



## **AGENDA**

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

**18 MAY 2020 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE  
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 20 April 2020.

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## **REPORTS**

### *Administration*

3.0.1 Future Reports for the Resources and Governance Committee ..... 7

3.0.2 Charges For Use of Council Land for Business Purposes Policy ..... 11

### *Development Control Administration*

3.2.1 Council Assessment Panel - Appointment of Independent Member to  
Vacant Position..... 17

### *Corporate Governance*

3.6.1 Review of Media Policy ..... 27

## **OTHER BUSINESS**

## **CLOSE**



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

**20 APRIL 2020**

**MEMBERS PRESENT**

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

**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 9.09 pm.

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

**APOLOGIES**

There were no apologies.

**LEAVE OF ABSENCE**

Nil

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## PRESENTATION OF MINUTES

Moved Mayor G Aldridge  
Seconded Cr D Hood

The Minutes of the Resources and Governance Committee Meeting held on 16 March 2020, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr J Woodman  
Seconded Cr D Hood

1. The information be received.

**CARRIED**

#### **3.0.2 Charges For Use of Council Land for Business Purposes Policy**

Moved Mayor G Aldridge  
Seconded Cr J Woodman

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 deferred to the May meeting of the Resources and Governance Committee.

**CARRIED**

**3.6.1 Review of the Code of Conduct for Council Members - Dealing with Complaints Procedure and the Media Policy**

*Mayor G Aldridge left the meeting at 9.12 pm.*

*Mayor G Aldridge returned to the meeting at 9.14 pm.*

Moved Cr B Brug

Seconded Cr K Grenfell

1. The *Code of Conduct for Council Members – Dealing with Complaints Procedure* as contained in Attachment 1 to this report (Item No. 3.6.1, Resources and Governance Committee, 20 April 2020), noted and deferred.
2. The *Media Policy* as contained in Attachment 3 to this report (Item No. 3.6.1, Resources and Governance Committee, 20 April 2020), be noted and deferred.

With leave of the meeting and consent of the seconder, Cr B Brug VARIED the MOTION as follows:

1. The *Code of Conduct for Council Members – Dealing with Complaints Procedure* as contained in Attachment 1 to this report (Item No. 3.6.1, Resources and Governance Committee, 20 April 2020), be endorsed.
2. The *Media Policy* as contained in Attachment 3 to this report (Item No. 3.6.1, Resources and Governance Committee, 20 April 2020), be noted and deferred for a period of three months.

**CARRIED**

**3.6.2 Review of the Compliments, Comments, Complaints Handling Procedure**

Moved Mayor G Aldridge

Seconded Cr J Woodman

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.

**CARRIED**

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**3.6.3 Community Consultation Policy Review**

Moved Mayor G Aldridge  
Seconded Cr J Woodman

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.

**CARRIED**

**OTHER BUSINESS**

Nil

The meeting closed at 10.07 pm.

CHAIRMAN.....

DATE.....

<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 May 2020
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	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:

<b>Meeting Item</b>	<b>Heading and Resolution</b>	<b>Officer</b>
26/11/2018 6.5	<b>Council and Committee Structure</b> 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. <b>Due:</b> June 2020	Mick Petrovski
22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 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. <b>Due:</b> June 2020	John Darzanos
22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 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. <b>Due:</b> June 2020	John Darzanos
22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 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. <b>Due:</b> June 2020	John Darzanos
28/10/2019 6.1	<b>Deferred Items for Further Discussion</b> 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. <b>Due:</b> November 2020	Joy Rowett
25/11/2019 3.6.2	<b>Summary Report for Attendance at Training and Development Activity - 2019 Local Government Professionals Australia National Congress and Business Expo, Darwin</b> 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; <b>Due:</b> September 2020	Charles Mansueto



16/12/2019 3.6.3	<b>Building Upgrade Finance - Policy Review</b> 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. <b>Due:</b> February 2021	Greg Ratsch
28/01/2020 3.3.2	<b>Cat By-Law Review</b> 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. <b>Due:</b> May 2020 <b>Deferred to:</b> December 2020 <b>Reason:</b> Deferred due to: <ul style="list-style-type: none"> <li>• consultation on cat management issues will occur during the public consultation period for the Dog and Cat Management Plan due October 2020</li> <li>• the Dog and Cat Management Act is due for review in 2022 and consultation is expected to occur in 2020/21, including consideration of consistent legislation regarding cat management</li> <li>• deferral will allow Council to consider public consultation feedback on the Plan and have a better understanding of timelines affecting the legislative review.</li> </ul>	John Darzanos
28/01/2019 MON7.2	<b>Motion on Notice: Drinking Fountain - Salisbury Civic Plaza/Community Hub</b> 4. Staff report back on the feasibility of aligning the Hub opening hours on both Saturday and Sunday to 9.30am to 3.30pm. <b>Due:</b> July 2020	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	GMCID
Date:	11/05/2020	07/05/2020	07/05/2020





