services Strategic Procurement
Function:	7 - Financial Management	Responsible Officer:	Manager Strategic Procurement, Contract and Procurement Services

A - PREAMBLE

- On occasions there is a need to dispose of Council assets. In complying with legislation, section 49 of the *Local Government Act 1999* requires that a Council must prepare and adopt policies on contracts and tenders, including policies on the following:
 - the contracting out of services; and
 - competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; and
 - the use of local goods and services; and
 - the sale or disposal of land or other assets.

C – POLICY PURPOSE/OBJECTIVES

- This policy provides direction to staff for the disposal of Council assets other than land, which the Surplus Land Policy addresses.

E - POLICY STATEMENT

- Disposal of vehicles and major plant shall be by:**

- trade-in on new items;
- auction, independent of new purchase; or
- sale by tender.

The appropriate approach above must demonstrate value for money and the least risk outcome.

Proceeds from such disposal shall be credited to the plant replacement program.

2. **Disposal of assets other than major plant, shall be by:**

- trade-in on new items;
- redistribution to other Council facilities;
- auction, independent of new purchase; or
- sale by tender.

All avenues to mitigate landfill are to be explored.

The Executive Group, may give approval for selected items to be disposed of by other means. Proceeds from disposal under this clause shall normally be credited to the general revenue of Council unless directed otherwise by the Executive Group.

F – LEGISLATION

1. *Section 49 Local Government Act 1999*

G - REFERENCES

1. Procurement Policy

H - ASSOCIATED PROCEDURES

1. Probity Procedures

Document Control

Document ID	Disposal of Assets other than Land Policy
Prepared by	Lindy Rattigan <u>Manager Strategic Procurement</u>
Release	<u>4.0</u>
Document Status	Endorsed
Date Printed	

ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Variations to Delegations
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment or to correct errors that have been identified.</p> <p>New provisions under the Fines Enforcement and Debt Recovery Act and the Expiation of Offences Act will commence on 30 April 2018.</p> <p>This report sets out changes required to City of Salisbury delegations in response to the changes made to the delegations templates.</p>

RECOMMENDATION

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 29 April 2018 of those powers and functions under the following:
 - 1.1 *Expiation of Offences Act 1996*
 - Sections 8A(4), 9(2), 9(12), 11(1), 11A(1), 12, 13(1), 13(4), 16(6), 16(11), and 18 – Shaded areas of Attachment 2.
2. In exercise of the powers contained in Section 44 of the Local Government Act 1999, the powers and functions under the following Acts and contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2 and 3, Item No. 3.6.2, Resources and Governance Committee, 16/04/2018) are hereby delegated from 30 April 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Expiation of Offences Act 1996* and the *Fines Enforcement and Debt Recovery Act 2017* as follows:
 - 2.1 *Expiation of Offences Act 1996*
 - 8A(4), 8A(6a), 11(1), 11A(1), 12, 16(1), 16(6), 16(11), and 18 – Shaded areas of Attachment 2.
 - 2.2 *Fines Enforcement and Debt Recovery Act 2017*
 - Entire Instrument of Delegation – Attachment 3

3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Expiation of Offences Act 1996* and the *Fines Enforcement and Debt Recovery Act 2017*.

ATTACHMENTS

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

1. Table of Updates
2. Instrument of Delegation under the Expiation of Offences Act 1996
3. Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017

1. BACKGROUND

- 1.1 The LGA regularly advises Council of amendments to delegations due to changes in legislation as well as corrections to templates provided for recording the delegations.
- 1.2 This report deals with variations to delegations as a result of the following LGA Circular:
 - 1.2.1 LGA Circular 9.8 dated 1 March 2018 which sets out new and amended provisions under the *Expiation of Offences Act 1996* and the *Fines Enforcement and Debt Recovery Act 2017*.

2. REPORT

- 2.1 Section 44 of the *Local Government Act 1999* (the Act) provides Council may delegate a power or function vested or conferred upon it by this or another Act. Such powers and functions may be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit. A delegation made pursuant to Section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.
- 2.2 This report deals with variations to the Delegations as a consequence of:

Review of Delegations Templates by Norman Waterhouse in LGA Circular 9.8 dated 1 March 2018.

 - 2.2.1 A new enforcement regime under the Fines Enforcement and Debt Recovery Act and the Expiation of Offences Act will commence on 30 April 2018.
 - 2.2.2 These new provisions will have the effect of renaming the ‘Fines Enforcement and Recovery Officer’ the ‘Chief Recovery Officer’ and implementing a revised regime for the enforcement and recovery of expiation fees not paid by recipients of expiation notices issued by Councils and the recovery of fines and costs payable to Councils by Order of a Court.

- 2.2.3 The provisions also make amendments to the *Expiation of Offences Act 1996* which provide new powers for Councils to deal with trifling expiation notices in certain circumstances and enable Councils to withdraw expiation notices in circumstances where the Council is of the view that the alleged offender should be excused from the offence on account of a cognitive impairment.
- 2.2.4 The commencement of these provisions will require Councils to revise their delegations under the *Expiation of Offences Act 1996* and make new delegations under the *Fines Enforcement and Debt Recovery Act 2017*.
- 2.2.5 Councils need to have new delegations in place before 30 April 2018 to ensure a seamless transition to the new enforcement regime.

2.3 Process to be followed

- 2.3.1 In order for the statements contained in the Instruments of Delegation to come into effect, Council must first resolve to revoke the existing delegations under the *Expiation of Offences Act 1996* that have been amended. Council then resolves to adopt the revised delegations under that Act together with the new delegations under the *Fines Enforcement and Debt Recovery Act 2017* contained in the relevant Instruments of Delegation attached to this report (Attachments 2-3).
- 2.3.2 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the *Expiation of Offences Act 1996* occurs on Sunday 29 April 2018 with the revised delegations under that Act and the new Delegations under the *Fines Enforcement and Debt Recovery Act 2017* coming into force from Monday 30 April 2018. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.3.3 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

3. CONCLUSION / PROPOSAL

- 3.1 A review of Council delegations has been conducted as a result of amended provisions under the *Expiation of Offences Act 1996* and the new *Fines Enforcement and Debt Recovery Act 2017* which will commence on 30 April 2018 and is presented to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP MG
Date: 09/04/2018

ATTACHMENT 2**INSTRUMENT OF DELEGATION UNDER THE
EXPIATION OF OFFENCES ACT 1996****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Certain Offences may be Expiated
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.
3. Review of Notices on Ground that Offence is Trifling
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1 to provide further information; and
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2 The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.
3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

respect of the offence by giving written notice to the alleged offender.	
3.4	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.
3A. Deliberately left blank - Deleted	
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.
5. Expiation Enforcement Warning Notices	
5.1	The duty pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.
6. Late Payment	
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.
7. Deliberately left blank - Deleted	
8. Withdrawal of Expiation Notices	

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.3A	in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2014, to inform the Chief Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:
9.1.1	the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	notice issued by the Council; and
9.1.2	the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert "NIL"]

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

Last amended: 1 February 2018

ATTACHMENT 2**INSTRUMENT OF DELEGATION UNDER THE
EXPIATION OF OFFENCES ACT 1996****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Certain Offences may be Expiated
1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.
3. Review of Notices on Ground that Offence is Trifling
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1 to provide further information; and
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2 The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.
3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

respect of the offence by giving written notice to the alleged offender.	
3.4	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.
3A. Deliberately left blank - Deleted	
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.
5. Expiation Enforcement Warning Notices	
5.1	The duty pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.
6. Late Payment	
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.
7. Deliberately left blank - Deleted	
8. Withdrawal of Expiation Notices	

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.3A	in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2014, to inform the Chief Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:
9.1.1	the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	notice issued by the Council; and
9.1.2	the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.

