



## **AGENDA**

### **FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON**

**18 JANUARY 2021 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES  
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY**

#### **MEMBERS**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

#### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Mr M Petrovski  
General Manager Community & Org. Development, Ms G Page  
Risk and Governance Program Manager, Ms J Crook

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 14 December 2020.

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## **REPORTS**

### *Administration*

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### *For Decision*

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## **OTHER BUSINESS**

## **CLOSE**



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN  
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY ON**

**14 DECEMBER 2020**

**MEMBERS PRESENT**

Cr J Woodman (Chairman)  
Mayor Gillian Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

**OBSERVERS**

Nil

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Risk and Governance Program Manager, Ms J Crook  
Manager Development Services, Mr C Zafiropoulos  
Manager Environmental Health & Safety, Mr J Darzanos  
Team Leader General Inspectorate, Mr B Scholefield

The meeting commenced at 9:40pm

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

**APOLOGIES**

An apology has been received from Cr D Proleta.

**LEAVE OF ABSENCE**

Nil

*The Mayor joined the meeting at 9:41pm.*

*Cr Adam Duncan joined the meeting at 9:41pm*

## PRESENTATION OF MINUTES

Moved Cr K Grenfell  
Seconded Cr S Reardon

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

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr G Reynolds  
Seconded Cr K Grenfell

1. The information be received.

**CARRIED**

### *For Decision*

#### **3.1.1 Audit Committee Membership - Appointment of Independent Member**

Moved Cr K Grenfell  
Seconded Cr G Reynolds

1. Council notes the appointment of Paula Davies as an independent member of the Audit Committee for a term of office of four years.

**CARRIED**

#### **3.1.2 Abandoned Shopping Trolleys**

Moved Cr B Brug  
Seconded Mayor G Aldridge

1. The information be received.
2. That the review of Council By-laws to address Abandoned Trolleys be conducted in line with the by-law review process in 2021/2022, providing further opportunity to review the implementation of the City of Marion By-Law and consider any possible future amendments to the Local Nuisance and Litter Control Act.

**CARRIED**

### 3.1.3 Delegations under the Planning, Development and Infrastructure Act 2016

Moved Mayor G Aldridge

Seconded Cr G Reynolds

1. In accordance with Section 44(4)(c) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the *Planning Development and Infrastructure Act 2016*, effective from midnight on the day before Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation A as attachment 1 to this report (Governance and Compliance Committee, 14/12/2020, Item No. 3.1.3) are hereby delegated, effective from the date on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and regulations statutory instruments made thereunder contained in the proposed Instrument of Delegation B as Attachment 2 to this report (Governance and Compliance Committee, 14/12/2020, Item No. 3.1.3) are hereby delegated, effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

5. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

**CARRIED**

*For Information*

### **3.2.1 Cat By-Law Review Status Report**

Moved Cr S Reardon  
Seconded Cr K Grenfell

1. The information be received.

**CARRIED**

*Mayor G Aldridge left the meeting at 9:56 pm.  
Mayor G Aldridge returned to the meeting at 10:07 pm.  
Mayor G Aldridge left the meeting at 10:09 pm.  
Mayor G Aldridge returned to the meeting at 10:10 pm.*

### **3.2.2 State Planning Commission Practice Directions - Council Inspections and Swimming Pool Inspections**

Moved Cr K Grenfell  
Seconded Cr S Reardon

1. Council notes that the *Building and Swimming Pool Inspection Policy* has been superseded by the State Planning Commission's *Practice Direction 8 - Council Swimming Pool Inspections 2019*, and *Practice Direction 9 - Council Inspections 2020* from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
2. That it be noted that, as a consequence of the introduction of the State Commission's Practice Direction 8, Council's current practice of undertaking compliance inspections pools at the request of pool owners for no charge will cease.

**CARRIED**

The meeting closed at 10:11pm.

CHAIRMAN.....

DATE.....







