



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**15 FEBRUARY 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
General Manager Community & Org. Development, Ms G Page
Manager Governance, Mr M Petrovski
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 18 January 2021.

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**

18 JANUARY 2021

MEMBERS PRESENT

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

OBSERVERS

Nil

STAFF

General Manager Business Excellence, Mr C Mansueto
A/General Manager City Development, Mr J Darzanos
Risk and Governance Program Manager, Mrs J Crook

The meeting commenced at 6:40pm

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

APOLOGIES

An apology was received from Cr B Brug.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Mayor G Aldridge
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee Meeting held on 14 December 2020, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr D Proleta
Seconded Cr S Reardon

1. The information be received.

CARRIED

For Decision

3.1.1 Review of Hardship Policy for Residential Salisbury Water Customers

Moved Mayor G Aldridge
Seconded Cr G Reynolds

1. The information be received.
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.

CARRIED

3.1.2 Local Government Association Ordinary General Meeting: 30/04/2021 - Proposed Items of Business and Voting Delegates

Moved Cr D Proleta
Seconded Mayor G Aldridge

1. The information be received.
2. Council appoint Cr C Buchanan as voting delegate and Mayor G Aldridge as deputy voting delegate at Local Government Association General Meetings for the remainder of the Council term.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 6:45 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	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 is 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	<p>Building Upgrade Finance - Policy Review</p> <p>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.</p> <p>Due: February 2021 Deferred to: April 2021 Reason: Statewide review of program underway which is likely to impact on the policy review.</p>	Greg Ratsch
21/12/2020 MON 7.1	<p>Motion on Notice: Dog Attack at Pooraka</p> <p>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.</p> <p>Due: March 2021</p>	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 GMCD
 Date: 08/02/2021 04/02/2021

ITEM	3.1.1 GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Draft Fraud and Corruption Prevention and Management Policy
AUTHOR	Janet Crook, Risk & Governance Program Manager, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The Fraud and Corruption Prevention Policy has been reviewed and endorsed by the Audit Committee for presentation to the Governance and Compliance Committee.

RECOMMENDATION

1. The Fraud and Corruption Prevention and Management Policy as set out in Attachment 2 to this report (Governance and Compliance Committee, 15/02/2021, Item 3.1.1) is approved.

ATTACHMENTS

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

1. Draft Fraud and Corruption Prevention and Management Policy
2. Draft Fraud and Corruption Prevention and Management Policy - CLEAN

1. BACKGROUND

- 1.1 City of Salisbury (“CoS”) has a Fraud and Corruption Prevention Policy which was first approved in September 2005, and a Fraud and Corruption Prevention Strategy which was approved in 2007. Both documents require comprehensive review.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 Manager People & Culture, Community & Organisational Development
- 2.1.2 Volunteer Development Officer, Community & Organisational Development

2.2 External

- 2.2.1 Nil

3. REPORT

- 3.1 The CoS is committed to acting in the best interest of the community and to uphold the principles of honesty, integrity and transparency. CoS has a zero-tolerance stance towards fraud, corruption, misconduct and maladministration.

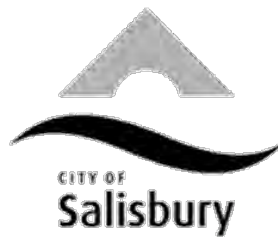
- 3.2 It is acknowledged that the CoS faces the operational risk of suffering detriment as a result of fraud, misconduct or maladministration. It is also acknowledged that CoS has responsibilities relating to fraud, corruption, misconduct and maladministration under the Independent Commissioner Against Corruption Act 2012 and the Public Interest Disclosure Act 2018. Well documented and communicated policy documentation contributes towards CoS' mitigation efforts in relation to these risks and duties.
- 3.3 Attachment 1 sets out the draft Fraud and Corruption Prevention and Management Policy ("the Policy"), with track changes. Attachment 2 sets out a clean copy of the Policy for ease of reference.
- 3.4 The Policy has received material updates, which include:
- 3.4.1 Updating the objectives of the Policy;
 - 3.4.2 Comprehensively setting out the definitions used in the policy and their relationship to specific pieces of legislation;
 - 3.4.3 Summarising the policy statement into the areas of prevention, controls, roles & responsibilities, and reporting fraud, corruption, misconduct or maladministration;
 - 3.4.4 Revising the applicable legislation (including removal of reference to the *Whistleblower Protection Act 1993*); and
 - 3.4.5 Updating the CoS associated procedures.
- 3.5 When conducting the review, consideration was given to the Local Government Association of SA Fraud, Corruption, Misconduct and Maladministration Prevention Model Policy. Consideration was also given to relevant policies adopted by South Australian Councils of a similar size and complexity to CoS.
- 3.6 Following adoption of the Fraud and Corruption Prevention and Management Policy, a Fraud and Corruption Prevention and Management Framework will be prepared to support the implementation of the policy objectives and statements and to replace the existing Fraud and Corruption Strategy

4. CONCLUSION / PROPOSAL

- 4.1 The draft Fraud and Corruption Prevention and Management Policy has been reviewed by the Executive Group and the Audit Committee. Most of the recommended changes from those committees have been incorporated into the draft Policy.
- 4.2 The Fraud and Corruption Prevention and Management Policy is put to the Governance and Compliance Committee for endorsement for Council approval.

CO-ORDINATION

Officer:	R&GPM	MG	Exec
Date:	4/02/21	4/02/21	8/02/21



Fraud and Corruption Prevention and Management Policy

Policy Type:	Policy		
Approved By:	<u>COUNCILMANEGL</u>	Decision No:	
Approval Date:	19 September 2005	<u>Commencement/Last Reapproval Date:</u>	<u>22 February 2021-November 2005</u>
Review Date:	<u>February 2023-26 July 2008</u>	Internal Reference No.:	
Department:	Executive	Division:	Executive Office
Function:	<u>915 - Governance/Legal Provisions</u>	Responsible Officer:	Manager, Governance

A - PREAMBLE

1. The City of Salisbury ~~is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency. corporate value of Probity and Ethics states "We will act in the best interest of our community with honesty, integrity and transparency." The City of Salisbury is committed to maintaining the highest standards of honesty and ethical dealings.~~

B - SCOPE

1. This policy applies to all council members, employees, contractors, consultants and volunteers of the City of Salisbury.

C – POLICY PURPOSE/OBJECTIVES

1. ~~This policy sets out the controls that are in place to ensure accountable and transparent operations. It also articulates the mechanism for responding to the presentation of "public interest information". The purpose of this policy is to ensure that City of Salisbury:~~
 - ~~a. properly fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012 (ICAC Act)*;~~
 - ~~b. takes appropriate steps towards compliance with relevant legislation, policies and instruments;~~
 - ~~c. provides a clear statement to all council members, employees, contractors, consultants, and volunteers through practices, policies and procedures that fraudulent conduct, Misconduct and/or Maladministration is not acceptable and will not be tolerated;~~
 - ~~d. protects Council assets, interests and reputation from the risks associated with fraudulent conduct, Misconduct and/or Maladministration;~~
 - ~~e. outlines the Council's approach to the prevention, detection and management of Fraud, Corruption, Misconduct and Maladministration;~~
 - ~~f. fosters an ethical environment and culture which is conscious of, actively discourages, does not tolerate and appropriately deals with Fraud, Corruption, Misconduct and Maladministration;~~
 - ~~g. identifies the relevant responsibilities of council members, the Audit Committee, the Chief Executive Officer, and Employees, Volunteers and Contractors;~~

- h. educates Employees, Volunteers and Contractors and council members about their obligations to report conduct reasonably suspected of being Fraud, Corruption, Misconduct and/or Maladministration;
- i. evaluates practices, policies and procedures it has in place in order to further advance Council systems for preventing or minimising Fraud, Corruption, Misconduct and Maladministration; and
- j. develops a consistent approach to the management of relevant conduct across the organisation through the establishment and maintenance of effective systems and internal controls to guard against Fraud, Corruption, Misconduct and Maladministration.

2. This policy will be reviewed and updated as part of City of Salisbury's policy review process.

D - DEFINITIONS

1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption per section 4 of the ICAC Act, who has the powers and functions described at section 7 of the ICAC Act.
2. **Contractor** means a person or company that provides goods or services.
3. **Corruption in public administration**, as provided for in section 5(1) of the ICAC Act, means conduct that constitutes:

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

 - i. bribery or corruption of public officers;
 - ii. threats or reprisals against public officers;
 - iii. abuse of public office;
 - iv. demanding or requiring benefit on basis of public office;
 - v. offences relating to appointment to public office; or
 - b. an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
 - c. an offence against the *Lobbyist Act 2015*, or an attempt to commit such an offence; or
 - d. any other offence (including an offence against Part 5 (offences of dishonesty) of the *Criminal Law Consolidation Act 1935* committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
 - e. any of the following in relation to an offence referred to in a preceding paragraph:

 - i. aiding, abetting, counselling or procuring the commission of the offence;
 - ii. inducing, whether by threats or promises or otherwise, the commission of the offence;
 - iii. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - iv. conspiring with others to affect the commission of the offence.
4. **Directions and Guidelines** means the Directions and Guidelines issued by the Commissioner and as in force from time to time pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act 2018.
5. **Employee** means all City of Salisbury's employees whether they are working in a full-time, part-time or casual capacity.
6. **False disclosure** means a disclosure of information relating to Fraud or Corruption, Maladministration or Misconduct that is made by a person who knows the information to be false.
7. **Fraud** means an intentional dishonest act or omission done with the purpose of deceiving.
8. **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012*.
9. **Maladministration in public administration** is defined in section 5(4) of the ICAC Act and means:

 - a. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - b. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and

- c. includes conduct resulting from impropriety, incompetence or negligence; and
 d. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 10. Misconduct in public administration** is defined in section 5(3) of the ICAC Act and means:
 a. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
 b. other misconduct of a public officer while acting in his or her capacity as a public officer.
- 11. Office for Public Integrity (OPI)** means the office established under the ICAC Act that has the function to:
 a. receive and assess complaints about public administration from members of the public;
 b. receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies (including the Ombudsman), public authorities (including the Council) and public officers;
 c. refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;
 d. give directions or guidance to public authorities in circumstances approved by the Commissioner;
 e. perform other functions assigned to the Office by the Commissioner
- 12. PID Act** means the Public Interest Disclosure Act 2018.
- 13. Public administration** is defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration. For the purposes of this Policy, references to Corruption, Misconduct and Maladministration are taken to mean references to such conduct in public administration.
- 1.** Public Interest Information—information that tends to show that an employee or volunteer is or has been involved in an illegal activity; or an irregular and unauthorised use of public money; or in substantial mismanagement of public resources; or in conduct that causes a substantial risk to public health, or safety, or to the environment; or that the public officer is guilty of maladministration in or in relation to the performance of official functions.
- 2.** Fraud—to gain by criminal deception, to take what is not lawfully one's own, to gain advantage through unjust representation.
- 3.** Corruption—conduct that does or could adversely affect the honest, impartial function or duty or a breach of public trust or the misuse of information or material acquired or accessed through official functions whether or not for benefit (or harm) either directly or indirectly.
Maladministration—includes impropriety or negligence.
- 14. Public Officer**—has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
 a. a council member; and
 b. an employee or officer of the Council, an employee of a local government body.
Volunteers are not Public Officers
Volunteer—a member of the public who provides a service which is of benefit to the community, who undertake activities that complement, but do not replace, the service provided by paid staff.
- 15. Reasonable suspicion** means personally having grounds at the time for suspecting the Fraud, Corruption, Misconduct or Maladministration and those grounds (even if they are subsequently found to be false or non-existent), when judged objectively, are reasonable.
- 16. Relevant Authority** for the purposes of the PID Act means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act.
- 17. Responsible Officer** means a person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Council as a responsible officer under section 12 of the PID Act.—senior employees who have received training, to whom elected members, employees, volunteers and / or members of the public are able to present “public interest information”.
- 18. For the purposes of the ICAC Act, misconduct or maladministration in public administration will be taken to be serious or systemic if the misconduct or maladministration —**

- a. is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and
- b. has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).

20. Volunteer means an individual who is registered with and has approval by the City of Salisbury to undertake activities:

- a. to be of benefit to the City of Salisbury, local community and the volunteer;
- b. of the volunteers own free will and without coercion;
- c. for no financial reward.

E - POLICY STATEMENT

City of Salisbury has a zero-tolerance stance towards Fraud, Corruption, Misconduct and Maladministration.

1. PREVENTION

1.1. City of Salisbury recognises that the most effective way to prevent the occurrence of Fraud, Corruption, Misconduct and Maladministration is to instil and continually reinforce a culture of acting lawfully, ethically and in a socially responsible manner, and to support this culture with the implementation of appropriate internal control mechanisms.

1.2. Employees, Contractors, Volunteers and elected members will assist in facilitating a sound ethical culture and preventing Fraud, Corruption, Misconduct and Maladministration by:

- 1.2.1. understanding the responsibilities of their positions;
- 1.2.2. familiarising themselves with City of Salisbury policies and procedures and adhering to them;
- 1.2.3. understanding what behaviour constitutes Fraudulent or Corrupt conduct, Misconduct and/or Maladministration;
- 1.2.4. maintaining an awareness of the strategies that have been implemented by Council to minimise Fraud, Corruption, Misconduct and Maladministration;
- 1.2.5. being continuously vigilant to the potential for Fraud, Corruption, Misconduct and Maladministration to occur in the Council environment; and
- 1.2.6. reporting suspected or actual occurrences of Fraud, Corruption, Misconduct and Maladministration.

2. CONTROLS

2.1. City of Salisbury will control and prevent Fraud, Corruption, Misconduct and Maladministration by:

- 2.1.1. complying with the requirements of the ICAC Act;
- 2.1.2. establishing and maintaining an effective system of internal controls and monitoring and enforcing compliance with those controls;
- 2.1.3. implementing Fraud and Corruption prevention and mitigation strategies in its operational activities;
- 2.1.4. taking appropriate action in response to allegations of fraudulent and / or corrupt activity;

2.1.5. where allegations are substantiated, may take disciplinary action in accordance with relevant Codes of Conduct or employment contracts;

2.1.6. ensuring that Public Officers, Employees, Contractors and Volunteers are aware of their obligations in relation to the prevention and reporting of Fraud, Corruption, Misconduct and Maladministration within Council through induction programs and, and regular training;

2.1.7. active participation in education and evaluation of practices relevant to Fraud, Corruption, Misconduct and Maladministration;

2.1.8. fostering a culture of honesty, integrity and accountability in which dishonest and fraudulent behaviour is actively discouraged;

3. ROLES AND RESPONSIBILITIES

3.1 Elected Members

The elected members are responsible for ensuring that they:

3.1.1. promote community awareness of the City of Salisbury's commitment to the prevention of Fraud, Corruption, Misconduct and Maladministration;

3.1.2. are scrupulous in the use of City of Salisbury's information, assets, funds, property, goods or services;

3.1.3. act in an ethical manner at all times in the performance of duties, and complies with ethical obligations;

3.1.4. reporting all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with City of Salisbury's policies;

3.1.5. ensure all powers and authorities are appropriately delegated in order to minimise the risk of Fraud, Corruption, Misconduct or Maladministration;

3.1.6. ensure that mechanisms for receiving allegations of Fraud, Corruption, Misconduct and Maladministration are developed and provided, including appointing a responsible officer; and

3.1.7. review the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate.