### 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.
- 3.3 In the report, Managing the Response to COVID-19, presented to the April 2020 Budget & Finance Committee, a number of measures were considered as a way to support the community recover from the impact of COVID-19.
- 3.4 Council endorsed the following measures to support the community impacted by COVID-19.
  - 3.4.1 Waive various business fees & charges as listed in section 6.7 item 6.6.1 COVID-19 Rates Financial Hardship and measures for Sundry Debtors (Budget and Finance Committee, 20 April 2020) for the period 1 April through to 30 June 2020.
  - 3.4.2 Waiving of commercial rents for the following period 1 April 2020 through to 30 June 2020.
    - Commercial Leases excluding telecommunications leases (such as café leases and business premises)
    - Permit for a Business Purpose (such as use of road reserves for signage, storage yards, etc)
    - Minor permits (for uses such as awnings over road reserves of fixed chairs and tables for a café)
    - Joint use agreements

### 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 <b>and no new lease may be offered.</b>
	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 5<sup>th</sup> 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 1<sup>st</sup> year - \$10,000 pa
  - Commencement of 2<sup>nd</sup> year - \$12,000 pa
  - Commencement of 3<sup>rd</sup> year - \$14,000 pa
  - Commencement of 4<sup>th</sup> year - \$16,000 pa
  - Commencement of 5<sup>th</sup> year - \$18,000 pa
  - Commencement of 6<sup>th</sup> 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 6<sup>th</sup> 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**

<b>Document ID</b>	
<b>Prepared by</b>	<b>Karen Pepe</b>
<b>Release</b>	<b>1.00</b>
<b>Document Status</b>	<b>Endorsed</b>
<b>Date Printed</b>	



<b>ITEM</b>	3.2.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 May 2020
<b>HEADING</b>	Council Assessment Panel - Appointment of Independent Member to Vacant Position
<b>AUTHOR</b>	Chris Zafiroopoulos, Manager Development Services, City Development
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report seeks Council's approval to commence an expression of interest process seeking candidates to be appointed to a vacant independent member position on the Council Assessment Panel.

**RECOMMENDATION**

1. Council staff undertake an expression of interest process seeking candidates to be appointed as an independent member to the Council Assessment Panel.

**ATTACHMENTS**

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

1. Council Assessment Panel Terms of Reference

**1. BACKGROUND**

- 1.1 Council is required to establish a Council Assessment Panel (CAP) to act as a delegate of Council for the assessment and determination of development applications under the Planning, Development and Infrastructure Act 2016 (or during the transition to the PDI Act, the Development Act 1993).
- 1.2 The CAP is comprised of five members and one of the members may be a member of the Council. The Panel is comprised:
  - 1.2.1 Terry Mosel, Presiding Member
  - 1.2.2 Cherie Gill, Independent Member
  - 1.2.3 Ross Bateup, Independent Member
  - 1.2.4 Cr Brug, Elected Member
- 1.3 One of the independent member positions has become vacant due to the unfortunate recent passing of the member, Mr Mike Canny. The term of appointment of the current independent members expires at the conclusion of the May 2021 Panel meeting.
- 1.4 This report seeks approval to commence a process to seek an expression of interest for the vacant independent member position.

## **2. REPORT**

- 2.1 Council's Terms of Reference for the Panel is provided in Attachment 1. The terms of reference are based on the model terms of reference by Local Government Association of SA.
- 2.2 It is proposed that Council calls for expressions of interest from interested people to be appointed to the CAP for the remaining term of the independent members of this Panel.
- 2.3 Candidates will be asked to provide CV's outlining their experience, skills, qualifications and knowledge. Importantly, the independent members will need to be accredited under the PDI Act, expected to commence in September 2020 in metropolitan Adelaide.
- 2.4 It is proposed to place an advertisement inviting submissions in The Advertiser together with information on Council's website in June 2020 for a period of 4 weeks. A report will be provided to Council in July 2020 for the appointment of a person to the vacant independent member position.