<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	18 January 2021
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This item details reports to be presented to the Governance and Compliance 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 Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	Heading and Resolution	Officer
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
23/11/2020 3.3.2	<b>Implementing the next phase of the Planning, Development and Infrastructure Act 2016 - Council Assessment Panel, Building Fire Safety Committee, Accredited Professionals Notification Policy</b> 2. That Council defers consideration of the Council Assessment Panel Terms of Reference pending a further report by February 2021 further reviewing the Terms of Reference to: <ul style="list-style-type: none"> <li>• Better emphasise the objective of equal representation of women and men on the Panel</li> <li>• Consider alternative Panel Member appointment options including the option of appointment of Panel members to allow for half the Independent Panel Members' terms to expire each term through an initial staggering of the term of appointment of members, to provide a balance of continuity and refreshment of Panel Members across the term.</li> </ul> <b>Due:</b> February 2021	Chris Zafiropoulos
21/12/2020 MON 7.1	<b>Motion on Notice: Dog Attack at Pooraka</b> 2. Legal advice be sought, and a subsequent report provided, advising how the processes administering the Dog and Cat Management Act 1995 can be revised so as to require removal of a dog, following an incident causing death of another animal and/or harm or serious injury to a person, while an investigation into the matter is undertaken. <b>Due:</b> March 2021	John Darzanos

### 4. CONCLUSION / PROPOSAL

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

### CO-ORDINATION

Officer: Executive Group  
Date: 11/01/2021

<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	18 January 2021
<b>HEADING</b>	Review of Hardship Policy for Residential Salisbury Water Customers
<b>AUTHOR</b>	Roseanne Irvine, Salisbury Water Administration Coordinator, Business Excellence
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	Pursuant to Section 37 of the Water Industry Act 2012, Council is required to have a Hardship Policy for Residential Salisbury Water customers. This policy has been reviewed and only minor charges are required.
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"><li>1. The information be received.</li><li>2. The Hardship Policy for Residential Salisbury Water Customers as set out in Attachment 1 to this report (Governance and Compliance Item 3.1.1, 18 January 2021), be endorsed.</li></ol>
<b>ATTACHMENTS</b>	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"><li>1. Hardship Policy for Residential Salisbury Water Customers</li></ol>
<b>1. BACKGROUND</b>	<ol style="list-style-type: none"><li>1.1 Council has been issued a Water Retail Licence by the Essential Services Commission of South Australia (ESCOSA) which allows Council to provide a recycled water retail service to its customers.</li><li>1.2 In accordance with Section 37 of the Water Industry Act 2012, it is a condition of Council's Licence that it has a customer hardship policy for its residential customers that sets out:<ol style="list-style-type: none"><li>1.2.1 processes to identify residential customers experiencing payment difficulties due to hardship, including identification by Council and self-identification by residential customers.</li><li>1.2.2 a range of processes or programs that Council should use, or apply, to assist customers identified as per paragraph 1.2.1.</li></ol></li><li>1.3 The Hardship Policy for Residential Salisbury Water Customers was last reviewed in February 2019 and is now due for review.</li></ol>

## **2. CONSULTATION / COMMUNICATION**

### **2.1 Internal**

#### **2.1.1 Nil**

### **2.2 External**

- 2.2.1 ESCOSA – approval was received from the Commission on 27 August 2014 endorsing Council’s Hardship Policy for Residential Salisbury Water Customers.

## **3. REPORT**

- 3.1 The Hardship Policy for Residential Salisbury Water Customers is based on the customer hardship policy for minor and intermediate retailers, as published by the Minister for Communities and Social Inclusion, pursuant to Section 37 of the Water Industry Act 2012, under delegation by the Minister for Water and the River Murray, with modification. Any modification from the Minister’s template, as contained in Council’s policy, has previously been approved by ESCOSA.
- 3.2 The Hardship Policy for Residential Salisbury Water Customers has been reviewed.
- 3.3 No changes, with the exception of minor editorial changes, are required in the context of the Policy to ensure its continuing relevance.
- 3.4 No changes have been proposed or directed by ESCOSA or the Minister.