3.2 Audit Committee

To assist the Council in discharging its responsibility in relation to Fraud and Corruption control, the members of the Audit Committee are responsible for:

3.2.1 acting in an ethical manner at all times in the performance of duties, and complies with ethical obligations;

3.2.2 ensure that appropriate policies, practices and procedures of internal control are implemented and maintained and are appropriate for achieving the council's goals and objectives, safeguarding the council's assets and as far as possible maintaining the accuracy and reliability of council records;

3.2.3 ensuring that risk assessments are undertaken on a regular basis; and

3.2.4 reviewing the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate.

3.3 CEO

The CEO is responsible for:

- 3.3.1 promoting a culture and environment in which Fraud, Corruption, Misconduct and Maladministration is discouraged and not tolerated;
- 3.3.2 ensuring all Public Officers, Employees, Contractors and Volunteers receive education regarding Fraud, Corruption, Maladministration and Misconduct;
- 3.3.3 providing adequate resources and security for the prevention of Fraud, Corruption, Misconduct and Maladministration;
- 3.3.4 ensuring the development of procedures to deter fraudulent or corrupt activity;
- 3.3.5 ensuring the development and delivery of training to Public Officers, Employees, Contractors and Volunteers to promote ethical conduct and an ethical culture;
- 3.3.6 ensuring appropriate internal controls are in place and operating effectively to minimise the risks of incidents;
- 3.3.7 ensuring that, where appropriate, proper investigations are conducted into allegations of Fraud, Corruption, Misconduct or Maladministration;
- 3.3.8 facilitating cooperation with any investigations undertaken by an external authority;
- 3.3.9 providing mechanisms for receiving allegations of Fraud, Corruption, Misconduct or Maladministration, including appointing a Responsible Officer; and
- 3.3.10 ensuring there are risk management steps for assessing and minimising detriment to people against whom allegations of Fraud, Corruption, Misconduct and Maladministration are made.

3.4 Employees, Volunteers and Contractors

Employees, Volunteers and Contractors are responsible for:

- 3.4.1 complying with this policy and any related legislation, policy, protocol or procedure;
- 3.4.2 at all times in the performance of duties or in association with their role with Council, acting in an ethical manner;
- 3.4.3 undertaking awareness training or education regarding Fraud, Corruption, Maladministration and Misconduct;
- 3.4.4 complying with the PID Act;
- 3.4.5 reporting all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with City of Salisbury's policies; and
- 3.4.6 identifying potential Fraud and Corruption risks.

4. REPORTING FRAUD, CORRUPTION, MISCONDUCT OR MALADMINISTRATION

4.1 Any Public Officer who has or acquires knowledge of actual or suspected Corruption, or Systematic or Serious Misconduct or Maladministration in the City of Salisbury or in other public administration must report this information to the OPI as soon as practicable.

4.2 Nothing in this section is intended to prevent a Public Officer from reporting suspected Corruption or Systematic or Serious Misconduct or Maladministration in the City of Salisbury or in other public administration to a Relevant Authority, like a Council's Responsible Officer, for the purposes of the PID Act. Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Policy and Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.

4.3 Where an Employee, council member, Contractor or Volunteer has or acquires knowledge of actual or suspected Fraud or other similar conduct that does not constitute Corruption or Systematic or Serious Misconduct or Maladministration (and is therefore not required to be reported to OPI), that knowledge should be reported to the Council's Responsible Officer. Such a disclosure may be protected under the PID Act and will be managed in accordance with the Council's Public Interest Disclosure Policy and Public Interest Disclosure Procedure.

5. FALSE DISCLOSURE

5.1 A person who knowingly makes a false disclosure or a false or misleading statement in a complaint or report will be guilty of an offence under the ICAC Act and the PID Act.

5.2 Employees, Contractors, Volunteers and elected members who knowingly make a false disclosure will also face disciplinary action.

6. SUBJECT OF A DISCLOSURE OR ALLEGATION

6.1 City of Salisbury commits to providing the same protections to persons the subject of a disclosure or allegation as to informants, which will include, but not necessarily be limited to:

6.1.1 keeping the identity of the informant, and the subject of the disclosure, confidential;

6.1.2 flexibility as to when meetings are held, if and when necessary; and

6.1.3 the opportunity to make reasonable requests in relation to how and when those responsible for the management of the disclosure, makes contact with them, to minimise the potential for the person (being either the informant, or subject of the disclosure) to be subject to detriment.

1.1.1. The City of Salisbury will maintain a consistent approach to honesty and integrity. This approach is detailed in a range of corporate documents including:

- The City's Governance Framework and Statement
- Employee Code of Conduct
- Conflict of Interest Policy
- Procurement Policy
- Purchasing and Tendering Guidelines
- Recruitment Guidelines
- Employment Contracts
- Information Services Policy

These documents are regularly reviewed and reflect expected standards of good corporate governance.

The expectations of the City, as outlined in the relevant documentation, are communicated to all employees and volunteers through induction programs, and regular training courses.

~~Senior staff are expected to encourage, through their words and actions, the development and maintenance of an ethical culture across the organisation.~~

~~2. The City of Salisbury will ensure that there are an appropriate number of suitably trained "Responsible Officers" available to allow an effective avenue for the presentation of "public interest information".~~

~~• On receiving "public interest information", the Responsible Officer will take appropriate action in line with the Fraud and Corruption Prevention Strategy and following the steps identified in the City's Allegation Management Procedures.~~

~~Anyone who provides "public interest information" will receive appropriate protection, in terms of confidentiality and immunity, under the Whistleblower Protection Act 1993 providing they comply with the requirements and obligations of the Act.~~

F - LEGISLATION

1. Local Government Act 1999
- ~~2. Whistleblower Protection Act 1993~~ Public Interest Disclosure Act 2018
- ~~2.3. Public Interest Disclosure Regulations 2019~~
- ~~3.4. Criminal Law Consolidation Act 1935~~
- ~~5. Ombudsman Act 1972~~
- ~~6. Independent Commissioner Against Corruption Act 2012~~
- ~~7. Criminal Law Consolidation Act 1935~~
- ~~8. Public Sector (Honesty and Accountability) Act 1995~~
- ~~9. Public Corporations Act 1993~~
- ~~4.10. Lobbyist Act 2015~~

G - REFERENCES

1. Australian Standard AS8001-2003~~8~~ (Corporate Governance – Fraud & Corruption Control)

H - ASSOCIATED PROCEDURES

- ~~1. Procurement Policy and Procedures~~
- ~~2. Contract Management Policy and Procedures~~
- ~~1. Elected Member Code of Conduct~~
- ~~2. Employee Code of Conduct~~
- ~~3. Employee Code of Conduct Policy of Conduct~~
- ~~3.4. Code of Conduct for Volunteers Policy~~
- ~~4. Fair Treatment Policy~~
5. Fraud and Corruption Prevention and Management Framework Strategy
6. Governance Framework and Statement
- ~~7. Risk Management Policy and Framework Strategy~~
- ~~8. Fair Treatment Policy and Procedures~~
- ~~7.9. Managing Unacceptable Performance~~
- ~~Internal Audit Strategy~~
- ~~8. New staff induction program~~
- ~~9. Volunteer induction program~~
- ~~10. Recruitment procedures~~

Document Control

Document ID	Fraud and Corruption Prevention Policy
Prepared by	Janet Crook Howard Nicholson
Release Version	1.32
Document Status	Draft Final
Issue Date	06/01/2021 11.05



Fraud and Corruption Prevention and Management Policy

Policy Type:	Policy		
Approved By:	COUNCIL	Decision No:	
Approval Date:	19 September 2005	Last Reapproval Date:	22 February 2021
Review Date:	February 2023	Internal Reference No.:	
Department:	Executive	Division:	Executive Office
Function:	9 - Governance	Responsible Officer:	Manager, Governance

A - PREAMBLE

1. The City of Salisbury is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency.

B - SCOPE

1. This policy applies to all council members, employees, contractors, consultants and volunteers of the City of Salisbury.

C – POLICY PURPOSE/OBJECTIVES

1. The purpose of this policy is to ensure that City of Salisbury:
 - a. properly fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012* (ICAC Act);
 - b. takes appropriate steps towards compliance with relevant legislation, policies and instruments;
 - c. provides a clear statement to all council members, employees, contractors, consultants, and volunteers through practices, policies and procedures that fraudulent conduct, Misconduct and/or Maladministration is not acceptable and will not be tolerated;
 - d. protects Council assets, interests and reputation from the risks associated with fraudulent conduct, Misconduct and/or Maladministration;
 - e. outlines the Council's approach to the prevention, detection and management of Fraud, Corruption, Misconduct and Maladministration;
 - f. fosters an ethical environment and culture which is conscious of, actively discourages, does not tolerate and appropriately deals with Fraud, Corruption, Misconduct and Maladministration;
 - g. identifies the relevant responsibilities of council members, the Audit Committee, the Chief Executive Officer, and Employees, Volunteers and Contractors;
 - h. educates Employees, Volunteers and Contractors and council members about their obligations to report conduct reasonably suspected of being Fraud, Corruption, Misconduct and/or Maladministration;
 - i. evaluates practices, policies and procedures it has in place in order to further advance Council systems for preventing or minimising Fraud, Corruption, Misconduct and Maladministration; and

- j. develops a consistent approach to the management of relevant conduct across the organisation through the establishment and maintenance of effective systems and internal controls to guard against Fraud, Corruption, Misconduct and Maladministration.

2. This policy will be reviewed and updated as part of City of Salisbury's policy review process.

D - DEFINITIONS

1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption per section 4 of the ICAC Act, who has the powers and functions described at section 7 of the ICAC Act.
2. **Contractor** means a person or company that provides goods or services.
3. **Corruption** in public administration, as provided for in section 5(1) of the ICAC Act, means conduct that constitutes:
 - a. an offence against Part 7 Division 4 (offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - i. bribery or corruption of public officers;
 - ii. threats or reprisals against public officers;
 - iii. abuse of public office;
 - iv. demanding or requiring benefit on basis of public office;
 - v. offences relating to appointment to public office; or
 - b. an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
 - c. an offence against the *Lobbyist Act 2015*, or an attempt to commit such an offence; or
 - d. any other offence (including an offence against Part 5 (offences of dishonesty) of the *Criminal Law Consolidation Act 1935* committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
 - e. any of the following in relation to an offence referred to in a preceding paragraph:
 - i. aiding, abetting, counselling or procuring the commission of the offence;
 - ii. inducing, whether by threats or promises or otherwise, the commission of the offence;
 - iii. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - iv. conspiring with others to affect the commission of the offence.
4. **Directions and Guidelines** means the Directions and Guidelines issued by the Commissioner and as in force from time to time pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act 2018.
5. **Employee** means all City of Salisbury's employees whether they are working in a full-time, part-time or casual capacity.
6. **False disclosure** means a disclosure of information relating to Fraud or Corruption, Maladministration or Misconduct that is made by a person who knows the information to be false.
7. **Fraud** means an intentional dishonest act or omission done with the purpose of deceiving.
8. **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012*.
9. **Maladministration in public administration** is defined in section 5(4) of the ICAC Act and means:
 - a. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - b. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
 - c. includes conduct resulting from impropriety, incompetence or negligence; and
 - d. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
10. **Misconduct in public administration** is defined in section 5(3) of the ICAC Act and means:
 - a. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or

- b. other misconduct of a public officer while acting in his or her capacity as a public officer.
- 11. Office for Public Integrity (OPI)** means the office established under the ICAC Act that has the function to:
- receive and assess complaints about public administration from members of the public;
 - receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies (including the Ombudsman), public authorities (including the Council) and public officers;
 - refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;
 - give directions or guidance to public authorities in circumstances approved by the Commissioner;
 - perform other functions assigned to the Office by the Commissioner
- 12. PID Act** means the *Public Interest Disclosure Act 2018*.
- 13. Public administration** is defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration. For the purposes of this Policy, references to Corruption, Misconduct and Maladministration are taken to mean references to such conduct in public administration.
- 14. Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
- a council member; and
 - an employee or officer of the Council.
- Volunteers are not Public Officers
- 15. Reasonable suspicion** means personally having grounds at the time for suspecting the Fraud, Corruption, Misconduct or Maladministration and those grounds (even if they are subsequently found to be false or non-existent), when judged objectively, are reasonable.
- 16. Relevant Authority** for the purposes of the PID Act means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act.
- 17. Responsible Officer** means a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as a responsible officer under section 12 of the PID Act.
- 18.** For the purposes of the ICAC Act, misconduct or maladministration in public administration will be taken to be **serious or systemic** if the misconduct or maladministration —
- is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and
 - has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).
- 20. Volunteer** means an individual who is registered with and has approval by the City of Salisbury to undertake activities:
- to be of benefit to the City of Salisbury, local community and the volunteer;
 - of the volunteers own free will and without coercion;
 - for no financial reward.

E - POLICY STATEMENT

City of Salisbury has a zero-tolerance stance towards Fraud, Corruption, Misconduct and Maladministration.

1. PREVENTION

- 1.1. City of Salisbury recognises that the most effective way to prevent the occurrence of Fraud, Corruption, Misconduct and Maladministration is to instil and continually reinforce a culture of acting lawfully, ethically and in a socially responsible manner, and to support this culture with the implementation of appropriate internal control mechanisms.

- 1.2. Employees, Contractors, Volunteers and elected members will assist in facilitating a sound ethical culture and preventing Fraud, Corruption, Misconduct and Maladministration by:
- 1.2.1. understanding the responsibilities of their positions;
 - 1.2.2. familiarising themselves with City of Salisbury policies and procedures and adhering to them;
 - 1.2.3. understanding what behaviour constitutes Fraudulent or Corrupt conduct, Misconduct and/or Maladministration;
 - 1.2.4. maintaining an awareness of the strategies that have been implemented by Council to minimise Fraud, Corruption, Misconduct and Maladministration;
 - 1.2.5. being continuously vigilant to the potential for Fraud, Corruption, Misconduct and Maladministration to occur in the Council environment; and
 - 1.2.6. reporting suspected or actual occurrences of Fraud, Corruption, Misconduct and Maladministration.

