



AGENDA

**FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD
ON**

**20 APRIL 2020 AT THE CONCLUSION OF THE SPECIAL COUNCIL MEETING
IN THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET,
SALISBURY**

MEMBERS

Cr D Proleta (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman)
Cr J Woodman

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
A/General Manager Community Development, Ms V Haracic
Manager Governance, Mr M Petrovski

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 16 March 2020.

REPORTS

Administration

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- 3.0.2 Charges For Use of Council Land for Business Purposes Policy 13

Corporate Governance

- 3.6.1 Review of the Code of Conduct for Council Members - Dealing with
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OTHER BUSINESS

CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN
THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET, SALISBURY ON**

16 MARCH 2020

MEMBERS PRESENT

Cr D Proleta (Chairman)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman)

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
A/General Manager Community Development, Ms V Haracic
Manager Governance, Mr M Petrovski

The meeting commenced at 7.16 pm.

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

APOLOGIES

Apologies were received from Mayor G Aldridge and Cr J Woodman.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr B Brug

The Minutes of the Resources and Governance Committee Meeting held
on 17 February 2020, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr P Jensen
Seconded Cr B Brug

1. The information be received.

CARRIED

3.0.2 White Ribbon Australia Accreditation Update

Moved Cr K Grenfell
Seconded Cr B Brug

1. That this report be received and noted.

CARRIED

Health, Animal Management and By-laws

3.3.1 Dog Registration Fees 2020 - 2021

Moved Cr B Brug
Seconded Cr A Duncan

1. The information be received.
2. That the maximum dog registration fee for a Non-standard dog be set at \$70.00 for 2020-2021 with the dog registration categories and eligible rebates as per the Dog Registration Fee Schedule Proforma 2020-2021 forming Attachment 3 to the Resources and Governance Committee agenda – 16 March 2020, Item no. 3.3.1.
3. The Other Fees relating to:
 - Replacement Disc Fee;
 - Late Registration Penalty, which is applicable 3 clear business days from last day to pay annual registration;
 - Puppies aged 6 months or less;
 - Part Year Rebate after 1 January and until end of current registration period for new dogs not previously registered in the area; and
 - Fee free registration period from 1 June to 30 June.

as presented in the Dog Registration Fee Schedule Proforma 2020-2021 forming Attachment 3 to the Resources and Governance Committee agenda – 16 March 2020, Item no. 3.3.1 be endorsed and adopted by Council.

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4. The Fees Unrelated to Registrations, namely:
- Seizure Fee (Seizing a dog for the purposes of impounding);
 - Daily Pound Fee (Fees for Keeping Dog at Pound daily (or part thereof));
 - Veterinary Fees or other animal welfare related costs; and
 - Certified Extract from register (per page).

as presented in the Dog Registration Fee Schedule Proforma 2020-2021 forming Attachment 3 to the Resources and Governance Committee agenda – 16 March 2020, Item no. 3.3.1. be endorsed and adopted by Council.

CARRIED

External Relations

3.4.1 2020 National General Assembly of Local Government - Call for Motions and Attendance at Assembly

Moved Cr A Duncan

Seconded Cr K Grenfell

That:

1. Council consider and determine if there are any issues that warrant a motion being submitted to the National General Assembly of Local Government being held in Canberra from 14 to 17 June 2020.
2. Council determine which, if any, Elected Member/s are to be registered to attend the National General Assembly of Local Government being held in Canberra from 14 to 17 June 2020.
3. Subject to Council resolving to send a representative, any shortfall in funds be taken from the 2020/21 individual training and development budget allocation.
4. Subject to Council resolving to send a representative, Cr J Woodman be appointed as the City of Salisbury voting delegate for the National General Assembly of Local Government being held in Canberra from 14 to 17 June 2020, subject to her agreeing to be the voting delegate.

CARRIED

Corporate Management

3.5.1 Displaying of Council Information on Digital Screens Across Council Facilities

Moved Cr B Brug
Seconded Cr D Hood

1. That the report is received
2. That it is noted that the capability to display Council related information across Council facilities varies depending on the infrastructure on site
3. That it be noted that administration will develop a package of information with relevant Council that will be displayed across Council facilities where the capability exists.

CARRIED

Corporate Governance

3.6.1 Voting Advice to Council Delegate for the Local Government Association Ordinary General Meeting - 3 April 2020

Moved Cr K Grenfell
Seconded Cr B Brug

1. Council direct its voting delegate (Cr Chad Buchanan or Mayor Gillian Aldridge as proxy) to vote on the recommendations of the Local Government Association Ordinary General Meeting as set out in the attachment to this report (Resources and Governance, 16 March 2020, Item 3.6.1).

CARRIED

3.6.2 Nominations Sought for the Adelaide Cemeteries Authority Board

Moved Cr K Grenfell
Seconded Cr A Duncan

1. The information be received.
2. Mr Brian Gillies be nominated as a Local Government Representative on the Adelaide Cemeteries Authority Board.

CARRIED

3.6.3 Nominations Sought for the South Australian Local Government Grants Commission

Moved Cr K Grenfell
Seconded Cr D Hood

1. The information be received.
2. Cr S Ouk be nominated as a Local Government Representative on the South Australian Local Government Grants Commission.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 7.48 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 April 2020
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

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

2. CONSULTATION / COMMUNICATION

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

3. REPORT

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

Meeting Item	Heading and Resolution	Officer
26/11/2018 6.5	Council and Committee Structure 2. The terms of reference be reviewed after the first 12 months of the term of office seeking Elected Member feedback and a report be provided to the Resources and Governance Committee. Due: June 2020	Mick Petrovski
22/07/2019 3.3.1	Abandoned Shopping Trolleys 5. That Council also monitor the new bylaws implemented by the City of Marion; and report back to Council after six months on the results of their effectiveness. Due: June 2020	John Darzanos
22/07/2019 3.3.1	Abandoned Shopping Trolleys 6. That Staff provide an update to this committee at the conclusion of the Local Nuisance and Litter Control Act review noting any amendments addressing trolleys to be implemented and the likelihood of them coming into effect. Due: June 2020	John Darzanos
22/07/2019 3.3.1	Abandoned Shopping Trolleys 7. Pending no action or willingness by the State Government to tackle this issue, Council review By-Law 6 Waste Management By-Law 2015 and bring a report to Council advising the process to draft changes to this bylaw and/or create a new bylaw to tackle abandoned trolleys in the City of Salisbury. Due: June 2020	John Darzanos
28/10/2019 6.1	Deferred Items for Further Discussion 2. That the remaining items (OB1, OB2 and OB3) be deferred until the next review of the Elected Members Allowance, Facilities and Support Policy in November 2020. Due: November 2020	Joy Rowett
25/11/2019 3.6.2	Summary Report for Attendance at Training and Development Activity - 2019 Local Government Professionals Australia National Congress and Business Expo, Darwin 3. That staff prepare and bring back to the relevant Council Committees, a report/s that considers the prospective implementation of: e. a cost benefit analysis of possible implementation of the SmartCities program akin to the City of Darwin experience; Due: September 2020	Charles Mansueto

16/12/2019 3.6.3	Building Upgrade Finance - Policy Review 2. That the associated Application Fee for Building Finance Agreements, as endorsed by Council in the 2019/20 budget and provided as Attachment 2 to this report, be waived for a trial period of twelve months until the 31 December 2020. Due: February 2021	Greg Ratsch
28/01/2020 3.3.2	Cat By-Law Review 3. Should either no response be received from the Minister, or that responses from the Minister, Dog and Cat Management Board, and Local Government Association not indicate support for legislative amendments that are consistent across all Council areas, a further report be provided to Council canvassing further options for cat management and controls. Due: May 2020	John Darzanos
28/01/2019 MON7.2	Motion on Notice: Drinking Fountain - Salisbury Civic Plaza/Community Hub 4. Staff report back on the feasibility of aligning the Hub opening hours on both Saturday and Sunday to 9.30am to 3.30pm. Due: April 2020 Deferred to: July 2020 Reason: Awaiting assessment of demand.	Charles Mansueto

4. CONCLUSION / PROPOSAL

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

CO-ORDINATION

Officer:	EXECUTIVE GROUP	GMBE	GMCI	MG
Date:	14/04/2020	09/04/2020	09/04/2020	09/04/2020

ITEM	3.0.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 April 2020
HEADING	Charges For Use of Council Land for Business Purposes Policy
AUTHOR	Tim Starr, Coordinator Property, City Infrastructure
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Charges for Use of Council Land for Business Purposes Policy to Council for endorsement.

RECOMMENDATION

1. The information be received and noted
2. The Charges for Use of Council Land for Business Purposes Policy as set out in Attachment 1 to the report (Item no. 3.0.2 Resources and Governance Committee, 20/4/2020), be endorsed.

ATTACHMENTS

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

1. Charges for use of Council Land for Business Purposes 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 This Policy was endorsed by Council in July 2018 and now is due again for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with staff as to the continuing relevance of the Policy and any changes that may be required including ensuring this policy aligns with Council's business friendly agenda
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 The Charges For Use of Council Land for Business Purposes Policy has been reviewed by the Policy owner, minor changes have been made in the content of the Policy to ensure its continuing relevance.

- 3.2 This policy may be overridden by Council at their discretion in the case of exceptional circumstances such as the current Covid 19 situation to ensure the survival of at risk businesses.

4. CONCLUSION / PROPOSAL

- 4.1 The Charges For Use of Council Land for Business Purposes Policy as contained in attachment 1 (Item 3.0.2 Resources and Governance Committee, 20/4/2020), is recommended to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 14/04/2020



Charges For Use Of Council Land for Business Purposes

Policy Type:	Policy		
Approved By:	Council	Decision No:	2567/2018
Approval Date:	26 July 2018	Last Reapproval Date:	N/A
Review Date:	30 November 2019	Internal Reference No.:	N/A
Department:	City Infrastructure	Division:	Property & Buildings
Function:	16 - Property Management	Responsible Officer:	Manager Property & Buildings

A - PREAMBLE

1. The City of Salisbury is responsible for the management and maintenance of community land, Council owned freehold land, road and road reserves within the Council area.
2. The Local Government Act 1999 provides for legislative controls directly or through by laws that enable Councils to permit or restrict conducting of business.
3. Pursuant to Section 222 of the Local Government Act 1999, the City of Salisbury is vested with the power to grant a permit for the use of roads and road related areas (footpaths, road reserves etc.) held in its care for use for business purposes.
4. Pursuant to Section 202 of the Local Government Act 1999, the City of Salisbury may grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve) and Section 200 states that Council must approve business use on Council's community land.
5. A lease or licence must be consistent with any relevant management plan if classified as community land.

B - SCOPE

1. This policy applies to all businesses and not for profit businesses that request to lease/licence Council's community land, freehold land, road and road reserves from Council.

C - POLICY PURPOSE/OBJECTIVES

1. This policy provides direction to staff on the fees to be charged and any reduction to the fee for businesses and not for profit businesses located within the City of Salisbury who lease/licence Council land.

D - DEFINITIONS

1. **Council land** – includes all community land or freehold land, road and road reserves within the City of Salisbury Council area (except Transport SA roads which are in the care & control of the Department Planning Transport and Infrastructure).
2. **Market rental value** – is the estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate

lease terms in an arm’s length transaction and where the parties had each acted knowledgeably, prudently and without compulsion.

3. **Business** – is the activity of making a living or making money by producing or buying and selling products.
4. **Not For Profit Business** – is registered charities and cooperatives whose profits are not dispersed to individual members.
5. **Lease/Licence** – is an agreement whereby a lessor (Council) grants the right to occupy Council land for an agreed period of time to a lessee (Business) in return for payment or a series of payments.
6. **Lease/Licence fee** – is a payment made to a lessor (Council) for occupying Council land.
7. **Licensed Valuer** – is a Property Professional who is certified or accredited by the Australian Property Institute as having the appropriate academic qualification and practical experience and is bound by the API Code of Professional Conduct.

E - POLICY STATEMENT

1. A lease/licence fee for businesses and not for profit businesses occupying Council land under a lease agreement will be evaluated as follows:
 - 1.1.1 A market rental value is to be determined as the starting point of a negotiation.
 - 1.1.2 The following adapted risk matrix will be applied which is the framework to be used for assessing on whether to apply or determine the percentage amount for a fee reduction.

		Economic Impact				
		1 - Insignificant	2 - Minor	3 - Moderate	4 - Major	5 - Significant
Governance (Risk, financial, opportunity cost)	1 - Insignificant					
	2 - Minor					
	3 - Moderate					
	4 - Major					
	5 - Significant					

	Lease or licence of land will not support business expansion/investment or job creation and there is a significant risk/impact on Council (both in the short term or its future plans). No reduction of fee to be considered and no new lease may be offered.
	Lease or licence of land has the potential to directly or indirectly support business expansion/investment and creation of jobs. There is potentially a degree of risk/impact on Council. Reduction of fee to be considered – 10%
	Lease or licence of land will directly support business expansion/investment in the city, and the creation of jobs. There is potentially a degree of risk/impact on Council. Reduction of fee to be considered – 25%
	Lease or licence of land will support significant expansion/investment in the city, and the creation of jobs. Project is of strategic significance and aligns to key sectors. There is minimal risk or impact on Council. Reduction of fee to be considered – 50%

- 1.1.3 The matrix includes an economic and governance impact rating.
- 1.1.4 This matrix will have a sliding scale from will not support (0%) to fully support (50%) and based on this there will be a reduction of fees over an agreed period of time.
- 1.1.5 The reduction will be applicable for a maximum period of five years and the percentage amount reduction evenly spread out over that time. If the lease period is longer than five years then the reduction will finish after the 5th year and the Lessee will need to pay the full market rental value that was determined at the starting point for negotiations. For example if a market rental value was determined to be \$20,000 per annum and a 50% reduction is offered then the rent payable over a five year period will be as follows:
- Commencement of 1st year - \$10,000 pa
 - Commencement of 2nd year - \$12,000 pa
 - Commencement of 3rd year - \$14,000 pa
 - Commencement of 4th year - \$16,000 pa
 - Commencement of 5th year - \$18,000 pa
 - Commencement of 6th year - \$20,000 pa (see 1.1.6)
- 1.1.6 If the term of lease is longer than five years or if the lease expires and a new lease period is negotiated then at the commencement of the 6th year the lease/licence fee will revert to the market rental value determined at the commencement of the negotiations and as outlined in 1.1.1. The mechanism for a rent review thereafter (i.e. market, CPI or fixed review) will be negotiated at the commencement of the lease term and included in the lease agreement.
- 1.1.7 If a market rental value amount of \$2,500 per annum or less is determined a reduction will not be applicable.
- 1.1.8 The application of the matrix and whether a reduction will be given is to be initially assessed by staff. Further definition and guidance in the assessment and application of ratings is in the *"Charges for use of Council Land for Business Purposes Procedure"*
- 1.1.9 This policy is applicable for any new lease/licence agreements negotiated after the policy has been endorsed.
- 1.1.10 Exceptional cases may be considered on their merits, this will be at the discretion of the CEO

1.2 Exclusions from the Policy Statement

The following are excluded from the policy statement:

- 1.2.1 Sale of Council land.
- 1.2.2 Encroachments by adjoining owners.
- 1.2.3 Telecommunication leases.
- 1.2.4 Bus shelter advertising.

- 1.2.5 Lease/licence agreements that have already been negotiated and are in place.
- 1.2.6 Community/Sporting clubs.
- 1.2.7 Casual hire or special events.
- 1.2.8 Registration of any easements.