Last amended: 1 February 2018

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert "NIL"]

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

Last amended: 1 February 2018

ATTACHMENT 3**INSTRUMENT OF DELEGATION UNDER THE
FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017****NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum
1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.
2. Arrangements as to Manner and Time of Payment
2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.
2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).
3. Enforcement Determination
3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:

Created: 1 February 2018

**INSTRUMENT OF DELEGATION UNDER THE
FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017**

- (a) the alleged offender; and
- (b) the offence or offences that remain unexpiated; and
- (c) the amount due under the notice; and
- (d) compliance by the council with the requirements of the Act and any other Act.

3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.

Created: 1 February 2018

**INSTRUMENT OF DELEGATION UNDER THE
FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert "NIL"]

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

Created: 1 February 2018

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Media Policy Review
AUTHOR	Michael Bennington, Manager Communications & Customer Relations, Business Excellence
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. 4.4 Embed long term thinking, planning and innovation across the organisation.
SUMMARY	Following a request from Council, a revised Media Policy has been developed for consideration following a review of the existing <i>City of Salisbury Media Policy</i> .

RECOMMENDATION

1. The Media Policy, as set out at Attachment 2 to this report (Item No. 3.6.3, Resources and Governance Committee, 16/04/2018) be endorsed.

ATTACHMENTS

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

1. Proposed New Media Policy
2. City of Salisbury Media Policy - track changes - April 2018

1. BACKGROUND

- 1.1 At the Council meeting on 26 February 2018, Council resolved:

OB2 Review of Media Policy

1. *That Council review the Media Policy passed in February 2017.*

Resolution No. 2337/2018

2. CONSULTATION / COMMUNICATION

- 2.1 Internal

- 2.1.1 Communications & Customer Relations Division, Governance

3. REPORT

- 3.1 The City of Salisbury's media and social media policy and procedures are currently guided by the *Media Policy*, approved in February 2017, and applies to all Elected Members and employees.

- 3.2 The document was scheduled for review in February 2019 but following an *Other Business* agenda item in the February Council meeting, a resolution was made to review the current Media Policy.
- 3.3 The current Media Policy was formed following the amalgamation of the previous *Elected Member Media Policy*, which applied to Elected Members and the *Media Policy and Procedure* which applied to employees at the last review in February 2017.
- 3.4 This policy review has identified an opportunity to both simplify processes and clarify the roles and responsibilities of Elected Members, official Council spokespeople and employees in a comprehensive Media Policy, applicable to both Elected Members and employees.
- 3.5 It also clearly outlines the expectations of Elected Members and employees in relation to traditional media and social media and what is considered acceptable and reasonable behavior.
- 3.6 The single document provides clear guidance in relation to:
 - 3.6.1 Management of media enquiries and contact
 - 3.6.2 Authorised spokespersons; and
 - 3.6.3 The appropriate use of social media
 - 3.6.4 Implications of breaches to this policy
- 3.7 The proposed Media Policy includes guidance to Media to assist with reporting on Council events and activities to ensure appropriate management of privacy obligations and that the necessary authorisations are sought prior to filming and recording of council events/activities occurs.
- 3.8 A proposed draft City of Salisbury Media Policy is attached to this report for endorsement by Council. The Policy aims to provide scope for best practice with a focus on the social media environment, given the prevalence of its use by community members, Elected Members and employees.
- 3.9 The Policy also outlines the Council's current Customer Relationship Management System (CRM) as the primary system for managing requests for service.
- 3.10 For ease of reference and review, a copy of the previous Media Policy along with track changes is provided, as well as a copy of the proposed new Media Policy.

4. PROPOSED CHANGES

- 4.1 In reviewing the Policy we have conducted a desktop review of other media policies from Local Government, State Government and private organisations.
- 4.2 From the desktop review we have seen that the current City of Salisbury Media Policy is generally similar to other organisational media policies.

- 4.3 The review has allowed us to identify areas in our Policy to make it more comprehensive and detailed. Proposed changes include:

- 4.3.1 Detailing what constitutes a breach of the Policy such as making derogatory or obscene comments, creating, posting or sharing a social media page that protests the implementation of a Council decision or posting or sharing comments that may led to bullying by other social media members.
- 4.3.2 The significance of not having a coordinated approach to media management and how this may undermine the work of Council in the community as well as damaging commercial interests.
- 4.3.3 How the Code of Conduct and Bullying and Harassment policies apply to online activity.

5. CONCLUSION / PROPOSAL

- 5.1 The City of Salisbury's media and communications activity is currently guided by the Media Policy, which was scheduled for review in February 2019.
- 5.2 A proposed new Media Policy has been drafted for consideration as the basis of management of Council's media and communications activity into the future.

CO-ORDINATION

Officer: Executive Group
Date: 09/04/2018



Media Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	
Approval Date:		Last Reapproval Date:	
Review Date:		Internal Reference No.:	4309373
Department:	Business Excellence	Division:	Communications & Customer Relations
Function:	2 - Media Relations	Responsible Officer:	Manager, Communications and Customer Relations

A - PREAMBLE

1. The City of Salisbury communicates and engages with our community and stakeholders utilising various digital and traditional channels. It is important to manage these to ensure the City of Salisbury's messaging is consistent, accurate, appropriate to the target audience, and that our corporate brand principles are upheld.
2. The Communications & Customer Relations Division is responsible for managing and initiating Council's media relations and corporate communications.

B - SCOPE

1. This policy sets out Elected Member responsibilities in relation to interactions with the media and media representatives, dealings with staff, and the use of both the City of Salisbury and private social media accounts.
2. This policy also details employee, volunteer and contractor responsibilities in regards to media relations, and use of private social media accounts from any location, network or device, at any time.

C – POLICY PURPOSE/OBJECTIVES

1. To ensure all media liaison takes place via a central point of contact so that the City of Salisbury is able to actively monitor and respond to media issues.
2. To ensure a single spokesperson is providing comment to individual media outlets, so that the Council has a better opportunity to provide an accurate and consistent message and image.
3. To provide guidance and support to Elected Members identified as an approved spokespersons; and
4. To provide guidance to Elected Members in both best practice and appropriate use of social media accounts.
5. To provide guidelines for employees about the City of Salisbury's expectations regarding use

and appropriate conduct when engaging in social media.