2. CONTROLS

- 2.1. City of Salisbury will control and prevent Fraud, Corruption, Misconduct and Maladministration by:
- 2.1.1. complying with the requirements of the ICAC Act;
 - 2.1.2. establishing and maintaining an effective system of internal controls and monitoring and enforcing compliance with those controls;
 - 2.1.3. implementing Fraud and Corruption prevention and mitigation strategies in its operational activities;
 - 2.1.4. taking appropriate action in response to allegations of fraudulent and / or corrupt activity;
 - 2.1.5. where allegations are substantiated, may take disciplinary action in accordance with relevant Codes of Conduct or employment contracts;
 - 2.1.6. ensuring that Public Officers, Employees, Contractors and Volunteers are aware of their obligations in relation to the prevention and reporting of Fraud, Corruption, Misconduct and Maladministration within Council through induction programs and, and regular training;
 - 2.1.7. active participation in education and evaluation of practices relevant to Fraud, Corruption, Misconduct and Maladministration;
 - 2.1.8. fostering a culture of honesty, integrity and accountability in which dishonest and fraudulent behaviour is actively discouraged;

3. ROLES AND RESPONSIBILITIES

3.1 Elected Members

The elected members are responsible for ensuring that they:

- 3.1.1. promote community awareness of the City of Salisbury's commitment to the prevention of Fraud, Corruption, Misconduct and Maladministration;

- 3.1.2. are scrupulous in the use of City of Salisbury's information, assets, funds, property, goods or services;
- 3.1.3. act in an ethical manner at all times in the performance of duties, and complies with ethical obligations;
- 3.1.4. reporting all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with City of Salisbury's policies;
- 3.1.5. ensure all powers and authorities are appropriately delegated in order to minimise the risk of Fraud, Corruption, Misconduct or Maladministration;
- 3.1.6. ensure that mechanisms for receiving allegations of Fraud, Corruption, Misconduct and Maladministration are developed and provided, including appointing a responsible officer; and
- 3.1.7. review the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate.

3.2 Audit Committee

To assist the Council in discharging its responsibility in relation to Fraud and Corruption control, the members of the Audit Committee are responsible for:

- 3.2.1 acting in an ethical manner at all times in the performance of duties, and complies with ethical obligations;
- 3.2.2 ensure that appropriate policies, practices and procedures of internal control are implemented and maintained and are appropriate for achieving the council's goals and objectives, safeguarding the council's assets and as far as possible maintaining the accuracy and reliability of council records;
- 3.2.3 ensuring that risk assessments are undertaken on a regular basis; and
- 3.2.4 reviewing the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate.

3.3 CEO

The CEO is responsible for:

- 3.3.1 promoting a culture and environment in which Fraud, Corruption, Misconduct and Maladministration is discouraged and not tolerated;
- 3.3.2 ensuring all Public Officers, Employees, Contractors and Volunteers receive education regarding Fraud, Corruption, Maladministration and Misconduct;
- 3.3.3 providing adequate resources and security for the prevention of Fraud, Corruption, Misconduct and Maladministration;
- 3.3.4 ensuring the development of procedures to deter fraudulent or corrupt activity;
- 3.3.5 ensuring the development and delivery of training to Public Officers, Employees, Contractors and Volunteers to promote ethical conduct and an ethical culture;
- 3.3.6 ensuring appropriate internal controls are in place and operating effectively to minimise the risks of incidents;

- 3.3.7 ensuring that, where appropriate, proper investigations are conducted into allegations of Fraud, Corruption, Misconduct or Maladministration;
- 3.3.8 facilitating cooperation with any investigations undertaken by an external authority;
- 3.3.9 providing mechanisms for receiving allegations of Fraud, Corruption, Misconduct or Maladministration, including appointing a Responsible Officer; and
- 3.3.10 ensuring there are risk management steps for assessing and minimising detriment to people against whom allegations of Fraud, Corruption, Misconduct and Maladministration are made.

3.4 Employees, Volunteers and Contractors

Employees, Volunteers and Contractors are responsible for:

- 3.4.1 complying with this policy and any related legislation, policy, protocol or procedure;
- 3.4.2 at all times in the performance of duties or in association with their role with Council, acting in an ethical manner;
- 3.4.3 undertaking awareness training or education regarding Fraud, Corruption, Maladministration and Misconduct;
- 3.4.4 complying with the PID Act;
- 3.4.5 reporting all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with City of Salisbury's policies; and
- 3.4.6 identifying potential Fraud and Corruption risks.

4. REPORTING FRAUD, CORRUPTION, MISCONDUCT OR MALADMINISTRATION

- 4.1 Any Public Officer who has or acquires knowledge of actual or suspected Corruption, or Systematic or Serious Misconduct or Maladministration in the City of Salisbury or in other public administration must report this information to the OPI as soon as practicable.
- 4.2 Nothing in this section is intended to prevent a Public Officer from reporting suspected Corruption or Systematic or Serious Misconduct or Maladministration in the City of Salisbury or in other public administration to a Relevant Authority, like a Council's Responsible Officer, for the purposes of the PID Act. Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Policy and Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.
- 4.3 Where an Employee, council member, Contractor or Volunteer has or acquires knowledge of actual or suspected Fraud or other similar conduct that does not constitute Corruption or Systematic or Serious Misconduct or Maladministration (and is therefore not required to be reported to OPI), that knowledge should be reported to the Council's Responsible Officer. Such a disclosure may be protected under the PID Act and will be managed in accordance with the Council's Public Interest Disclosure Policy and Public Interest Disclosure Procedure.

5. FALSE DISCLOSURE

- 5.1 A person who knowingly makes a false disclosure or a false or misleading statement in a complaint or report will be guilty of an offence under the ICAC Act and the PID Act.

5.2 Employees, Contractors, Volunteers and elected members who knowingly make a false disclosure will also face disciplinary action.

6. SUBJECT OF A DISCLOSURE OR ALLEGATION

6.1 City of Salisbury commits to providing the same protections to persons the subject of a disclosure or allegation as to informants, which will include, but not necessarily be limited to:

- 6.1.1 keeping the identity of the informant, and the subject of the disclosure, confidential;
- 6.1.2 flexibility as to when meetings are held, if and when necessary; and
- 6.1.3 the opportunity to make reasonable requests in relation to how and when those responsible for the management of the disclosure, makes contact with them, to minimise the potential for the person (being either the informant, or subject of the disclosure) to be subject to detriment.

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F - LEGISLATION

- 1. Local Government Act 1999
- 2. Public Interest Disclosure Act 2018
- 3. Public Interest Disclosure Regulations 2019
- 4. Criminal Law Consolidation Act 1935
- 5. Ombudsman Act 1972
- 6. Independent Commissioner Against Corruption Act 2012
- 7. Criminal Law Consolidation Act 1935
- 8. Public Sector (Honesty and Accountability) Act 1995
- 9. Public Corporations Act 1993
- 10. Lobbyist Act 2015

G - REFERENCES

- 1. Australian Standard AS8001-2008 (Corporate Governance – Fraud & Corruption Control)

H - ASSOCIATED PROCEDURES

- 1. Elected Member Code of Conduct
- 2. Employee Code of Conduct
- 3. Employee Conduct Policy
- 4. Code of Conduct for Volunteers Policy
- 5. Fraud and Corruption Prevention and Management Framework
- 6. Governance Framework and Statement
- 7. Risk Management Policy and Framework
- 8. Fair Treatment Policy and Procedures
- 9. Managing Unacceptable Performance

Document Control

Document ID	Fraud and Corruption Prevention Policy
Prepared by	Janet Crook
Release	1.3
Document Status	Draft
Issue Date	06/01/2021

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Council Assessment Panel - Terms of Reference
AUTHOR	Chris Zafiroopoulos, Manager Development Services, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report seeks Council's decision to adopt Terms of Reference to commence the expression of interest for the appointment of Independent Members for the next term of the Council Assessment Panel.

RECOMMENDATION

1. The Council Assessment Panel Terms of Reference dated 21 January 2019 is revoked.
2. The *Council Assessment Panel Terms of Reference* as contained in Attachment 1 to this report (Governance and Compliance Committee 15/02/2021, Item 3.1.2) is endorsed and the expression of interest process be commenced for the appointment of Independent Members for the next term of 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 assess and determine development applications assigned to the Panel under the Planning, Development and Infrastructure Act 2016 (or during the transition to the PDI Act, development applications delegated to the Panel by Council under 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. Council appointed Cr Brug as the Elected Member and Cr Reardon as Deputy Elected Member on the Panel in September 2020 for a period of two years.
- 1.3 The term of appointment of the current independent members was extended at the meeting held November 2020 until 31 August 2021 to enable Council to consider revised Terms of Reference (ToR) for the next term of appointments.
- 1.4 This report provides Council updated ToR for endorsement to commence a process to appoint Independent Members for the next term of membership.

2. REPORT

- 2.1 The Council deferred consideration of the Council Assessment Panel ToR pending a further report by February 2021 further reviewing the Terms of Reference to:
- Better emphasise the objective of equal representation of women and men on the Panel.
 - 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.
- 2.2 The draft ToR is provided in Attachment 1, with changes highlighted in red text. The ToR have been amended in that:
- 2.2.1 Clause 2.3.5 reads *“That insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men”*.
- 2.2.2 A new clause 2.22 provides *“The term of appointment of the Independent Panel Members’ shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term”*.
- 2.3 As consequence of proposed new clause 2.22, Council will need to appoint two independent members for a four year term in this next process.
- 2.4 The ToR proposes that Council calls for expressions of interest from interested people to be appointed to the CAP. 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.
- 2.5 It is also proposed to place an advertisement inviting submissions in The Advertiser together with information on Council's website for a period of four weeks. A report will be provided to Council in July 2021 for the appointment of members, ahead of the expiry of the current term of Independent Members on 31 August 2021. The publications will highlight Council's objective of equal representation of women and men on the Panel.
- 2.6 An additional clause is also recommended (clause 2.11) that will explicitly provide the option for the re-appointment of an existing member for a subsequent term without the requirement to call for an expression of interest.

3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that Council endorse the draft Council Assessment Panel Terms of Reference provided in Attachment 1 for the appointment of the members to the CAP. A subsequent report will be provided to Council for the appointment of the Independent Members to the CAP for the next term of office.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 08/02/2021



COUNCIL ASSESSMENT PANEL

Terms of Reference

Draft for Council endorsement

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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 insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men;** 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.
 - 1.
- 2.11. **The Council may reappoint an existing member for a subsequent term without calling for expressions of interest.**

Presiding Member and Acting Presiding Member

- 2.12. 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.
- 2.13. The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.14. 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).
- 2.15. 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.
- 2.16. 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

- 2.17. 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.
- 2.18. 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.

- 2.19. Deputy Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.20. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.21. 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.
- 2.22. **The term of appointment of the Independent Panel Members' shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term.**

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
- 2.
- 5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

ITEM	3.1.3 GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Review of Naming of Roads and Public Places Policy
AUTHORS	Chris Zafiroopoulos, Manager Development Services, City Development Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Naming of Roads and Public Places Policy to Council for consideration and endorsement. The Policy has been reviewed no changes are required.

RECOMMENDATION

1. The Information is received.
2. The Naming of Roads and Public Places Policy as set out in Attachment 1 to this report (Resources and Governance 15/02/2021, Item No. 3.1.3) is endorsed.

ATTACHMENTS

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

1. Review of Naming of Roads and Public Places Policy

1. BACKGROUND

- 1.1 The changing of names for roads and public places occurs infrequently and involves the consultation with affected parties and prescribed stakeholders.
- 1.2 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.3 The Naming of Roads and Public Places Policy was last reviewed in February 2019 and is now due for review.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 Consultation with staff as to the continuing relevance of the policy and any changes that may be required.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 The Naming of Roads and Public Places Policy has been reviewed by the Policy Owner. No changes of substance are required at this time in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Naming of Roads and Public Places Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 08/02/2021



Naming of Roads and Public Places Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2010/2208, 2011/262 2012/1019, 2015/0123, 2017/0030, 0097/2019
Approval Date:	24 May 2010	Last Reapproval Date:	25 February 2021
Review Date:	February 2023	Internal Reference No.:	
Department:	City Development	Division:	Development Services
Function:	14 - Infrastructure	Responsible Officer:	Manager, Development Services

A - PREAMBLE

A Council has the power under section 219 of the *Local Government Act 1999* (the LG Act) to assign a name to, or change the name of:

- a public road;
- a private road; and
- a public place.

B - SCOPE

This policy applies to all sealed public roads, all formed public roads within the Council area that are regularly accessed, all formed private roads that are accessible to the public (subject to specified criteria) and public places within the City of Salisbury.

C – POLICY PURPOSE/OBJECTIVES

Council *must* assign a name to each public road created by land division.

It is Council's policy that all sealed public roads and all formed public roads within the Council area that are regularly accessed will be assigned a name. This does not include 'unmade' road reserves.

All formed private roads that are accessible to the public (with the exception below) will also be assigned a name. This includes roads within complexes such as universities, hospitals, retirement villages, and roads in forests or parks etc. Private roads with five or less property addresses do not need to be named. In these cases address numbers will be assigned off the road that the private road connects to.

All roads that can be used as part of an address for an address site will be assigned a name.

Road name signs that identify each public road will, as far as practicable, be placed at every road intersection and will clearly indicate the road to which it applies.

D - DEFINITIONS

Nil

E - POLICY STATEMENT

1. Initiating the Road and Public Place Naming Process

A road naming or public place naming process may be initiated if:

- a request is received by the Council from a Government agency (such as DPTI);
- a request is received by the Council from an affected land owner or their agent;
- Council resolves that a name change be investigated;
- Council staff determine it is in the public interest to investigate a change in road name;
- Council opens or forms a road or public place; or
- Council receives an application for a land division.

2. Names of Roads and Public Places

In the naming and renaming of public roads or public places, the following principles will be observed.

2.1 Uniqueness

- a) A road or public place will have only one name.
- b) A road name will be unique within an official suburb, postcode or rural locality. Duplicate road names within a suburb/locality will be resolved in order to avoid confusion (eg emergency services response).
- c) Roads that are maintained by the Department for Planning, Transport and Infrastructure (DPTI) will be named by DPTI. Council will consult with DPTI in relation to naming these roads.
- d) Duplicate names and similar sounding names (e.g. Paice, Payce or Pace Roads) within a suburb or locality will be avoided where possible.
- e) If possible, duplication of names in proximity to adjacent suburb or locality will also be avoided. However, roads crossing Council boundaries should have a single and unique name.
- f) Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

2.2 Name Sources

Sources for road names or public places may include:

- Aboriginal names taken from the local Aboriginal language;
- early explorers, pioneers, and settlers;
- eminent persons;
- local history;
- thematic names such as flora, fauna, ships etc;
- war/casualty lists; and
- commemorative names.

Names will be selected so as to be appropriate to the physical, historical or cultural character of the area concerned.

The local Aboriginal community will be consulted when choosing Aboriginal names or using words from relevant Aboriginal languages.

2.3 Propriety

Names of living persons will be avoided.

Names, which are characterised as follows, will not be used.

- Offensive or likely to give offence;
- Incongruous - out of place; or
- Commercial or company.

2.4 Communication

Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.

Unduly long names and names composed of two or more words should be avoided:

- a given name will only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names will generally be avoided;
- whilst street and cul-de-sac names should have only one word, it is recognised that some roads require a two word name because of their geographic relationship e.g. Proof Range Road;
- roads with double destination names will be avoided.

