



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

20 SEPTEMBER 2021

MEMBERS PRESENT

Cr J Woodman (Chair)
Mayor G Aldridge (ex officio)
Cr B Brug (*via MS Teams*)
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr G Reynolds

OBSERVERS

Deputy Mayor, Cr C Buchanan (*from 7:42 pm*)

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Corporate Governance, Mr B Kahland
Team Leader Council Governance, Ms J Rowett

The meeting commenced at 7:15 pm

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

APOLOGIES

Apologies were received from Cr S Reardon.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr D Proleta

Seconded Cr B Brug

The Minutes of the Governance and Compliance Committee Meeting held on 16 August 2021, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr K Grenfell

Seconded Cr D Proleta

That Council:

1. Receives and notes the information.

CARRIED

For Decision

3.1.1 Review of Plaques and Memorials Policy 2021

Moved Cr A Duncan

Seconded Cr K Grenfell

That Council:

1. Adopts the Plaques and Memorials Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 20/09/2021, Item No. 3.1.1) noting the following general amendments:
 - a. Grammatical and formatting alterations with updated Council role titles.
 - b. Clear definition within Appendix A 'Application & Approvals Process' of roles and responsibilities of administration where it pertains to the Community Planning Division and Infrastructure Management Divisions, respectively.

CARRIED

3.1.2 Prescribed Officers

Moved Cr K Grenfell
Seconded Cr G Reynolds

That Council:

1. Approves the Chief Executive Officer be delegated the authority to determine the officers or officers of a class within Council Administration which will be subject to the operation of Chapter 7, Part 4, Division 2 of the *Local Government Act 1999 (SA)* on Register of Interest.

CARRIED

3.1.3 Review of Delegations and New Delegations Framework

Moved Mayor G Aldridge
Seconded Cr G Reynolds

That Council:

1. Revokes its previous delegations to the Chief Executive Officer, effective from 30 September 2021, of those powers and functions under:
 - Burial and Cremation Act 2013
 - Burial and Cremation Regulations 2014
 - Community Titles Act 1996
 - Dog and Cat Management Act 1995
 - Electricity Act 1996
 - Electricity (Principles of Vegetation Clearance) Regulations 2010
 - Electronic Conveyancing National Law (SA) Act 2013
 - Environment Protection Act 1993
 - Environment Protection (Waste to Resources) Policy 2010
 - Expiation of Offences Act 1996
 - Fences Act 1975
 - Fines Enforcement and Debt Recovery Act 2017
 - Fire and Emergency Services Act 2005
 - Fire and Emergency Services Regulations 2021
 - Food Act 2001
 - Food Regulations 2017
 - Freedom of Information Act 1991
 - Freedom of Information (Fees and Charges) Regulations 2018
 - Gas Act 1997
 - Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)
 - Land and Business (Sale and Conveyancing) Act 1994

- Land Acquisition Act 1969 and Regulations 2004
 - Landscape South Australia Act 2019
 - Landscape South Australia (General) Regulations 2020
 - Landscape South Australia (Water Management) Regulations 2020
 - Liquor Licensing Act 1997
 - Local Government Act 1999
 - Local Nuisance and Litter Control Act 2016
 - Local Nuisance and Litter Control Regulations 2017
 - Mining Act 1971
 - Mining Regulations 2020
 - Real Property Act 1886
 - Roads (Opening and Closing) Act 1991
 - Road Traffic Act 1961
 - Road Traffic (Miscellaneous) Regulations 2014
 - Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014
 - Safe Drinking Water Act 2011
 - South Australian Public Health Act 2011
 - South Australia Public Health (General) Regulations 2013
 - South Australia Public Health (Legionella) Regulations 2013
 - South Australia Public Health (Wastewater) Regulations 2013
 - State Records Act 1997
 - Strata Titles Act 1988
 - Supported Residential Facilities Act 1992
 - Supported Residential Facilities Regulations 2009
 - Water Industry Act 2012
 - Water Industry Regulations 2012
 - Council ByLaw No 1 – Permits and Penalties ByLaw
2. Delegates, in exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 2 of this report (Governance and Compliance 20/09/2021, Item No. 3.1.3) from 1 October 2021 to the person occupying the position of Chief Executive Officer except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation:
- Burial and Cremation Act 2013
 - Burial and Cremation Regulations 2014
 - Community Titles Act 1996
 - Cost of Living Concessions Act 1986
 - Crown Land Management Act 2009
 - Disability Inclusion Act 2018
 - Disability Inclusion Regulations 2019