F - LEGISLATION

- 1. Local Government Act 1999 (SA)
- 2. Retail and Commercial Leases Act 1995 (SA)

H - ASSOCIATED PROCEDURES

- 1. Charges for use of Council Land for Business Purposes Procedure (to be developed)

Document Control

Document ID	
Prepared by	Karen Pepe
Release	1.00
Document Status	Endorsed
Date Printed	

- 1.3 At that time the process for evaluating potential breaches of conduct was amended by introducing a “referral” mechanism that is not dependent on formal complaint.
- 1.4 The amendment enabled a matter to be brought to the attention of the Chief Executive Officer or the Manager Governance without it being in the form of a formal complaint and, if the CEO/ Manager Governance form a reasonable view that a breach has occurred, it will be referred for preliminary external legal advice.
- 1.5 The advice sought seeks, firstly, confirmation of whether there has been a breach of the code of conduct, and secondly whether the breach is significant or minor in nature. However, whether significant or minor, if there is a breach, a report is submitted to Council providing the advice and offering options for dealing with the matter as deemed appropriate by the Council.
- 1.6 The purpose of this amendment was to improve the way potential breaches are managed and was aimed at ensuring objectivity in the process, through putting in place a continuous quality review process which supplements the existing rights of individuals to lodge individual code of conduct complaints.
- 1.7 The *Code of Conduct for Council Members – Dealing with Complaints Procedure* is now due for review.
- 1.8 With regard to the Media Policy, a reviewed policy was submitted to the Resources and Governance Committee in 2018, prior to the Local Government elections.
- 1.9 Council, at the time resolved to defer the review of the Policy until after the elections had been conducted so that the newly elected Council could have the opportunity to review the Policy.
- 1.10 Council, at its meeting on 23 September 2019 resolved that an urgent review of Council’s *Media Policy* (the Policy) and *Code of Conduct for Council Members – Dealing with Complaints Procedure* (the Procedure) be undertaken. Council also resolved that Norman Waterhouse Lawyers (Norman’s) be engaged to undertake the review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Nil.
- 2.2 External
 - 2.2.1 Norman Waterhouse Lawyers.

3. REPORT

- 3.1 The review of the Policy and the Procedure were both undertaken by Norman’s simultaneously. The proposed amended documents, as provided by Norman’s, are attached for consideration.
- 3.2 Upon engagement, Norman’s were requested to review the Procedure with the aim of providing a new draft document for Council that provided
 - greater clarity,
 - simpler processes for dealing with complaints, and

- from the outset when a matter is raised, transparency for resolving matters without a need (where possible) for escalation requiring investigation and the need to seek legal advice.
- 3.3 Similarly, Norman's were requested to review the Policy, giving consideration to the Council's adopted values, as per the Customer Charter Framework.
 - 3.4 To that end Norman Waterhouse reviewed both documents and provided amended drafts.
 - 3.5 Subsequently a workshop with Elected Members was held on Monday, 2 March 2020, where both documents could be discussed and members could provide feedback to inform further alterations before the Procedure and the Policy would be submitted to the Resources and Governance Committee for consideration and recommendation to Council.
 - 3.6 The attached documents 1 and 3 reflect all of the proposed changes to the Procedure and the Policy and are recommended for adoption.
 - 3.7 The attached documents 2 and 4 present the original documents (prior to review) with the track changes so the Members are able to see what has been changed.

4. CONCLUSION / PROPOSAL

- 4.1 This report presents to Council a new draft *Code of Conduct for Council Members – Dealing with Complaints Procedure and Media Policy*, for review and adoption.
- 4.2 The two documents were reviewed by Norman Waterhouse Lawyers, in accordance with Council's decision.
- 4.3 The documents were also the subject of an Elected Members' workshop for the purpose of receiving feedback on the proposed changes.
- 4.4 The Procedure and the Policy (as amended) and are attached and recommended for adoption.

CO-ORDINATION

Officer: CEO
Date: 14/04/2020



Code of Conduct for Council Members - Dealing with Complaints Procedure

Procedure Type:	Procedure		
Approved By:	Council	Decision No:	2011/263, 2013/1564, 2013/2042, 2179/2017
Approval Date:	28 March 2011	Last Reapproval Date:	27 November 2017
Review Date:	November 2018	Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager Governance

A - PREAMBLE

1. The *Independent Commissioner Against Corruption Act 2012* (ICAC Act) amended section 63 of the *Local Government Act 1999* to provide for the prescription of a Code of Conduct for Council Members via regulation.
2. The *Code of Conduct for Council Members* was published in the South Australian Government Gazette by the Minister for Planning on 29 August 2013, and took effect from 1 September 2013 (the Code).
3. Council Members must comply with the provisions of the Code in carrying out their functions as public officials. It is the personal responsibility of Council Members to ensure that they are familiar with, and comply with, the standards in the Code at all times.
4. This document sets out the procedure to be followed by the Council regarding all complaints about a breach of the Code. This procedure also refers to, and incorporates, the Independent Commissioner Against Corruption Directions and Guidelines for Public Officers (the Directions and Guidelines) the Independent Commissioner Against Corruption Public Interest Disclosure Guidelines (the PID Guidelines) and the City of Salisbury Public Interest Disclosure Act 2018 Policy (The PID Policy).
5. This procedure is to be read subject to the Code, the ICAC Act, the Directions and Guidelines, the PID Guidelines the PID Policy and any direction of the Ombudsman or ICAC.

B - SCOPE

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

C - PROCEDURE PURPOSE/OBJECTIVES

1. This procedure provides a consistent, fair and equitable approach to the investigation and resolution of complaints made under the Code.

D - PRINCIPLES

1. Any complaint or referral alleging a breach of the Code will be dealt with, or referred as appropriate, in as timely a manner as practicable and in accordance with this procedure.
2. A Council Member about whom a complaint is made will be advised in writing that a complaint has been received within the timeframes provided in accordance with this procedure as are reasonably practicable to be taken.
3. All parties to a complaint will be advised of relevant steps taken to resolve and/or investigate the complaint as far as reasonably practicable.
4. The Council will, comply with the Public Interest Disclosure Act 2018 where applicable and will otherwise as far as possible, keep the identity of the person making the complaint (the Complainant) confidential, unless the Complainant consents to their identity being disclosed.
5. The Council will take all reasonable steps to ensure the Complainant is not victimised for making the complaint.
6. The Council may, in its absolute discretion, decide not to investigate an anonymous complaint.
7. The Council will not investigate complaints alleging a breach of Part 3 of the Code or criminal conduct and such matters will be referred to the Ombudsman or Office for Public Integrity (OPI) as appropriate.
8. All parties to a complaint are required to assist the Council with any investigation of the matters to which the complaint relates. The Council may, in its absolute discretion, not investigate, or may discontinue an investigation of a complaint, if the Complainant fails to assist in the investigation of the complaint.

E – CHIEF EXECUTIVE OFFICER RESPONSIBILITIES

1. The role of the Chief Executive Officer (CEO) is to administer this procedure.
2. The CEO may be assisted in the management of any complaints by a delegate, being a senior employee with the Council in a position of Manager or above.
3. Where any complaint received by the CEO contains a clear allegation of a breach of Part 3 of the Code or of criminal conduct, the CEO will refer the complaint to the Ombudsman or the OPI as appropriate and may do so without causing a preliminary assessment to be undertaken.

F - PROCEDURE

1. The Making of a Complaint

- a. A complaint made by any person (whether a Council Member, a staff member of the Council, or a member of the public) that relates to an alleged breach of the Code must:
 - i. be made in writing;

- ii. be addressed to the CEO or the Council's Responsible Officer under the Public Interest Disclosure Act;
 - iii. be specific and provide as much detail as possible;
 - iv. provide the name of the Council Member whom it is alleged has breached the Code;
 - v. identify the provisions of the Code which it is alleged have been breached;
 - vi. be accompanied by any evidence that substantiates the breach;
 - vii. be marked as confidential;
 - viii. be delivered to the CEO; and
 - ix. be made within six (6) months of the date the Council Member is alleged to have breached the Code unless (in the case of an alleged breach of Part 2 of the Code) the Council agrees to extend the time for the making of the complaint.
- b. Upon receipt of a complaint, the CEO (or delegate) shall as far as reasonably practicable:
- i. within seven (7) days provide written acknowledgement to the Complainant of receipt of the complaint.
 - ii. within that same seven (7) days, provide written notification to the Council Member who is the subject of the complaint, advising that a complaint has been received and providing details of the nature of the complaint unless the complaint alleges a breach of Part 3 of the Code or criminal conduct in which case the CEO will refer the complaint to the Ombudsman, OPI or SAPol as appropriate.
- c. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may, at the discretion of the Council, be escalated by resolution of the Council, to an allegation of misconduct under Part 3 of the Code and be reported to the Ombudsman or the OPI as appropriate.
- d. The Council must consider whether to escalate repeated or sustained inappropriate behaviour as listed in Part 2 of the Code, to an allegation of misconduct under Part 3 of the Code.
- e. Where the complaint alleges a breach of Part 3 of the Code, the CEO (or delegate) will as soon as reasonably practicable refer the matter to the Ombudsman or the OPI as appropriate. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.
- f. Where the complaint alleges criminal conduct (including those matters set out in the Appendix to the Code) the CEO (or delegate) will refer the matter to the OPI. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.
- g. Notwithstanding anything in this procedure, a Complainant can, at any time, take the alternative option of lodging a complaint directly with the OPI or Ombudsman.

- h. Clause 2.15 of the Code provides that a Council Member, who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or CEO, the Ombudsman or the OPI.
- i. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach of Part 2 of the Code.

2. Assessment and Determination of Investigation Option

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

3. Formal Investigation and Reporting

- a. Where a complaint is referred for formal investigation to an external person or body, the process for investigation is to be determined by the external person or body, but must be conducted in accordance with natural justice requirements.

The external body or person will consider if a complaint is trivial, vexatious or frivolous and accordingly ought not to be investigated.
- b. A failure of a Council Member to cooperate with the Council's procedure for handling alleged breaches of Part 2 of the Code may be referred for investigation to the Ombudsman under Part 3 of the Code.

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

4. Formal Investigation Findings and Remedies

- a. Where the formal investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council. The Council may, by resolution, take any of the following actions:
 - i. take no action;
 - ii. pass a censure motion in respect of the Council Member;
 - iii. request a public apology, whether written or verbal;
 - iv. request the Council member to attend training on the specific topic found to have been breached;
 - v. resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on the Council);
 - vi. remove a member from their position as Council representative on an outside body where Council has resolved their appointment;
 - vii. request the member to repay monies to the Council;
 - viii. refer the matter to the Ombudsman or OPI, as appropriate; or
 - ix. any combination of the above.
- b. The Council will not enter into any process of appeal in relation to any findings of a breach of Part 2 of the Code and a person may not seek a review pursuant to section 270 of the *Local Government Act 1999* of any decisions or actions undertaken under this procedure.
- c. Any report from the Ombudsman that finds a Council Member has breached Part 3 of the Code must be provided to a public meeting of the Council. The Council must pass resolutions to give effect to any recommendations received from the Ombudsman, within two (2) ordinary meetings of the Council following receipt of the report.

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

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

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

6. Further Information and Review of Procedure

- a. This procedure will be available for inspection at the Council offices during ordinary business hours. Copies are also available at the principal office of the Council upon payment of the fee, if any, set by the Council. This procedure is also available to be downloaded, free of charge from the City of Salisbury website: www.salisbury.sa.gov.au.
- b. Copies of the 'Code of Conduct for Council Members – Dealing with Complaints' will be provided upon request. Please contact the City of Salisbury via:
 - Email: city@salisbury.sa.gov.au; or
 - Phone: 8406 8222; or
 - Post: PO Box 8, Salisbury SA 5108.
- c. This procedure may be reviewed at any time, and must be reviewed within 12 months of a general election.

G - LEGISLATION

Local Government Act 1999
Local Government (General) Regulations 2013
Independent Commission Against Corruption Act 2012
Criminal Law Consolidation Act 1935
Equal Opportunities Act 1984

H – ASSOCIATED POLICIES AND PROCEDURES

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

Document Control

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Code of Conduct for Council Members

Published by the Minister for Planning for the purpose of Section 63(1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1 – PRINCIPLES

1. Higher principles – Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2 – BEHAVIOURAL CODE

2. Behavioural Code

In line with ‘Part 1-Higher Principles’ of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3-Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)- has occurred, or is currently occurring, must report the breach to the Principal Members of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigations under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
 - 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;

- 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
- 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
- 2.25.6 Request the member to repay monies to the Council.

PART 3 – MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the *Local Government Act 1999*. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the *Local Government Act 1999*, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Members duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Performance and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 No release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
- 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;

- 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the *Local Government (Elections) Act 1999*.
- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
 - 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.1 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.2 Council functions or events;
 - 3.9.1.3 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the *Local Government Act 1999*.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX – CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outline in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62(3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62(4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the *Local Government Act 1999*, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- Bribery or corruption of public officers;

- Threats or reprisals against public officers;
- Abuse of public office;
- Demanding or requiring benefit on the basis of public office;
- Offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- Aiding, abetting, counselling or procuring the commission of the offence;
- Inducing, whether by threats or promises or otherwise, the commission of the offence;
- Being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- Conspiring with others to effect the commission of the offence.

- Abuse of public office;
- Demanding or requiring benefit on the basis of public office;
- Offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- Aiding, abetting, counselling or procuring the commission of the offence;
- Inducing, whether by threats or promises or otherwise, the commission of the offence;
- Being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- Conspiring with others to effect the commission of the offence.



Code of Conduct for Council Members - Dealing with Complaints Procedure

Procedure Type:	Procedure		
Approved By:	Council	Decision No:	2011/263, 2013/1564, 2013/2042, 2179/2017
Approval Date:	28 March 2011	Last Reapproval Date:	27 November 2017
Review Date:	November 2018	Internal Reference No.:	
Department:	CEO and Governance	Division:	Governance
Function:	9 - Governance	Responsible Officer:	Manager Governance

A - PREAMBLE

1. The *Independent Commissioner Against Corruption Act 2012* (ICAC Act) amended section 63 of the *Local Government Act 1999* to provide for the prescription of a Code of Conduct for Council Members via regulation.
2. The *Code of Conduct for Council Members* was published in the South Australian Government Gazette by the Minister for Planning on 29 August 2013, and took effect from 1 September 2013 (the Code).
3. Council Members must comply with the provisions of the Code in carrying out their functions as public officials. It is the personal responsibility of Council Members to ensure that they are familiar with, and comply with, the standards in the Code at all times.
- ~~4. This document sets out the procedure to apply regarding any allegation of a breach of the Code. This document sets out the procedure to be followed by the Council regarding all complaints about a breach of the Code.~~
- §4. This procedure also refers to, and incorporates, the Independent Commissioner Against Corruption Directions and Guidelines for ~~Inquiry Agencies, Public Authorities and Public Officers~~ (the Directions and Guidelines), and ~~Directions and Guidance for Inquiry Agencies and Public Authorities~~ the Independent Commissioner Against Corruption Public Interest Disclosure Guidelines (the PID Guidelines) and the City of Salisbury Public Interest Disclosure Act 2018 Policy (The PID Policy).
- §5. This procedure is to be read subject to the Code, the ICAC Act, the Directions and Guidelines, ~~the Public Interest Disclosure PID Guidelines~~ the Public Interest Disclosure PID Policy and any direction of the Ombudsman or ICAC.

B - SCOPE

1. This procedure applies to all Council Members of the City of Salisbury ("the Council") arising from an alleged breach of the Code.

2. This procedure also applies to members of Committees and Sub-committees, who are not Council Members, as if they were a Council Member.

C - PROCEDURE PURPOSE/OBJECTIVES

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

D - PRINCIPLES

1. Any complaint or referral alleging a breach of the Code will be dealt with, or referred as appropriate, in ~~a timely manner~~ as timely a manner as practicable and in accordance with this procedure.
2. A Council Member about whom a complaint is made will be advised in writing that a complaint has been received within the timeframes provided in accordance with this procedure as are reasonably practicable to be taken.
3. All parties to a complaint will be advised of relevant steps taken to resolve and/or investigate the complaint as far as reasonably practicable.
4. The Council will, comply with the Public Interest Disclosure Act 2018 where applicable and will otherwise as far as possible, as far as reasonably possible/practicable, keep the identity of the person making the complaint (the Complainant) confidential, unless ~~that person~~ the Complainant consents to their identity being disclosed.
5. ~~The Complainant will not be victimised for making the complaint!~~ Council will take all reasonable steps to ensure the Complainant is not victimised for making the complaint.
6. The Council may, in its absolute discretion, decide not to investigate an anonymous complaint.
7. The Council will not investigate complaints alleging a breach of Part 3 of the Code or criminal conduct and such matters will be referred to the Ombudsman or Office for Public Integrity (OPI) as appropriate.
8. All parties to a complaint are required to assist the Council with any investigation of the matters to which the complaint relates. The Council may, in its absolute discretion, not investigate, or may discontinue an investigation of a complaint, if the Complainant fails to assist in the investigation of the complaint.