2.5 Spelling

Where it is intended that a road have the same name as a place or feature with an approved geographical name, particular care will be taken to ensure that the correct spelling of the official place name is adopted as shown in the State Gazetteer.

Where the spelling of names has been changed by long established local usage, unless there is a particular request by the local community to retain the original name, the spelling that is sanctioned by general usage will be adopted.

Generally road names proposed or approved will not contain abbreviations e.g. the “Creek” in “Wallaby Creek Road” must not be abbreviated. There are, however, two exceptions, “St” will always be used in place of “Saint” and it is acceptable to use “Mt” for “Mount”.

2.6 Form

The apostrophe mark ‘ will be omitted in the possessive case e.g. “Smith’s Road” will be “Smiths Road”.

Names will avoid the use of the possessive “s” unless the euphony becomes harsh e.g. “Devil Elbow”.

The use of hyphens will be avoided. However, hyphens may be used when naming a road after a person with a hyphenated name.

2.7 Type of Road

Road names will include an appropriate road type suffix conforming to the following guidelines:

- The suffix chosen will be compatible with the class and type of road. Assistance to both the motorists and pedestrians is a major consideration in choosing the suffix.
- When a suffix with a geometric or geographic connotation is chosen it will generally reflect the form of the road, eg,
 - Crescent - a crescent or half-moon, re-joining the road from which it starts;
 - Esplanade - open, level and often along the seaside or a river.
- For a cul-de-sac use Place, Close, Court or a suffix of similar connotation.
- Highway (HWY) will be specifically reserved for roads associated with the state arterial road network. Its use will be restricted to roads of strategic importance constructed to a high standard.

The following list of suitable road type suffixes is included as examples. [The list has been sourced from Australian Standards AS 1742.5 - 1986 and AS4212 – 1994. An expanded road type list and acceptable abbreviations can be sourced from AS 4590:2006. In most instances the connotations are clear but where necessary a definition can be checked in a dictionary.] Only road types shown in the standards documents will be used.

Alley	Avenue	Boulevard	Bypass
Circle	Circuit	Circus	Close
Court	Crescent	Drive	Arcade
Grove	Lane	Mews	Parade
Parkway	Place	Plaza	Promenade
Road	Row	Square	Street
Terrace	Walk	Way	

2.8 *No Prefix or Additional Suffix*

The use of a compass point prefix/suffix or an additional suffix such as “north” or “extension” will be avoided, particularly where new roads are to be named. Where an existing road is subsequently bisected as a result of traffic management planning or some other reason, it may be appropriate to delineate each half of the road by the addition of a compass point suffix for the purposes of assisting the community and the emergency services to locate the appropriate part of the road.

3. Naming of Private Roads

This policy covers all formed roads that are regularly accessed and therefore includes private roads. Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name. Where Council proposes to assign a name to a private road it will consult with the owner of the land over the proposed name and the signage requirements for the road.

4. Consultation with Adjoining Councils

If a Council decides to change the name of a public road that runs into the area of an adjoining Council, the Council will give the adjoining Council at least two months notice of the proposed change and consider any representations made by the adjoining Council in response to the notice. [See section 219(2) of the Local Government Act 1999]

5. Public Notice of Name Assignment or Change

Council will give public notice of the assigning or changing of a road name or public place. This will be by publication in the Government Gazette and by notice in a newspaper circulating generally throughout the State, as required under the Local Government Act 1999. Public notice will include

the date that the new name takes effect and notice will also be published on the Council's website www.salisbury.sa.gov.au.

Public consultation is not required where a name is being assigned to a new road created via a land division. When Council is approving names proposed by applicants for land division, consideration will be given to the provisions of this policy.

6. Advise Relevant Parties of New Name or Name Change

Council will provide written notice (e.g. by email) of Council's decision on a new road name or name change to all relevant parties, including:

- Registrar-General;
- Surveyor-General;
- Valuer-General [see section 219(3)(a) of the *Local Government Act 1999*];
- the owner of the road (if a private road);
- owners of abutting properties;
- Australia Post;
- Telstra;
- SA Water;
- ETSA Utilities;
- SA Police;
- SA Ambulance Service; and
- SA Metropolitan Fire Service and/or Country Fire Service.

7. Date of Effect for New Names or Name Changes

The date of effect of the new or changed road name or public place will be determined at the time the decision to assign the name is made so as to allow sufficient time for all stakeholders to make arrangements to ensure a smooth transition.

The date of effect will be determined after considering:

- In respect of renaming an existing road, the impact on existing property owners, residents, tenants and occupiers. For example the time required to advise relevant parties to change letterhead stationery and advertising references;
- Potential confusion for people using maps and street directories that effectively become out of date; and
- The desire of some developers to sell property 'off the plan' and the opportunity for new owners to know their future address at an early stage.

Council will update the Register of Public Roads as required by section 231 of the *Local Government Act 1999*.

8. Road Name Signage

Council will ensure road naming signage in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected. (Signage may be erected during construction of a sub-division).

Note: Signage for State road names is the responsibility of DPTI.

9. Monitor and Review of Policy

This policy will be regularly monitored and reviewed every 2 years, or more frequently as required. Public notice will be given of adopting or altering this policy. [See section 219(7) of the Local Government Act 1999]

F - LEGISLATION

Local Government Act 1999 (Section 219)

1. Document Control

2. Document ID	3. Naming of Roads and Public Places Policy
4. Prepared by	5. Chris Zafiroopoulos
6. Release	7. 6.00
8. Document Status	9. Draft
10. Date Printed	11. 11/02/2021

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Private Parking Areas Act - Private Parking Agreements Policy Review
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 3.2 Salisbury is a place of choice for businesses to start, invest and grow
SUMMARY	This report presents the Private Parking Areas Act - Private Parking Agreements Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and no changes of substance are required.

RECOMMENDATION

1. The information is received.
2. The Private Parking Areas Act - Private Parking Agreements Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 15/02/2021, Item No.3.1.4) is endorsed.

ATTACHMENTS

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

1. Private Parking Areas Act - Private Parking Agreements Policy 2021
2. Private Parking Areas Act - Private Parking Agreements Policy 2021 Tracked Changes

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed every two years.
- 1.2 This Policy was last reviewed and endorsed by Council in February 2019 and is now due for review.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Consultation has occurred with policy owners as to the continuing relevance of the Policy and any changes that may be required.

3. REPORT

- 3.1 The Private Parking Areas Act - Private Parking Agreements Policy has been reviewed by the Policy Owner. No changes of substance are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Private Parking Areas Act - Private Parking Agreements Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 08/02/2021



Private Parking Areas Act - Private Parking Agreements

Policy Type:	Policy		
Approved By:	Council	Decision No:	2012/1260, 2014/0050, 2017/1730, 0097/2019
Approval Date:	22 October 2012	Last Reapproval Date:	TBD
Review Date:	February 2023	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health & Safety
Function:	20 - Traffic	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

1. The Private Parking Areas Act 1986 regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas, and makes special provision for the enforcement of provisions relating to private parking areas.

B - SCOPE

1. This Policy applies to Private Parking Areas that are within the City of Salisbury
2. This Policy applies to all Private Parking Areas that are within the City of Salisbury that are subject to a Private Parking Agreement

C – POLICY PURPOSE/OBJECTIVES

1. The objectives of this policy are to:
 - a. Ensure that Private Parking Area Agreements give consideration to the broader community benefit of managing car parking, so as to assist in achieving strategic objectives associated with equitable and accessible car parking within City Centre Precincts and the areas surrounding the private car parking area.
 - b. Establish and clarify the role and obligations of both Council and the owners of Private Parking Areas when applying for an agreement and when an agreement has been entered into.
 - c. Clarify the enforcement responsibilities of both Council and non-council authorised staff in relation to Private Parking Areas.
 - d. Ensure that the enforcement of Private Parking Areas is undertaken in line with the enforcement principles as established in Council's enforcement policy

D - DEFINITIONS

The Act means the *Private Parking Areas Act 1986*

authorised officer means a person who is an authorised person for the purposes of the *Local Government Act 1999* and includes a member of the police force;

council means a council as defined in the *Local Government Act 1999*;

council area means the area in relation to which a council is constituted;

owner, in relation to land, means—

- (a) the holder of an estate in fee simple in that land;
- (b) where the land is subject to a registered estate or interest conferring a right to possession—the proprietor of that estate or interest;
- (c) where the land consists of a registered easement or right of way—the proprietor of the easement or right of way;
- (d) where the land is not alienated from the Crown—the Minister or instrumentality of the Crown that has the care, control and management of the land,

private parking area means an area—

- (a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and
- (b) marked by a notice denoting it as a private parking area,

(and an area is capable of constituting a private parking area notwithstanding that certain parts of that area are no standing areas);

Enforcement policy means City of Salisbury Enforcement Policy as approved by the City of Salisbury

Non-council authorised officer means a person who is not an employee of Council, but is nominated by the owner of the Private Parking Area to be an authorised person for the purposes of enforcing the provisions of the Private Parking Area Act as it relates to their private parking area. The non-council authorised officers are required to be authorised by the City of Salisbury under the *Local Government Act 1999*.

E - POLICY STATEMENT**Restrictions**

1. Under Part 3 of the Act the owner of a private parking area may by a notice or notices exhibited at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area.
2. The owner of a private parking area may set aside any part of the private parking area as—
 - a. a disabled persons parking area (accessible car parking spaces);
 - b. a loading area;
 - c. a no standing area;
 - d. a restricted parking area;
 - e. a permit parking area.
3. The owner of a private parking area must also comply with the requirements of the Building Code of Australia and Disability Discrimination Act in relation to accessible car parking spaces.

Application for Agreement

4. The owner of a private parking area and the Council for the area in which the private parking area is situated may make an agreement for the enforcement of the provisions of Part 3 of the Act in relation to that private parking area by council authorised staff.
5. An application for an agreement shall be made to Council in the manner specified by Council on the Application form and may include a fee for the application as determined by Council.
6. The application shall include information that will enable Council to make an informed decision on the need for an agreement and the benefits of an agreement to the owner of the private parking area and to the community, including, (but not limited to) the following:
 - a. Reason for application (including the need and benefits to be provided from the agreement)
 - b. Total number of parking spaces and number of parking spaces for people with disabilities
 - c. Time limit(s) proposed
 - d. Number of permit zones proposed and type of permit zones proposed
 - e. Other restrictions: eg Loading zones, no standing, or restricted parking
 - f. Number of spaces not subject to restrictions (for staff and other)
7. As part of the application, the applicant may be required to undertake further assessment of car parking usage and demand in the applicants parking area and in proximity to the Private Parking Area and consideration of adjoining private and public parking capacity and demand, along with traffic movements.

Enforcement

8. Enforcement of the Private Parking Areas Act agreement shall only be carried out by authorised officers.
9. Council authorised officers shall undertake enforcement at times and frequencies to be determined by Council. Enforcement shall be subject to staff availability and other priorities at the time.
10. Enforcement action will be undertaken to ensure that private parking areas are;
 - a. Effectively managed to ensure compliance with the Private Parking Areas Act (giving consideration to point 10 below)
 - b. Utilised by the intended users of the parking area, namely shoppers, employees and other members of the community as identified
11. Enforcement action will give consideration to Council's Enforcement Policy, including, (but not limited to) the following:
 - a. the car park capacity at the time of the patrol (are there sufficient vacancies at the time of the patrol)
 - b. Car parks with 50 or more spaces, that have approximately 25% vacancy throughout the day or at the time of the patrol should not warrant enforcement action, unless the area is a;
 - i. no standing or loading zone,
 - ii. Disabled persons parking area, or
 - iii. permit parking area
 - c. Adequate notification and information has been provided to staff to utilise the appropriate areas
 - d. Adequate notification and information has been provided to the general community to utilise the appropriate areas
12. Non-Council authorised officers shall apply the above principles to enforcement.

Non-Council Authorised Officers

13. Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action.

14. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.
15. Officers will be issued with an authority card and identification.
16. Officers are required to show their authorisations on demand.
17. Non-Council authorised officers that are deemed to require further training shall be required to attend additional training as required by Council or the relevant Council staff.
18. Non-Council authorised officers that are deemed to be issuing expiations that are not in accordance with the enforcement principles above shall have their authorisations revoked and any expiation issued will be subject to review.
19. Any requirements for further training may include a fee as determined by Council.

Agreements

20. An application for an agreement and the provision of all relevant information does not bind Council into entering into an agreement.
21. Council reserves the right to reject applications and or offer alternative parking restrictions for consideration.

F - LEGISLATION

1. Private Parking Areas Act 1986
2. Private Parking Areas Regulations 2014
3. Expiation of Offences Act 1996
4. Building Code of Australia
5. Disability Discrimination Act

G - REFERENCES

- 1.

H - ASSOCIATED PROCEDURES

1. Private Parking Areas Act Application Form
2. Private Parking Areas Act Agreement
3. Authorised Officers Awareness Training – Local Government Act 1999

Document Control

Document ID	Private Parking Areas Act - Private Parking Agreements
Prepared by	John Darzanos
Release	5.00
Document Status	Endorsed
Date Printed	



Private Parking Areas Act - Private Parking Agreements

Policy Type:	Policy		
Approved By:	Council	Decision No:	2012/1260, 2014/0050, 2017/1730, 0097/2019
Approval Date:	22 October 2012	Last Reapproval Date:	25 February 2019 TBD
Review Date:	February 2021 2023	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health & Safety
Function:	20 - Traffic	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

1. The Private Parking Areas Act 1986 regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas, and makes special provision for the enforcement of provisions relating to private parking areas.

B - SCOPE

1. This Policy applies to Private Parking Areas that are within the City of Salisbury
2. This Policy applies to all Private Parking Areas that are within the City of Salisbury that are subject to a Private Parking Agreement

C – POLICY PURPOSE/OBJECTIVES

1. The objectives of this policy are to:
 - a. Ensure that Private Parking Area Agreements give consideration to the broader community benefit of managing car parking, so as to assist in achieving strategic objectives associated with equitable and accessible car parking within City Centre Precincts and the areas surrounding the private car parking area.
 - b. Establish and clarify the role and obligations of both Council and the owners of Private Parking Areas when applying for an agreement and when an agreement has been entered into.
 - c. Clarify the enforcement responsibilities of both Council and non-council authorised staff in relation to Private Parking Areas.
 - d. Ensure that the enforcement of Private Parking Areas is undertaken in line with the enforcement principles as established in Council's enforcement policy

D - DEFINITIONS

The Act means the *Private Parking Areas Act 1986*

authorised officer means a person who is an authorised person for the purposes of the *Local Government Act 1999* and includes a member of the police force;

council means a council as defined in the *Local Government Act 1999*;

council area means the area in relation to which a council is constituted;

owner, in relation to land, means—

- (a) the holder of an estate in fee simple in that land;
- (b) where the land is subject to a registered estate or interest conferring a right to possession—the proprietor of that estate or interest;
- (c) where the land consists of a registered easement or right of way—the proprietor of the easement or right of way;
- (d) where the land is not alienated from the Crown—the Minister or instrumentality of the Crown that has the care, control and management of the land,

private parking area means an area—

- (a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and
- (b) marked by a notice denoting it as a private parking area,

(and an area is capable of constituting a private parking area notwithstanding that certain parts of that area are no standing areas);

Enforcement policy means City of Salisbury Enforcement Policy as approved by the City of Salisbury

Non-council authorised officer means a person who is not an employee of Council, but is nominated by the owner of the Private Parking Area to be an authorised person for the purposes of enforcing the provisions of the Private Parking Area Act as it relates to their private parking area. The non-council authorised officers are **required to be** authorised by the City of Salisbury under the *Local Government Act 1999*.