D - DEFINITIONS

1. Corporate Social Media Accounts – Refers to all official City of Salisbury social media accounts such as City of Salisbury Facebook, City of Salisbury LinkedIn, Discover Salisbury Facebook, Youth in Salisbury Facebook, Salisbury Library Service Facebook, St Kilda Adventure Playground Facebook, Polaris Centre Facebook, City of Salisbury Twitter, Discover Salisbury Twitter, City of Salisbury Instagram, Discover Salisbury Instagram

E - POLICY STATEMENT

1. All media contact should be coordinated via the Communications & Customer Relations Division.
2. Only authorised spokespersons may speak to the media or respond to media requests.
3. General Managers via the Communications & Customer Relations Division can approve responses to incoming media enquiries and authorise proactive media approaches where both the risk is determined to be low and attributable quotes are not required.
4. Staff other than the Chief Executive Officer must not present themselves as official City of Salisbury spokespersons unless authorised to do so by the Chief Executive Officer.
5. Elected Members, employees, volunteers and contractors must report any media enquiries to the Manager, Communications & Customer Relations; who is authorised to liaise with the media as part of their role but would generally not make comment on behalf of the organisation.
6. Elected Members and employees must also advise the Communications & Customer Relations team where an event or issue is likely to generate significant public and/or media interest. This ensures Council is prepared to respond to public and media enquiries in a timely manner with the accurate information.
7. All official City of Salisbury social media accounts must be authorised by the Manager, Communications & Customer Relations.
8. All communication via the City of Salisbury's social media accounts (including responding to public queries) is managed through the Communications & Customer Relations team and will be undertaken in line with Council's Customer Relationship Management (CRM) system.

F - SPOKESPERSONS

1. Official spokespeople for the City of Salisbury are:
 - 1.1. The Mayor and CEO - The Mayor is the default principal spokesperson in accordance with section 58 (1) (c) of the Local Government Act 1999, however where appropriate the CEO in consultation with the Mayor may be the preferred spokesperson.
 - 1.2. The Deputy Mayor - If the Mayor is unavailable, the Deputy Mayor will assume the responsibilities as described for the Mayor.
 - 1.3. Standing Committee Chairs - If neither the Mayor nor Deputy Mayor is available, the spokesperson will be the Standing Committee Chair for issues concerning the deliberations and decisions made by that Committee and subsequently endorsed by Council. For matters unrelated to committee decisions, the CEO will determine who the nominated spokesperson will be.
2. Official spokespeople will receive support from the Communications & Customer Relations team in the form of drafting and dissemination of media releases, arranging of photo and

interview opportunities and briefings before interviews.

3. As Local Government representatives, Elected Members are entitled to speak on any topic, but may not act as an authorised Council spokesperson except in the circumstances outlined above. In accordance with the requirements of the Code of Conduct, Elected Members must ensure that personal comments to the media or Letters to the Editor are clearly identified as being their own private view, and not that of the Council.
4. Once Council has reached a decision on a matter, any official comments to media by Council's Official Spokesperson must support Council's endorsed position. Comments published by Elected Members on social media should support Council's endorsed position and if not clearly be identified as their own.
5. Employees can be interviewed by media on a private basis on matters not directly related to Council business or an employee's work. Employees can only speak on matters regarding Council if authorised to do so by the CEO as outlined above, and only on the subject that the authorisation relates to.

G – MONITORING

1. Monitoring of media activity is conducted by the Communications & Customer Relations team as well as a contracted media monitoring agency on a daily basis. The outcomes are distributed on weekdays to the Mayor, Deputy Mayor, Elected Members, Executive Group and Divisional Managers, as well as the Customer Centre for circumstances where any media activity is likely to be raised by callers or customers at the reception desk. If coverage relates to a specific officer and / or manager, the daily monitor will also be forwarded to them.
2. The Communications & Customer Relations team will endeavour to make Elected Members aware of any potential media stories that are likely to generate significant public and/or media interest.
3. Monitoring of Council's social media channels is conducted by the Communications & Customer Relations team. The Communications & Customer Relations team will retain the right to remove content that does not adhere to the guidelines identified in this policy or other associated policies. Posts containing the following will not be responded to, and will likely be removed from the relevant page:
 - 3.1. Racist, sexist or sexual discrimination,
 - 3.2. Harassment or bullying,
 - 3.3. Profanity,
 - 3.4. Personal, confidential, or copyrighted material,
 - 3.5. Potential defamatory material or threatening or abusive behaviour.
4. During election periods, social media accounts will be carefully monitored for risk management and adherence to the Caretaker Policy. Where content or online behaviour is identified as being contrary to the Caretaker Policy, it should be referred to the Manager, Governance.

H – MEDIA REPORTING ON COUNCIL ACTIVITY

1. Media representatives are welcome to report on Council projects, events and decisions, and to interview nominated Council spokespeople. All enquiries should be directed to the Communications & Customer Relations team.
2. Media representatives are not permitted to film or record the proceedings of a Council meeting unless prior permission has been sought from the Mayor or Committee Chairperson

through the Manager Communications & Customer Relations.

3. Media must check-in with the facility or event manager and be accompanied on-site during their visit, where required.
4. Council expects that all media taking photographs or filming at Council facilities and events abide by privacy laws, especially those relating to photographing minors, and seek permission from anyone they wish to photograph or film, including non-Council employees.

I – SOCIAL MEDIA –PRIVATE ACCOUNTS (Elected Members and Employees)

1. The City of Salisbury logo or official corporate colours must not be used on any private social media accounts.
2. Private social media accounts must not, in any way, give the appearance that it is an official City of Salisbury presence or that the individual is speaking publicly on behalf of the Council or in their capacity as an Elected Member or employee of the City of Salisbury.
3. Ensure that no copyrighted or trademarked material is published without permission.
4. Comments or posts must not damage the City of Salisbury's reputation, commercial interests, or bring the City of Salisbury into disrepute.
5. Comments or posts must not breach Council policies and must not be illegal, libellous, defamatory, abusive, obscene, or infringe Equal Employment Opportunity.
6. Council's Code of Conduct/Employee Code of Conduct Policy and Fair Treatment Policy apply to online activity. All Council employees and Elected Members are expected to treat their colleagues with respect and dignity, and must ensure their behaviour does not constitute bullying and/or harassment.
7. As such, individuals should ensure comments are not:
 - 7.1. So harsh or extreme in their criticism of the City of Salisbury, that they raise questions about their capacity to work professionally, efficiently or impartially as an Elected Member or employee;
 - 7.2. So strong in criticism of the City of Salisbury that it could seriously disrupt the workplace. Elected Members and employees are encouraged instead to resolve concerns by informal discussion with the CEO, General Manager or by using the internal dispute resolution.