E – CHIEF EXECUTIVE OFFICER RESPONSIBILITIES

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

~~4.3.~~ Where any complaint received by the CEO contains ~~an a clear~~ allegation of a breach of Part 3 of the Code or of criminal conduct, the CEO will refer the complaint to the Ombudsman or the OPI as appropriate ~~and may do so without causing a preliminary assessment to be undertaken.~~

F - PROCEDURE

1. The Making of a Complaint

- a. A complaint made by any person (whether a Council Member, a staff member of the Council, or a member of the public) that relates to an alleged breach of the Code must:
- i. be made in writing;
 - ii. be addressed to the CEO ~~or the Council's Responsible Officer under the Public Interest Disclosure Act;~~
 - iii. be specific and provide as much detail as possible;
 - iv. provide the name of the Council Member whom it is alleged has breached the Code;
 - v. ~~identify the provisions of the Code which it is alleged have been breached;~~
 - vi. be accompanied by any evidence that substantiates the breach;
 - vii. be marked as confidential; ~~and~~
 - viii. be delivered to the CEO; ~~and~~
 - ix. ~~be made within XXsix (6) months of the date the Council Member is alleged to have breached the Code unless (in the case of an alleged breach of Part 2 of the Code) the Council agrees to extend the time for the making of the complaint.~~
- b. Upon receipt of a complaint, the CEO (or delegate) shall as far as reasonably practicable:
- i. within seven (7) days provide written acknowledgement to the Complainant of receipt of the complaint.
 - ii. within that same seven (7) days, provide written notification to the Council Member who is the subject of the complaint, advising that a complaint has been received and providing details of the nature of the complaint ~~unless the complaint alleges a breach of Part 3 of the Code or criminal conduct in which case the CEO will refer the complaint to the Ombudsman, OPI or SAPol as appropriate.~~
 - iii. ~~within ten (10) days of receipt of the complaint, the CEO (or delegate) will undertake or arrange to be undertaken, a preliminary assessment of the complaint to determine whether the complaint:~~
 - ~~is trivial, frivolous, vexatious or not made in good faith; or if it has previously been dealt with and there is no reason to re-examine the matter; or otherwise there is good reason why no further action should be taken; or~~
 - ~~relates to behaviour which falls under Part 2 of the Code; or~~

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- ~~• relates to misconduct or reasonable suspicion of corruption and/or systemic misconduct which triggers action under Part 3 of the Code;~~
- ~~• relates to criminal or corrupt behaviour.~~
- ~~c. In the conduct of the preliminary assessment, the CEO (or delegate) may obtain and be assisted by legal advice as required.~~
- ~~d. The preliminary assessment will be conducted in accordance with natural justice requirements. It will involve a thorough and balanced assessment of evidence submitted regarding the alleged breach, the relevant circumstances prevailing at the time of the breach and any other factors deemed relevant, to make a fair and reasonable preliminary judgement about the matter.~~
- ~~e. Where the preliminary assessment finds the complaint to be trivial, frivolous, vexatious or not made in good faith, or that it is a matter that has previously been dealt with and there is no reason to re-examine the allegation, or there is any other good reason why no further action should be taken, that finding will be referred to the Council for consideration. The Council will determine whether to accept the finding of the preliminary assessment or whether the complaint will be formally investigated.~~
- ~~f. Where the complaint is assessed as relating to an alleged breach of Part 2 of the Code, the CEO (or delegate) will present a report to the next meeting of Council, for the Council to make a decision as to whether the complaint shall be formally investigated.~~
- ~~g. Where the Council considers the matter is trivial, frivolous or vexatious, or otherwise there is good reason why the matter should not be formally investigated it may determine that no further action be taken and direct the CEO (or delegate) to advise the Complainant and the Council Member accordingly. The Council must provide its reasons for so resolving that no further action be taken on a complaint, which reasons are to be communicated to the Complainant and the Council Member.~~
- hg. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may, at the discretion of the Council, be escalated by resolution of the Council, to an allegation of misconduct under Part 3 of the Code and be reported to the Ombudsman or the OPI as appropriate.
- id. The Council must consider whether to escalate repeated or sustained inappropriate behaviour as listed in Part 2 of the Code, to an allegation of misconduct under Part 3 of the Code, ~~where two (2) complaints within a twelve (12) month period or four (4) complaints within a Council term are received in relation to the same Council Member which have been found to be a breach of Part 2 of the Code.~~
- je. Where the complaint alleges a breach of Part 3 of the Code, the CEO (or delegate) will as soon as reasonably practicable refer the matter to the Ombudsman or the OPI as appropriate. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.
- kf. Where the complaint alleges criminal conduct (including those matters set out in the Appendix to the Code) the CEO (or delegate) will refer the matter to the OPI. In accordance with the requirements of section 54 of the ICAC Act, and to ensure the integrity of any investigation process, no report regarding this referral

by the CEO (or delegate) will be presented to Council, subject to any directions given by the ICAC.

- lg. Notwithstanding anything in this procedure, a Complainant can, at any time, take the alternative option of lodging a complaint directly with the OPI or Ombudsman.
- mh. Clause 2.15 of the Code provides that a Council Member, who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or CEO, the Ombudsman or the OPI.
- ni. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach of Part 2 of the Code.

2. The Making of a Referral

- a. ~~Nothing in this procedure prevents any senior officer or the principal member of the Council from referring to the Manager Governance, behaviour(s) of a Council Member, (whether a one off incident, or a course of conduct), that, an impartial, fair minded person may consider give(s) rise to a reasonable suspicion of a breach of Part 2 of the Code. A referral under this clause is not a complaint. Where the CEO and the Manager Governance concur, the matter will be immediately referred for preliminary assessment as to whether the conduct could be said to amount to a prima facie breach of Part 2 of the Code.~~
- b. ~~The referrer in these circumstances is the Manager Governance.~~
- c. ~~A preliminary assessment for the purposes of this Clause 2 will be undertaken by an external legal provider for the purposes of making a determination consistent with Clause 4.b.iii. and 4.d. and 4.e. of this procedure.~~
- d. ~~Where the referred conduct is assessed by the external legal provider as evidencing a prima facie breach of Part 2 of the Code, the Manager Governance will present a report to the next meeting of Council, for decision as to whether the conduct shall be formally investigated under the procedure.~~
- e. ~~Where Council determines that a referred matter is to be formally investigated, the Council will be deemed to be the complainant and the matter will then proceed in accordance with this procedure as a complaint.~~

32. Assessment and Determination of Investigation Option

- a. Having regard to the seriousness of the allegation and the information provided, the Council will determine the preferred option for investigation of the complaint.
- b. Where a complaint is received from one Elected Member about another Elected Member, and the Council considers the complaint to be of a minor nature with the potential to be adequately resolved between the Elected Members, the Council may request the parties participate in a mediated discussion in the first instance.
- c. Mediation will not be undertaken unless all parties consent.

- d. Where the Council has requested that the parties participate in mediation, and all parties consent, the CEO (or delegate) will facilitate access to mediation services.
- e. Where mediation resolves the matter to the satisfaction of all parties, the complaint will be considered resolved and no further action will be taken. The CEO (or delegate) will present a report to Council advising that the complaint was resolved via mediation.
- f. Where mediation is not able to resolve the matter to the satisfaction of all parties, or where all parties do not consent to participating in mediation, the complaint will return to the Council to determine the preferred option for investigation and resolution of the complaint.
- g. Where the Council determines that a complaint requires formal investigation, the options for investigation available to Council are:
 - i. referral to an external service provider (e.g. legal provider, consultant etc);
 - ii. referral to the Local Government Governance Panel (LGGP); or
 - iii. referral to any other body established in the Local Government sector for the purpose of considering complaints regarding Elected Member conduct.

43. Formal Investigation and Reporting

- a. Where a complaint is referred for formal investigation to an external person or body, the process for investigation is to be determined by the external person or body, but must be conducted in accordance with natural justice requirements.
The external body or person will consider if a complaint is trivial, vexatious or frivolous and accordingly ought not to be investigated.
- b. A failure of a Council Member to cooperate with the Council's procedure for handling alleged breaches of Part 2 of the Code may be referred for investigation to the Ombudsman under Part 3 of the Code.
- c. At the conclusion of the formal investigation, the Council shall be provided with a written report that summarises the:
 - i. allegations made in the complaint;
 - ii. evidence to which the investigation had regard;
 - iii. factual findings;
 - iv. conclusions; and
 - v. recommendations arising from the report.
- d. Subject to the provisions of section 90 of the *Local Government Act 1999*, reports in relation to complaints made in accordance with this procedure, other than reports finding a breach of the Code has been made out, will be recommended for consideration in confidence by Council.

54. Formal Investigation Findings and Remedies

- a. Where the formal investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council. The Council may, by resolution, take any of the following actions:
 - i. take no action;

- ii. pass a censure motion in respect of the Council Member;
 - iii. request a public apology, whether written or verbal;
 - iv. request the Council member to attend training on the specific topic found to have been breached;
 - v. resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on the Council);
 - vi. remove a member from their position as Council representative on an outside body where Council has resolved their appointment;
 - vii. request the member to repay monies to the Council;
 - viii. refer the matter to the Ombudsman or OPI, as appropriate; or
 - ix. any combination of the above.
- b. The Council will not enter into any process of appeal in relation to any findings of a breach of Part 2 of the Code and a person may not seek a review pursuant to section 270 of the Local Government Act 1999 of any decisions or actions undertaken under this procedure.
- c. Any report from the Ombudsman that finds a Council Member has breached Part 3 of the Code must be provided to a public meeting of the Council. The Council must pass resolutions to give effect to any recommendations received from the Ombudsman, within two (2) ordinary meetings of the Council following receipt of the report.

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

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

76. Further Information and Review of Procedure

- a. This procedure will be available for inspection at the Council offices during ordinary business hours. Copies are also available at the principal office of the Council upon payment of the fee, if any, set by the Council. This procedure is also available to be downloaded, free of charge from the City of Salisbury website: www.salisbury.sa.gov.au.
- b. Copies of the 'Code of Conduct for Council Members – Dealing with Complaints' will be provided upon request. Please contact the City of Salisbury via:
Email: city@salisbury.sa.gov.au; or
Phone: 8406 8222; or
Post: PO Box 8, Salisbury SA 5108.
- c. This procedure may be reviewed at any time, and must be reviewed within 12 months of a general election.

G - LEGISLATION

Local Government Act 1999
Local Government (General) Regulations 2013

*Independent Commission Against Corruption Act 2012
Criminal Law Consolidation Act 1935
Equal Opportunities Act 1984*

H – ASSOCIATED POLICIES AND PROCEDURES

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

Document Control

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Code of Conduct for Council Members

Published by the Minister for Planning for the purpose of Section 63(1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1 – PRINCIPLES

1. Higher principles – Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2 – BEHAVIOURAL CODE

2. Behavioural Code

In line with ‘Part I-Higher Principles’ of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3-Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council’s Chief Executive Officer or nominated delegate/s.

- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)- has occurred, or is currently occurring, must report the breach to the Principal Members of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigations under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
- 2.25.2 Pass a censure motion in respect of the Council member;
- 2.25.3 Request a public apology, whether written or verbal;
- 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;

- 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
- 2.25.6 Request the member to repay monies to the Council.

PART 3 – MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the *Local Government Act 1999*. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the *Local Government Act 1999*, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Members duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Performance and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 No release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
- 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;

3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with Council.

3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the *Local Government (Elections) Act 1999*.

3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:

3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

3.9.1.1 Council work related events such as training, education sessions workshops and conferences;

3.9.1.2 Council functions or events;

3.9.1.3 Social functions organised by groups such as Council committees and community organisations.

3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.

3.10 Where Council members receive a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the *Local Government Act 1999*.

Misuse of Council resources

3.14 Council members using Council resources must do so effectively and prudently.

3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX – CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outline in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62(3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62(4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the *Local Government Act 1999*, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- Bribery or corruption of public officers;
- Threats or reprisals against public officers;



Media Policy

Policy Type:	Policy	Decision No:	
Approved By:		Last Reapproval Date:	
Approval Date:		Internal Reference No.:	4309373 TBC
Review Date:	8/3/20 V15	Division:	Communications & Customer Relations
Department:	Business Excellence	Responsible Officer:	Manager, Community Experience & Relationships
Function:	Media Relations		

A - PREAMBLE

The City of Salisbury is committed to providing exceptional community experience. We place it at the forefront of everything we do.

With this comes an approach more reflective of a contemporary organisation in its interactions with the community and stakeholders. Our Community Experience Charter articulates the way in which we conduct ourselves with our community, stakeholders, staff, volunteers and Elected Members through the values of the organisation.

The delivery of exceptional community experience is a key success factor for the organisation toward the fulfilment of Council's vision for the City – "a flourishing City with opportunity for all". This Charter forms the basis of all our communications and its intent should be maintained in the spirit in which it was developed.

. The City of Salisbury utilises various digital and traditional media channels to communicate and engage with our community. By ensuring our communications are consistent, accurate and appropriate to the target audience, our corporate values will be upheld. It is important that Elected Members, staff, volunteers and contractors embrace the City of Salisbury Community Experience Charter and communicate in a way that reflects the organisation's vision, values, purpose and drivers.

Having a media policy is about how we communicate, and being cognisant of our responsibilities in whatever role we undertake with the City, be it as an Elected Member, a member of staff, a volunteer or contractor.

B - SCOPE

1. This policy sets out how Elected Members, staff, volunteers and contractors interact with the media and media representatives, and the use of both the City of Salisbury and official Elected Member social media accounts and private social media accounts.

C – POLICY PURPOSE/OBJECTIVES

1. City of Salisbury will use media channels to:
 - 1.1 Increase community engagement and interaction with our audience
 - 1.2 Provide immediate responses and commentary on Council related matters
 - 1.3 Inform our community about matters that directly affect them
 - 1.4 Build and strengthen City of Salisbury's brand/image

2. The policy provides guidelines and direction for the appropriate use of social media platforms and other media channels and tools by Elected Members, staff, volunteers, contractors or any other group who use official City of Salisbury accounts.
 The Policy highlights the need to respect confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:
 - 2.1 Inform appropriate use of social and other media tools for City of Salisbury
 - 2.2 Promote effective, positive and productive community engagement through social and other media; and
 - 2.3 Minimise miscommunication of, or communications that do not support the City of Salisbury Community Experience Charter, or are contrary to the Elected Members' Code of Conduct

In order for the City of Salisbury to be able to actively monitor and respond to media issues that best represent the community's interests. It is recommended that all media liaison takes place via a central point of contact, namely the Community Experience & Relationships team. On occasions when this is not possible, the Community Experience & Relationships team should be notified as soon as is practical:

- To ensure a single spokesperson is providing Council based comment and information to media outlets, so that the Council has a better opportunity to provide consistent and factual information to its community.
- To provide guidance and support to Elected Members identified as an approved spokesperson, and;
- To provide guidelines for Elected Members, employees, volunteers and contractors for media interactions that are consistent with our City of Salisbury Community Experience Charter.

It is recognised that the initiation of media relations and corporate communication activities does not rest solely with the Community Experience & Relationships team, but indeed more widely across the Mayor, Elected Members, Executive, and staff. However, the Community Experience & Relationships team should be informed of any potential media or communications initiative as soon as is practical, for further facilitation.

D – DEFINITIONS

3. Corporate Media Channels – Refers to all official City of Salisbury social media accounts including but not limited to all Facebook, LinkedIn, Instagram, Twitter and all other forms of media, or communication methods introduced beyond these mentioned here.

E – POLICY STATEMENT

1. All Council based / driven media contact (ie not individual Elected Member personal comment) should be coordinated via, and undertaken by the Community Experience & Relationships team to ensure all messaging is in line with the City of Salisbury Community Engagement Charter.
2. General Managers, can provide factually based information to the media when no attributable quotes are required, via the Communications Team with the approval of the CEO.
3. Any official media statement / comment, or pro-active approach to the media requires approval by both the Mayor and the CEO.
4. Communication via the City of Salisbury's social media accounts (including responding to public queries) is the responsibility of the Community Experience & Relationships team in consultation with other departments within the organisation. Communications will be undertaken in line with Council's Customer Relationship Management (CRM) system.
5. The introduction of new official City of Salisbury media accounts will require approval from the Manager, Community Experience and Relationships.