## **4. CONCLUSION / PROPOSAL**

- 4.1 Council is committed to assisting residential customers who are experiencing financial hardship to better manage their payments and ensure their recycled water service is not restricted.
- 4.2 This policy assists staff to identify Salisbury Water residential customers experiencing payment difficulties due to hardship to comply with the provisions of the Water Industry Act 2012.
- 4.3 The Hardship Policy for Residential Salisbury Water Customers as contained within Attachment 1 is recommended to Council for endorsement

## **CO-ORDINATION**

Officer: Executive Group  
Date: 11/01/2021



### Hardship Policy for Residential Salisbury Water Customers

Policy Type:	Policy		
Approved By:	Council	Decision No:	1621/2017, 0075/2019
Approval Date:	23 February 2015	Last Reapproval Date:	25 February 2019
Review Date:	February 2021/2023	Internal Reference No.:	
Department:	Business Excellence	Division:	Salisbury Water
Function:	15 – Legal Provisions	Responsible Officer:	Manager, Salisbury Water

#### A - PREAMBLE

1. This policy is based on the customer hardship policy for minor and intermediate retailers, made by the Minister for Communities and Social Inclusion, pursuant to section 37 of the *Water Industry Act 2012*, under a delegation by the Minister for Water and the River Murray, with modification. The modifications contained in this policy have been approved by the Essential Services Commission of South Australia.

#### B – POLICY PURPOSE/OBJECTIVES

2. The City of Salisbury is committed to assisting residential customers of water, who are experiencing financial hardship, to manage their payments in a manner that best suits the customer, and ensuring they remain connected to a retail service.
3. The purpose of this policy is to identify residential customers who are experiencing payment difficulties due to hardship, and assist those customers to better manage their bills on an ongoing basis.
4. This policy sets out:
  - a) processes to identify residential customers experiencing payment difficulties due to hardship, including identification by us, self-identification by a residential customer, identification by an accredited financial counsellor, or welfare agency, and
  - b) an outline of a range of processes or programs that we will use, or apply, to assist our customers who have been identified as experiencing payment difficulties.

#### C - DEFINITIONS

5. In this policy:
 

**Accredited financial counsellor**, in South Australia, means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association.

**Connection** means an agreed point of supply at which a customer receives a retail service from a supplier.

**Consumer** means a person supplied with retail services as a consumer or user of those services (as defined in the *Water Industry Act 2012*) (Note: you may be a consumer by virtue of being a council ratepayer).

**Council** means the City of Salisbury

**Customer** means a person who owns land in relation to which a retail service is provided and includes:

- a) where the context requires, a person seeking the provision of a retail service, and
  - b) in prescribed circumstances, a person supplied with retail services as a consumer or user of those services (without limiting the application of this definition to the owners of land), and
  - c) a person of a class declared by the regulations to be customers.
- (as defined in the *Water Industry Act 2012*) (Note: you may be a customer by virtue of being a council ratepayer).

**Customer Hardship Policy** means this policy for minor and intermediate retailers, that has been adopted by the City of Salisbury, in accordance with section 37 of the *Water Industry Act 2012*.

**Financial Counsellor** means accredited financial counsellor.

**Financial Hardship** means a circumstance of experiencing a lack of financial means that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

**Hardship** means financial hardship.

**Hardship customer** means a residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program.

**Hardship Program** means an agreement between us and a hardship customer for payment of outstanding sums due for retail services.

**Intermediate retailer** means a retailer that provides services to more than 500 but less than 5000 connections.

**Minor retailer** means a retailer that provides retail services to less than 500 connections.

**Our, us, we** means the City of Salisbury.

**Policy** means this Customer Hardship Policy.

**Regulations** means regulations under the *Water Industry Act 2012*.

**Residential customer** means a customer or consumer who is supplied with retail services for use at residential premises (as defined in the *Water Industry Act 2012*) (Note: you may be a residential customer by virtue of being a council ratepayer).

**Retail service** means a service constituted by the sale and supply of water to a person for use (and not for resale) where the water is to be conveyed by a reticulated system (even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit of this definition by the regulations (as defined in the *Water Industry Act 2012*).

**Retailer** means the holder of a licence issued by the Essential Services Commission of South Australia under the *Water Industry Act 2012*.

**Water** means rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewerage (as defined in the *Water Industry Act 2012*).

**Water Service** means:

- a) a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or
- b) any other service, or any service of a class, brought within the ambit of this definition by the regulations.

(as defined in the *Water Industry Act 2012*).