E - POLICY STATEMENT**Restrictions**

1. Under Part 3 of the Act the owner of a private parking area may by a notice or notices exhibited at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area.
2. The owner of a private parking area may set aside any part of the private parking area as—
 - a. a disabled persons parking area (accessible car parking spaces);
 - b. a loading area;
 - c. a no standing area;
 - d. a restricted parking area;
 - e. a permit parking area.
3. The owner of a private parking area must also comply with the requirements of the Building Code of Australia and Disability Discrimination Act in relation to accessible car parking spaces.

Application for Agreement

4. The owner of a private parking area and the Council for the area in which the private parking area is situated may make an agreement for the enforcement of the provisions of Part 3 of the Act in relation to that private parking area by council authorised staff.
5. An application for an agreement shall be made to Council in the manner specified by Council on the Application form and may include a fee for the application as determined by Council.
6. The application shall include information that will enable Council to make an informed decision on the need for an agreement and the benefits of an agreement to the owner of the private parking area and to the community, including, (but not limited to) the following:
 - a. Reason for application (including the need and benefits to be provided from the agreement)
 - b. Total number of parking spaces and number of ~~disable~~-parking spaces for people with disabilities
 - c. Time limit(s) proposed
 - d. Number of permit zones proposed and type of permit zones proposed
 - e. Other restrictions: eg Loading zones, no standing, or restricted parking
 - f. Number of spaces not subject to restrictions (for staff and other)
7. As part of the application, the applicant may be required to undertake further assessment of car parking usage and demand in the applicants parking area and in proximity to the Private Parking Area and consideration of adjoining private and public parking capacity and demand, along with traffic movements.

Enforcement

8. Enforcement of the Private Parking Areas Act agreement shall only be carried out by authorised officers.
9. Council authorised officers shall undertake enforcement at times and frequencies to be determined by Council. Enforcement shall be subject to staff availability and other priorities at the time.
10. Enforcement action will be undertaken to ensure that private parking areas are;
 - a. Effectively managed to ensure compliance with the Private Parking Areas Act (giving consideration to point 10 below)
 - b. Utilised by the intended users of the parking area, namely shoppers, employees and other members of the community as identified
11. Enforcement action will give consideration to Council's Enforcement Policy, including, (but not limited to) the following:
 - a. the car park capacity at the time of the patrol (~~are~~is there sufficient vacancies at the time of the patrol)
 - b. Car parks with 50 or more spaces, that have approximately 25% vacancy throughout the day or at the time of the patrol should not warrant enforcement action, unless the area is a;
 - i. no standing or loading zone,
 - ii. Disabled persons parking area, or
 - iii. permit parking area
 - c. Adequate notification and information has been provided to staff to utilise the appropriate areas
 - d. Adequate notification and information has been provided to the general community to utilise the appropriate areas
12. Non-Council authorised officers shall apply the above principles to enforcement.

Non-Council Authorised Officers

13. Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action.

- 14. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.
- 15. Officers will be issued with an authority card and identification.
- 16. Officers are required to show their authorisations on demand.
- 17. Non-Council authorised officers that are deemed to require further training shall be required to attend additional training as required by Council or the relevant Council staff.
- 18. Non-Council authorised officers that are deemed to be issuing expiations that are not in accordance with the enforcement principles above shall have their authorisations revoked and any expiation issued will be subject to review.
- 19. Any requirements for further training may include a fee as determined by Council.

Agreements

- 20. An application for an agreement and the provision of all relevant information does not bind Council into entering into an agreement.
- 21. Council reserves the right to reject applications and or offer alternative parking restrictions for consideration.

F - LEGISLATION

- 1. Private Parking Areas Act 1986
- 2. Private Parking Areas Regulations 2014
- 3. Expiation of Offences Act 1996
- 4. Building Code of Australia
- 5. Disability Discrimination Act

G - REFERENCES

- 1.

H - ASSOCIATED PROCEDURES

- 1. Private Parking Areas Act Application Form
- 2. Private Parking Areas Act Agreement
- 3. Authorised Officers Awareness Training – Local Government Act 1999

Document Control

Document ID	Private Parking Areas Act - Private Parking Agreements
Prepared by	John Darzanos
Release	4,085.00
Document Status	Endorsed
Date Printed	

ITEM	3.1.5
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Review of Food Act 2001 - Inspection Fees Policy
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.4 We plan effectively to address community needs and identify new opportunities

SUMMARY Council Policies are subject to bi-annual reviews and re-endorsement by Council. The following report presents the Food Act 2001 Inspection Fees Policy for consideration and re-endorsement.

RECOMMENDATION

1. The information is received.
2. That the Food Act 2001 – Inspection Fees Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 15/02/2021, Item No. 3.1.5) is endorsed.

ATTACHMENTS

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

1. Food Act 2001 - Inspection Fees Policy 2021
2. Food Act 2001 - Inspection Fees Policy 2021 Tracked Changes

1. BACKGROUND

- 1.1 Council’s Policy Framework provides for Council Policies to be reviewed every two years.
- 1.2 The Food Act 2001 - Inspection Fees Policy (the ‘Policy’) was last endorsed by Council in February 2019 and is now due for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation has occurred with policy owners as to the continuing relevance of the Policy and any changes that may be required.

3. REPORT

- 3.1 The policy has been reviewed with no changes of substance required in the content of the Policy to ensure its continuing relevance.
- 3.2 A minor amendment has resulted in the fees being removed from the policy due to annual amendments to the fees. The policy refers to the legislative powers that establish the fees and Council's annual fees and charges document that provides Council with the ability to adopt the legislated fees annually and notifies the community of the annual rate.

4. CONCLUSION / PROPOSAL

- 4.1 The Food Act 2001 - Inspection Fees Policy as contained within Attachment 1 is recommended to Council for endorsement.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 08/02/2021



Food Act 2001 - Inspection Fees

Policy Type:	Policy		
Approved By:	Council	Decision No:	2178, 2009/1731, 2014/0050, 2016/1511, 0097/2019
Approval Date:	26 June 2006	Most Recent Approval:	TBD
Review Date:	February 2023	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health and Safety
Function:	11 - Health Management	Responsible Officer:	Manager Environmental Health and Safety

A - PREAMBLE

1. Regulation 13 of the *Food Regulations 2017* (made under the *Food Act 2001*) provides for Councils as enforcement agencies to charge an inspection fee for the carrying out of any inspection of any premises or food transport vehicle, which is reasonably required in connection with the operation or administration of the Act.

B - SCOPE

2. This policy applies to premises and or food transport vehicles, which undertake the sale of food as prescribed in the Food Act 2001. The inspection fee must not exceed the reasonable costs of the enforcement agency with respect of the inspection, and in any event must not exceed the maximum prescribed.
3. The current maximum fees for inspections are set under Regulation 13 of the Food Regulations 2017, and prescribed by notice annually in the Government Gazette.

Fees are established for two classes of business:

1. small business (where no more than 20 people (full time equivalents) are engaged in handling food; and
2. in any other case (other than small business)

Fees are adopted by Council and published in Council's Fees and Charges document annually.

4. Where the inspection is levied and performed by the Council, it will be exempt from GST as the fee does not constitute consideration for GST purposes. This position is confirmed in Class Ruling 2013/41 where the Commissioner sets out the GST treatment of the following inspection fees. Exempt - paragraph 81-15.01(1)(f) of the GST Regulations.

5. Inspection fees may be recovered from the occupier of the premises or from the owner or operator of a food transport vehicle (as the case may be) as a debt due to the Council.
6. A fee shall be imposed for each routine inspection undertaken, for every premise, except in the circumstance when:
 - Multiple business are owned by one proprietor; and
 - They are registered under 1 ABN and
 - The businesses are located next to each other; and
 - The inspection for each site is carried out at the same time.
7. This policy has been developed in line with the model policy from the Local Government Association and SA Health.

C – POLICY PURPOSE/OBJECTIVES

8. This Policy depicts the circumstances and provision in which Council classifies and charges a food premises for an inspection.

D - FREQUENCY OF INSPECTIONS

9. The Food Business Risk Classification System endorsed by SA Health is utilised to allocate priority classifications for businesses and frequency of inspections. The frequency may be revised based on level of compliance.
10. Business risk ratings are based on the Australian New Zealand Food Authority Food Safety Priority classification system.

The City of Salisbury's risk rating inspection schedule is as follows:

Table: Priority Classification Inspection Frequencies (every x month)

Priority Classification	Starting point	Maximum	Minimum
Priority 1 (P1) High Risk	6	3	12
Priority 2 (P2) Medium Risk	6	3	12
Priority 3 (P3) Low Risk	12	12	24 or No Inspection
Priority 4 (P4) Negligible Risk	12	12	24 or No Inspection
Priority 1 (P1) High Risk Bakery - process / manufactures (This classification is required by SA Health)	6	3	6

11. Changes of Frequency

The frequency of inspection shall be changed under the following circumstances:

- Businesses assessed using the Australian Food Safety Assessment tool:
 - The frequency of inspection shall be increased to the maximum frequency for any business that registers:
 - 2 consecutive unsatisfactory (major non-compliance) inspection results

- Business on the maximum inspection frequency shall revert to the starting frequency after 2 consecutive inspections with results of either satisfactory or satisfactory (minor non-compliance)
- The frequency of inspection shall be decreased from starting frequency to the minimum frequency for any premise that registers two consecutive routine inspections with a satisfactory or a satisfactory (minor non-compliance) result.
- Businesses assessed with the South Australian Food Safety Rating Scheme
 - The frequency of inspection shall be increased to the maximum frequency when the businesses receive two consecutive 0 star ratings assessments.
 - Business on the maximum inspection frequency shall revert to the starting frequency after 2 consecutive inspections with results of 4 star rating or above ratings
 - The frequency of inspection shall be decreased from the starting frequency to the minimum frequency if the business receives two consecutive 5 star rating assessments.
- The frequency of inspection shall revert to the starting frequency in the circumstance of a new proprietor.

E - DEFINITIONS

- *"Community and charitable organisation"* means any group that does not provide financial gain to any members.
- *"Negligible risk business"* means a business that handles only nominal risk foods, and hence will not warrant frequent or lengthy inspections. Nominal risk foods are foods that are not potentially hazardous and are received and sold in the same packaging.
- *"Priority classification"* means the risk classification allocated to a business as determined by the SA Health Food Business Risk Priority Classification System.
- *"Routine inspection"* means an inspection conducted at a frequency determined by the business' priority classification and performance history based on the Australian Food Safety Assessment system.
- *"Small business"* means a business where not more than 20 people are engaged in handling food (determined as people who work full-time in handling food, or the full-time equivalents of such people).
- *"Mobile food van"* means a van/vehicle used to transport, prepare and offer food for sale directly from the vehicle for immediate consumption.
- *"Food transport vehicle"* means a vehicle used to store and transport food for sale.
- *"Australian Food Safety Assessment (AFSA)"* – is an assessment tool used by Environmental Health Officers to determine a food businesses compliance with the food safety standards.
- *"Food Safety Rating Scheme"* – is an initiative of SA Health which is voluntary and allows Environmental Health Officers to calculate a score based on how well the food business meets the food safety standards. The score is interpreted into a star rating which gives consumers information about how well the business complies.
- *"Minor non-compliance"*: the issue identified is considered to be a breach of the standards, however only of a low risk in nature and can be easily remedied, without a direct risk to food safety or public health.
- *"Major Non-Compliance"* - the issue identified is considered to be a breach of the standards; requiring significant remediation or is of high risk with a direct risk to food safety or public health.
- *Satisfactory (minor non-compliance)* – the business has been assessed as generally satisfactory with 2 or less minor non-conformances being identified which have a negligible risk and can be easily remedied and are not a direct risk to food safety or public health.
- *Unsatisfactory (minor non-compliance)* – the business has been assessed as generally

unsatisfactory with 3 or more non-conformances being identified which have a negligible risk and can be easily remedied and are not a direct risk to food safety or public health.

F - POLICY STATEMENT

12. Routine Inspections

Inspection fees will apply to routine inspections of food premises, mobile food vans and food transport vehicles.

Comments:

Inspection fees will not be applied to food transport vehicles that have been inspected by the Council in whose jurisdiction the food transport vehicle is located. The nature of these businesses requires that they operate across numerous Council areas and hence it is not expected that inspection fees be charged by other Councils that choose to inspect the vans while they are operating in their areas.

Inspection fees will not be applied to mobile food vans and food transport vehicles based in the City of Salisbury and inspected as part of the routine food premises inspection, and those issued a street trading permit.

Mobile food vans operating at Markets will be subject to half fees as specified in clause 10.

13. Routine Inspections for Home Based Food Premises

Inspection fees will apply to routine inspections of home based food premises, mobile food vans and food transport vehicles. A home based food business is one that meets the criteria in the Council's Guidelines for Home Based Food Businesses.

Comments:

The frequency of inspection will be dependent on the Food Business Risk classification, and the results of the Australian Food Safety Assessment. Inspection frequency of food businesses may increase or decrease depending on their performance history. Refer to Table: Priority Classification Inspection Frequencies above

Where the home based food business has been granted approval in accordance with the guideline to use the domestic kitchen and is classified as a Priority 3 – Low Risk or Priority 4 – Negligible Risk then the business will receive a fee equivalent to 50% of the base fees for a small business.

14. Notice or Order Follow Up Inspections and Compliance Inspections

Inspection fees equivalent to 50% of the base fees will apply to follow up inspections of food premises, mobile food vans and food transport vehicles, related to ensuring compliance with an Improvement Notice or Prohibition Order.

Inspection Fees will not be applied if expiation has been issued for the non-compliances or the non-compliance of the Notice or Order.

Inspection fees will not be applied to compliance follow-up inspections related to non-compliance of the Food Act that are addressed with a letter or the AFSA report or verbally.

Comments:

In those instances where non-compliance has occurred (after being given appropriate time frames to rectify problems) and re-inspection is required, Councils as enforcement agencies are provided with the mechanisms to achieve compliance using the provisions of the Food Act, for example expiation notices, prohibition and/or improvement orders. Notices and orders are utilised to achieve compliance of food safety standards where there are multiple concerns or recurring

concerns or serious non compliances. Issuing a Notice or Order requires a follow up inspection and subsequently places greater demand on resources. As the inspection is usually specific in nature the length of inspection is reduced and subsequently the fee is set at 50% of the base fee.