F - SPOKESPERSONS

1. Official spokespeople for the City of Salisbury are:
 - 1.1. The Mayor and CEO - The Mayor is the 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 or 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.

Official spokespeople will have support from the Community Experience & Relationships team in the form of drafting and dissemination of media releases, arranging of photo and interview opportunities, and briefings before interviews.

As Local Government representatives, Elected Members are entitled to speak on any topic, and in doing so must ensure their personal comments to the media, or other public comments such as in social media, are clearly identified as being their own private view, and not that of the Council.

G – MONITORING

1. It is appropriate for Council to keep itself abreast of media coverage, and to ensure it remains updated with the media's commentary around Council matters. In order to provide that service, an external media monitoring provider has been contracted to provide daily reports.
2. These reports are distributed on weekdays to all relevant parties. If coverage relates to a specific officer and / or manager, the daily monitor will also be forwarded to them.

The Community Experience & Relationships team will endeavour to make Elected Members aware of any potential media stories that are likely to generate significant public and/or media interest.

Monitoring of Council's own social media channels is conducted by the Community Experience & Relationships team. Posts containing the following will not be responded to, and will be removed from the relevant page:

- 2.1. Racist, sexist or sexual discrimination,
- 2.2. Harassment or bullying,
- 2.3. Profanity,
- 2.4. Personal, confidential, or copyrighted material,
- 2.5. Potential defamatory material or threatening or abusive behaviour.

During election periods, social media accounts more broadly are monitored for risk management and adherence to the Caretaker Policy.

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 or Elected Member as outlined in Section F. 3 All enquiries should be directed to the Community Experience & Relationships team to facilitate.

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 seeks permission from anyone they wish to photograph or film, including non-Council employees.

I – COUNCIL RESOURCES

1. Elected Members must not use Council resources, including services of Council staff, for private purposes unless legally or properly authorised to do so, and payments are made where appropriate. This includes but is not limited to the use of the City of Salisbury logo. All media engagements must ensure that no copyrighted or trademarked material is published without permission.

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 profiles.

Guidelines for Elected Members:

- 1.1. 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.
- 1.2. 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.
- 1.3. Elected Members are encouraged to share content from City of Salisbury social media accounts to their own accounts. Likewise, City of Salisbury may share Elected Member posts regarding Council initiatives as appropriate.
- 1.4. Elected Members may tag themselves in any City of Salisbury photo where they appear.

It is highly advisable for all Elected Member social media accounts to 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.

K – ASSOCIATED POLICIES

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

J – ATTACHMENTS

1. Community Experience Charter

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Document ID	City of Salisbury Media Policy
Prepared by	Julie Kushnir
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Media Policy

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Approved By:		Last Reapproval Date:	
Approval Date:		Internal Reference No.:	4309373 TBC
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Department:	Business Excellence	Responsible Officer:	Manager, Community Experience & Relationships
Function:	Media Relations		

A - PREAMBLE

~~The City of Salisbury has recently changed the way it approaches all interactions with our community and stakeholders. It has done so to ensure that the attainment of exceptional community experience is at the forefront to all that we do, and the manner in which we communicate, engage and deliver all Council's services.~~

~~The City of Salisbury is committed to providing exceptional community experience. We place it at the forefront of everything we do.~~

With this comes an approach which is more reflective of a contemporary organisation in its interactions with the community and stakeholders. ~~Our That is why we have introduced a~~ Community Experience Charter ~~to articulate~~ the way in which we will conduct ourselves with our community, stakeholders, staff, volunteers and Elected Members through the values of the organisation.

The delivery of exceptional community experience is a key success factor for the organisation toward the fulfilment of Council's vision for the City – "a flourishing City with opportunity for all". This Charter forms the basis of all our communications and its intent should be maintained in the spirit in which it was developed.

~~The City of Salisbury communicates and engages with our community and stakeholders in a positive and often pro-active way that upholds the spirit of our Community Experience Charter. The City of Salisbury It~~ utilises various digital and traditional media channels to communicate ~~and engage~~ with our community. By ensuring ~~our the City of Salisbury's~~ communications are consistent, accurate and appropriate to the target audience, our corporate values will be upheld. It is ~~also~~ important that Elected Members, staff, volunteers and contractors embrace the City of Salisbury Community Experience Charter and communicate in a way that reflects the organisation's vision, values, purpose and drivers.

Having a media policy is about how we communicate, and being cognisant of our responsibilities in whatever role we undertake with the City, be it as an Elected Member, a member of staff, a volunteer or contractor.

B - SCOPE

1. This policy sets out how Elected Members, staff, volunteers and contractors interact with the media and media representatives, and the use of both the City of Salisbury and official Elected Member social media accounts and private social media accounts.

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C – POLICY PURPOSE/OBJECTIVES

1. City of Salisbury will use media channels to:
 - 1.1 Increase community engagement and interaction with our audience
 - 1.2 Provide immediate responses and commentary on Council related matters
 - 1.3 Inform our community about matters that directly affect them
 - 1.4 Build and strengthen City of Salisbury's brand/image
2. The policy provides guidelines and direction for the appropriate use of social media platforms and other media channels and tools by Elected Members, staff, volunteers, contractors or any other group who use official City of Salisbury accounts.
The Policy highlights the need to respect confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:
 - 2.1 Inform appropriate use of social and other media tools for City of Salisbury
 - 2.2 Promote effective, positive and productive community engagement through social and other media; and
 - 2.3 Minimise miscommunication of, or communications that do not support the City of Salisbury Community Experience Charter, or are contrary to the Elected Members' Code of Conduct

In order for the City of Salisbury to be able to actively monitor and respond to media issues that best represent the community's interests, A "best practice approach" is It is recommended that all media liaison takes place via a central point of contact, namely the Community Experience & Relationships team. On occasions when this is not possible, the Community Experience & Relationships team should be notified as soon as is practical.

- To ensure a single spokesperson is providing Council based comment and information to media outlets, so that the Council has a better opportunity to provide consistent and factual information to its community.
- To provide guidance and support to Elected Members identified as an approved spokesperson, and;
- To provide guidelines for Elected Members, employees, volunteers and contractors for media interactions that are consistent with our City of Salisbury Community Experience Charter.

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It is recognised that the initiation of media relations and corporate communication activities does not rest solely with the Community Experience & Relationships team, but indeed more widely across the Mayor, Elected Members, Executive, and staff. However, the Community Experience & Relationships team should be informed of any potential media or communications initiative as soon as is practical, for further facilitation.

D – DEFINITIONS

3. Corporate Media Channels – Refers to all official City of Salisbury social media accounts including but not limited to all Facebook, LinkedIn, Instagram, Twitter and all other forms of media, or communication methods introduced beyond these mentioned here.

E – POLICY STATEMENT

1. All Council based / driven media contact (ie not individual Elected Member personal comment) should be coordinated via, and undertaken by the Community Experience & Relationships team to ensure all messaging is in line with the City of Salisbury Community Engagement Charter.
2. General Managers, can provide factually based information to the media when no attributable quotes are required, via the Communications Team with the ~~approval concurrence~~ of the CEO.
3. Any official media statement / comment, or pro-active approach to the media requires approval by both the Mayor and the CEO.
4. ~~All~~ Communication via the City of Salisbury’s social media accounts (including responding to public queries) is the responsibility of the Community Experience & Relationships team ~~in consultation with other departments within the organisation. Communications and~~ will be undertaken in line with Council’s Customer Relationship Management (CRM) system.
5. The introduction of new official City of Salisbury media accounts will require approval from the Manager, Community Experience and Relationships.

F - SPOKESPERSONS

1. Official spokespeople for the City of Salisbury are:
 - 1.1. The Mayor and CEO - The Mayor is the 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 or 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.

Official spokespeople will have support from the Community Experience & Relationships team in the form of drafting and dissemination of media releases, arranging of photo and interview opportunities, and briefings before interviews.

As Local Government representatives, Elected Members are entitled to speak on any topic, and in doing so must ensure their personal comments to the media, ~~or other public comments such as in social media~~, are clearly identified as being their own private view, and not that of the Council.

G – MONITORING

1. It is appropriate for Council to keep itself abreast of media coverage, and to ensure it remains updated with the media’s commentary around Council matters. In order to provide that service, an external media monitoring provider has been contracted to provide daily reports.

2. These reports are distributed on weekdays to all relevant parties. If coverage relates to a specific officer and / or manager, the daily monitor will also be forwarded to them.

The Community Experience & Relationships team will endeavour to make Elected Members aware of any potential media stories that are likely to generate significant public and/or media interest.

Monitoring of Council’s own social media channels is conducted by the Community Experience & Relationships team. Posts containing the following will not be responded to, and will be removed from the relevant page:

- 2.1. Racist, sexist or sexual discrimination,
- 2.2. Harassment or bullying,
- 2.3. Profanity,
- 2.4. Personal, confidential, or copyrighted material,
- 2.5. Potential defamatory material or threatening or abusive behaviour.

During election periods, social media accounts more broadly are monitored for risk management and adherence to the Caretaker Policy.

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 or Elected Member as outlined in Section F. 3 All enquiries should be directed to the Community Experience & Relationships team to facilitate.

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 seeks permission from anyone they wish to photograph or film, including non-Council employees.

I – SOCIAL AND OTHER MEDIA COUNCIL RESOURCES

- ~~1. The City of Salisbury logo or official corporate colours should not be used on any private social media accounts, or in any privately placed external advertisements. Elected Members must not use Council resources, including services of Council staff, for private purposes unless legally or properly authorised to do so, and payments are made where appropriate. This includes but is not limited to the use of the City of Salisbury logo.~~

1. All media engagements must ensure that no copyrighted or trademarked material is published without permission.

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 profiles.

Guidelines for Elected Members:

- 1.1. 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.
- 1.2. 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

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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.

1.3. Elected Members are encouraged to share content from City of Salisbury social media accounts to their own accounts. Likewise, City of Salisbury ~~may will~~ share Elected Member posts regarding Council initiatives as appropriate.

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

~~1.5. 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.~~

It is highly advisable for all Elected Member social media accounts to 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.

K – ASSOCIATED POLICIES

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

J – ATTACHMENTS

- I. Community Experience Charter

Document Control	
Document ID	City of Salisbury Media Policy
Prepared by	Julie Kushnir
Release	
Document Status	
Date Printed	19/04/2020 23:41:16:30

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ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 April 2020
PREV REFS	
HEADING	Review of the Compliments, Comments, Complaints Handling Procedure
AUTHOR	Julie Kushnir, Manager Community Experience & Relationships, Business Excellence
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report presents the Compliments, Comments and Complaints Handling Procedure to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner. Alterations are minor, with reference to the Public Interest Disclosure Act 2018 being included.

RECOMMENDATION

1. The information be received.
2. The Compliments Comments, Complaints Handling Procedure, as set out in Attachments 1 and 2 containing references to the track changes (Item No.3.6.2, Resources and Governance Committee 20/4/2020), be endorsed.

ATTACHMENTS

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

1. Compliments Comments and Complaints Handling Procedure rev final with changes accepted 14.4.20
2. Compliments Comments and Complaints Handling Procedure Rev Final with track changes 14.4.20

BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and two years thereafter.
- 1.2 This Policy was last reviewed and endorsed by Council in May 2018 and is now due again for review.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Consultation with the Risk and Governance Program Manager 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 Compliments, Comments, Complaints Handling Procedure has been reviewed by the Policy Owner as per Council's Policy Framework.

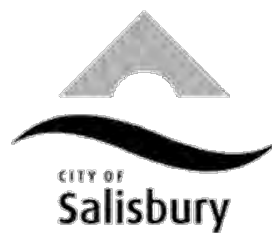
4. CONCLUSION / PROPOSAL

4.1 The revised Compliments, Comments, Complaints Handling Procedure as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 14/04/2020



Draft

Compliments, Comments and Complaints Handling Procedure

Procedure Type:	Procedure	Decision No:	2344/2012, 2515/2018
Approved By:	Council	Last Reapproval Date:	24 February 2020
Approval Date:	30 October 2012	Internal Reference No.:	
Review Date:		Division:	Manager Community Experience & Relationships
Department:	Business Excellence	Responsible Officer:	Manager, Community Experience & Relationships
Function:	2 - Community Relations		

A - PREAMBLE

1. The City of Salisbury is strongly committed to open, accountable and responsive decision making, which is informed by effective engagement, communication, and consultation between the Council and the community.
2. The City of Salisbury is further committed to providing an effective compliment, comment and complaints management process that reflects the needs, expectations and rights of its community. This is facilitated by a culture within Council that recognises the community's right to provide feedback and provides for these issues to be addressed in an efficient, fair and timely manner. Our aim is to provide our community with the best possible service, however, we recognise that from time to time expectations may not align, or there may be other aspects of Council's services that community members wish to provide feedback on.
3. To that end, Council has an endorsed Community Experience Charter which commits Council to work with the community to deliver an exceptional community experience that exceeds community expectations and delivers a future that we can all be proud of.
4. By ensuring we offer the appropriate opportunity to provide compliments, comments and complaints, we are able to better shape our services to reflect the changing needs of our community.

B - SCOPE

1. This Procedure applies to compliments, comments and complaints received from the community regarding City of Salisbury operations or service delivery by employees, contractors and volunteers.
2. This Procedure does not apply to:
 - a. Complaints regarding Elected Members: these will be dealt with in accordance with the Elected Member Code of Conduct – Dealing with Complaints Procedure.

- b. Requests for a review of Council decision in accordance with section 270 of the *Local Government Act 1999*; these will be dealt with under the Internal Review of Council Decisions Procedure.
- c. Matters covered by the *Public Interest Disclosure Act 2018*; these will be dealt with in accordance with the Public Interest Disclosure Act 2018 Policy.
- d. Allegations of criminal activity; these must be referred to the South Australian Police.

C - PROCEDURE PURPOSE/OBJECTIVES

1. The purpose of this procedure is to provide guidelines for dealing with compliments, comments and complaints. The City of Salisbury's Compliments, Comments and Complaints Handling Procedure is designed to ensure that matters are addressed promptly and fairly and considered appropriately.

D - DEFINITIONS

1. Complaint: is an expression of dissatisfaction with the Council's decisions, policies, procedures, charges, employees, agents or the quality of the service it provides. Dissatisfaction may arise from the service provided by Council staff, contractors and systems or from the impact of a particular policy and procedure.
2. A Complaint is NOT:
 - a. a request for Council services (unless it is a second request, where there was no response to the first)
 - b. a request for information
 - c. a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first)
 - d. Reports of damaged or faulty infrastructure
 - e. Reports of hazards (eg fallen tree branches)
 - f. Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works)
 - g. The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy
 - h. A submission relating to the exercise of a regulatory function (eg an objection to a development application or a submission on a policy)
3. Compliment:
 - a. is when a community member expresses their appreciation for, or satisfaction with, a service or action taken by the City of Salisbury or particular staff member/team.
4. Comment:
 - a. is general information provided to the City of Salisbury by a community member. The information may be positive or negative and generally does not require a response, confirmation or follow up action.
5. Request for Information:
 - a. is where a community member requests documents, information or an explanation of Council services, policies or procedures.
6. Request for Service:
 - a. is where a community member requests the provision of a service, or action to be taken to address an issue, or requests a change to the way the City delivers a service.
7. Investigating Officer:
 - a. is the person to whom a community member issue is assigned, who consequently holds decision making delegations and is able to use discretion in determining how each matter should be dealt with. Investigating Officers will deal with Tier 3 matters.

E - STAFF RESPONSIBILITIES**1. Chief Executive Officer (CEO)**

The CEO is ultimately accountable for the management of, and response to, community interactions dealing with serious matters or where the community member has not been satisfied with the Council's response.

2. General Managers

Departmental General Managers are responsible for resolving community interactions relevant to their Departments and where cross-department resolutions are required.

3. Divisional Managers

Divisional Managers are responsible for resolving community interactions relevant to their portfolios and for ensuring that staff deal with feedback received in accordance with Compliments, Comments and Complaints Procedure.