J – SOCIAL MEDIA – OFFICIAL ELECTED MEMBER ACCOUNTS

1. Elected Members wanting to utilise social media in their capacity as a Councillor are encouraged to set up an official Elected Member social media account that is separate from their private account/s for interactions with the community and Council's social media presences.
2. It is recommended that:
 - 2.1. Official Elected Member social media accounts are clearly labelled as being owned by an Elected Member. For Facebook, it is advisable to use a Facebook Page instead of a personal account to engage the public, as per Facebook's own rules.
 - 2.2. Where Elected Members do not wish to create separate social media accounts they must always identify themselves as being an Elected Member when interacting with any of the City of Salisbury social media accounts, i.e. *"I think there should be more recreation spaces – Cr John Smith"*, or when speaking to a member of the public in their capacity as an Elected Member, i.e. *"Thank you for bringing this to my attention,*

I'll definitely raise it at the next Council meeting – Cr John Smith". This must also be taken into account when commenting on other social media platforms and pages not owned by the City of Salisbury, including private pages and closed groups.

- 2.3. Elected Members should refrain from tagging or @mentioning the City of Salisbury in their posts or tweets unless it is in direct relation to their role as an Elected Member.
- 2.4. Social media accounts should contain advice to the public that views expressed are the author's own and not that of the City of Salisbury.
- 2.5. Elected Members need to be aware that they are directly and legally responsible for any comments that are posted to their own social media accounts by members of the public. If a member of the public posts material that is defamatory, obscene, racist, sexist or likely to cause offence, it is in the Elected Member's best interest to immediately remove such material to avoid possible legal action being taken against them. This includes any comments or differing opinions that might lead to bullying by other social media members because of content posted by an Elected Member or others.
- 2.6. Elected Members are encouraged to share content from City of Salisbury social media accounts to their own accounts.
- 2.7. Elected Members may tag themselves in any City of Salisbury photo where they appear.
- 2.8. If a resident raises a query or request with Council via the City of Salisbury's social media accounts, the query will be managed by the Communications & Customer Relations team in accordance with Council's CRM system.
- 2.9. If a resident raises a query or request via an Elected Member's social media account or other social media forum, Elected Members should refer them to Council's CRM system and not respond that they will resolve the issue, e.g. *'Hi, if you have a request for service, please call our customer centre on 8406 8222 or fill out our online request form at www.salisbury.sa.gov.au/Services/Lodge_a_request and our friendly support staff will be able to get this resolved as quickly as possible for you – Cr John Smith'*.
3. The City of Salisbury logo or official corporate colours are not to be used on any private social media accounts. However, if an Elected Member has established a social media account specifically for their role as an Elected Member and they are identified as such, then the corporate logo can be utilised.
4. All Elected Member social media accounts should be deactivated as soon as an individual is no longer an elected representative of the City of Salisbury, and return to utilising their personal social media accounts.
5. Publicly visible comments or posts must not damage the City of Salisbury's reputation, commercial interests, or bring the City of Salisbury into disrepute.
6. Publicly visible comments or posts must not breach Council policies and must not be illegal, libellous, defamatory, abusive, obscene, or infringe Equal Employment Opportunity.
7. Council's Code of Conduct/Employee Code of Conduct Policy and Fair Treatment Policy apply to online activity. All Council employees and Elected Members are expected to treat their colleagues with respect and dignity, and must ensure their behaviour does not constitute bullying and/or harassment.
8. As such individuals should ensure comments are not:
 - 8.1. So harsh or extreme in their criticism of the City of Salisbury, that they raise questions about their capacity to work professionally, efficiently or impartially as an Elected Member or employee;

- 8.2. So strong in criticism of the City of Salisbury that it could seriously disrupt the workplace. Elected Members and employees are encouraged instead to resolve concerns by informal discussion with the CEO, General Manager or by using the internal dispute resolution.
9. Elected Members are able to engage with residents through social media as outlined in this policy.

K – SOCIAL MEDIA – ELECTED MEMBER TRAINING

1. Elected Members can access training in the use of social media tools in accordance with the Elected Member Training & Development Policy.

L – BREACHES TO THIS POLICY

1. Breaches made by or referring to an Elected Member, employees, independent members, volunteer or contractor in the media or social media will be treated as breaches to the Code of Conduct and will be investigated in line with the appropriate process.
2. If an individual (member of the community, Elected Member, employee) wishes to report a breach, they must follow the process outlined in the relevant Policy and any action taken will be based upon that process.
3. Examples of failure to adhere to the Council's Code of Conduct/Employee Code of Conduct Policy in a social media setting include:
 - 3.1. Making derogatory or obscene posts about an employee, resident or Elected Member and/or the City of Salisbury workplace on Facebook.
 - 3.2. Tweeting derogatory or an obscene comment about Elected Members, employees or residents from personal or official Twitter accounts.
 - 3.3. Sending private messages to colleagues that include derogatory, defamatory, racist, sexist or obscene remarks.
 - 3.4. Disclosing non-publicly available confidential information in a public forum.
 - 3.5. Posting or sharing any social media comments or differing opinions that might lead to bullying by other social media members because of content posted.

M – ASSOCIATED POLICIES

1. Council's Code of Conduct
2. Employee Code of Conduct Policy
3. Fair Treatment Policy

Document Control

Document ID	City of Salisbury Media Policy
Prepared by	Michael Bennington
Release	1.00
Document Status	Approved February 2017
Date Printed	11/04/2018



Media Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	1605/2017
Approval Date:	27/02/2017	Last Reapproval Date:	
Review Date:	27/02/2019	Internal Reference No.:	4309373
Department:	Business Excellence	Division:	Communications & Customer Relations
Function:	2 - CommunityMedia Relations	Responsible Officer:	Manager, Communications and Customer Relations

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4. Once Council has reached a decision on a matter, any official comments to media by Elected Members—Council's Official Spokesperson must support Council's endorsed position. Comments published by Elected Members on social media should support Council's endorsed position and if not clearly be identified as their own.
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 - 3.5. Potential defamatory material or threatening or abusive behaviour.
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I – SOCIAL MEDIA –PRIVATE ACCOUNTS (Elected Members and Employees)

1. The City of Salisbury logo or official corporate colours must not be used on any private social media accounts.
2. Private social media accounts must not, in any way, give the appearance that it is an official City of Salisbury presence or that the individual is speaking publicly on behalf of the Council or in their capacity as an Elected Member or employee of the City of Salisbury.
3. Ensure that no copyrighted or trademarked material is published without permission.
4. Comments or posts must not damage the City of Salisbury's reputation, commercial interests, or bring the City of Salisbury into disrepute.
5. Comments or posts must not breach Council policies and must not be illegal, libellous, defamatory, abusive, obscene, or infringe Equal Employment Opportunity.
6. Council's Code of Conduct/Employee Code of Conduct Policy and Fair Treatment Policy apply to online activity. All Council employees and Elected Members are expected to treat their colleagues with respect and dignity, and must ensure their behaviour does not constitute bullying and/or harassment.
7. As such, individuals should ensure comments are not:
 - 7.1. So harsh or extreme in their criticism of the City of Salisbury, that they raise questions about their capacity to work professionally, efficiently or impartially as an Elected Member or employee;
 - 7.2. So strong in criticism of the City of Salisbury that it could seriously disrupt the workplace. Elected Members and employees are encouraged instead to resolve concerns by informal discussion with the CEO, General Manager or by using the internal dispute resolution.
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J – SOCIAL MEDIA – OFFICIAL ELECTED MEMBER ACCOUNTS

1. Elected Members wanting to utilise social media in their capacity as a Councillor are encouraged to set up an official Elected Member social media account that is separate from their private account/s for interactions with the community and Council's social media presences.
2. It is recommended that:
 - 2.1. Official Elected Member social media accounts are clearly labelled as being owned by an Elected Member. For Facebook, it is advisable to use a Facebook Page instead of a

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personal account to engage the public, as per Facebook's own rules.