## D - POLICY STATEMENT

### Identifying Residential Customers Experiencing Financial Hardship

6. A residential customer experiencing financial hardship is someone who is identified by themselves, by us, by an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with our payment terms.
7. There are two types of financial hardship: ongoing and temporary. Depending on the type of hardship being experienced, hardship customers will have different needs and will require different solutions.
8. Residential customers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
9. Residential customers who may be identified as experiencing temporary hardship are those who have experienced a short term change in circumstances, such as serious illness, disability or death in the family, loss or change in income, separation, divorce or other family crisis, a loss arising from an accident, or some other temporary financial difficulty. These customers generally require flexibility and temporary assistance, such as an extension in time to pay or an alternative payment arrangement.
10. The extent of hardship will be determined by either our assessment process or by an external body, such as an accredited financial counsellor.
11. Where we assess a residential customer's eligibility for hardship assistance, we will consider indicators including (but not limited to) whether:
  - a) the customer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
  - b) the Customer is eligible for a South Australian Government Concession
  - c) the customer has been referred by an accredited financial counsellor or welfare agency
  - d) the customer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful)
  - e) the customers payment history indicates that they have had difficulty meeting their retail services bills in the past
  - f) the customer, through self-assessment, has identified their position regarding their ability to pay.



**Assisting residential customers who are experiencing financial hardship**

12. We will inform a residential customer of this customer hardship policy where:
  - a) it appears to us that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
  - b) we are proposing to install a flow restriction device.
13. Where a residential customer has been identified as experiencing financial hardship, we will offer the customer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship customer's usage, capacity to pay and current financial situation. These options will include the following:
  - a) an interest and fee free payment plan that complies with clause 28 to 32,
  - b) reoccurring BPay Payment Plan, or
  - c) other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges),

recognising that some residential customers have a short-term financial hardship issue that may be resolved in the near to medium term, where others may require a different type of assistance for ongoing financial issues.
14. We will not charge a residential customer a reconnection charge where the customer is experiencing financial hardship and should have been identified as eligible for this customer hardship policy, as long as the customer agrees to participate in our hardship program, upon reconnection.
15. We will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.
16. We will work with a hardship customer's financial counsellor to determine the payment arrangement and instalment amount that best suits the customer and their individual circumstances.
17. Where a hardship customer's circumstances change, we will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.
18. We will not require a hardship customer to provide a security deposit.
19. We will not restrict a customer's retail service if:
  - a) the customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
  - b) we have failed to comply with the requirements of this customer hardship policy.
20. We will also offer the hardship customer:
  - a) where appropriate, information about the right to have a bill redirected to a third person, as long as that third person consents in writing to that redirection
  - b) information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
  - c) information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a customer is experiencing ongoing financial hardship.
21. Where a hardship customer requests information or a redirection of their bills, we will provide that information or redirection free of charge.



22. We will provide information to the hardship customer on how to reduce usage and improve water efficiency, which may include referral to relevant government water efficiency programs. This will be provided at no charge to the customer.
23. We will explain to the hardship customer how and when the customer will be returned to regular billing cycles (and collection), after they have successfully completed their hardship program.
24. We will also explain to the hardship customer that they will be removed from our hardship program, and be returned to our standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact us for a period of greater than 90 days.
25. We will not take any action to remove a customer from our hardship program until we have sent the customer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their re-entry into the program.

#### **Retail services provided by Councils**

26. Typically, Council rates are made up of retail services (as defined in this policy) and non-retail services, for example refuse collection, parks and playgrounds, road maintenance.
27. The City of Salisbury's water retail service is billed separately to its Council rates, therefore if you are a residential customer in receipt of a water retail service provided by Council and you are experiencing financial hardship, then only the water retail element will be subject to the terms of this hardship policy.

#### **Payment Plans**

28. Our payment plan for a hardship customer will be established having regard to:
  - a) The customer's capacity to pay and current financial situation
  - b) Any arrears owing by the customer, and
  - c) The customer's expected usage needs over the following 12 month period.
29. The payment plan will also include an offer for the hardship customer to pay their retail services in advance or in arrears by instalment payments at a frequency agreed with the customer (eg weekly, fortnightly, monthly or as otherwise agreed with the customer).
30. Where a payment plan is offered to a hardship customer, we will inform the customer in writing, within 10 business days of an agreement being reached, of:
  - a) The duration of the plan
  - b) The amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
  - c) The customer is in arrears – the number of instalments to pay the arrears, and
  - d) If the customer is to pay in advance – the basis on which the instalments are calculated.
31. We will waive any fees for late payment of a bill for a hardship customer.
32. Where a hardship customer is seeking assistance in accordance with this policy, but has failed to fulfil their obligations under an existing hardship arrangement, we will require them to sign up for reoccurring BPay payments.