4. Manager Community Experience & Relationships

The Manager Community Experience & Relationships is responsible for implementation and monitoring of the Community Experience Charter Framework, including the Compliments, Comments and Complaint Handling Procedure with support of the Customer Relations team.

5. Staff

All staff are responsible for dealing with First Tier community interactions relevant to their responsibilities and for the application of the Compliments, Comments and Complaints Procedure.

F - PROCEDURE STATEMENT**1. Who can lodge a compliment/complaint or provide feedback?**

Any person, group of people, body or organisation may lodge a complaint. The Compliments, Comments and Complaints Handling Procedure is not limited and includes all people residing, working, studying, conducting business, visiting and using the services or facilities of the City of Salisbury.

To assist with investigation and resolution, complaints should be lodged as soon as practicable and, wherever possible, within 90 days of the community member becoming aware of the matter which is the subject of the complaint or compliment.

2. How to lodge a compliment/complaint or provide feedback

A compliment/complaint or comment can be lodged:

- in person at the Council office (34 Church Street Salisbury) or relevant council facility
- by phone – 8406 8222
- by email – ccc@salisbury.sa.gov.au
- by letter to the City of Salisbury PO Box 8 Salisbury 5108.
- via facsimile – 8281 5466
- by using the Compliments, Comment and Complaints form available in all Council facilities
- Online at www.salisbury.sa.gov.au
- Social media such as the City of Salisbury facebook page or Twitter can be used to provide comments or compliments, but formal complaints requiring a response should not be lodged using this method.

Whichever method is chosen, it is essential to provide as much information as possible to enable appropriate treatment of the feedback provided. This may include:

- Name, address and contact details
 - Dates relevant to the issue being communicated
 - A complete description of circumstances/relevant information
 - If known, the staff member or person associated with the situation
 - What action has been taken to resolve the situation
 - Details of the action(s) being requested
 - Any supporting documentation that can be provided
- Compliments, complaints and feedback will be recorded in the City of Salisbury's Electronic Records and Document Management System
 - Anonymous compliments/comments/complaints will not be recorded or followed up unless not doing so would place another person at risk or harm.

This procedure does not apply to Requests for Services unless it is a complaint regarding an earlier request. These are recorded within the Customer Request Module of Pathway and distributed to the responsible staff member for action.

Complaints will be managed in a three tiered approach:

- Tier 1 – Front Line Compliment, Comment or Complaint Handling
 - a) All Compliments, Comments or Complaints should be acknowledged within 1 working day using an appropriate method of communication.
 - b) Staff are empowered to deal with core Council business, resolve issues wherever possible at first contact, and provide a response within 10 working days.
 - c) If a resolution cannot be provided within this timeframe, staff are required to advise the complainant when a resolution will be provided.
 - d) Details of written complaints will be recorded within City of Salisbury's Electronic Records and Document Management System and workflows will monitor completion timeframes. Workflows will escalate a matter that is not completed within the required timeframes.
- Tier 2 – Escalation of a matter that has not been resolved at first contact
 - a) Unresolved matters will be referred to Supervisor/Divisional Manager/General Manager of the staff member initially responsible for action (dependent upon the position of the staff member initially tasked with the complaint).
 - b) Workflows will monitor completion timeframes and escalate a matter that is not completed within the required timeframes.
 - c) All discussions/communications, documentation and material associated with the matter must be recorded and appropriately stored (taking into consideration the nature of the information and the level of confidentiality to be applied).
 - d) Tier 2 matters will be completed wherever possible within 10 working days of receipt by the Supervisor/Divisional Manager/General Manager.
 - e) Tier 2 matters that are not completed within 10 working days will be escalated to the relevant General Manager or Chief Executive Officer for action (dependent upon the position of the Tier 2 Officer).
- Tier 3 – Escalation of a matter that has not been resolved within 20 days (total)
 - a) The relevant General Manager, or Chief Executive Officer (dependent upon the position of the Tier 2 Officer) is responsible for management/resolution of matters that have not been resolved within 20 days, and will act in the capacity of

Investigating Officer.

- b) Workflows will escalate those matters automatically.
 - c) Tier 3 investigations will, wherever possible, be completed within 28 working days.
 - d) If a matter is unable to be resolved to the satisfaction of the community member, they may request an internal review of the decision in accordance with 270 of the Local Government Act 1999: This would be dealt with under the Internal Review of Council Decisions Procedure.
 - e) The community member will also be provided with information regarding their options of referral of the matter to an external public sector agency (e.g. Ombudsman), appeal rights to the courts or other legal remedies.
- A complaint will not be reviewed if it is deemed:
 - a) To be frivolous or vexatious.
 - b) That the complainant is not seen as having a sufficient interest in the matter.

3. Comment Receipt Process

Comments received in writing (via letter, email or web forms) are to be registered in City of Salisbury's Electronic Records and Document Management System, (Dataworks) against the appropriate departmental feedback classification. This will assign the feedback record via a workflow to an officer who will:

- distribute the feedback details to the relevant manager for review and action as appropriate.

The Manager will assess the nature of the feedback and determine what action is required in response. This should include consideration of whether a response should be provided to the person who has submitted the feedback.

4. Compliments Receipt Process

Compliments received in writing (via letter, email or web forms) are to be registered in City of Salisbury's Electronic Records and Document Management System (Dataworks) against the appropriate departmental feedback classification. This will assign the compliment via a workflow to an officer who will:

- Where the compliment is about a particular staff member, distribute the compliment details to their direct Manager and General Manager, who will determine how the staff member will be recognised.
- Where the compliment relates to a team or number of people, distribute the compliment to the Divisional Manager and General Manager.

5. Complaints Receipt Process

Complaints received in writing (via letter, email or web forms) are to be registered in City of Salisbury's Electronic Records and Document Management System against the appropriate departmental feedback classification. This will assign the complaint via a workflow to an officer who will:

- Acknowledge receipt of the complaint
- Direct the complaint to the appropriate actioning officer to attend to within the relevant timeframe.
- Workflows will escalate the complaint where it is not resolved within specified timeframes.

The officer responsible for resolving/completing a complaint must ensure the following information is recorded:

- Details of the resolution achieved
- Actions required to deliver the resolution, including timeframes for completion
- Communication of the outcome to ensure relevant policies/procedures are updated accordingly (where appropriate)

Where matters escalate to Tier 3 the Investigating Officer will

- Have appropriate authorisation to conduct the investigation;
- Clarify the issues with the community member and set appropriate expectations with them in relation to the scope and likely implications of the investigation.
- Gather information, prepare a report and formulate resolution options.
- Act reasonably, fairly and objectively, and in good faith.
- Ensure the report reflects the principles of procedural fairness and natural justice.
- Manage implementation of actions decided as part of the decision.
- Clearly communicate the outcome to the community member.
- Monitor the effectiveness of outcomes.

6. Complaints regarding Code of Conduct for Council Employees

Complaint procedure

Where a person alleges —

an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or

an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council, they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint must be given to the Chief Executive Officer [or delegate. If delegate, name/position of delegate]. In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and People and Culture resource procedures of the council.

H - LEGISLATION

Criminal Law Consolidation Act 1935
 Freedom of Information Act 1991
 Local Government Act 1999 – section 270
 Ombudsman Act 1972
 Public Interest Disclosure Act 2018

I - REFERENCES

Access and Equity Policy
 Code of Conduct for Employees, Volunteers, Contractors and Casual Workers

Elected Member Code of Conduct
Public Interest Disclosure Act 2018 Policy

J - ASSOCIATED PROCEDURES

Elected Member Code of Conduct - Dealing with Complaints
Internal Review of Council Decisions Procedure (in accordance with section 270 of the
Local Government Act 1999)

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Document Control	
Document ID	Compliments, Comments and Complaints Handling Procedure
Prepared by	Team Leader Customer Relations Revised by Manager Community Experience & Relationships
Release	2.00
Document Status	Draft
Date Printed	16/04/2020 14/04/2020



Draft

Compliments, Comments and Complaints Handling Procedure

Procedure Type:	Procedure	Decision No:	2344/2012, 2515/2018
Approved By:	CouncilMANEG	Last Reapproval Date:	28/05/201824 February 2020
Approval Date:	30 October 2012	Internal Reference No.:	
Review Date:		Division:	Manager Community Experience & RelationshipsCommunications and Customer Relations
Department:	Business Excellence	Responsible Officer:	Manager, Community Experience & Relationships Communications and Customer Relations
Function:	2 - Community Relations		

A - PREAMBLE

1. The City of Salisbury is strongly committed to open, accountable and responsive decision making, which is informed by effective engagement, communication, and consultation between the Council and the community.
2. The City of Salisbury is further committed to providing an effective customer-complaint, comment and complaints management process that reflects the needs, expectations and rights of its communitycustomers. This is facilitated by a culture within Council that recognises the community'scustomer's right to provide feedback and provides for these issues to be addressed in an efficient, fair and timely manner. Our aim is to provide our community customers with the best possible service, however, we recognise that from time to time expectations may not align, or there may be other aspects of Council's services that community members customers wish to provide feedback on.
3. To that end, Council has an endorsed Community Experience Charter which commits Council to work with the community to deliver an exceptional community experience that exceeds community expectations and delivers a future that we can all be proud of.
4. By ensuring we offer the appropriate opportunity to provide compliments, comments and complaints, we are able to better shape our services to reflect the changing needs of our community. things may go better or worse than expected, or there may be aspects of Council's services that customers wish to provide feedback on.

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B - SCOPE

1. This Procedure applies to compliments, comments and complaints received from ~~customers~~the community regarding City of Salisbury operations or service delivery by employees, contractors and volunteers.
2. This Procedure does not apply to:
 - a. Complaints regarding Elected Members: these will be dealt with in accordance with the Elected Member Code of Conduct – Dealing with Complaints Procedure.
 - b. Requests for a review of Council decision in accordance with section 270 of the *Local Government Act 1999*: these will be dealt with under the Internal Review of Council Decisions Procedure.
 - c. Matters covered by the *Public Interest Disclosure Act 2018*~~Whistleblowers Protection Act 1993~~: these will be dealt with in accordance with the Public Interest Disclosure Act 2018 Policy~~Whistleblowers Protection Policy~~.
 - d. Allegations of criminal activity: these must be referred to the South Australian Police.

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C - PROCEDURE PURPOSE/OBJECTIVES

1. The purpose of this procedure is to provide guidelines for dealing with ~~customer~~ compliments, comments and complaints. The City of Salisbury's ~~Customer~~ Compliments, Comments and Complaints Handling ~~P~~procedure is designed to ensure that matters are addressed promptly and fairly and considered appropriately.

D - DEFINITIONS

1. Complaint: is an expression of dissatisfaction with the Council's decisions, policies, procedures, charges, employees, agents or the quality of the service it provides. Dissatisfaction may arise from the service provided by Council staff, contractors and systems or from the impact of a particular policy and procedure.
2. A Complaint is NOT:
 - a. a request for Council services (unless it is a second request, where there was no response to the first)
 - b. a request for information
 - c. a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first)
 - d. Reports of damaged or faulty infrastructure
 - e. Reports of hazards (eg fallen tree branches)
 - f. Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works)
 - g. The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy
 - h. A submission relating to the exercise of a regulatory function (eg an objection to a development application or a submission on a policy)
3. Compliment:
 - a. is when a community member ~~customer~~ expresses their appreciation for, or satisfaction with, a service or action taken by the City of Salisbury or particular staff member/team.
4. Comment:
 - a. is general information provided to the City of Salisbury by a community member~~customer~~. The information may be positive or negative and generally does not require a response, confirmation or follow up action.

5. Request for Information:
- a. is where a community member customer requests documents, information or an explanation of Council services, policies or procedures.
6. Request for Service:
- a. is where a community member customer requests the provision of a service, or action to be taken to address an issue, or requests a change to the way the City delivers a service.
7. Investigating Officer:
- a. is the person to whom a community member customer issue is assigned, who consequently holds decision making delegations and is able to use discretion in determining how each matter should be dealt with. Investigating Officers will deal with Tier 3 matters.

E - STAFF RESPONSIBILITIES

1. **Chief Executive Officer (CEO)**
The CEO is ultimately accountable for the management of, and response to, community customer interactions dealing with serious matters or where the community member customer has not been satisfied with the Council's response.
2. **General Managers**
Departmental General Managers are responsible for resolving community customer interactions relevant to their Departments and where cross-department resolutions are required.
3. **Divisional Managers**
Divisional Managers are responsible for resolving community customer-interactions relevant to their portfolios and for ensuring that staff deal with feedback received in accordance with the Customer Feedback, Compliments, Comments and Complaints Policy and Procedure.
4. **Manager Community Experience & Relationships ~~Communications and Customer Relations~~**
The Manager Community Experience & Customer Relationships ~~Communications and Customer Relations~~ is responsible for implementation and monitoring of the Community customer Experience Charter Service Framework, including the Customer Compliments, Comments and Complaint Handling Policy and Procedure with support of the Customer Relations team.
5. **Staff**
All staff are responsible for dealing with First Tier community customer-interactions relevant to their responsibilities and for the application of the Customer Compliments, Comments and Complaints Policy and Procedure.

F - PROCEDURE STATEMENT

1. **Who can lodge a compliment/complaint or provide feedback?**
Any person, group of people, body or organisation may lodge a complaint. The Compliments, Comments and Complaints Handling Procedure is not limited and includes all people residing, working, studying, conducting business, visiting and using the services or facilities of the City of Salisbury.

To assist with investigation and resolution, complaints should be lodged as soon as practicable and, wherever possible, within 90 days of the ~~community member~~ ~~becoming~~ becoming aware of the matter which is the subject of the complaint ~~or compliment~~.

2. How to lodge a compliment/complaint or provide feedback

A compliment/complaint or comment can be lodged:

- in person at the Council office (~~34 Church Street~~ ~~12 James Street~~ Salisbury) or relevant council facility
- by phone – 8406 8222
- by email – ccc@salisbury.sa.gov.au
- by letter to the City of Salisbury PO Box 8 Salisbury 5108.
- via facsimile – 8281 5466
- by using the Compliments, Comment and Complaints form available in all Council facilities
- Online at www.salisbury.sa.gov.au
- Social media such as the City of Salisbury facebook page or Twitter can be used to provide comments or compliments, but formal complaints requiring a response should not be lodged using this method.

Whichever method is chosen, it is essential to provide as much information as possible to enable appropriate treatment of the feedback provided. This may include:

- Name, address and contact details
- Dates relevant to the issue being communicated
- A complete description of circumstances/relevant information
- If known, the staff member or person associated with the situation
- What action has been taken to resolve the situation
- Details of the action(s) being requested
- Any supporting documentation that can be provided
- ~~Receiving, recording and managing compliments/complaints or feedback~~
- Compliments, complaints and feedback will be recorded in the City of Salisbury's Electronic Records and Document Management System
- Anonymous compliments/comments/complaints will not be recorded or followed up unless ~~not doing to not do~~ so would place another person at risk or harm.

This procedure does not apply to Requests for Services unless it is a complaint regarding an earlier request. These are recorded within the Customer Request Module of Pathway and distributed to the responsible staff member for action.

~~Customer-C~~complaints will be managed in a three tiered approach:

- Tier 1 – Front Line ~~Customer-Compliment, Comment or Complaint Handling~~
 - a) All ~~Customer-Compliments, Comments or Complaints~~ should be acknowledged within ~~13~~ working days using an appropriate method of communication.
 - b) Staff are empowered to deal with core Council business, resolve issues wherever possible at first contact, and provide a response within 10 working days.
 - c) If a resolution cannot be provided within this timeframe, staff are required to advise the complainant when a resolution will be provided.
 - d) Details of written complaints will be recorded within City of Salisbury's Electronic Records and Document Management System and workflows will monitor completion timeframes. Workflows will escalate a matter that is not completed within the required timeframes.