2.2. Where Elected Members do not wish to create separate social media accounts they must always identify themselves as being an Elected Member when interacting with any of the City of Salisbury social media accounts, i.e. *"I think there should be more recreation spaces – Cr John Smith"*, or when speaking to a member of the public in their capacity as an Elected Member, i.e. *"Thank you for bringing this to my attention, I'll definitely raise it at the next Council meeting – Cr John Smith"*. This must also be taken into account when commenting on other social media platforms and pages not owned by the City of Salisbury, including private pages and closed groups.

2.3. Elected Members should refrain from tagging or @mentioning the City of Salisbury in their posts or tweets unless it is in direct relation to their role as an Elected Member.

2.4. Social media accounts should contain advice to the public that views expressed are the author's own and not that of the City of Salisbury.

2.5. Elected Members need to be aware that they are directly and legally responsible for any comments that are posted to their own social media accounts by members of the public. If a member of the public posts material that is defamatory, obscene, racist, sexist or likely to cause offence, it is in the Elected Member's best interest to immediately remove such material to avoid possible legal action being taken against them. This includes any comments or differing opinions that might lead to bullying by other social media members because of content posted by an Elected Member or others.

2.6. Elected Members are encouraged to share content from City of Salisbury social media accounts to their own accounts.

2.7. Elected Members may tag themselves in any City of Salisbury photo where they appear.

2.8. All a resident requesting service raises a query or work requests via social media should be encouraged to lodge the request by contacting with Council via the City of Salisbury's social media accounts, the query will be managed by the Communications & Customer Relations team in accordance with Council's CRM system.

2.8.2.9. If a resident raises a query or request via an Elected Member's social media account or other social media forum, Elected Members should refer them to Council's CRM system and not respond that they will resolve the issue, e.g. 'Hi, if you have a request for service, please call our customer centre on 8406 8222 or fill out our online request form at www.salisbury.sa.gov.au/Services/Lodge_a_request, and our friendly support staff will be able to get this resolved as quickly as possible for you – Cr John Smith'.

2.9.1. Elected Members are able to engage with residents through social media as outlined in this policy.

3. The City of Salisbury logo or official corporate colours are not to be used on any private social media accounts. However, if an Elected Member has established a social media account specifically for their role as an Elected Member and they are identified as such, then the corporate logo can be utilised.

4. All Elected Member social media account/saccounts should be deactivated as soon as an individual is no longer an elected representative of the City of Salisbury, and return to utilising their personal social media account/saccounts.

5. Publicly visible comments or posts must not damage the City of Salisbury's reputation, commercial interests, or bring the City of Salisbury into disrepute.

6. Publicly visible comments or posts must not breach Council policies and must not be illegal, libellous, defamatory, abusive, obscene, or infringe Equal Employment Opportunity.

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7. Council's Code of Conduct/Employee Code of Conduct Policy and Fair Treatment Policy apply to online activity. All Council employees and Elected Members are expected to treat their colleagues with respect and dignity, and must ensure their behaviour does not constitute bullying and/or harassment.
8. As such individuals should ensure comments are not:
 - 8.1. So harsh or extreme in their criticism of the City of Salisbury, that they raise questions about their capacity to work professionally, efficiently or impartially as an Elected Member or employee;
 - 8.2. So strong in criticism of the City of Salisbury that it could seriously disrupt the workplace. Elected Members and employees are encouraged instead to resolve concerns by informal discussion with the CEO, General Manager or by using the internal dispute resolution.
9. Elected Members are able to engage with residents through social media as outlined in this policy.

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K – SOCIAL MEDIA – ELECTED MEMBER TRAINING

1. Elected Members can access training in the use of social media tools in accordance with the Elected Member Training & Development Policy.

L – BREACHES TO THIS POLICY

1. Breaches made by or referring to an Elected Member, employees, independent members, volunteer or contractor in the media or social media will be treated as breaches to the Code of Conduct and will be investigated in line with the appropriate process.
2. If an individual (member of the community, Elected Member, employee) wishes to report a breach, they must follow the process outlined in the relevant Policy and any action taken will be based upon that process.
3. Examples of failure to adhere to the Council's Code of Conduct/Employee Code of Conduct Policy in a social media setting include:
 - 3.1. Making derogatory or obscene posts about an employee, resident or Elected Member and/or the City of Salisbury workplace on Facebook.
 - 3.2. Tweeting derogatory or an obscene comment about Elected Members, employees or residents from personal or official Twitter accounts.
 - 3.3. Sending private messages to colleagues that include derogatory, defamatory, racist, sexist or obscene remarks.
 - 3.4. Disclosing non-publicly available confidential information in a public forum.
 - 3.5. Posting or sharing any social media comments or differing opinions that might lead to bullying by other social media members because of content posted.

M – ASSOCIATED POLICIES

1. Council's Code of Conduct
2. Employee Code of Conduct Policy
3. Fair Treatment Policy

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Document Control

Document ID	City of Salisbury Media Policy
Prepared by	Craig Treloar, Michael Bennington
Release	1.00

Page 6 of 7

11/04/2018

Document Status	Approved February 2017
Date Printed	11/04/2018

ITEM	3.6.4
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Review of 'City of Salisbury Code of Practice for Meeting Procedures'
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	<p>This report presents an update to the Code of Practice for Meeting Procedures, which incorporates a number of corrections, inclusions and modifications to the Code. All changes have been marked with revisions for ease of identification and a number of decisions are required from Council in order to finalise the update. These items are discussed individually within this report.</p> <p>Following endorsement of the revised Code of Practice for Meeting Procedures an updated version of the “A Guide for Meeting Procedures” handbook will be produced, which contains a range of other relevant resources and reference materials.</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. The information be received. 2. The updated Code of Practice for Meeting Procedures (as set out in Attachment 1, Resources and Governance Committee, Item No. 3.6.4, 16/04/2018) be endorsed.
ATTACHMENTS	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> 1. Code of Practice for Meeting Procedures - Updated April 2018
1. BACKGROUND	<ol style="list-style-type: none"> 1.1 The City of Salisbury has adopted a Code of Practice for Meeting Procedures. The Code of Practice sets out procedures to apply during the conduct of Council and Committee meetings and is based directly on the <i>Local Government (Procedures at Meetings) Regulations 2013</i>. 1.2 In addition to the content of the Regulations, there are a number of City of Salisbury specific clauses that have been included within the Code of Practice, so that the document is a comprehensive resource dealing with procedures at meetings.