- Dog and Cat Management Act 1995
- Dog and Cat Management Regulations 2017
- Electricity Act 1996
- Electricity (Principles of Vegetation Clearance) Regulations 2010
- Environment Protection Act 1993
- Environment Protection Regulations 2009
- Environment Protection (Air Quality) Policy 2016
- Environment Protection (Noise) Policy 2008
- Environment Protection (Used Packaging Materials) Policy 2012
- Environment Protection (Waste to Resources) Policy 2010
- Expiation of Offences Act 1996
- Fines Enforcement and Debt Recovery Act 2017
- Fire and Emergency Services Act 2005
- Fire and Emergency Services Regulations 2021
- Food Act 2001
- Food Regulations 2017
- Freedom of Information Act 1991
- Freedom of Information (Fees and Charges) Regulations 2018
- Gas Act 1997
- Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)
- Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)
- Independent Commissioner Against Corruption Act 2012
- Labour Hire Licensing Act 2017
- Land and Business (Sale and Conveyancing) Act 1994
- Land Acquisition Act 1969 and Regulations 2004
- Landscape South Australia Act 2019
- Landscape South Australia (General) Regulations 2020
- Landscape South Australia (Water Management) Regulations 2020
- Liquor Licensing Act 1997
- Local Government Act 1999
- Local Government (Building Upgrade Agreements) Regulations 2017
- Local Government (Financial Management) Regulations 2011
- Local Government (General) Regulations 2013
- Local Government (Members Allowances and Benefits) Regulations 2010
- Local Government (Procedures at Meetings) Regulations 2013
- Local Government (Elections) Act 1999

- Local Nuisance and Litter Control Act 2016
 - Local Nuisance and Litter Control Regulations 2017
 - Magistrates Court Rules 1992
 - Mining Act 1971
 - Mining Regulations 2020
 - Ombudsman Act 1972
 - Private Parking Areas Act 1986
 - Real Property Act 1886
 - Roads (Opening and Closing) Act 1991
 - Road Traffic Act 1961
 - Road Traffic (Miscellaneous) Regulations 2014
 - Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014
 - Safe Drinking Water Act 2011
 - Safe Drinking Water Regulations 2012
 - South Australian Public Health Act 2011
 - South Australia Public Health (General) Regulations 2013
 - South Australia Public Health (Legionella) Regulations 2013
 - South Australia Public Health (Wastewater) Regulations 2013
 - State Records Act 1997
 - Strata Titles Act 1988
 - Supported Residential Facilities Act 1992
 - Supported Residential Facilities Regulations 2009
 - Water Industry Act 2012
 - Water Industry Regulations 2012
 - Council ByLaw No 1 – Permits and Penalties ByLaw
3. Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- Delegations Made under the *Food Act 2001***
4. Delegates, in exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* specified in the proposed Instrument of Delegation contained in Attachment 2 are hereby delegated from 1 October 2021 to the person occupying the office of Chief Executive Officer (“the head of the enforcement agency” for the purposes of the *Food Act 2001*), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

5. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

Delegations under Supported Residential Facilities Act 1992

6. In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and *Supported Residential Facilities Regulations 2009* specified in the proposed Instrument of Delegation contained in Attachment 2 are hereby delegated from 1 October 2021 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.
7. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

Delegations, Sub Delegations and Authorisations under the Road Traffic Act 1961

8. Approves the sub delegation and authorisation of power under Section 17 and 20 of the *Road Traffic Act 1962* as provided for in Attachment 3 to this report (Governance and Compliance 20/09/2021, Item No.3.1.3).
9. Delegates, in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'instrument'), to the person occupying the office of Chief Executive Officer, the powers and functions under section 33(1) of the *Road Traffic Act 1961* as provided in Attachment 4 to this report (Governance and Compliance 20/09/2021, Item No. 3.1.3).

Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

10. Delegates, in exercise of the power contained in Section 43 of the *Safe Drinking Water Act 2011* the powers and functions of the Council as a relevant authority under the *Safe Drinking Water Act 2011* contained in the Delegations Register specified in the proposed Instrument of Delegation contained in Attachment 2, from 1 October 2021 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

11. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

Delegations under *Fire and Emergency Services Act 2005* to a Fire Prevention Officer

12. Delegates, in exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* specified in the proposed Instrument of Delegation contained in Attachment 2 are hereby delegated from 1 October 2021 to the person appointed Fire Prevention Officer of the Council under the *Fire and Emergency Services Act 2005* subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.
13. Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.

Delegations under the *Heavy Vehicle National Law (South Australia) Act 2013*

14. Delegates, in exercise of the power contained in Section 44 of the *Local Government Act 1999* and Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* specified in the proposed Instrument of Delegation contained in Attachment 2, from 1 October 2021 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.
15. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

CARRIED

3.1.4 Amendment to Terms of Reference for Council Committees and Sub Committees

Moved Cr K Grenfell
Seconded Cr G Reynolds

That Council:

1. Approves that the Terms of Reference for Council's Committees and Sub Committees be amended to reflect the amended Section 85 of the *Local Government Act 1999* from the date of proclamation.

CARRIED

MEETING SUSPENDED

Cr K Grenfell moved that meeting procedures be suspended to enable discussion on the nominations for the Election of the Australia Day Council of South Australia Inc. Board of Management.

Seconded Cr D Proleta

Formal meeting procedures were suspended at 7:24 pm.

CARRIED

MEETING RESUMED

Cr K Grenfell moved that meeting procedures be resumed.

Seconded Cr D Proleta

Formal meeting procedures were resumed at 7:35 pm.

CARRIED

3.1.5 Australia Day Council of South Australia - Election of Board Members

Moved Cr K Grenfell
Seconded Cr D Proleta

That Council:

1. Appoints from the following list of candidates, the nomination of five candidates in order of preference for the Election of the Australia Day Council of South Australia Inc. Board of Management, for selection on the ballot form:
 - 1.1 Mr. Peter Tsokas
 - 1.2 Ms. Fiona Dorman
 - 1.3 Mr. Brad Manuel
 - 1.4 Mr. Maurice Henderson

- 1.5 Mr. Aashish Wagley
- 1.6 Dr. Lucy Sutherland
- 1.7 Ms. Antonietta (Toni) Cocchiaro
- 1.8 Mr. Stephen Pallaras
- 1.9 Ms. Sarah Hooper
- 1.10 Ms. Susanne (Susi) Tegen
- 1.11 Ms. Gillian Lewis

2. Approves the following candidates in order of preference for the Election of the Australia Day Council of South Australia Inc. Board of Management:

- 2.1 Ms. Susanne (Susi) Tegen
- 2.2 Ms. Gillian Lewis
- 2.3 Dr. Lucy Sutherland
- 2.4 Ms. Antonietta (Toni) Cocchiaro
- 2.5 Mr. Stephen Pallaras

CARRIED

3.1.6 Review of Elected Members Records Management Policy

Moved Cr K Grenfell

Seconded Cr G Reynolds

That Council:

1. Receives the information.
2. Adopts the amended Elected Members Records Management Policy as set out in Attachment 1 to this report (Governance and Compliance 20/09/2021, Item No. 3.1.6).

CARRIED

Mayor G Aldridge left the meeting at 7:41 pm and did not return.

For Information

**3.2.1 Summary of Elected Member Training and Development
Expenditure and Outstanding Summary Reports**

Moved Cr K Grenfell
Seconded Cr D Proleta

That Council:

1. Receives the information.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 7:45 pm.

CHAIR.....

DATE.....