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- Tier 2 – Escalation of a matter that has not been resolved at first contact
 - a) Unresolved matters will be referred to Supervisor/Divisional Manager/General Manager of the staff member initially responsible for action (dependent upon the position of the staff member initially tasked with the complaint).
 - b) Workflows will monitor completion timeframes and escalate a matter that is not completed within the required timeframes.
 - c) All discussions/communications, documentation and material associated with the matter must be recorded and appropriately stored (taking into consideration the nature of the information and the level of confidentiality to be applied).
 - d) Tier 2 matters will be completed wherever possible within 10 working days of receipt by the Supervisor/Divisional Manager/General Manager.
 - e) Tier 2 matters that are not completed within 10 working days will be escalated to the relevant General Manager or Chief Executive Officer for action (dependent upon the position of the Tier 2 Officer).

- Tier 3 – Escalation of a matter that has not been resolved within 20 days (total)
 - a) The relevant General Manager, or Chief Executive Officer (dependent upon the position of the Tier 2 Officer) is responsible for management/resolution of matters that have not been resolved within 20 days, and will act in the capacity of Investigating Officer.
 - b) Workflows will escalate those matters automatically.
 - c) Tier 3 investigations will, wherever possible, be completed within 28 working days.
 - d) If a matter is unable to be resolved to the satisfaction of the community member, customer they may request an internal review of the decision in accordance with 270 of the Local Government Act 1999: This would be dealt with under the Internal Review of Council Decisions Procedure.
 - e) The community member customer will also be provided with information regarding their options of referral of the matter to an external public sector agency (e.g. Ombudsman), appeal rights to the courts or other legal remedies.

- A complaint will not be reviewed if it is deemed:
 - a) To be frivolous or vexatious.
 - b) That the complainant is not seen as having a sufficient interest in the matter.

3. Comment Receipt Process

Comments received in writing (via letter, email or web forms) are to be registered in City of Salisbury’s Electronic Records and Document Management System, (Dataworks) against the appropriate departmental feedback classification, and assigned a Customer Comment Task to the record. This will assign the feedback record via a workflow to an officer who will:

- distribute the feedback details to the relevant manager for review and action as appropriate.

The Manager will assess the nature of the feedback and determine what action is required in response. This should include consideration of whether a response should be provided to the person who has submitted the feedback.

4. Compliments Receipt Process

Compliments received in writing (via letter, email or web forms) are to be registered in City of Salisbury’s Electronic Records and Document Management System (Dataworks) against the appropriate departmental feedback classification, and assigned a Customer Compliment Task to the record. This will assign the compliment via a workflow to an

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officer who will:

- Where the compliment is about a particular staff member, distribute the compliment details to their direct Manager and General Manager, who will determine how the staff member will be recognised.
- Where the compliment relates to a team or number of people, distribute the compliment to the Divisional Manager and General Manager.

5. Complaints Receipt Process

Complaints received in writing (via letter, email or web forms) are to be registered in City of Salisbury's Electronic Records and Document Management System against the appropriate departmental feedback classification, ~~and assigned a Customer Complaint Task to the record.~~ This will assign the complaint via a workflow to an officer who will:

- Acknowledge receipt of the complaint
- Direct the complaint to the appropriate actioning officer to attend to within the relevant timeframe.
- Workflows will escalate the complaint where it is not resolved within specified timeframes.

The officer responsible for resolving/completing a complaint must ensure the following information is recorded:

- Details of the resolution achieved
- Actions required to deliver the resolution, including timeframes for completion
- Communication of the outcome to ensure relevant policies/procedures are updated accordingly (where appropriate)

Where matters escalate to Tier 3 the Investigating Officer will

- Have appropriate authorisation to conduct the investigation;
- Clarify the issues with the ~~community member customer~~ and set appropriate expectations with the ~~customer~~ in relation to the scope and likely implications of the investigation.
- Gather information, prepare a report and formulate resolution options.
- Act reasonably, fairly and objectively, and in good faith.
- Ensure the report reflects the principles of procedural fairness and natural justice.
- Manage implementation of actions decided as part of the decision.
- Clearly communicate the outcome to the ~~community member customer~~.
- Monitor the effectiveness of outcomes.

6. Complaints regarding Code of Conduct for Council Employees

Complaint procedure

Where a person alleges —

an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or

an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or

the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council, they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint must be given to the Chief Executive Officer (or delegate. If delegate, name/position of delegate). In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and People and Culture resource procedures of the council.

H - LEGISLATION

Criminal Law Consolidation Act 1935
 Freedom of Information Act 1991
 Local Government Act 1999 – section 270
 Ombudsman Act 1972
~~Public Interest Disclosure Act 2018~~ Whistleblower Protection Act 1993

I - REFERENCES

Access and Equity Policy
 Code of Conduct for Employees, Volunteers, Contractors and Casual Workers
~~Customer Feedback, Compliments and Complaints Policy~~
 Elected Member Code of Conduct
~~Public Interest Disclosure Act 2018 Policy~~ Whistleblowers Protection Policy

J - ASSOCIATED PROCEDURES

Elected Member Code of Conduct - Dealing with Complaints
 Internal Review of Council Decisions Procedure (in accordance with section 270 of the ~~Local Government Act 1999~~)

Document Control

Document ID	Compliments, Comments and Complaints Handling Procedure
Prepared by	Team Leader Customer Relations Revised by Manager Community Experience & Relationships Communications and Customer Relations
Release	2.004.1
Document Status	Draft
Date Printed	16/04/2020 14:04:20 2003/03/2020

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 April 2020
PREV REFS	
HEADING	Community Consultation Policy review
AUTHOR	Julie Kushnir, Manager Community Experience & Relationships, Business Excellence
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	This report presents the Public Consultation Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner. Consideration has been given to Section 50(7) of the Local Government Act, in addition to other minor alterations which are of minor significance that would attract little (or no) community interest.

RECOMMENDATION

1. The information be received.
2. The Community Consultation Policy as set out in Attachment 1 to this report (Item No.3.6.3, Resources and Governance Committee, 20/04/2020), be endorsed.

ATTACHMENTS

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

1. Community Consultation Policy changes accepted Rev Final 14.4.20
2. Community Consultation Policy track changes Rev Final 14.4.20

BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and two years thereafter.
- 1.2 This Policy was last reviewed and endorsed by Council in 2017 and is now due again for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with the Manager, Property and Buildings 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 Consideration has been given to Section 50(7) of the Local Government Act, in addition to other minor alterations which are of minor significance that would attract little (or no) community interest.

4. CONCLUSION / PROPOSAL

- 4.1 The revised Community Consultation Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 14/04/2020



Community Consultation Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	
Approval Date:		Last Reapproval Date:	
Review Date:		Internal Reference No.:	
Department:	Business Excellence	Division:	Community Experience & Relationships
Function:	9 - Governance	Responsible Officer:	Manager, Community Experience & Relationships

A - PREAMBLE

1. The City of Salisbury is strongly committed to open, accountable and responsive decision making, which is informed by effective engagement, communication, and consultation between the Council and the Community.
2. In support of this Council has an endorsed Community Experience Charter which commits Council to work with the Community to deliver exceptional Community experience that exceeds Community expectations and delivers a future that we can all be proud of.
3. In the Community Experience Charter, our vision, “a flourishing city for all” is supported by our values – respectful, accountable, collaborative and helpful.
4. The requirements for preparation, adoption and alteration to a Council’s Public Consultation Policy are detailed in Section 50 of the Local Government Act 1999 (the Act).

B - SCOPE

5. This Community Consultation Policy (the Policy) has been prepared pursuant to Section 50 of the Act and sets out the steps the Council will take:
 - where it is required by the Act to follow its public consultation policy;
 - in encouraging Community involvement in planning and decision making relating to Council programs and service delivery
 - where other legislation prescribes consultation processes, where those processes will be followed as a minimum and the Policy will be applied to any discretionary elements of such consultation
6. The Community Consultation Procedure will be utilised by Staff and Elected Members in the application of this Policy when undertaking Community Engagement and Consultation.

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7. In the application of this Policy, Council will conduct all consultation processes in an independent manner to enable Community members and stakeholders to participate and express their views freely.

C – POLICY PURPOSE/OBJECTIVES

8. The purpose of this Policy is to recognise the diversity of our local people and their communities and ensure any consultation is designed to best meet the needs of the Community and Council to achieve the following outcomes:
- Establishing engaging and sustainable partnerships;
 - Building the wellbeing and a sense of pride among our people;
 - Developing a commitment to continuous improvement in our approach to engagement; and
 - To develop effective and ongoing engagement between Council and the local Community.
9. The following Community Engagement principles are central to the City of Salisbury’s approach to the Community consultation processes:
- **Participation:** Council views all members of its Community as being citizens and recognises that citizenship grows and develops with the participation of citizens in democratic processes
 - **Respect:** Council values and respects the diversity of the Community of the City of Salisbury and believes that all citizens have the right to be consulted and to participate in Council’s consultative and decision-making processes.
 - **Partnership:** Council will work in partnership with the Community to shape the future of the City of Salisbury because it believes that the City’s future is best achieved through an active and informed citizenry.
 - **Wellbeing:** Council believes that Community wellbeing, vibrancy and sustainability are enhanced by citizens participating in Council’s decision-making process.
 - **Accountability:** Council is accountable to its Community through Community participation and engagement for the management of its resources, assets and expenditure and for the decisions it makes.
 - **Accessibility:** Council recognises that there are a number of groups within the Community who have particular requirements to enable them to participate effectively in decision making processes. Council will ensure that any barriers to effective Community participation and engagement are addressed.
10. In applying this Policy, Council will utilise its Community Engagement Framework to enable a consistent and effective approach to consultation by its staff.

D – DEFINITIONS

11. The Act refers to the *Local Government Act 1999* unless otherwise specified.

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12. Community Consultation is the process Councils undertake to obtain community views on issues as an input to decision making. The Act requires Council to adopt a public consultation policy and apply it when consulting on particular matters.
13. Community Engagement is an all-encompassing term that incorporates all forms of community participation in decisions that affect them. The International Association for Public Participation (IAP2) identifies and defines differing levels of Community Engagement on a spectrum. These are inform, consult, involve, collaborate and empower. These underpin the approach behind the City of Salisbury's Community Engagement Framework.
14. Policy refers to the City of Salisbury's Community Consultation Policy.
15. For the purposes of this Policy, the term 'Community' includes anyone who lives, works, studies, owns property or a business or is a visitor to the City of Salisbury.

E - POLICY STATEMENT

Council will:

16. Follow the steps listed in Section G of this Policy when undertaking Community Consultation to meet its public consultation policy obligations under the Act. Staff may choose to undertake additional consultation if it is appropriate for particular circumstances.
17. Provide opportunities for Elected Members to engage with the Community through planned and unplanned opportunities, to meet their obligations under section 59 (1)(b) of the Act '...to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.'
18. Without limiting item 16, Elected Members' roles in participating in formal consultation processes outlined under Section F item 28 of this policy, will be limited to that of observers, not facilitators, to maintain a level of independence in any formal consultation process of Council.
19. Be clear with the community about the purpose of any consultation activity and provide details of the process of consulting and any known constraints.
20. Use various tools and techniques, including social media, to support effective Community Consultation and engagement to achieve the outcomes outlined in Section C. Council staff, aided by the Manager, Community Experience & Relationships, will apply the Community Engagement Charter Framework to decide what tools and techniques are appropriate on a case by case basis and in alignment with the requirements of the Council's Media Policy
21. With each separate consultation, identify how comments/submissions/representations will be accepted by Council as part of the Community Consultation process.
22. Provide timely feedback to participants who have been involved in the consultation activities.
23. Integrate consultation activities across the organisation to minimise duplication of effort, resources and the risk of 'over consultation'.
24. Refer information from consultations and outcomes onto other areas of Council for further use and action as appropriate.
25. Design consultation processes that best meet the needs of the local community and Council, including the consideration of accessibility for disengaged, disadvantaged and hard to reach groups.
26. Provide quality information to its Community so that consultation is conducted in an informed atmosphere of shared knowledge and mutual respect.

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27. Evaluate all Community Consultation for continuous improvement.
28. Consult when:
- Beyond its legislative obligations, Council will seek to uphold the intent of this Policy whenever consultation is warranted. Where this is the case, the Manager Community Experience and Relationships and the Community Experience Charter Framework should be referred to for advice and direction.

F – LOCAL GOVERNMENT ACT 1999 REQUIREMENTS

29. In circumstances where the Act specifically requires reference to a Council's public consultation policy, then Council will comply with the Act, in particular with regard to:
- a) Principal Office – Opening hours (section 45)
 - b) Code of Practice – Access to meetings and documents (section 92 (5)(b))
 - c) Annual Business Plans and Budgets (section 123)
 - d) Basis of Rating (section 151)
 - e) Basis of differential rates (section 156)
 - f) Community Land – Exclusion from classification (section 193)
 - g) Community Land – Revocation of Classification (section 194 (2))
 - h) Community Land – Management Plans (section 197 (1)(2)(3))
 - i) Community Land – Alienation by lease or licence (section 202)
 - j) Roads – Permits restricting access, or for use or activity requiring public consultation under regulations (section 223)
 - k) Roads – Planting of trees and vegetation (section 232)
30. The steps to be followed when consulting on the above matters are outlined in section G of this Policy and Appendix A.
31. When a matter under Council's consideration is not specifically required by the Act to follow the steps set out in its Public Consultation Policy, but specific sections within the Act do require that certain public consultation steps must be followed, Council will be guided by this Policy and the steps outlined in the relevant section of the Act. This will apply to:
- Representative Reviews (section 12)
 - Status of a council/change of names (section 13)
 - Commercial Activities – Prudential Requirements (section 48)
 - Strategic Management Plans (section 122 (6))
 - Passing of By-laws (section 249)
 - Policies on Orders (section 259)
32. Where there are legislative requirements for consultation under other legislation, then these take precedence over the Policy, in so far as if there is any inconsistency.
33. In circumstances where there is no requirement to follow relevant legislated practices, Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of this Policy and those of the Council's Media Policy.
34. The consultation requirements for each of the matters set out above are provided in detail in Appendix A of this Policy. These are the minimum requirements and where considered appropriate additional steps may also be undertaken.

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G – PUBLIC CONSULTATION STEPS AS REQUIRED UNDER THE ACT

35. For each matter listed in Section F, section 28, Council staff will:
- 35.1. Prepare a document that sets out Council's proposal in relation to the matter; and
- 35.2. Publish a notice:
- describing the matter under consideration;
 - in newspapers circulating within the area of the Council; and
 - inviting interested persons to make submissions within a period stated in the notice (being at least 21 days).
36. When submissions have been received by the specified date, Council staff will:
- 36.1. Summarise and analyse the information;
- 36.2. Prepare a report for Council or the relevant Council Committee which:
- summarises the Community Consultation outcomes;
 - presents the information in the broader context of the matter under consideration;
 - makes recommendations for Council or the Committee to consider when deciding on the matter/s; and
 - is included on the agenda for the next available Council or Committee meeting.
37. Council will consider the report and relevant recommendation/s and decide on the matter/s.
38. The right to address Council or a Committee of Council by way of deputation in support of any submission may be granted at the discretion of the Mayor or Presiding Member, unless otherwise prescribed in the relevant legislation.

Document Control

Document ID	Community Consultation Policy
Prepared by	Julie Kushnir
Reviewed by	Charles Mansueto
Release	
Document Status	Draft
Date Printed	16/04/2020

15/12/2015

Appendix A

Public Consultation – Schedule of Requirements: for matters *where Council is specifically required* by the *Local Government Act 1999* to follow the steps set out in its Public Consultation Policy (Listed in Section F, item 28 of this Policy).