## **3. CONCLUSION / PROPOSAL**

- 3.1 Council commences an expression of interest process seeking a suitably qualified person to be appointed as an independent member on the Council Assessment Panel.

## **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 11.05.2020



## COUNCIL ASSESSMENT PANEL

### Terms of Reference

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*Endorsed 21 January 2019 for expression of Interest*

## Contents

1. Background .....	3
2. Membership of CAP .....	3
3. Vacancy in Membership.....	5
4. Conditions of Appointment.....	5
5. Removal from Office.....	6

## 1. Background

- 1.1. The Salisbury Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Salisbury (**the Council**) on 21 August 2017.
- 1.2. The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

## 2. Membership of CAP

### Appointment of Members

- 2.1. The CAP will be constituted of five (5) Members (CAP Members), to be appointed by the Council, comprising:
  - 2.1.1. One (1) Member of the Council (Council Member); and
  - 2.1.2. Four (4) Independent Members (Independent Members), not being Members of the Council or State Parliament.
- 2.2. The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3. When appointing CAP Members, the Council may have regard to the following:
  - 2.3.1. The candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
  - 2.3.2. In relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
  - 2.3.3. In relation to the Council Member, the candidate's experience in local government;
  - 2.3.4. That a balance of qualifications and experience among CAP Members is desirable;
  - 2.3.5. That gender diversity among CAP Members is desirable; and
  - 2.3.6. Such other matters as the Council considers relevant.

### Appointment of Deputy Members

- 2.4. The Council may appoint Deputy Members to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5. Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.

- 2.6. Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7. Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8. In appointing a Deputy Member, the Council may have regard to the matters in clause 2.23, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9. Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

**Expression of Interest**

- 2.10. The Council will call for expressions of interest for appointment of CAP Members.

**Presiding Member and Acting Presiding Member**

- 2.11. The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12. The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13. The CAP shall determine a process for the appointment of an Acting Presiding Member in the event that the Presiding Member is not present at a meeting (or part thereof).
- 2.14. A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15. In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

**Term of Appointment**

- 2.16. Subject to clause 5, Independent Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.17. Subject to clause 5, the Council Member will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.18. Deputy Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.

2.19. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.

2.20. A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period determined by Council.

### **3. Vacancy in Membership**

- 3.1. In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2. The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3. In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.88 as the case requires.
- 3.4. A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

### **4. Conditions of Appointment**

- 4.1. At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2. CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3. Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4. Upon the commencement of Section 83(1)(c) of the Act:
  - 4.4.1. CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
  - 4.4.2. CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

## 5. Removal from Office

- 5.1. A CAP Member will automatically lose office where:
- 5.1.1. the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
  - 5.1.2. the CAP Member has been convicted of an indictable offence punishable by imprisonment;
  - 5.1.3. in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2. Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
- 5.2.1. a breach of a condition of his or her appointment as a CAP Member;
  - 5.2.2. misconduct;
  - 5.2.3. a breach of any legislative obligation or duty of a CAP Member;
  - 5.2.4. neglect of duty in attending to role and responsibilities as a CAP Member;
  - 5.2.5. a failure to carry out satisfactorily the duties of his or her office;
  - 5.2.6. a breach of fiduciary duty that arises by virtue of his or her office;
  - 5.2.7. inability to carry out satisfactorily the duties of his or her office.
  - 5.2.8. except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
  - 5.2.9. in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
  - 5.2.10. for any other reason the Council considers appropriate.
- 5.3. The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4. Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:



- 5.4.1. give written notice to the CAP Member of:
  - 5.4.1.1. its intention to remove the CAP Member from office pursuant to clause 5.2; and
  - 5.4.1.2. the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,  
not less than 7 days before the meeting of the Council at which the matter is to be considered;
- 5.4.2. give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
- 5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.



<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	18 May 2020
<b>HEADING</b>	Review of Media Policy
<b>AUTHORS</b>	Charles Mansueto, General Manager Business Excellence, Business Excellence Julie Kushnir, Manager Community Experience & Relationships, Business Excellence
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making. 4.2 Develop strong capability and commitment to continually improve Council's performance.
<b>SUMMARY</b>	This report presents to Council an updated draft Media Policy, for review and adoption.

**RECOMMENDATION**

1. The Media Policy as contained in Attachment 1 to this report (Item No. 3.6.1, Resources and Governance Committee, 18 May 2020), or as amended be endorsed.