**Debt Recovery**

33. We will suspend debt recover processes while negotiating a suitable payment arrangement with a hardship customer.
34. We will not engage in legal action or commence proceedings for the recovery of a debt relating to a retail service for a hardship customer if:
  - a) The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
  - b) We have failed to comply with the requirements of this customer hardship policy.

**Rights of residential customers experiencing financial hardship**

35. Every residential customer experiencing financial hardship has the right to:
  - a) Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential.
  - b) Receive information about alternative payment arrangements, this customer hardship policy, and government concessions, rebates, grants and assistance programs.
  - c) Negotiate any amount they can afford to pay on a payment plan or other payment arrangement.
  - d) Consider various payment methods, and receive written confirmation of the agreed payment arrangement within 10 business days.
  - e) Renegotiate their payment arrangement if there is a change in their circumstances.
  - f) Receive information about free and independent, accredited financial counselling services.
  - g) Receive a language interpreter service at no cost to the customer.
  - h) Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.
  - i) Not have retail services restricted or disconnected as long as they have an agreed payment arrangement and continue to make payments according to an agreed plan.

**General Provisions**

36. We will ensure residential customers have equitable access to this customer hardship policy, and that this policy is applied consistently.
37. We will ensure appropriate training of staff dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist staff in the early identification of hardship customers, with establishing payment plans based on a hardship customer's capacity to pay, and include processes for referral to an accredited financial counsellor or welfare agency for assistance.
38. This customer hardship policy is available on our website: [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
39. We will also make a copy of this policy available, upon request, and at no charge to the customer, as soon as practicable following a request to do so.
40. This customer hardship policy does not limit or prevent us from waiving any fee, charge or amount of arrears for the provisions of retail services to customers who are experiencing financial hardship.

**Confidentiality**

41. Any information disclosed by a customer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

**Complaints Handling**

42. Details of our customer complaints and dispute resolution process are available on our website: [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au). We will also make a copy of this process available to a residential customer, upon request, and at no charge to the customer.
43. A residential customer experiencing hardship has the right to have any complaint heard and addressed by us, and in the event that their complaint cannot be resolve, the right to escalate the complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

**E - LEGISLATION**

City of Salisbury Water Industry Retail Licence (~~Minor~~Intermediate Retailer);  
 Water Retail Code – Minor & Intermediate Retailers;  
 Water Industry Act 2012 (SA);  
 Essential Services Commission Act 2002 (SA);  
 Local Government Act 1999.

**Document Control**

Document ID	Hardship Policy for Residential Salisbury Water Customers
Prepared by	<del>Riannah Roach</del> <u>Roseanne Irvine</u>
Release	<del>34.00</del>
Document Status	<del>Approved</del> <u>Endorsed</u>
Date Printed	



<b>ITEM</b>	3.1.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	18 January 2021
<b>HEADING</b>	Local Government Association Ordinary General Meeting: 30/04/2021 - Proposed Items of Business and Voting Delegates
<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 report presents information with respect to the Ordinary General Meeting (OGM) of the Local Government Association (LGA) to be held on Friday 30 April 2021 and seeks any proposed items of business that Council wishes to submit, in addition to confirming voting delegates for the meeting.
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"><li>1. The information be received.</li><li>2. Council appoint ..... as voting delegate and ..... as deputy voting delegate at Local Government Association General Meetings for the remainder of the Council term.</li></ol>
<b>ATTACHMENTS</b>	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"><li>1. Considering Proposed Items of Business for LGA General Meetings</li></ol>
<b>1. BACKGROUND</b>	<ol style="list-style-type: none"><li>1.1 The LGA OGM will be held on Friday 30 April 2021 at the Adelaide Entertainment Centre (subject to restrictions on gatherings).</li><li>1.2 Council has the opportunity to submit an item of business for consideration at the meeting and this report calls for subject matter that should be submitted.</li></ol>
<b>2. CONSULTATION / COMMUNICATION</b>	<ol style="list-style-type: none"><li>2.1 Internal<ol style="list-style-type: none"><li>2.1.1 Chief Executive Officer and General Managers.</li></ol></li><li>2.2 External<ol style="list-style-type: none"><li>2.2.1 An LGA Circular was distributed to Elected Members via email on 12/01/2021.</li></ol></li></ol>