Matter	Section of the Act	Summary of Community Consultation Steps
<p>a) <u>Principal Office – Opening hours</u> Council should consult with its local community in accordance with this Policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to those arrangements. Note: the principal office of the City of Salisbury is at 34 Church Street, Salisbury, SA 5108.</p>	s. 45	<p>As per the steps set out in section G of this Policy.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary. .</p>
<p>b) <u>Code of Practice – Access to meetings and documents</u> Before Council adopts, alters or substitutes a Code of Practice (on public access to Council and Committee Meetings and release of documents) it must follow the steps in this Policy.</p>	s. 92 (5)(b)	<p>As per the steps set out in section G of this Policy, with the addition of:</p> <ul style="list-style-type: none"> • Before Council adopts, alters or substitutes a code of practice under this section it must make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the Council’s principal office.
<p>c) <u>Annual Business Plans and Budgets</u> Before Council adopts an annual Business Plan, Council must prepare a draft annual business plan and follow the steps in this policy.</p>	s. 123(3), (4), 5 and 5(a)	<p>As per the steps set out in section G of this Policy. In addition, the consultation process must provide at least for the following:</p> <ul style="list-style-type: none"> • The publication in a newspaper circulating within the area of the Council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons - <ul style="list-style-type: none"> • to attend: <ul style="list-style-type: none"> - a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or - a meeting of the Council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of a least one hour; or • to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and • Council must make arrangements for a meeting and the consideration of any submissions made at that meeting or in response to the invitation, including ensuring copies of the draft annual business plan are available at the meeting for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the date of that meeting. • Council must ensure that provision is made for a facility for asking and answering questions and the receipt of submissions on its website during the community consultation period. <p>Notice No. 2 of the Local Government Act removes mandatory</p>

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Matter	Section of the Act	Summary of Community Consultation Steps
		public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.
<p>d) <u>Basis of Rating</u> Before Council changes the basis of rating of any land; or changes the basis on which land is valued for the purposes of rating; or changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land Council must follow the steps in this Policy.</p>	s. 151(5)	<p>As per the steps set out in section G of this Policy.</p> <p>In addition, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change and inviting interested persons to attend a community meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community meeting and the consideration by the Council of any submissions made at that meeting or in response to the invitation; • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for community consultation. <p>Note: A Report required under subsection (5)(d) may form part of the Council's draft annual business plan (and that plan as adopted) and the community consultation may be undertaken as part of the community consultation required with respect to the Council's draft annual business plan.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>

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Matter	Section of the Act	Summary of Community Consultation Steps
<p>e) <u>Basis of differential rates</u> Differential rates may vary according to the use of land; locality of the land; locality of the land and its use; or on some other basis determined by Council. Before Council changes from declaring differential rates in relation to any land it must follow the steps in this Policy.</p>	<p>s. 156 (14a) and (14d)</p>	<p>As per the steps set out in section G of this Policy. In addition, as part of the consultation process, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change, informing the community of the preparation of the report and inviting interested persons to attend a community meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community meeting and the consideration by Council of any submissions made at that meeting or in response to the invitation. • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for community consultation. <p>Note: A Report required under subsection (14a)(a) may form part of the Council's draft annual business plan (and that plan as adopted) or a report prepared for the purposes of section 151(5)(d) and the community consultation may be undertaken as part of the community consultation required with respect to the Council's draft annual business plan or consultation under section 151(7).</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p>f) <u>Community Land – Exclusion from classification</u> Before the Council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the steps in this Policy.</p>	<p>s. 193(2)</p>	<p>As per the steps set out in section G of this Policy.</p>
<p>g) <u>Community Land – Revocation of Classification</u> Council may (subject to the exceptions and qualifications set out in section 194 of the Act) revoke the classification of land as community land. In addition to the procedure outlined in the Act which Council must undertake, Council must also follow the steps in this Policy.</p>	<p>s. 194 (2)</p>	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Consult with Ward Councillors on the process to be followed, in accordance with Council's Community Consultation Policy. • Send letters to property owners in the area who are likely to be affected, inviting interested persons to make submissions for Council's consideration. Letters to property owners will be descriptive, informative and explanatory in terms of the reasons and purposes for the proposal. • Erect a sign on the reserve and/or land the subject of the revocation to advise of the proposal and the consultation process being followed. <p>In addition, as part of the revocation process, Council must prepare and make publicly available a report on the proposal</p>

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Matter	Section of the Act	Summary of Community Consultation Steps
		containing: <ul style="list-style-type: none"> • A summary of the reasons for the proposal; and • A statement of any dedication, reservation or trust to which the land is subject; and • A statement of whether revocation of the classification is proposed with a review to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the Council proposes to use the proceeds; and • An assessment of how implementation of the proposal would affect the area and the local community; and • If the council is not the owner of the land – a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification. After complying with the above requirements Council must: <ul style="list-style-type: none"> • Submit the proposal with a report on all submissions made on it as part of the community consultation process to the Minister; and • If approved by the Minister, may make a resolution revoking the classification of the land as community land.
h) <u>Community Land – Management Plans</u> Before Council adopts a management plan for community land it must follow the steps in this Policy.	s. 197 (1), (2) and (3)	As per the steps set out in section G of this Policy. In addition, Council must: <ul style="list-style-type: none"> • Make copies of the proposed plan available for inspection or purchase at the Council's principal office. • Give public notice of its adoption of a management plan.
i) <u>Community Land – Alienation by lease or licence</u> Before Council may grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve) it must follow the steps in this Policy.	s. 202	As per the steps set out in section G of this Policy. Note that: a council need not comply with these requirements if: <ol style="list-style-type: none"> (a) the grant of a lease or licence is authorized in an approved management plan for the land/and or the term of the proposed lease or license is five years or less (b) the regulations provide in the circumstances of the case, for an exemption from compliance with a community consultation policy.
j) <u>Roads – Permits restricting access, or for use or activity requiring community consultation under regulations</u> If Council proposes to grant an authorisation or permit that confers a right of exclusive occupation; or that would have the effect of restricting access to a road; or in relation to a use or activity for which community consultation is required under the regulations, then Council must follow the steps in this Policy.	s. 223	As per the steps set out in section G of this Policy. In addition, Council must: <ul style="list-style-type: none"> • Give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.

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Matter	Section of the Act	Summary of Community Consultation Steps
<p>k) <u>Roads – Planting of trees and vegetation</u></p> <p>Before Council plants vegetation, or authorises or permits the planting of vegetation on a road, Council must follow the steps in this policy. Council must also (in addition to complying with any other statutory requirements) give consideration to:</p> <ul style="list-style-type: none"> whether the vegetation is, on balance, appropriate to the proposed site, and if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area. 	s. 232	As per the steps set out in section G of this Policy.

Public Consultation – Schedule of Requirements: for matters *where Council is not specifically required* by the *Local Government Act 1999* to follow the steps set out in its Public Consultation Policy, but is required to comply with community consultation steps as set out in the relevant sections of the Act.

Matter	Section of the Act	Summary of Community Consultation Steps
<p><u>Composition and wards / Representation Reviews</u></p> <p>A Council may, by notice in the Gazette after complying with the requirements of s.12:</p> <ul style="list-style-type: none"> alter the composition of the Council; or divide, or redivide the area of the Council into wards, alter the divisions of the area of the Council into wards, or abolish the division of the area of a Council into wards; or change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or alter the name of the council or area of the council; give a name to, or alter the name of, a ward 	s. 12	<p>Council must:</p> <ol style="list-style-type: none"> <u>Prepare a Representation Options Paper</u> <ul style="list-style-type: none"> By public notice, published in a newspaper circulating within its area, inform the community of the preparation of the Representation Options Paper and invite written submissions on the subject of the review within a period specified by the Council (being a period of at least 6 weeks) Ensure copies of the Representation Options Paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period of consultation. <u>Prepare a Report</u> <ul style="list-style-type: none"> Make copies of the Report available for community inspection at the principal office of the council; and By public notice, published in a newspaper circulating within its area, inform the community of the preparation of the report and its availability and invite written submissions on the report within a period specified by Council (being a period of at least 3 weeks). Give any person who makes a written submission an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. <u>Finalise the Report</u> <ul style="list-style-type: none"> Submit the report, accompanied by copies of written submissions received, to the Electoral Commissioner for certification.

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Matter	Section of the Act	Summary of Community Consultation Steps
<p><u>Status of a Council/Change of Names</u></p> <p>A Council may, by notice in the Gazette, after complying with the requirements of s.13:</p> <ul style="list-style-type: none"> change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or alter the name of the council or area of the council; or alter the name of a ward. 	s. 13	<p>Council must:</p> <ul style="list-style-type: none"> Give public notice of the proposal inviting interested persons to make written submissions on the matter within a period specified by the Council (being at least 6 weeks); Publish a copy of the notice in a newspaper circulating within its area; Give any person who makes a written submission in response to an invitation to do so an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.
<p><u>Commercial Activities – Prudential Requirements</u></p> <p>Before engaging in:</p> <ul style="list-style-type: none"> a commercial project (including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected recurrent or capital expenditure of the project exceeds an amount set by council for the purposes of s.48; or; Any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected expenditure over the ensuing 5 years is likely to exceed 20 per cent of the Council's average operating expenses over the previous five financial years or where the expected capital costs over the ensuing five years is likely to exceed \$4,000,000 <p>Council must obtain and consider a report that addresses the prudential issues specified in s.48(2).</p>	s. 48	<p>Any report obtained and considered must be made available for community inspection at the principal office of the Council once the Council has made a decision on the relevant project (and may be available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>
<p><u>Strategic Management Plans</u></p> <p>Council must develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the <i>strategic management plans</i>.</p>	s. 122(6)	<p>Council must adopt a process or processes to ensure that members of the community are given a reasonable opportunity to be involved in the development and review of its strategic management plans.</p> <p>Council must ensure that copies of its strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the community at the principal office of the Council.</p>
<p><u>Passing of By-laws</u></p> <p>Council must comply with specific consultation requirements if it proposes to make a by-law.</p>	s. 249	<p>Council must:</p> <ul style="list-style-type: none"> at least 21 days before resolving to make a by-law, make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for community inspection, without charge and during ordinary office hours, at the principal office of the Council and on the internet; and at least 21 days before resolving to make a by-law, by publication of a notice in a newspaper circulating in the area of the Council, inform the community of the availability of

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Matter	Section of the Act	Summary of Community Consultation Steps
		<p>the proposed by-law and set out the terms of the by-law, or describe in general terms the by-law's nature and effect</p> <ul style="list-style-type: none"> • Give reasonable consideration to a written or other acceptable submission made • Once a by-law has been made, publish a notice of the making of a by-law in a newspaper circulating in the area of the Council <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p><u>Policies on Orders</u> Council must take reasonable steps to prepare and adopt policies concerning Orders.</p>	s. 259	<p>Council must:</p> <ul style="list-style-type: none"> • Prepare a draft of the Policy • by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). • Consider submissions made in response to the invitation. • Before adopting an amendment to a Policy, by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the amended policy are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). Consider submissions made in response to the invitation.



Public-Community Consultation Policy

Policy Type: Policy

Approved By:	Council	Decision No:	0744
Approval Date:	23 November 2015	Last Reapproval Date:	23 March 2020
Review Date:	23 November 2017 23 March 2022	Internal Reference No.:	
Department:	Business Excellence Community Development	Division:	Community Experience & Relationships Communications and Customer Relations
Function:	9 - Governance	Responsible Officer:	Manager, Community Experience & Relationships Team Leader, Engagement and Customer Relations

(a) A - PREAMBLE

1. The City of Salisbury is strongly committed to open, accountable and responsive decision making, which is informed by effective engagement, communication, and consultation between the Council and the Community.
2. In support of this Council has an endorsed Community Experience Charter which commits Council to work with the Community to deliver exceptional Community experience that exceeds Community expectations and delivers a future that we can all be proud of.
3. In the Community Experience Charter, our vision, "a flourishing city for all" is supported by our values – respectful, accountable, collaborative and helpful.
 1. commitment this Public Consultation Policy has been developed and endorsed by Council.
- 2.4. The requirements for preparation, adoption and alteration to a Council's Public Consultation Policy are detailed in Section 50 of the *Local Government Act 1999* (the Act).
3. Where Council is required to undertake consultation under the Act, as a minimum the Council must at least provide for
 - 3.1. publication in a newspaper circulating within the area of the council, a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
 - 3.2. the consideration by the Council of any submissions made in response to an

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invitation under paragraph 3.1.

(b) B - SCOPE

4.5. This Community Public Consultation Policy (the Policy) has been prepared pursuant to Section 50 of the Act and sets out the steps the Council will take:

- where it is required by the Act to follow its Public Consultation Policy;
- in encouraging Community involvement in planning and decision making relating to Council programs and service delivery
- where other legislation prescribes consultation processes, where those processes will be followed as a minimum and the Policy will be applied to any discretionary elements of such consultation

5.6. The Community Public Consultation Procedure will be utilised by Staff and Elected Members in the application of this Policy when undertaking eCommunity Engagement and eConsultation.

6.7. In the application of this pPolicy, Council will conduct all consultation processes in an independent manner to enable eCommunity members and stakeholders to participate and express their views freely.

(c) C – POLICY PURPOSE/PRINCIPLES/OBJECTIVES

7.8. The purpose of this Policy is to recognise the diversity of our local people and their communities and ensure any consultation is designed to best meet the needs of the eCommunity and Council to achieve the following outcomes:

- Establishing engaging and sustainable partnerships;
- Building the wellbeing and a sense of pride among our people;
- Developing a commitment to continuous improvement in our approach to engagement; and
- To develop effective and ongoing engagement between Council and the local eCommunity.

8.9. The following eCommunity Engagement principles are central to the City of Salisbury’s approach to the Community public consultation processes:

- Participation: Council views all members of its Community as being citizens and recognises that citizenship grows and develops with the participation of citizens in democratic processes
- Respect: Council values and respects the diversity of the Community of the City of Salisbury and believes that all citizens have the right to be consulted and to participate in Council’s consultative and decision-making processes.
- Partnership: Council will work in partnership with the Community to shape the future of the City of Salisbury because it believes that the City’s future is best achieved through an active and informed citizenry.

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- Wellbeing: Council believes that Community wellbeing, vibrancy and sustainability are enhanced by citizens participating in Council’s decision-making process.
- Accountability: Council is accountable to its Community through Community participation and engagement for the management of its resources, assets and expenditure and for the decisions it makes.
- Accessibility: Council recognises that there are a number of groups within the Community who have particular requirements to enable them to participate effectively in decision making processes. Council will ensure that any barriers to effective Community participation and engagement are addressed.

9.10. In applying this Policy, Council will utilise its Community Engagement Framework to enable a consistent and effective approach to consultation by its staff.

(d) D – DEFINITIONS

10.11. The Act refers to the *Local Government Act 1999* unless otherwise specified.

11.12. ~~Community Public~~ Consultation is the process Councils undertake to obtain community views on issues as an input to decision making. The Act requires Council to adopt a ~~Public~~ ~~Consultation~~ ~~Policy~~ and apply it when consulting on particular matters.

12.13. Community Engagement is an all-encompassing term that incorporates all forms of community participation in decisions that affect them. The International Association for Public Participation (IAP2) identifies and defines differing levels of Community Engagement on a spectrum. These are inform, consult, involve, collaborate and empower. These underpin the approach behind the City of Salisbury’s Community Engagement Framework.

13.14. Policy refers to the City of Salisbury’s ~~Community Public~~ Consultation Policy.

14.15. For the purposes of this Policy, the term ‘Community’ includes anyone who lives, works, studies, owns property or a business or is a visitor to the City of Salisbury.

(e) E - POLICY STATEMENT

Council will:

15.16. Follow the steps listed in Section G of this Policy when undertaking ~~eCommunity public~~ Consultation to meet its ~~Community Public~~ ~~Public~~ ~~Consultation~~ ~~Policy~~ obligations under the Act. Staff may choose to undertake additional consultation if it is appropriate for particular circumstances.

16.17. Provide opportunities for Elected Members to engage with the ~~Community~~ through planned and unplanned opportunities, to meet their obligations under section 59 (1)(b) of the Act ‘..to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.’

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~~17-18.~~ Without limiting item 16, Elected Members' role's in participating in formal consultation processes outlined under Section F item 28 of this policy, will be limited to that of observers, not facilitators, to maintain a level of independence in any formal consultation process of Council.

~~18-19.~~ Be clear with the community about the purpose of any consultation activity and provide details of the process of consulting and any known constraints.

~~19-20.~~ Use various tools and techniques, including social media, to support effective ~~Ceomunity eC~~onsultation and engagement to achieve the outcomes outlined in Section C. Council staff, aided by the ~~Manager, Community Experience & Relationships Team Leader, Engagement and Customer Relations~~, will apply the Community Engagement ~~Charter~~ Framework to decide what tools and techniques are appropriate on a case by case basis ~~and in alignment with the requirements of the Council's Media Policy.~~

~~20-21.~~ With each separate consultation, identify how comments/submissions/representations will be accepted by Council as part of the ~~Ceomunity eC~~onsultation process.