2. REPORT

2.1 A copy of the updated Code of Practice for Meeting Procedures is provided as Attachment 1 to this report. All proposed amendments have been marked with revisions to assist with identification of changes. A brief summary of the changes made is also provided below.

2.2 Corrections/Modifications

2.2.1 Addition of 10(1)(c) with respect to Petitions and 12(19) and 12(20) with respect to Motions in accordance with the Local Government (Procedures at Meetings) Regulation 2013.

2.2.2 Minor change to S.AGD to include periods within which agendas and minutes are required to be provided to Elected Members and made available to the public.

2.2.3 Minor editorial corrections throughout the document.

3. CONCLUSION / PROPOSAL

3.1 The Code of Practice for Meeting Procedures has been reviewed and minor changes made to support the application of effective meeting procedures at Council and Committee Meetings.

3.2 Following endorsement of the revised Code of Practice for Meeting Procedures and updated version of the “A Guide for Meeting Procedures” handbook will be produced, which contains a range of other relevant resources and reference materials.

CO-ORDINATION

Officer: Exec Group MG
Date: 09/04/2018



Code of Practice for Meeting Procedures

**In accordance with regulation 6 of the
*Local Government (Procedures at Meetings) Regulations 2013***

Adopted by Council ~~29 March 2016~~ 23 April 2018

Introduction

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

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

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

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

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

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

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

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

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

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



CITY OF SALISBURY CODE OF PRACTICE FOR MEETING PROCEDURES

SUMMARY OF PROVISIONS

PART 1 – PRELIMINARY

1.	Citation	<u>61</u>
2.	Commencement	<u>61</u>
3.	Interpretation	<u>61</u>
4.	Guiding Principles	<u>72</u>

PART 2 – MEETINGS OF COUNCIL AND KEY COMMITTEES

5.	Application of Part	<u>72</u>
6.	Discretionary procedures	<u>72</u>
7.	Commencement of meetings and quorums	<u>83</u>
S.RP	Remote Participation in Committee Meetings	<u>94</u>
8.	Minutes	<u>94</u>
S.MP	Meeting Protocol	<u>105</u>
9.	Questions	<u>105</u>
S.PQT	Public Question Time	<u>116</u>
10.	Petitions	<u>127</u>
11.	Deputations	<u>127</u>
12.	Motions	<u>138</u>
S.NOM	Member Who Places Notice of Motion on Agenda Absent	<u>1540</u>
13.	Amendments to motions	<u>1540</u>
14.	Variations, etc.	<u>1540</u>
15.	Addresses by members, etc.	<u>1540</u>
S.RoR	Right of Reply	<u>1611</u>
16.	Voting	<u>1611</u>
17.	Divisions	<u>1611</u>
18.	Tabling of information	<u>1712</u>
S.GB	General Business Items (Raised by Staff)	<u>1712</u>
S.OB	Other Business Items (Raised by Elected Members)	<u>1712</u>
19.	Adjourned business	<u>1712</u>
20.	Short-term suspension of proceedings	<u>1813</u>
S.EMG	Termination of meetings in the event of an emergency	<u>1813</u>
21.	Chief Executive Officer May Submit Report Recommending Revocation or Amendment of Council Decision	<u>1914</u>
S.CONF	Confidential Items	<u>1914</u>
S.AGD	Distribution of Agenda and Association Documents	<u>1914</u>

PART 3 – MEETINGS OF OTHER COMMITTEES

22.	Application of Part	<u>2015</u>
23.	Notice of meetings for members	<u>2015</u>
24.	Public notice of committee meetings	<u>2015</u>
25.	Minutes	<u>2015</u>

PART 4 – MISCELLANEOUS

26.	Quorum for committees	<u>2116</u>
27.	Voting at committee meetings	<u>2116</u>
28.	Points of order	<u>2116</u>
S.COC	Conduct of members	<u>2216</u>
29.	Interruption of meetings by members	<u>2217</u>
3.	Interruption of meetings by others	<u>2217</u>

S.REC	Recording of Meetings	23 17
S. PH	Public Holidays on Scheduled Meeting Days	23 17



PART 1 – PRELIMINARY

1. CITATION

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

2. COMMENCEMENT

- (1) *These procedures were approved by the City of Salisbury Council on ~~29-March~~ **2016** **23 April 2018**.*

3. INTERPRETATION

- (1) In these procedures, unless the contrary intention appears:

- (a) **"Act"** means the Local Government Act 1999;
- (b) **"clear days"** see sub-clauses (2) **and (3)**;
- (c) **"deputation"** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;
- (d) **"formal motion"** means a motion
 - (i) that the meeting proceed to the next business; or
 - (ii) that the question be put; or
 - (iii) that the question lie on the table; or
 - (iv) that the question be adjourned; or
 - (v) that the meeting be adjourned¹;

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

- (e) **"Guiding Principles"** see Clause 4;
- (f) **"member"** means a member of the council or council committee (as the case may be);
- (g) **"point of order"** means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting;
- (h) **"presiding member"** means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;
- (i) **"written notice"** includes a notice given in a manner or form determined by the

council **which includes either legibly hand written or typed and either in paper or electronic form.**

- (2) In the calculation of **"clear days"** in relation to the giving of notice before a meeting:

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of "**clear days**" under clause 3 (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these procedures, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this clause prevents a division from being called in relation to the vote).

4. GUIDING PRINCIPLES

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

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 - PRELIMINARY

5. APPLICATION OF PART

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

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

6. DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a



council may, by a resolution supported by at least two-thirds of the members of the council as a whole, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

- (2) A council should, at least once in every financial year, review the operation of a code of practice under this clause.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council as a whole, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this clause at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of clause 20.

DIVISION 2 - PRESCRIBED PROCEDURES

7. COMMENCEMENT OF MEETINGS AND QUORUMS

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

S.RP REMOTE PARTICIPATION IN COMMITTEE MEETINGS

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

8. MINUTES

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



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

S.MP MEETING PROTOCOL

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

9. QUESTIONS

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

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

S.PQT PUBLIC QUESTION TIME

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



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

10. PETITIONS

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

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

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

11. DEPUTATIONS

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

- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

12. MOTIONS

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

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

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

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

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



- (S.a) *Notwithstanding clauses 12 (10) a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.***
- (S.b) *A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause 12 (9)(S.a), may not move or second an amendment to the motion.***
- (S.c) *Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and the minute taker in the subsequent preparation of the minutes of the meeting.***

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

- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-clause 14(c) lapses at the next general election.
- (20) The Chief Executive Officer must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (19) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

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

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

13. AMENDMENTS TO MOTIONS

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

(S.a) *Notwithstanding clauses 12 (10) and 13 (1), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.*

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

14. VARIATIONS, ETC.

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

15. ADDRESSES BY MEMBERS, ETC.

- (1) A member must not speak for longer than five minutes at any one time without leave of the meeting.