**ATTACHMENTS**

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

1. Draft Media Policy (version 16)

**1. BACKGROUND**

- 1.1 Council, at its meeting on 23 September 2019 resolved in part that an urgent review of Council's *Media Policy* (the Policy) be undertaken, and that Norman Waterhouse Lawyers (NWL) be engaged to undertake the review.
- 1.2 The review was undertaken by NWL and a proposed amended Policy was provided to the April 2020 meeting of the Resources and Governance Committee, shown as attached to this report.
- 1.3 Council, at its meeting held on 27 April 2020, resolved that:

*"The Media Policy as contained in Attachment 3 to this report (Item No. 3.6.1, Resources and Governance Committee, 20 April 2020), be noted and deferred for one month, and in the meantime an Informal Strategy be held to discuss the policy."*

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Elected Members.
- 2.2 External
  - 2.2.1 Norman Waterhouse Lawyers.

### 3. REPORT

- 3.1 Further to Council's resolution of 27 April 2020, a workshop with Elected Members and representatives of NWL was held on Monday, 4 May 2020, where the draft Policy as submitted to the previous meeting of the Resources and Governance Committee meeting, was discussed.
- 3.2 Elected Members provided feedback to inform further drafting changes for an updated draft Media policy to be considered for Council approval in May.
- 3.3 The attached draft reflects input from Elected Members at the workshop, as amended by NWL, and is shown as attachment 1 to this report.

### 4. CONCLUSION / PROPOSAL

- 4.1 This report presents a draft *Media Policy*, for review and adoption.
- 4.2 The draft *Media Policy* was reviewed by Norman Waterhouse Lawyers, in accordance with Council's decision of April 2020.
- 4.3 The document was the subject of an Elected Members' workshop for the purpose of receiving feedback on the proposed changes.
- 4.4 The attached policy has been updated with proposed changes by Norman Waterhouse Lawyers based on the feedback received at the recent workshop.

### CO-ORDINATION

Officer:	CEO	GMBE
Date:	14/05/2020	14/05/2020



## Media Policy

<b>Policy Type:</b>	Policy	<b>Decision No:</b>	
<b>Approved By:</b>		<b>Last Reapproval Date:</b>	
<b>Approval Date:</b>		<b>Internal Reference No.:</b>	4309373 TBC
<b>Review Date:</b>	8/3/20 V165 – V4	<b>Division:</b>	Communications & Customer Relations
<b>Department:</b>	Business Excellence	<b>Responsible Officer:</b>	Manager, Community Experience & Relationships
<b>Function:</b>	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~~ timely 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 is not intended to curtail (nor be construed as curtailing) an individual's right to free speech or the use of traditional media or social media to publish information in their personal capacity. Nor is this policy intended to curtail (nor be construed as curtailing) an elected member's right to make comments to the media and other public comments on Council decisions and other matters provided the elected member clearly indicates it is a private view and not that of the Council.<sup>1</sup>
- 2.3. The policy provides guidelines and direction for the appropriate use of social media platforms and other media channels and tools to conduct Council business 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 and other 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 regarded as good practice and therefore recommended ~~—~~ that all media liaison by the City of Salisbury takes place via a central point of contact, namely the Community Experience & Relationships team. On occasions when this is not possible, it is preferable that the Community Experience & Relationships team ~~should be~~ is notified as soon as is practical following media contact:

- 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. Executive and staff should inform However, the Community Experience & Relationships team should be informed of any potential corporate media relations or communications initiative for the City of Salisbury as soon as is practical, for further facilitation. Elected Members are encouraged to inform the Community Experience and Relationships team of potential corporate media relations or communications where appropriate as soon as practicable.<sup>2</sup>

#### D – DEFINITIONS

- 3.4. 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-City of Salisbury 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 corporate 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 CEO or delegate in consultation with other departments within the organisation 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 ~~CEO or delegate 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 in relation to Council decisions and other Council matters, 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 It is preferable that Aall enquiries ~~should be~~are directed to the Community Experience & Relationships team to facilitate<sup>3</sup>.

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<sup>4</sup>. 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<sup>5</sup>:

- 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~~should be deactivated as soon as an individual is no longer an elected representative of the City of Salisbury, and return to utilising their personal social media accounts.

#### 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

Document Control	
Document ID	City of Salisbury Media Policy
Prepared by	Julie Kushnir
Release	
Document Status	
Date Printed	14/05/202011/05/202008/05/202016/04/2020

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