~~21-22.~~ Provide timely feedback to participants who have been involved in the consultation activities.

~~22-23.~~ Integrate consultation activities across the organisation to minimise duplication of effort, resources and the risk of 'over consultation'.

~~23-24.~~ Refer information from consultations and outcomes onto other areas of Council for further use and action as appropriate.

~~24-25.~~ Design consultation processes that best meet the needs of the local community and Council, including the consideration of accessibility for disengaged, disadvantaged and hard to reach groups.

~~25-26.~~ Provide quality information to its Community so that consultation is conducted in an informed atmosphere of shared knowledge and mutual respect.

~~25-1-~~ Evaluate all ~~Ceomunity public eC~~onsultation for continuous improvement.

~~27.~~

~~28. Consult when:~~

~~26. When to Consult~~

~~26.1.~~ Beyond its legislative obligations, Council will seek to uphold the intent of this Policy whenever consultation is warranted. Where this is the case, ~~the Manager Community Experience and Relationships the Team Leader, Engagement and Customer Relations~~ and the Community ~~Experience Charter Engagement~~ Framework should be referred to for advice and direction.

(F) F – LOCAL GOVERNMENT ACT 1999 REQUIREMENTS

~~27-29.~~ In circumstances where the Act specifically requires reference to a Council's ~~Ppublic eC~~onsultation ~~Ppolicy~~, then Council will comply with the Act, in particular with regard to:

- a) Principal Office – Opening hours (section 45)
- b) Code of Practice – Access to meetings and documents (section 92 (5)(b))
- c) Annual Business Plans and Budgets (section 123)

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- d) Basis of Rating (section 151)
- e) Basis of differential rates (section 156)
- f) Community Land – Exclusion from classification (section 193)
- g) Community Land – Revocation of Classification (section 194 (2))
- h) Community Land – Management Plans (section 197 (1)(2)(3))
- i) Community Land – Alienation by lease or licence (section 202)
- j) Roads – Permits restricting access, or for use or activity requiring public consultation under regulations (section 223)
- k) Roads – Planting of trees and vegetation (section 232)

~~28.30.~~ The steps to be followed when consulting on the above matters are outlined in section G of this Policy and Appendix A.

~~29.31.~~ When a matter under Council's consideration is not specifically required by the Act to follow the steps set out in its Public Consultation Policy, but specific sections within the Act do require that certain ~~public public~~ consultation steps must be followed, Council will be guided by this Policy and the steps outlined in the relevant section of the Act. This will apply to:

- Representative Reviews (section 12)
- Status of a council/change of names (section 13)
- Commercial Activities – Prudential Requirements (section 48)
- Strategic Management Plans (section 122 (6))
- Passing of By-laws (section 249)
- Policies on Orders (section 259)

~~30.32.~~ Where there are legislative requirements for consultation under other legislation, then these take precedence over the ~~Community Public Consultation~~ the Policy, in so far as if there is any inconsistency.

~~31.33.~~ In circumstances where there is no requirement to follow relevant legislated practices, Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of this Policy ~~and those of the Council's Media Policy.~~

~~32.34.~~ The consultation requirements for each of the matters set out above are provided in detail in Appendix A of this Policy. These are the minimum requirements and where considered appropriate additional steps may also be undertaken.

G – PUBLIC CONSULTATION STEPS AS REQUIRED UNDER THE ACT

~~33.35.~~ For each matter listed in Section F, section 28, Council staff will:

- ~~33.1.35.1.~~ Prepare a document that sets out Council's proposal in relation to the matter; and
- ~~33.2.35.2.~~ Publish a notice:
 - describing the matter under consideration;
 - in newspapers circulating within the area of the Council; and
 - inviting interested persons to make submissions within a period stated in the notice (being at least 21 days).

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- ~~34.~~~~36.~~ When submissions have been received by the specified date, Council staff will:
- ~~34.1.~~~~36.1.~~ Summarise and analyse the information;
 - ~~34.2.~~~~36.2.~~ Prepare a report for Council or the relevant Council Committee which:
 - summarises the ~~Ce~~community public ~~e~~Consultation outcomes;
 - presents the information in the broader context of the matter under consideration;
 - makes recommendations for Council or the Committee to consider when deciding on the matter/s; and
 - is included on the agenda for the next available Council or Committee meeting.
- ~~35.~~~~37.~~ Council will consider the report and relevant recommendation/s and decide on the matter/s.
- ~~36.~~~~38.~~ The right to address Council or a Committee of Council by way of deputation in support of any submission may be granted at the discretion of the Mayor or Presiding Member, unless otherwise prescribed in the relevant legislation.

Document Control

Document ID	Community Public -Consultation Policy
Prepared by	Julie Kushnir Bianca Lewis
Reviewed by	Charles Mansucto Michael Bennington
Release	+
Document Status	Draft Endorsed by Council 23.11.2015. This policy incorporates the now redundant Community Land Public Consultation Policy (last reviewed by Council 23 September 2013).
Date Printed	16/04/2020 15/04/2020 14/02/2020

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Appendix A

Public Consultation – Schedule of Requirements: for matters *where Council is specifically required* by the *Local Government Act 1999* to follow the steps set out in its **Public Consultation Policy** (Listed in Section F, item 28 of this Policy).

Matter	Section of the Act	Summary of Community Public Consultation Steps
<p>a) Principal Office – Opening hours Council should consult with its local community in accordance with this Policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to those arrangements. Note: the principal office of the City of Salisbury is at <u>34 Church Street</u> 12 James Street, Salisbury, SA 5108.</p>	s. 45	<p>As per the steps set out in section G of this Policy.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p>b) Code of Practice – Access to meetings and documents Before Council adopts, alters or substitutes a Code of Practice (on public access to Council and Committee Meetings and release of documents) it must follow the steps in this Policy.</p>	s. 92 (5)(b)	<p>As per the steps set out in section G of this Policy, with the addition of:</p> <ul style="list-style-type: none"> Before Council adopts, alters or substitutes a code of practice under this section it must make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the Council’s principal office.
<p>c) Annual Business Plans and Budgets Before Council adopts an annual Business Plan, Council must prepare a draft annual business plan and follow the steps in this policy.</p>	s. 123(3), (4), 5 and 5(a)	<p>As per the steps set out in section G of this Policy. In addition, the consultation process must provide at least for the following:</p> <ul style="list-style-type: none"> The publication in a newspaper circulating within the area of the Council <u>and on a website determined by the chief executive officer</u> of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons - <ul style="list-style-type: none"> to attend: <ul style="list-style-type: none"> a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; <u>or</u> a meeting of the Council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of a least one hour; <u>or</u> to make written submissions in relation to the matter <u>within a period (which must be at least 21 days) stated in the notice; and</u> Council must make arrangements for a meeting and the consideration of any submissions made at that meeting <u>or in response to the invitation</u>, including ensuring copies of the draft annual business plan are available at the meeting for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the date of that meeting. Council must ensure that provision is made for a facility for asking and answering questions and the receipt of submissions on its website during the community public consultation period. <p>Notice No. 2 of the Local Government Act removes mandatory</p>

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Matter	Section of the Act	Summary of Community Public Consultation Steps
<p>d) <u>Basis of Rating</u> Before Council changes the basis of rating of any land; or changes the basis on which land is valued for the purposes of rating; or changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land Council must follow the steps in this Policy.</p>	<p>s. 151(5)</p>	<p>public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p> <ul style="list-style-type: none"> • <p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change and inviting interested persons to attend a community public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community public meeting and the consideration by the Council of any submissions made at that meeting or in response to the invitation; • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for community public consultation. <p>Note: A Report required under subsection (5)(d) may form part of the Council's draft annual business plan (and that plan as adopted) and the community public consultation may be undertaken as part of the community public consultation required with respect to the Council's draft annual business plan.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>

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Matter	Section of the Act	Summary of Community Public Consultation Steps
<p>c) <u>Basis of differential rates</u> Differential rates may vary according to the use of land; locality of the land; locality of the land and its use; or on some other basis determined by Council. Before Council changes from declaring differential rates in relation to any land it must follow the steps in this Policy.</p>	<p>s. 156 (14a) and (14d)</p>	<p>As per the steps set out in section G of this Policy. In addition, as part of the consultation process, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change, informing the community public of the preparation of the report and inviting interested persons to attend a community public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community public meeting and the consideration by Council of any submissions made at that meeting or in response to the invitation. • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for community public consultation. <p>Note: A Report required under subsection (14a)(a) may form part of the Council's draft annual business plan (and that plan as adopted) or a report prepared for the purposes of section 151(5)(d) and the community public consultation may be undertaken as part of the community public consultation required with respect to the Council's draft annual business plan or consultation under section 151(7).</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p>f) <u>Community Land – Exclusion from classification</u> Before the Council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the steps in this Policy.</p>	<p>s. 193(2)</p>	<p>As per the steps set out in section G of this Policy.</p>
<p>g) <u>Community Land – Revocation of Classification</u> Council may (subject to the exceptions and qualifications set out in section 194 of the Act) revoke the classification of land as community land. In addition to the procedure outlined in the Act which Council must undertake, Council must also follow the steps in this Policy.</p>	<p>s. 194 (2)</p>	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Consult with Ward Councillors on the process to be followed, in accordance with Council's Community Public Consultation Policy. • Send letters to property owners in the area who are likely to be affected, inviting interested persons to make submissions for Council's consideration. Letters to property owners will be descriptive, informative and explanatory in terms of the reasons and purposes for the proposal. • Erect a sign on the reserve and/or land the subject of the revocation to advise of the proposal and the consultation process being followed.

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Matter	Section of the Act	Summary of Community Public Consultation Steps
		<p>In addition, as part of the revocation process, Council must prepare and make publicly available a report on the proposal containing:</p> <ul style="list-style-type: none"> • A summary of the reasons for the proposal; and • A statement of any dedication, reservation or trust to which the land is subject; and • A statement of whether revocation of the classification is proposed with a review to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the Council proposes to use the proceeds; and • An assessment of how implementation of the proposal would affect the area and the local community; and • If the council is not the owner of the land – a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification. <p>After complying with the above requirements Council must:</p> <ul style="list-style-type: none"> • Submit the proposal with a report on all submissions made on it as part of the community public-consultation process to the Minister; and • If approved by the Minister, may make a resolution revoking the classification of the land as community land.
<p>h) Community Land – Management Plans Before Council adopts a management plan for community land it must follow the steps in this Policy.</p>	s. 197 (1), (2) and (3)	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Make copies of the proposed plan available for inspection or purchase at the Council's principal office. • Give public notice of its adoption of a management plan.
<p>i) Community Land – Alienation by lease or licence Before Council may grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve) it must follow the steps in this Policy.</p>	s. 202	<p>As per the steps set out in section G of this Policy.</p> <p>Note that: a council need not comply with these requirements if:</p> <ol style="list-style-type: none"> the grant of a lease or licence is authorized in an approved management plan for the land/and or the term of the proposed lease or license is five years or less the regulations provide in the circumstances of the case, for an exemption from compliance with a community public-consultation policy.
<p>j) Roads – Permits restricting access, or for use or activity requiring community public-consultation under regulations If Council proposes to grant an authorisation or permit that confers a right of exclusive occupation; or that would have the effect of restricting access to a road; or in relation to a use or activity for which community public consultation is required under the regulations, then Council must follow the steps in this Policy.</p>	s. 223	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.

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Matter	Section of the Act	Summary of Community Public Consultation Steps
<p>k) <u>Roads – Planting of trees and vegetation</u> Before Council plants vegetation, or authorises or permits the planting of vegetation on a road, Council must follow the steps in this policy. Council must also (in addition to complying with any other statutory requirements) give consideration to:</p> <ul style="list-style-type: none"> whether the vegetation is, on balance, appropriate to the proposed site, and if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area. 	s. 232	As per the steps set out in section G of this Policy.

Public Consultation – Schedule of Requirements: for matters *where Council is not specifically required* by the *Local Government Act 1999* to follow the steps set out in its **Public** Consultation Policy, but is required to comply with **community public** consultation steps as set out in the relevant sections of the Act.

Matter	Section of the Act	Summary of Community Public Consultation Steps
<p><u>Composition and wards / Representation Reviews</u> A Council may, by notice in the Gazette after complying with the requirements of s.12:</p> <ul style="list-style-type: none"> alter the composition of the Council; or divide, or redivide the area of the Council into wards, alter the divisions of the area of the Council into wards, or abolish the division of the area of a Council into wards; or change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or alter the name of the council or area of the council; give a name to, or alter the name of, a ward. 	s. 12	<p>Council must:</p> <ol style="list-style-type: none"> Prepare a <u>Representation Options Paper</u> <ul style="list-style-type: none"> By public notice, published in a newspaper circulating within its area, inform the community public of the preparation of the Representation Options Paper and invite written submissions on the subject of the review within a period specified by the Council (being a period of at least 6 weeks) Ensure copies of the Representation Options Paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period of consultation. Prepare a <u>Report</u> <ul style="list-style-type: none"> Make copies of the Report available for community public inspection at the principal office of the council; and By public notice, published in a newspaper circulating within its area, inform the community public of the preparation of the report and its availability and invite written submissions on the report within a period specified by Council (being a period of at least 3 weeks) Give any person who makes a written submission an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. Finalise the <u>Report</u> <ul style="list-style-type: none"> Submit the report, accompanied by copies of written submissions received, to the Electoral Commissioner for

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Matter	Section of the Act	Summary of <u>Community Public</u> Consultation Steps
		certification.
<p><u>Status of a Council/Change of Names</u> A Council may, by notice in the Gazette, after complying with the requirements of s.13:</p> <ul style="list-style-type: none"> change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or alter the name of the council or area of the council; or alter the name of a ward. 	s. 13	<p>Council must:</p> <ul style="list-style-type: none"> Give public notice of the proposal inviting interested persons to make written submissions on the matter within a period specified by the Council (being at least 6 weeks); Publish a copy of the notice in a newspaper circulating within its area; Give any person who makes a written submission in response to an invitation to do so an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.
<p><u>Commercial Activities – Prudential Requirements</u> Before engaging in:</p> <ul style="list-style-type: none"> a commercial project (including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected recurrent or capital expenditure of the project exceeds an amount set by council for the purposes of s.48; or; Any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected expenditure over the ensuing 5 years is likely to exceed 20 per cent of the Council’s average operating expenses over the previous five financial years or where the expected capital costs over the ensuing five years is likely to exceed \$4,000,000 <p>Council must obtain and consider a report that addresses the prudential issues specified in s.48(2).</p>	s. 48	<p>Any report obtained and considered must be made available for <u>community public</u> inspection at the principal office of the Council once the Council has made a decision on the relevant project (and may be available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>
<p><u>Strategic Management Plans</u> Council must develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the <i>strategic management plans</i>.</p>	s. 122(6)	<p>Council must adopt a process or processes to ensure that members of the <u>community public</u> are given a reasonable opportunity to be involved in the development and review of its strategic management plans.</p> <p>Council must ensure that copies of its strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the <u>community public</u> at the principal office of the Council.</p>
<p><u>Passing of By-laws</u> Council must comply with specific consultation requirements if it proposes to make a by-law.</p>	s. 249	<p>Council must:</p> <ul style="list-style-type: none"> at least 21 days before resolving to make a by-law, make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for <u>community public</u> inspection, without charge and during ordinary office hours, at the principal office of the Council and on the internet; and at least 21 days before resolving to make a by-law, by publication of a notice in a newspaper circulating in the area

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Matter	Section of the Act	Summary of Community Public Consultation Steps
		<p>of the Council, inform the community public of the availability of the proposed by-law and set out the terms of the by-law, or describe in general terms the by-law's nature and effect</p> <ul style="list-style-type: none"> • Give reasonable consideration to a written or other acceptable submission made • Once a by-law has been made, publish a notice of the making of a by-law in a newspaper circulating in the area of the Council <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p><u>Policies on Orders</u> Council must take reasonable steps to prepare and adopt policies concerning Orders.</p>	<p>s. 259</p>	<p>Council must:</p> <ul style="list-style-type: none"> • Prepare a draft of the Policy • by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). • Consider submissions made in response to the invitation. • Before adopting an amendment to a Policy, by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the amended policy are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). Consider submissions made in response to the invitation.

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