### 3. REPORT

#### Process for Submission of Proposed Items of Business

- 3.1 A key purpose of the OGM is to consider items of strategic importance to local government and the LGA, as recommended by the SA Region Organisation of Councils (SAROC), the Greater Adelaide Region Organisation of Councils (GAROC) or the LGA Board of Directors.
- 3.2 Member councils may at any time throughout the year propose an item of business for a General Meeting.
- 3.3 Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.
- 3.4 It is at the discretion of councils whether to refer an item to their relevant Regional Organisation of Councils (SAROC or GAROC) or the Board of Directors.
- 3.5 Guidelines on how proposed items of business will be considered are attached for reference. All items of business should comply with these guidelines.
- 3.6 In order for items of business to be considered for the OGM of 30 April 2021, **proposals must be received no later than Thursday 25 February 2021.**
- 3.7 All proposed items will then be considered by either SAROC, GAROC or the Board of Directors and must be approved by them for inclusion in the agenda for the OGM.
- 3.8 Proposals received after this date will not be considered for the 2021 OGM, but will be considered for the next LGA Annual General Meeting in October 2021.
- 3.9 The OGM agenda will be provided to Councils at least 30 days prior to the meeting.

#### Topics for Proposed Items of Business

- 3.10 At the 23 November 2020 meeting of Council, it was resolved:

#### 12.1 ***Motion Without Notice: COVID-19 Response – Local Government Role***

*Moved Cr C Buchanan*

*Seconded Cr L Braun*

*That the City of Salisbury:*

1. *Give public recognition to SA Health and SA Police to acknowledge the measured and timely way that they have led South Australia's response to the COVID-19 pandemic.*
2. *Seek that the role local government has played in the response to be considered in any forthcoming review of the state's response to COVID-19, with a view to elevating the expectation on the local government sector, so as to maximise the collective effect of responding to a future state-wide emergency.*

3. *Calls on the Mayor to write to the Premier of South Australia, and highlight to him the support to community and infrastructure programs being delivered by Council as part of its COVID-19 response in the City of Salisbury.*
4. Seek that the following motion be included on the agenda for the next General Meeting of the LGA in 2021:

That the President of the LGA seek direct local government input to any review that is undertaken into the State's response with a view to playing a stronger partnership role in any future state-wide emergency.

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- 3.11 Part 4 of the above resolution will be submitted as an item of business.
- 3.12 Council has the opportunity to submit any additional items of business should it resolve so.

#### **Voting Delegates**

- 3.13 In November 2018, Council resolved Cr Chad Buchanan be appointed as voting delegate to the LGA for a period of two years. At the same time, Mayor Gillian Aldridge was appointed the deputy voting delegate for a period of two years.
- 3.14 Council is asked to make a new appointment for voting delegate and deputy voting delegate at Local Government Association General Meetings.
- 3.15 It has been practice that Council direct the City of Salisbury's voting delegate in relation to voting on LGA General Meeting (Annual and Ordinary) recommendations. To give effect to this, a report is prepared prior to each LGA Meeting that provides a summary of the matters being considered and puts forward a recommended position for each, based on advice from the Chief Executive Officer.
- 3.16 Under the LGA Constitution the OGM agenda is due to be distributed 30 days before the meeting (ie 01/04/2021 at the latest).
- 3.17 A report will therefore be presented to the April Governance and Compliance Committee, which will include advice from the Chief Executive Officer in relation to each item of business, allowing members to provide direction to the voting delegate.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if there are additional issues to that listed in paragraph 3.10 which warrant submission of an item of business to the LGA OGM being held 30 April 2021.
- 4.2 A further report providing the items of business to be considered at the October OGM will be presented to allow Council to provide direction to the voting delegate.

**CO-ORDINATION**

Officer: MG  
Date: 13/01/2021



## Considering Proposed Items of Business for LGA General Meetings

### Guidelines

February 2019

Version 1

## Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

## LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

### 16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
  - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
  - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

## Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

### **LGA Board of Directors**

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

### **SAROC or GAROC**

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

## **Guiding principles**

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

### **1. Strategic importance**

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;

- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

## 2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

## 3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

## 4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

## Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.