- (2) A member, may, with the leave of the **Presiding Member**, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Sub-clauses (1) and (2) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

(S7) A member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.

(S8) A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee. In the event that this occurs, a member, or the Presiding Member, may request that the member withdraw any comments made.

S.RoR RIGHT OF REPLY

- (1) **The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).**
- (2) **Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.**
- (3) **Notwithstanding clause S.RoR(2), a member may:**
 - i. **provide an explanation in regard to a material part of his or her speech (Clause 12 (10)(a)); or**
 - ii. **seek leave of the meeting to make a personal explanation (Clause 15 (3)).**

16. VOTING

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

17. DIVISIONS

- (1) A division will be taken at the request of a member.

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

18. TABLING OF INFORMATION

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

S.GB GENERAL BUSINESS ITEMS (RAISED BY STAFF)

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

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

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

19. ADJOURNED BUSINESS

- (1) If a formal motion for a substantive motion to be adjourned is carried:



- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
- (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the council pursuant to ~~clause 7~~Regulation 6 of the Local Government (Procedures at Meetings) Regulations.

20. SHORT-TERM SUSPENSION OF PROCEEDINGS

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The **Guiding Principles** must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if:
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

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

- (1) *In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of clause 20 (1).*
- (2) *The Presiding Member or Chief Executive Officer (in the absence of a Council Security Officer) will direct all staff and any visitor/s to the designated*

emergency assembly points via either:

- (a) ***the front stairwell and front door to the Assembly Point between Council Office and the Cinemas via the front door; or***
- (b) ***the rear stairwell and rear sliding doors and compound gates to the Assembly Point in Parabanks Car Par outside the perimeter fence.***

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

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

S.CONF CONFIDENTIAL ITEMS

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

S.AGD DISTRIBUTION OF AGENDA AND ASSOCIATION DOCUMENTS

- (1) ***At least 3 days pPrior to the commencement of a Council or Committee meeting a copy of the Agenda and associated documents for the meeting will be distributed to all Elected Members, placed on public display in the foyer of the Council Offices and published on Council's website.***
- (2) ***In accordance with section 91(3) of the Local Government Act 1999, within five days after a meeting of the council or a council committee, all-Elected-Members***



~~will be provided with a copy of all minutes of the proceedings of the meeting~~
will be provided to Elected Members, placed on public display in the foyer of the Council Offices and published on Council's website.

PART 3 - MEETINGS OF OTHER COMMITTEES

22. APPLICATION OF PART

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

23. NOTICE OF MEETINGS FOR MEMBERS

- (1) Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:
 - (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee; and
 - (b) that notice need not be given for each meeting separately; and
 - (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
 - (d) that it is not necessary for the Chief Executive Officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24. PUBLIC NOTICE OF COMMITTEE MEETINGS

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

25. MINUTES

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

- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

PART 4 - MISCELLANEOUS

26. QUORUM FOR COMMITTEES

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

See also section 41(6) of the Act.

27. VOTING AT COMMITTEE MEETINGS

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

28. POINTS OF ORDER

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



S.COC CONDUCT OF MEMBERS

- (1) *The mandatory Code of Conduct for Council Members sets out expectations of conduct for all Elected Members and will be adhered to at all times.*

29. INTERRUPTION OF MEETINGS BY MEMBERS

- (1) A member of a council or council committee must not, while at a meeting:
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Sub-clause (1)(b) does not apply to a member who is:
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution:
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
 - (a) refuses to leave a meeting in contravention of sub-clause (4); or
 - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: \$1 250.

30. INTERRUPTION OF MEETINGS BY OTHERS

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

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

Maximum penalty: \$500.

S.REC RECORDING OF MEETINGS

- (1) Public meetings of Council and Council Standing Committees will be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.*
- (2) Any recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council and during the final 12 months of the term of Council the recordings be kept for a period of 12 months from the date of the meeting.*
- (3) Where a copy of any recording of a Council or Council Standing Committee meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record keeping system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 20.*

S. PH PUBLIC HOLIDAYS ON SCHEDULED MEETING DAYS

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

ITEM	3.6.5
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 April 2018
HEADING	Review of the Affordable Housing Policy for Council Owned Surplus Land
AUTHOR	Janine Philbey, Senior Urban Policy Officer, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.4 Embed long term thinking, planning and innovation across the organisation.
SUMMARY	Council has surplus land within its boundaries which may be developed for residential purposes. Council first endorsed an 'Affordable Housing Policy – Development of Surplus Council Owned Land' in 2012. Council is required to review its policies from time to time. The existing policy has been reviewed and while the commentary in the policy has been amended, no substantive changes are proposed to the existing policy.

RECOMMENDATION

1. That the report be noted.
2. That the 'Affordable Housing Policy – Development of Surplus Council Owned Land' provided as Attachment 1 to this report (Item No. 3.6.5, Resources and Governance Committee, 16/04/2018) be endorsed.

ATTACHMENTS

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

1. Affordable Housing Policy - Surplus Council Owned Land

1. BACKGROUND

- 1.1 Council first endorsed an 'Affordable Housing Policy – Development of Surplus Council Owned Land' in June 2012 (Resolution 1079/2012). That policy, which is now due for review, provided transparency and consistency in considering how Council land can be utilised to meet our strategic directions and legislative obligations in the provision of affordable housing.
- 1.2 Promoting the City of Salisbury as an affordable place to live and 'a flourishing city for all' is a core driver of residential and business development with the Council area.
- 1.3 This policy is one way for the Council to provide housing for people who may be experiencing housing stress and contribute generally to the social response in this regard.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Manager, Strategic Development Projects

2.2 External

2.2.1 Nil

3. REPORT

3.1 Council's 'Affordable Housing – Surplus Council Owned Land Policy' has guided Council's approach to affordable housing. To date this has included the following outcomes under a range of different models:

- Council secured Housing Affordability Funding from the Commonwealth Government for a total of \$3,020,000 that has been returned in full as grants to purchasers in the Council land development projects to date, to assist in affordability and entry into the housing market. A small number of grants are still available for the current Boardwalk on Greentree project at Paralowie.
- Fifteen shared equity model affordable housing outcomes have been delivered to date, in which Council have retained an interest in the land, and will receive a portion of the properties' sale value in years to come.
- Three Habitat for Humanity homes have been constructed via the Habitat for Humanity Sweat Equity Model, supported by Council through providing suitable allotments at market prices but with deferred settlements to assist cash flow for the organisation.
- Sixteen two bedroom apartments are currently being constructed at The Reserve Diment Road, Salisbury North with affordable housing packages offered to market below \$200,000.
- Delivery of Jewel Living House & Land Packages at Council's newest residential development project, Boardwalk at Greentree that has delivered 30 homes with a starting house & land price of \$229,990 for a two bedroom turn-key product, some of which were offered through the Renewal SA Affordable Housing Program.
- Delivery of a range of affordable housing packages and land advertised to eligible buyers through the Renewal SA Affordable Housing Property Locator website as voluntary listings.
- Other community housing providers have been active on Council's Development Projects including Community Housing Limited.