Where a penalty or expiation is imposed for the non-compliance or failure to comply with the notice the inspection fee is not charged as the expiation penalty is considered sufficient.

15. Complaints Inspections

Inspection fees will not be applied to inspections carried out in relation to complaints received from the public as there are other penalty provisions for any complaints or offences that are substantiated.

Comments:

From time to time Councils will inspect food premises as part of complaint investigations. Inspection fees should not be charged in these instances due to complaints often being unsubstantiated and because the ad hoc inspection for this purpose is often quite quick (normal inspection fees would apply to these businesses for standard inspections). Where complaints are substantiated then alternative penalty provisions can apply.

16. Community and charitable organisations

Inspection fees will apply to inspections of food premises, mobile food vans and food transport vehicles operated by listed community and charitable organisations.

Comments:

Inspection fees for community and charitable organisations will not be applied if the following criteria are evident:

- The organisation conducts only fund raising events, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface, or
- The organisation only provides food for free (or donation) to recipients for charitable purposes

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

Other types of activities involving sale of food, conducted by community and charitable organisations may be considered nominal risk and is at the discretion of the Environmental Health Assessment Unit.

17. Local Sporting Clubs

Inspection fees will apply to food premises, mobile food vans and food transport vehicles operated by local sporting clubs.

Comments:

Inspection fees for local sporting clubs will not be applied if the following criteria are evident:

- The organisation is predominately run by volunteers, or
- The organisation conducts only fund raising events, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

18. Negligible risk businesses

P4 Negligible risk premises that are determined to require a regular inspection will have inspection fees applied.

Inspection fees will not be applied to "negligible risk" businesses that are determined to not require inspections as a result of their low risk activities. This includes storage and sale of pre-packaged low risk foods, or warehousing and storage of frozen goods or fresh fruit and vegetables without any further handling.

19. Schools

Inspection fees will apply to inspections of canteen facilities in education institutions.

Comments:

Inspection fees for education institutions will not be applied if the operator of the canteen facility is run by the school /institution and is not for profit,

20. Festivals, fetes and shows

Inspection fees will not be applied to inspections of food premises, food stalls and food vehicles operating at the festivals, fetes and shows that only occur once a year.

Comments:

These events can be one off events or annual events and are in the main conducted by community and/or charitable organisations, and as such should not be imposed an inspection fee.

When events occur on a frequent basis they will be classified as "Food Markets" and fees can apply as per the following section.

21. Food Markets

Inspection fees will apply to inspections of food premises, food stalls and mobile food vans operating at the food markets at a reduced rate equivalent to 50% of the fee for small businesses.

Inspection fees for food markets will not be applied if the following criteria are evident:

- The food premises, food stalls and mobile food vans operating at the food markets are run by a community club or charitable organisations, and is a one off fundraising event conducted only once a year
- The food premises, food stalls and mobile food vans are deemed to be a "*Negligible risk business*".
- The food business is offering for sale pre-packaged, shelf stable and appropriately labelled products that do not require specific storage requirements such as temperature controls.
- The business operating the mobile food van is based in the City of Salisbury and is inspected as part of a routine premises inspection and subject to an Inspection Fee during that inspection.

Comments:

The reduced rate of fees is applicable as many stall holders could be established at numerous locations and be subject to fees from other authorities also. The reduced fee also recognises the transient nature of the stall holders and many will change from time to time.

22. Businesses with Food Safety Programs

Inspection fees will apply to food businesses that have food safety management systems and food safety programs in place and are audited by external auditors.

Inspection fees will not be applied if the food safety management system and food safety program is required by legislation and the auditing agency is a Government Authority, including but not limited to:

- Primary Industries and Resources South Australia
- Dairy Authority of South Australia
- SA Health (Department of Health)
- Local Government Food Safety Auditors and the
- The food safety program covers the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards, and
- Council receives copies of all Audit Reports conducted by the 3rd party auditors.

Comments:

Formal food safety programs are those based on Hazard Analysis and Critical Control Point (HACCP) principals, however they are only legislatively required across several business sectors within SA at this point in time. Many businesses in the manufacturing and processing sector have chosen to implement food safety programs within their organisations for business reasons, or as a proactive measure to help ensure food safety.

Organisations that invest the time, upfront and ongoing costs of a fully audited food safety program may consider the additional cost of a Council inspection fee is unfair/unwarranted, however inspections of these premises are likely to take as long as similar type inspections.

As the enforcement agency Council can inspect such food businesses as part of their general inspection program, however audited premises that fulfil the above requirements with regards to their audits that are required by legislation may be exempted from inspections, and inspection fees.

Premises that have an audited Plan not required by legislation at present are subject to regular inspections and subsequently fees are applicable.

F – LEGISLATION/ REFERENCES

- Food Act 2001
- Food Regulations 2017, Regulation 13
- A New Tax System (Goods And Services Tax) Act 1991 Division 81 - Payments of taxes, fees and charges
- The South Australian Food Business Risk Classification, November 2018, South Australia. Department for Health and Wellbeing

Document Control

Document ID	Food Act 2001 - Inspection Fees
Prepared by	John Darzanos
Version	8
Document Status	Endorsed
Issue Date	TDB



Food Act 2001 - Inspection Fees

Policy Type:	Policy		
Approved By:	Council	Decision No:	2178, 2009/1731, 2014/0050, 2016/1511, 0097/2019
Approval Date:	26 June 2006	Most Recent Approval:	25 February 2019 TBD
Review Date:	February 2021 2023	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health and Safety
Function:	11 - Health Management	Responsible Officer:	Manager Environmental Health and Safety

A - PREAMBLE

1. Regulation 13 of the *Food Regulations 2017* (made under the *Food Act 2001*) provides for Councils as enforcement agencies to charge an inspection fee for the carrying out of any inspection of any premises or food transport vehicle, which is reasonably required in connection with the operation or administration of the Act.

B - SCOPE

2. This policy applies to premises and or food transport vehicles, which undertake the sale of food as prescribed in the Food Act 2001. The inspection fee must not exceed the reasonable costs of the enforcement agency with respect of the inspection, and in any event must not exceed the maximum prescribed.

~~3. Fees are reviewed and amended annually and published in Council's Fees and Charges and also subject to legislative changes and amendments.~~

3. The current maximum fees for inspections are set under Regulation 13 of the Food Regulations 2017, and prescribed by notice annually in the Government Gazette, Schedule 1

Fees are established for two classes of business:

1. small business (where no more than 20 people (full time equivalent) are engaged in handling food; and

2. in any other case (other than small business)

~~In the case of a small business (where not more than 20 people (full time equivalents) are engaged in handling food) \$121.00* (GST exempt fee), and~~

~~In any other case - \$300* (GST exempt fee),~~

Fees are adopted by Council and published in Council's Fees and Charges document

~~annually,
and adopted by Council are:~~

~~(*Note: Fees have been adjusted in accordance with legislative changes at the time but may be subject to further change as amended by the Food Regulations 2017)~~

- ~~4.~~ Where the inspection is levied and performed by the Council, it will be exempt from GST as the fee does not constitute consideration for GST purposes. This position is confirmed in Class Ruling 2013/41 where the Commissioner sets out the GST treatment of the following inspection fees. Exempt - paragraph 81-15.01(1)(f) of the GST Regulations.
5. Inspection fees may be recovered from the occupier of the premises or from the owner or operator of a food transport vehicle (as the case may be) as a debt due to the Council.
6. A fee shall be imposed for each routine inspection undertaken, for every premise, except in the circumstance when:
- Multiple business are owned by one proprietor; and
 - They are registered under 1 ABN and
 - The businesses are located next to each other; and
 - The inspection for each site is carried out at the same time.
7. This policy has been developed in line with the model policy from the Local Government Association and SA Health.

C – POLICY PURPOSE/OBJECTIVES

8. This Policy depicts the circumstances and provision in which Council classifies and charges a food premises for an inspection.

D - FREQUENCY OF INSPECTIONS

- ~~9.~~ The Food Business Risk Classification System endorsed by SA Health is utilised to allocate priority classifications for businesses and frequency of inspections. The frequency may be revised based on level of compliance.

~~9-10.~~ Business risk ratings are based on the Australian New Zealand Food Authority Food Safety Priority classification system.

~~10.~~ Business risk ratings are based on the Australian New Zealand Food Authority Food Safety Priority classification system. In 2007, the Food Regulation Standing Committee (FRSC) endorsed the Risk Profiling Framework (the Framework) as the nationally agreed tool for risk profiling.

The City of Salisbury's risk rating inspection schedule is as follows:

Table: Priority Classification Inspection Frequencies (every x month)

Priority Classification	Starting point	Maximum	Minimum
Priority 1 (P1) High Risk	6	3	12
Priority 2 (P2) Medium Risk	6	3	12
Priority 3 (P3) Low Risk	12	12	24 or No Inspection
Priority 4 (P4) Negligible Risk	12	12	24 or No

			Inspection
Priority 1 (P1) High Risk Bakery - process / manufactures (This classification is required by SA Health)	6	3	6

11. Changes of Frequency

The frequency of inspection shall be changed under the following circumstances:

- Businesses assessed using the Australian Food Safety Assessment tool:
 - The frequency of inspection shall be increased to the maximum frequency for any business that registers:
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 - Business on the maximum inspection frequency shall revert to the starting frequency after 2 consecutive inspections with results of either satisfactory or satisfactory (minor non-compliance)
 - The frequency of inspection shall be decreased from starting frequency to the minimum frequency for any premise that registers two consecutive routine inspections with a satisfactory or a satisfactory (minor non-compliance) result.
- Businesses assessed with the South Australian Food Safety Rating Scheme
 - The frequency of inspection shall be increased to the maximum frequency when the businesses receive two consecutive 0 star ratings assessments.
 - Business on the maximum inspection frequency shall revert to the starting frequency after 2 consecutive inspections with results of 4 star rating or above ratings
 - The frequency of inspection shall be decreased from the starting frequency to the minimum frequency if the business receives two consecutive 5 star rating assessments.
- The frequency of inspection shall revert to the starting frequency in the circumstance of a new proprietor.

E - DEFINITIONS

- "*Community and charitable organisation*" means any group that does not provide financial gain to any members.
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- "*Australian Food Safety Assessment (AFSA)*" – is an assessment tool used by Environmental

- Health Officers to determine a food businesses compliance with the food safety standards.*
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 - *"Minor non-compliance" the issue identified is considered to be a breach of the standards, however only of a low risk in nature and can be easily remedied, without a direct risk to food safety or public health.*
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 - *Satisfactory (minor non-compliance) – the business has been assessed as generally satisfactory with 2 or less minor non-conformances being identified which have a negligible risk and can be easily remedied and are not a direct risk to food safety or public health.*
 - *Unsatisfactory (minor non-compliance) – the business has been assessed as generally unsatisfactory with 3 or more non-conformances being identified which have a negligible risk and can be easily remedied and are not a direct risk to food safety or public health.*

F - POLICY STATEMENT

12. Routine Inspections

Inspection fees will apply to routine inspections of food premises, mobile food vans and food transport vehicles.

Comments:

Inspection fees will not be applied to food transport vehicles that have been inspected by the Council in whose jurisdiction the food transport vehicle is located. The nature of these businesses requires that they operate across numerous Council areas and hence it is not expected that inspection fees be charged by other Councils that choose to inspect the vans while they are operating in their areas.

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Comments:

The frequency of inspection will be dependent on the Food Business Risk classification, and the results of the Australian Food Safety Assessment. Inspection frequency of food businesses may increase or decrease depending on their performance history. Refer to Table: Priority Classification Inspection Frequencies above

Where the home based food business has been granted approval in accordance with the guideline to use the domestic kitchen and is classified as a Priority 3 – Low Risk or Priority 4 – Negligible Risk then the business will receive a fee equivalent to 50% of the base fees for a small business.

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Inspection Fees will not be applied if expiation has been issued for the non-compliances or the non-compliance of the Notice or Order.

Inspection fees will not be applied to compliance follow-up inspections related to non-compliance of the Food Act that are addressed with a letter or the AFSA report or verbally.

Comments:

In those instances where non-compliance has occurred (after being given appropriate time frames to rectify problems) and re-inspection is required, Councils as enforcement agencies are provided with the mechanisms to achieve compliance using the provisions of the Food Act, for example expiation notices, prohibition and/or improvement orders. Notices and orders are utilised to achieve compliance of food safety standards where there are multiple concerns or recurring concerns or serious non compliances. Issuing a Notice or Order requires a follow up inspection and subsequently places greater demand on resources. As the inspection is usually specific in nature the length of inspection is reduced and subsequently the fee is set at 50% of the base fee.

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Comments:

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16. Community and charitable organisations

Inspection fees will apply to inspections of food premises, mobile food vans and food transport vehicles operated by listed community and charitable organisations.

Comments:

Inspection fees for community and charitable organisations will not be applied if the following criteria are evident:

- The organisation conducts only fund raising events, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface, or
- The organisation only provides food for free (or donation) to recipients for charitable purposes

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

Other types of activities involving sale of food, conducted by community and charitable organisations may be considered nominal risk and is at the discretion of the Environmental Health Assessment Unit.

17. Local Sporting Clubs

Inspection fees will apply to food premises, mobile food vans and food transport vehicles operated by local sporting clubs.

Comments:

Inspection fees for local sporting clubs will not be applied if the following criteria are evident:

- The organisation is predominately run by volunteers, or
- The organisation conducts only fund raising events, or
- The organisation only sells nominal risk foods, or
- The organisation only sells BBQ foods when the food cooked when ordered and sold directly from the cooking surface

For the purpose of this section nominal risk is as described in the definitions and includes, packaged foods sold in the same packaging it has been received.

18. Negligible risk businesses

P4 Negligible risk premises that are determined to require a regular inspection will have inspection fees applied.

Inspection fees will not be applied to "negligible risk" businesses that are determined to not require inspections as a result of their low risk activities. This includes storage and sale of pre-packaged low risk foods, or warehousing and storage of frozen goods or fresh fruit and vegetables without any further handling.

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Inspection fees for education institutions will not be applied if the operator of the canteen facility is run by the school /institution and is not for profit,

20. Festivals, fetes and shows

Inspection fees will not be applied to inspections of food premises, food stalls and food vehicles operating at the festivals, fetes and shows that only occur once a year.

Comments:

These events can be one off events or annual events and are in the main conducted by community and/or charitable organisations, and as such should not be imposed an inspection fee.

When events occur on a frequent basis they will be classified as "Food Markets" and fees can apply as per the following section.

21. Food Markets

Inspection fees will apply to inspections of food premises, food stalls and mobile food vans operating at the food markets at a reduced rate equivalent to 50% of the fee for small businesses.

Inspection fees for food markets will not be applied if the following criteria are evident:

- The food premises, food stalls and mobile food vans operating at the food markets are run by a community club or charitable organisations, and is a one off fundraising event conducted only once a year
- The food premises, food stalls and mobile food vans are deemed to be a “*Negligible risk business*”.
- The food business is offering for sale pre-packaged, shelf stable and appropriately labelled products that do not require specific storage requirements such as temperature controls.
- The business operating the mobile food van is based in the City of Salisbury and is inspected as part of a routine premises inspection and subject to an Inspection Fee during that inspection.