3.2 The current policy is considered generally adequate in informing Council's approach to the development of affordable housing on surplus Council-owned land, but requires some updates to reflect current regulatory and policy provisions. The changes proposed to the policy are largely editorial in nature, with the preamble being updated to include data from the 2016 Census and updates to the price points articulated in the policy (ie changed from 2011-12 to 2017-18) and standardising wording of the criteria that must be met by a dwelling to be considered as affordable housing (reflecting the current gazettal in the *South Australian Housing Trust Regulations 2010 – determination of criteria for the purposes of the concept of affordable housing*). Proposed changes to the policy are provided as tracked changes in Attachment 1 to this report.

- 3.3 One change of note is that the Policy is now aligned with the State Government target of 15% affordable housing (previously 10-15%). In addition, the definition of affordability has been expanded to reflect the latest range of housing types and/or land under State Government regulations.
- 3.4 As part of all future feasibilities and business cases, the Strategic Development Projects Division will continue to consider a range of opportunities to support affordable housing both through new housing product innovation and finance packages in line with Council's Affordable Housing Policy – Development of Surplus Council Owned Land.

4. CONCLUSION / PROPOSAL

- 4.1 Council's existing Affordable Housing Policy – Development of Surplus Council Owned Land is considered to still be appropriate. Some minor changes have been proposed to reflect updated demographic information and standardise wording of criteria for affordable housing to reflect State Government regulations and definitions.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 9.4.18



Affordable Housing Policy – Development of Surplus Council Owned Land

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Policy Type:	Policy	Decision No:	1079/2012
Approved By:		Last Reapproval Date:	26 June 2012
Approval Date:		Internal Reference No.:	
Review Date:		Division:	Economic Development and Urban Policy and Planning
Department:	City Development	Responsible Officer:	Manager, Economic Development and Urban Policy Manager and Planning
Function:	3 - Development Control		

A - PREAMBLE

2016 Census data states that in the City of Salisbury 65% of households were involved in purchasing or fully owned their home, 20.7% were renting privately and 6.69% were in social housing. As further context, housing stress (mortgaged and rental homes) was experienced at 21.5% in the suburb of Salisbury, 19.6% in Salisbury North/Edinburgh and 18.3% in Salisbury Downs.¹ The percentage of housing stress is higher in the Salisbury local government area (15.6%) in comparison to greater Adelaide (12.6%) and South Australia overall (12%).

The issue of affordable housing is of concern to the City of Salisbury as escalating house prices pose a threat to its established reputation as an affordable and liveable city, and the social impacts on particular groups in the community are becoming increasingly apparent. It is now estimated¹ that 17% or 8,905 residents in the City of Salisbury are experiencing housing stress (defined as expending over 30% of income on rental or mortgage costs).

The State Government has adopted a target of 15 percent affordable housing to be provided in all new significant residential developments (developments of 20 allotments or more). One additional way in which Council can directly contribute to the affordable housing target is through the provision affordable housing where Council seeks to develop surplus Council owned land for residential purposes.

The provision of affordable housing through this policy will ensure that there is no net loss to Council.

¹ Research carried out by Australians for Affordable Housing 2014, The Advertiser, 8/11/14.

B - SCOPE

1. This policy applies where Council ~~seeks to develop~~ surplus Council owned land for residential purposes.

C – POLICY PURPOSE/OBJECTIVES

1. ~~The City Plan 2030 states that Council will provide a range of housing options appropriate for our diverse community.~~
2. As identified in Council's Growth Action Plan, the redevelopment of surplus Council owned land for residential purposes should result in the provision of not less than ~~10-15~~ percent affordable housing.

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D - DEFINITIONS

1. For the purposes of this policy the term 'Affordable Housing' adopts the definition and criteria as specified by gazette notice pursuant to Regulation 4 of the *South Australian Housing Trust Regulations 2010 – Determination of criteria for the purposes of the concept of affordable housing*. The current gazettal contains three criteria that must be met for a dwelling in a development to meet the affordable housing determination:

1. The ~~dwelling land or house and land~~ must be offered for sale at or below the ~~appropriate~~ price as defined by Gazettal;
2. The ~~dwelling land or house and land~~ must be offered for sale to eligible buyers ~~at or below the Gazetted price~~; and
3. The development must be subject to a legally binding agreement to ensure these requirements are met.

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The associated price point is determined with reference to the General Affordability Indicator (mortgage or rental payments should be less than 30 percent of household gross income). In ~~2011/12~~ ~~17/18~~ the ~~indicative~~ purchase price for affordable housing ~~and land~~ is ~~\$288,000~~ ~~332,000~~, and ~~\$149,400 for land only.~~ ~~and rental of \$267 a week for Greater Adelaide.~~ Prices are reviewed and gazetted annually ~~and should be considered at the time of each development.~~

For the purposes of this policy, a legally binding agreement is only necessary where Council seeks to on-sell a vacant allotment, to ensure subsequent development meets the affordable housing criteria.

For the purposes of this policy an Eligible Buyer is:

1. A person who is assessed as being eligible by Housing SA (eligibility is limited to low and moderate income South Australian households, and is adjusted for household size. An asset assessment is required to determine eligibility).
2. A person (natural or corporate) approved to provide affordable rental under the National Rental Affordability Scheme.

E - POLICY STATEMENT

1. Council commits to providing a minimum of ~~10-15~~ percent affordable housing when developing surplus Council owned land for residential purposes, where the site is considered appropriate. Appropriate sites are those considered to have good access to public transport, activity centres and community services.
2. Where a site is not considered appropriate for provision of affordable housing, any shortfall in provision may be provided in subsequent developments.

3. Examples of how affordable housing may be delivered include:

- Lot size and dwelling design – design and construction of simple, high quality homes, resulting in a market value within the affordable price limit (e.g. smaller homes on smaller lots).
- Financing that increases eligible buyer's purchasing power – the sale of a residence in conjunction with specialised financing products that increase the buyer's purchasing power up to 15 percent above the maximum sale price as an approved variation (such as subsidised financing options, which may make the sale price within reach of low and moderate income buyers).
- The sale of higher value properties at an affordable price – sale of property at or below the maximum sale price (e.g. deferred payment or shared equity products).

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- Where Council is the developer of affordable housing, or enters into a partnership, (as opposed to selling a vacant allotment for future provision of affordable housing), measures to reduce on-going living expenses and environmental sustainability features (such as measures to reduce utilities bills etc.) will be considered during the design stage of the dwelling.

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F - LEGISLATION

- South Australian Housing Trust Act 1995
- South Australian Housing Trust Regulations 2010
- Development Act 1993
- Planning, Development and Infrastructure Act 2016

G - REFERENCES

- ¹ <https://atlas.id.com.au/salisbury/maps/housing-stress> ~~Housing SA Affordable Housing Design Guidelines~~

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H - ASSOCIATED PROCEDURES

- N/A

Document Control

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