Comments:

The reduced rate of fees is applicable as many stall holders could be established at numerous locations and be subject to fees from other authorities also. The reduced fee also recognises the transient nature of the stall holders and many will change from time to time.

22. Businesses with Food Safety Programs

Inspection fees will apply to food businesses that have food safety management systems and food safety programs in place and are audited by external auditors.

Inspection fees will not be applied if the food safety management system and food safety program is required by legislation and the auditing agency is a Government Authority, including but not limited to:

- Primary Industries and Resources South Australia
- Dairy Authority of South Australia
- SA Health (Department of Health)
- Local Government Food Safety Auditors and the
- The food safety program covers the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards, and
- Council receives copies of all Audit Reports conducted by the 3rd party auditors.

Comments:

Formal food safety programs are those based on Hazard Analysis and Critical Control Point (HACCP) principals, however they are only legislatively required across several business sectors within SA at this point in time. Many businesses in the manufacturing and processing sector have chosen to implement food safety programs within their organisations for business reasons, or as a proactive measure to help ensure food safety.

Organisations that invest the time, upfront and ongoing costs of a fully audited food safety program may consider the additional cost of a Council inspection fee is unfair/unwarranted, however inspections of these premises are likely to take as long as similar type inspections.

As the enforcement agency Council can inspect such food businesses as part of their general inspection program, however audited premises that fulfil the above requirements with regards to their audits that are required by legislation may be exempted from inspections, and inspection fees.

Premises that have an audited Plan not required by legislation at present are subject to regular inspections and subsequently fees are applicable.

F – LEGISLATION/ REFERENCES

- Food Act 2001
- Food Regulations 2017, Regulation 13
- A New Tax System (Goods And Services Tax) Act 1991 Division 81 - Payments of taxes, fees and charges
- The South Australian Food Business Risk Classification, November 2018, South Australia. Department for Health and Wellbeing

Document Control

Document ID	Food Act 2001 - Inspection Fees
Prepared by	John Darzanos
Version	78
Document Status	Endorsed
Issue Date	24 February 2019 TDB

ITEM	3.1.6
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	Review of Enforcement Policy
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report presents the Enforcement Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy owner and no changes have been made.

RECOMMENDATION

1. The information is received.
2. The Enforcement Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 15/02/2021, Item 3.1.6) is endorsed.

ATTACHMENTS

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

1. Enforcement Policy 2021
2. Enforcement Policy 2021 Tracked Changes

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed every two years.
- 1.2 This Policy was last reviewed and endorsed by Council in February 2019 and is now due again for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Manager Development Services
 - 2.1.2 Manager Governance

3. REPORT

- 3.1 The Enforcement Policy which has been modelled on the Local Government model template has been reviewed by the Policy owner. No changes of substance are required in the content of the Policy to ensure its continuing relevance and only minor formatting changes have been made.

4. CONCLUSION / PROPOSAL

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

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 08/02/2021



Enforcement Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2011/5222165, 2013/1926, 2017/1726, 0097/2019
Approval Date:	27 April 2010	Last Reapproval Date:	TDB
Review Date:	February 2023	Internal Reference No.:	
Department:	City Development	Division:	Environmental Health & Safety
Function:	3 – Legislative Compliance and Enforcement	Responsible Officer:	Manager, Environment Health & Safety

A - PREAMBLE

1. Local Government is charged with legislative responsibilities which protect individuals and the community as a whole. Council's customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.
2. This policy is an "umbrella" policy which outlines Council's approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken.
3. In addition to enforcement, Council carries out a range of activities to ensure compliance such as community education programs to encourage conformance. Detailed policies and procedures about these specific activities may also apply.
4. Enforcement activities include:
 - a. patrolling streets and public places;
 - b. inspecting premises either on a routine programmed basis or on a random basis; and
 - c. responding to enquiries and complaints.

B - SCOPE

1. Applies to all enforcements under all legislation.

C – POLICY PURPOSE/OBJECTIVES

1. to provide consistency in enforcement action in matters of non-compliance;
2. to ensure transparency, procedural fairness and natural justice principles are applied; and
3. to ensure that enforcement action is proportionate to the alleged offence in each case.

D - DEFINITIONS

1. Council adopts a broad definition of “enforcement” which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies.
2. Notwithstanding the above, Council will take immediate action when required (for example to ensure public health and safety or to protect the environment) and take firm action against those who act unlawfully when circumstances warrant.

E - POLICY STATEMENT**1. Principles of Good Enforcement**

Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their enforcement related work with due regard to the following principles.

1.1. Proportionality

- 1.1.1. A proportionate response means that Council’s actions will be scaled to the seriousness of the breach.
- 1.1.2. Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.
- 1.1.3. Attention will be focussed on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the infringement, Council will enforce the minimum action necessary to secure future compliance.
- 1.1.4. Prosecution will generally be used for continuous or serious offences that pose a severe risk and hazard to the community.

1.2. Consistency

- 1.2.1. Council will take a consistent enforcement approach in similar cases.
- 1.2.2. While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:
 - follow standard operating procedures wherever applicable;
 - ensure fair, equitable and non-discriminatory treatment; and
 - record any deviation from standard operating procedures along with the reasons for the deviation.

1.3. Transparency

- 1.3.1. Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. It will consult on and provide ready access to published standards and levels of service and performance that can be expected and be clear and open about what is expected from those on whom the law places a duty (duty holders).
- 1.3.2. In educating the community at large and dealing with duty holders, Council will make a clear distinction between what is legally required and what is desirable but not compulsory.

- 1.3.3. Staff will be open to discussing potential and actual compliance failures, before, during and after formal action has been taken.
 - 1.3.4. When remedial action is needed Council will explain clearly and in plain language why the action is necessary. Where practicable or where required by legislation, it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.
 - 1.3.5. Where it is not practical to give notice, or where legislation requires immediate action, or where there is high risk or hazard from the offence, enforcement action will be commenced and the reasons why will be recorded in accordance with Council's Records Management protocols.
 - 1.3.6. Complainants will be advised of what action has been taken and why that action has been taken.
2. **Authorisation of Officers**
 - 2.1. Only authorised officers/persons who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons for action recorded in accordance with Council's Records Management protocols.
 - 2.2. Officers are required to show their authorisations on demand (or as required by the specific Act they are administering).
 3. **Decision Making**
 - 3.1. Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance can include any or all of the following:
 - explaining legal requirements and, where appropriate, the means to achieve compliance;
 - providing an opportunity to discuss points of issue where appropriate;
 - allowing reasonable timeframes to achieve compliance
 - facilitating mediation between affected parties;
 - issuing a verbal or written warning; or
 - enforcement actions such as issuing an expiation, issuing an order/notice or instigating a prosecution.
 - 3.2. Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded in accordance with Council's Records Management protocols and the complainant will be advised.
 - 3.3. In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:

- the seriousness of the offence;
 - the degree of wilfulness involved;
 - past history;
 - the consequences of non-compliance;
 - the likely effectiveness of the various enforcement options;
 - deterrence;
 - the effect on the community and other people; and
 - consistency of approach to similar breaches/offences.
- 3.4. The following principles should be exercised when choosing an enforcement strategy:
- 3.4.1. No discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- 3.4.2. No political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any political group or party.
- 3.5. Where a personal association or relationship with the alleged offender or any other person involved exists:
- 3.5.1. an alternative person will make decision; and
- 3.5.2. the facts about any conflict/relationship will be recorded in accordance with Council's Code of Conduct and Records Management protocols.
- 3.6. Written documentation will:
- 3.6.1. include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- 3.6.2. include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- 3.6.3. clearly differentiate between legal requirements and recommendations of good practice.
- 4. Enforcement Options**
- 4.1. No Action**
- 4.1.1. No action will be taken when, after investigation, no breaches of the legislation are discovered.
- 4.1.2. It may also be appropriate to take no action when:
- the complaint is frivolous, vexatious or trivial in nature;
 - the alleged offence is outside Council's area of authority; or
 - taking action may prejudice other major investigations.
- 4.2. Informal Action**

- 4.2.1.** Informal action to achieve compliance with legislation may include:
- offering verbal or written advice;
 - verbal warnings and requests for action; or
 - written warnings.
- 4.2.2.** If written confirmation is required, advice from officers will be put clearly and simply.
- 4.2.3.** The circumstances in which informal action may be appropriate include:
- the act or omission is not serious enough to warrant formal action;
 - the duty holder's past history reasonably suggests that informal action will secure compliance;
 - confidence in the individual/other body is high;
 - the consequences of non-compliance will not pose a significant risk; or
 - where informal action may prove more effective than a formal approach.
- 4.2.4.** Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.
- 4.3. Mediation**
- 4.3.1.** Where practical, Council will suggest mediation. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.
- 4.4. Formal Action**
- 4.4.1. Service of Orders and Notices**
- 4.4.1.1.** Various pieces of legislation specify the procedures which Councils must follow, in order to:
- advise of the intention to issue an Order/Notice;
 - invite submissions with respect to the matter;
 - order a person to do or refrain from doing a thing under specified circumstances; and/or
 - issue directions specifying how the Order/Notice may be complied with.
- 4.4.1.2.** Council Officers will use professional judgement and discretion to assess the variables relating to each matter

under consideration, including the reasonableness of the actions required by an Order/Notice and the timeframe to comply.

- 4.4.1.3. Only in circumstances such as a threat to life or immediate threat to public health or safety or where legislation allows for immediate action, will an Order/Notice be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.
- 4.4.1.4. In most cases the person receiving the Order/Notice has a right of appeal to the appropriate court if the Order/Notice is considered unreasonable. If an Order/Notice is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order/Notice.
- 4.4.1.5. Where there is evidence that an offence has been committed Council may issue an Expiation Notice or launch a prosecution in addition to serving an Order/Notice. This will be done where it is determined that the conduct of the recipient and the nature of the offence justifies taking both steps.

4.4.2. Action in Regard to a Default

- 4.4.2.1. Failure to comply with an Order/Notice will incur further enforcement action such as expiation or prosecution.
- 4.4.2.2. Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, Council may undertake the required work. Before doing the work Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken Council will seek to recover all costs over a fair period, using all statutory means available.
- 4.4.2.3. The decision to carry out action in default will be made by the Chief Executive Officer or delegate.
- 4.4.2.4. Where an offence has been committed Council may issue an Expiation Notice or consider prosecution in addition to taking action to fulfil an Order/Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

4.4.3. Service of an Expiation Notice

- 4.4.3.1. A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an

identifiable person or organisation has committed the alleged offence. There must be sufficient evidence to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

4.4.3.2. The following circumstances are likely to warrant an Expiation Notice:

- Direct breaches of legislation administered by Council, where the nature of the offence is recurrent and requires continual enforcement action;
- Direct breaches of legislation administered by Council where the officer has considered amongst other relevant factors, the factors listed in Clause 3.3
- Failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- Failure to comply with the requirements of an Order/Notice;
- Confidence in the individual/other body is low; or
- A written warning has been given for a similar offence.

4.4.4. Prosecution

4.4.4.1. A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt. The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an Order/Notice;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.

4.4.4.2. Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a

consistent, fair and objective decision to be made.

- 4.4.4.3. Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.
- 4.4.4.4. A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:
- whether the offence was premeditated;
 - the need to influence the offender's future behaviour;
 - the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
 - the availability and efficacy of any alternatives to prosecution;
 - the prevalence of the alleged offence and the need for deterrence, both personal and general;
- 4.4.4.5. The final decision to prosecute will be made by the Chief Executive Officer or delegate.

F - LEGISLATION

1. *Local Government Act 1999*

H - ASSOCIATED PROCEDURES

1. Divisional Standard Operating Procedures

Document Control

Document ID	Enforcement Policy
Prepared by	John Darzanos
Release	7.00
Document Status	Endorsed
Date Printed	



Enforcement Policy

Policy Type:	Policy	Decision No:	2011/5222165, 2013/1926, 2017/1726, 0097/2019
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- 4.1.2. It may also be appropriate to take no action when:
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- 4.2.2.** If written confirmation is required, advice from officers will be put clearly and simply.
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 - where informal action may prove more effective than a formal approach.
- 4.2.4.** Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.
- 4.3. Mediation**
- 4.3.1.** Where practical, Council will suggest mediation. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.
- 4.4. Formal Action**
- 4.4.1. Service of Orders and Notices**
- 4.4.1.1.** Various pieces of legislation specify the procedures which Councils must follow, in order to:
- advise of the intention to issue an Order/Notice;
 - invite submissions with respect to the matter;
 - order a person to do or refrain from doing a thing under specified circumstances; and/or
 - issue directions specifying how the Order/Notice may be complied with.
- 4.4.1.2.** Council Officers will use professional judgement and discretion to assess the variables relating to each matter

under consideration, including the reasonableness of the actions required by an Order/Notice and the timeframe to comply.

4.4.1.3. Only in circumstances such as a threat to life or immediate threat to public health or safety or where legislation allows for immediate action, will an Order/Notice be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.

4.4.1.4. In most cases the person receiving the Order/Notice has a right of appeal to the appropriate court if the Order/Notice is considered unreasonable. If an Order/Notice is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order/Notice.

4.4.1.5. Where there is evidence that an offence has been committed Council may issue an Expiation Notice or launch a prosecution in addition to serving an Order/Notice. This will be done where it is determined that the conduct of the recipient and the nature of the offence justifies taking both steps.

4.4.2. Action in Regard to a Default

4.4.2.1. Failure to comply with an Order/Notice will incur further enforcement action such as expiation or prosecution.

4.4.2.2. Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, Council may undertake the required work. Before doing the work Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken Council will seek to recover all costs over a fair period, using all statutory means available.

4.4.2.3. The decision to carry out action in default will be made by the Chief Executive Officer or delegate.

4.4.2.4. Where an offence has been committed Council may issue an Expiation Notice or consider prosecution in addition to taking action to fulfil an Order/Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

4.4.3. Service of an Expiation Notice

4.4.3.1. A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an

identifiable person or organisation has committed the alleged offence. There must be sufficient evidence to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

4.4.3.2. The following circumstances are likely to warrant an Expiation Notice:

- Direct breaches of legislation administered by Council, where the nature of the offence is recurrent and requires continual enforcement action;
- Direct breaches of legislation administered by Council where the officer has considered amongst other relevant factors, the factors listed in Clause 3.3
- Failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- Failure to comply with the requirements of an Order/Notice;
- Confidence in the individual/other body is low; or
- A written warning has been given for a similar offence.

4.4.4. Prosecution

4.4.4.1. A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt. The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an Order/Notice;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.

4.4.4.2. Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a

consistent, fair and objective decision to be made.

- 4.4.4.3. Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.
- 4.4.4.4. A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:
- whether the offence was premeditated;
 - the need to influence the offender's future behaviour;
 - the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
 - the availability and efficacy of any alternatives to prosecution;
 - the prevalence of the alleged offence and the need for deterrence, both personal and general;
- 4.4.4.5. The final decision to prosecute will be made by the Chief Executive Officer or delegate.

F - LEGISLATION

1. *Local Government Act 1999*

H - ASSOCIATED PROCEDURES

1. Divisional Standard Operating Procedures

Document Control

Document ID	Enforcement Policy
Prepared by	John Darzanos
Release	6.007.00
Document Status	Endorsed
Date Printed	

ITEM	3.1.7
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 February 2021
HEADING	2021 National General Assembly of Local Government - Call for Motions and Attendance at Assembly
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The National General Assembly (NGA) of Local Government will take place in Canberra from 20 to 23 June 2021. Motions are being called for the NGA and close Friday 26 March 2021.

RECOMMENDATION

1. Council consider and determine if there are any issues that warrant a motion being submitted to the National General Assembly of Local Government being held in Canberra from 20 to 23 June 2021.

ATTACHMENTS

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

1. 2021 National General Assembly - Call for Motions Discussion Paper

1. BACKGROUND

- 1.1 The National General Assembly (NGA) of Local Government will be held 20 to 23 June 2021 at the National Convention Centre, Canberra.
- 1.2 The 2020 Assembly was cancelled due to COVID-19 but the Australian Local Government Association (ALGA) Board has decided to retain the theme of 'Working Together for Our Communities' to 'emphasise the importance of partnerships to building and maintaining resilience in councils and our communities.'
- 1.3 The ALGA Board is calling for motions from Councils.
- 1.4 They must be relevant to the work of local government nationally and must complement or build on the policy objectives of state and territory associations.
- 1.5 The deadline for submitting motions to the NGA is **Friday 26 March 2021**.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Nil.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. ALGA's work includes, but is not limited to the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local councils.
- 3.2 The ALGA Board is comprised of delegates from each member association who refer matters of national relevance to the ALGA Board for consideration at regular Board meetings.
- 3.3 The 2021 National General Assembly (NGA) of Local Government, to be held in Canberra from 20 to 23 June is an opportunity for individual Councils to identify matters of national relevance to the sector and for these matters to be considered by ALGA as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

Submission of Motions for Debate

- 3.4 The ALGA Board is calling for motions for the NGA under the theme of 'Working Together For Our Communities'.
- 3.5 To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
 - 1. be relevant to the work of local government nationally
 - 2. not be focussed on a specific location or region – unless the project has national implications. Justification of why a motion has strategic importance and should be discussed at a national conference will need to be provided.
 - 3. be consistent with the themes of the NGA
 - 4. complement or build on the policy objectives of your state and territory local government association
 - 5. be submitted by a council which is a financial member of their state or territory local government association
 - 6. propose a clear action and outcome i.e. call on the Australian Government to do something
 - 7. be a new motion that has not already been debated at an NGA in the preceding two years, and
 - 8. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

- 3.6 The ALGA Secretariat has prepared the attached discussion paper to provide assistance in identifying motions that address the theme of the NGA this year.
- 3.7 Once all motions have been received, they are reviewed by the ALGA Board's NGA Sub Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub Committee considers the importance and relevance of the issue to local government.
- 3.8 Councils submit motions directly to ALGA. When ALGA collates the proposed motions, they will provide them to state associations seeking additional background material if required.
- 3.9 It should be noted that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.
- 3.10 An extract from the attached Discussion Paper:
- Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.*
- 3.11 Motions that are accepted and placed on the Agenda for the NGA will be debated throughout the assembly.
- 3.12 There is an expectation that any Council that submits a motion will be present at the NGA to move and speak to the motion.

Attendance at Assembly and Voting Delegate

- 3.13 A provisional program is yet to be released. When this is available, it will be distributed to Elected Members.
- 3.14 Investigations are currently underway by ALGA to facilitate remote access to the NGA. When details about this become available, advice will be provided to Council.
- 3.15 At that time Council will be asked to determine if it wishes to register a delegate/s and how they should participate (in person / remotely).

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if there are any issues that warrant a motion being submitted to the 2021 NGA of Local Government.

CO-ORDINATION

Officer:	Executive Group	MG
Date:	08/02/2021	05/02/2021



Call for Motions

20 - 23 June 2021

National Convention Centre Canberra





KEY DATES

16 November 2020
Opening of Call for Motions

26 March 2021
Acceptance of Motions Close

20 - 23 June 2021
National General Assembly

To submit your motion go to:
alga.asn.au

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist you to identify motions that address the theme of the 2021 NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships, working together, and resilience so your questions could focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising to build back better.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally;
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
3. be consistent with the themes of the NGA;
4. complement or build on the policy objectives of your state and territory local government association;
5. be submitted by a council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to do something;
7. be a new motion that has not already been debated at an NGA in the preceding two years; and
8. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

Please note that for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

2020 has been a year like no other. A year that many individuals and organisations, including councils, would wish to forget. While the drought lessened its hold on parts of the country to be replaced by floods, more than 110 local government areas were severely impacted by the Black Summer (2019-20) bushfires - and no one was spared the effects of the battle against COVID-19. The 2020-21 storm and fire season may add to the sense that it was a year of disasters.

Friedrich Nietzsche said: "That which does not kill us, makes us stronger." So how can councils become stronger after 2020? How can we ensure that our communities are stronger and more resilient? How do we work together and with our partners to ensure that we build back better from the series of unprecedented events that have marked 2020?

COUNCIL RESILIENCE

In the first quarter of 2020, state and territory Governments closed facilities where people gathered in numbers to reduce the probability that hospitals would be overwhelmed by a rise in COVID-19 cases. This included a substantial number of council owned and operated revenue generating facilities which had flow-on effects for other revenue- generating enterprises such as paid parking. Major funding gaps rapidly emerged in many councils that typically generated significant amounts of own revenue.

Councils that cannot generate significant amounts of the own revenue are typically dependent on grant funding from other levels of government, including Financial Assistance Grants from the Australian Government. These councils tend to service rural, regional and remote communities that are often large in area but small in terms of population. The capacity of these councils to deliver all their required services and infrastructure can be severely strained at any time.

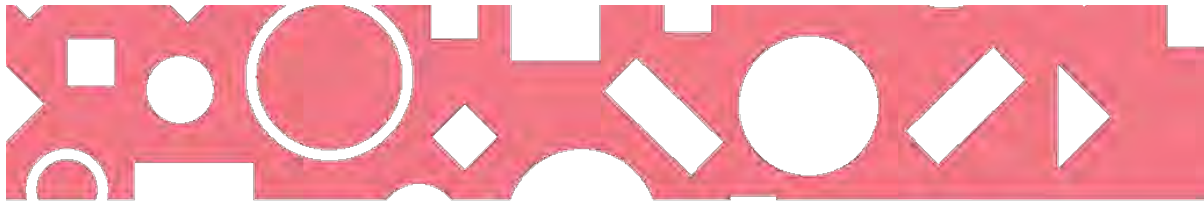
With local government funding under pressure across the nation, and other levels of government facing fiscal constraints, councils may need to do more with less in the near term and be innovative with both budgeting, service delivery, balancing competing demands and longer term financial planning. Services may need to be scaled down or delivered in innovative ways. Asset management and maintenance programs may need to be varied. Working collaboratively with neighbouring councils or forming alliances may be a way of achieving efficiencies and enhancing service delivery along with fostering innovation, cutting red tape, and working in partnership with third parties may be others.

Digital service delivery and working from home - adopted during the height of the pandemic - may become the new norm. This may increase opportunities for councils to innovate, work together and share resources, and fill long term skill gaps. New challenges may emerge including how staff are supported and how productivity, collaboration and motivation maintained. There may be significant consequences for local democracy and council's ability to engage authentically with their communities. Digital transformation and technology modernisation will be essential for some councils. Even already well-established adopters of digital technology may need to rethink their approach.

Can the Australian Government assist councils with efficiency measures that reduce the cost of services without a major change in service levels experienced by the community?

What opportunities are available to enhance the adaptive capacity of councils and its potential to 'weather the storm' through innovation and creativity? How can the Australian Government assist?

Apart from Financial Assistance Grants, how can the Australian Government assist councils to become more financially sustainable and able to better meet the needs of their communities? Are there new partnership programs or policy changes the Government



COMMUNITY RESILIENCE

Community resilience is the capacity of communities to respond to, withstand, and recover from adverse situations including natural disasters, persistent drought, pandemics, fluctuations in global trade, recession, and a rise in inequality. In some circumstances in response to these pressures and stresses, local communities are not able to recover to their previous state. Instead they need to adapt to cope with long term stresses. But ideally, we want all communities to not only survive but thrive.

Local governments play a critical role in building resilient and sustainable communities and helping to buffer people and places against social, economic, and environmental disruptions and overcome adversity. One critical area is through the provision of resilient infrastructure. Councils' infrastructure should meet the community's current and future demand, be built to contemporary standards, be affordable for both the council and the user, and be reliable with appropriate asset management practices in place to ensure maximum return on investment.

In addition to physical infrastructure, social infrastructure is also vital for resilience. Social infrastructure is broader than just buildings, it includes the individuals and groups, places, and institutions, including councils, that foster community cohesion and social support. Communities and individuals with good social networks and connections demonstrate greater resilience.

The loneliness epidemic is challenging social resilience. Research produced before the coronavirus pandemic revealed that one in four adult Australians are experiencing loneliness with over half the nation reporting they feel lonely for at least one day each week. In addition to its impacts on community resilience, feeling lonely can pose a bigger risk for premature death than smoking or obesity and can be associated with depression, poorer cardiovascular health and, in old age, a faster rate of cognitive decline and dementia.

Communities that are more vulnerable to shocks and disasters are often reliant on only one industry, have minimal redundancy or no backups for essential services and infrastructure such as only one source of water, one powerline or one access road. They also often only have few voluntary or charitable organisations working in the community. Often community leadership is weak or fails to inspire, engage, and unleash the power of other leaders and critical social networks.

Community resilience cannot be built and then left to its own devices. It needs to be strengthened continuously, not just in times of crisis. It involves people getting together to create sustainable links within their community and the community and its leaders having the ability to learn from experience and improve over time.

How can councils work in partnership with the other tiers of government to adopt a community development approach that builds resilience?

What are the best models available to councils to ensure that our communities thrive and focus on prevention and preparation rather than relief and recovery? How can the Australian Government partner with councils to ensure thriving communities?

What actions can councils take, in partnership with others including the Australian Government to promote community resilience and protect against external shocks such as industry closures or natural disasters? Are tools available to assist councils build community resilience or do we need new or different tools?

COLLABORATION AND PARTNERSHIPS

Creating a resilient community and ensuring a resilient and sustainable council requires partners. Councils can work with partners in different ways to find local solutions to local problems. They can partner with a wide range of organisations including other councils, other levels of government, the voluntary and community sector or business and research sector organisations. The aims of these partnerships are typically to improve services and deliver changes to benefit the local area.

Collaboration and partnerships with other councils and public or private organisations can also bring benefit from economies of scale in providing services or purchasing in bulk for example. Procurement partnerships have been a particularly successful example of this. Working in partnership can make a considerable contribution to efficiency improvements, such as through cost savings in back-office functions or sharing of plant and equipment.

Other benefits associated with partnerships and collaboration include opening the way for local communities to share ideas and connect with others. Partnerships enhance the ability of a council to access innovation, enhance skills development, work across council boundaries to address regional issues, and maximise competitive advantage in the delivery of major infrastructure projects.

Strategic collaboration is not just about savings and sharing resources. It is also about maximising capacity in addressing community expectations, or working with members of the community to overcome challenges and seize opportunities. For example, building and maintaining productive partnerships with Aboriginal and Torres Strait Islander people and communities is critical for councils committed to Closing the Gap and involving Aboriginal and Torres Strait Islander communities in decision-making and service development and delivery.

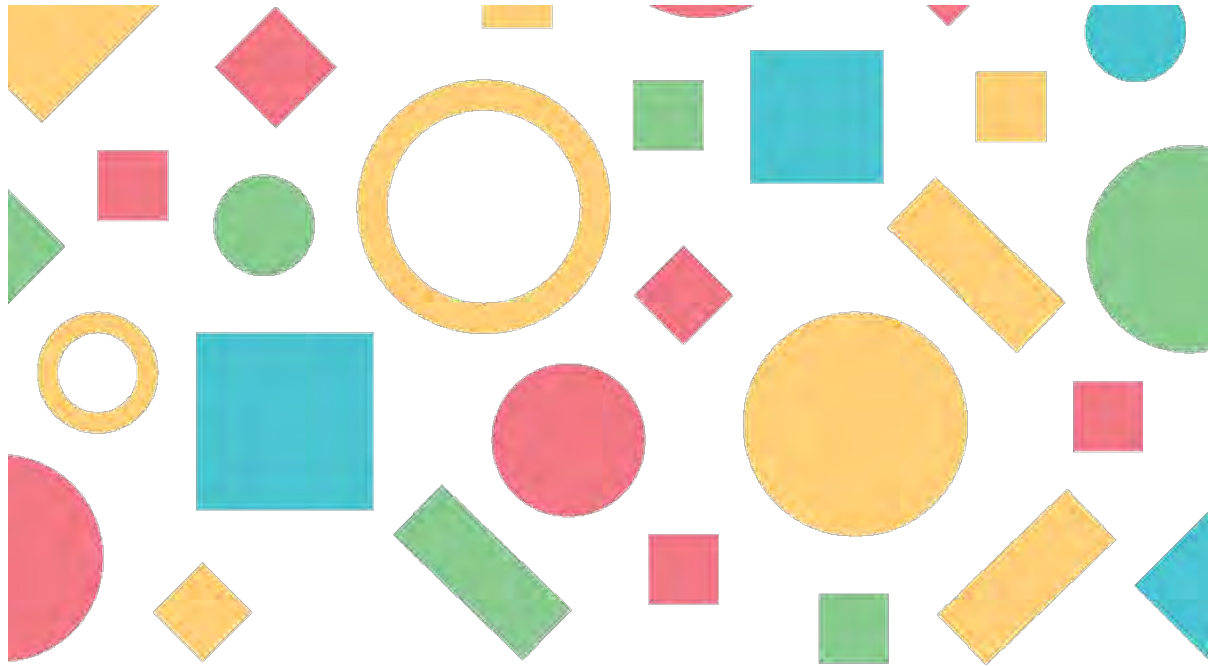
Collaboration and partnerships that work well are underpinned by good governance, an agreed purpose, and mutual benefit.

There is a long history of local government partnering with the Australian Government to deliver projects and programs that benefit local communities, achieve fairness and equity across the nation, and support local delivery of services and infrastructure. In the absence of constitutional change, how do we further build and strengthen this partnership with the Australian Government?

How do we encourage and incentivise councils to embrace partnerships and collaborative arrangements more enthusiastically including those which seek to ensure the development of economic development supporting infrastructure?

What are the obstacles to working in partnership with other councils or organisations? Can the Australian Government help overcome these?

How do councils, together with their communities, work in partnership to build resilience and entrench it into everyday life?



**AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION**

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