



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**15 NOVEMBER 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
Manager Governance, Mr R Deco
Team Leader Corporate Governance, Mr B Kahland

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 18 October 2021.

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For Decision

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OTHER BUSINESS

QUESTIONS WITHOUT NOTICE

MOTIONS WITHOUT NOTICE

CLOSE



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

MEMBERS PRESENT

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

STAFF

General Manager Business Excellence, Mr C Mansueto
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 6:59pm.

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr S Reardon

The Minutes of the Governance and Compliance Committee Meeting
held on 20 September 2021, 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 B Brug

That Council:

1. Notes the report.

CARRIED

3.0.2 Review of Unsolicited Proposals Procedure

Moved Cr S Reardon
Seconded Mayor G Aldridge

That Council:

1. Adopts the Unsolicited Proposals Procedure as set out in Attachment 1 to this report (Governance and Compliance 16/08/2021, Item No. 3.0.2).

CARRIED

3.0.3 Procurement Policy - update October 2021

Moved Cr G Reynolds
Seconded Cr K Grenfell

That Council:

1. Adopts the Procurement Policy as set out in Attachment 1 to this report (Governance and Compliance 18/10/2021, Item No. 3.0.3).

CARRIED

For Decision

3.1.1 Voting Advice to Council Delegate for the Local Government Association Annual General Meeting - 29 October 2021

Moved Cr D Proleta
Seconded Cr K Grenfell

That Council:

1. Approves the draft Voting Guidance as attached to this report (Governance and Compliance 18/10/2021, Item No. 3.1.1) for its voting delegate (Cr Chad Buchanan or Mayor Gillian Aldridge as proxy) to vote on the recommendations of the Local Government Association Annual General Meeting.

CARRIED

3.1.2 Draft Annual Report 2020/2021

Moved Mayor G Aldridge
Seconded Cr S Reardon

That Council:

1. Approves the Draft 2020/21 Annual Report as contained in attachment 1 to this report (Audit Committee 12/10/2021, Item No. 3.1.2), subject to any changes requested and noting that minor edits are still to be made to finalise the 2020/21 Annual Report.

CARRIED

MOTIONS ON NOTICE

G&C-MON1 Motion on Notice: CAP Acting Presiding Member

Moved Cr B Brug
Seconded Cr S Reardon

That Council:

1. Adopts the following process for the appointment of an Acting Presiding Member for the Council Assessment Panel (CAP) pursuant to section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016*, with such process to be incorporated in the CAP Terms of Reference as a new clause 2.14:
 - *That the CAP appoint an Acting Presiding Member for the remainder of the CAP term.*
 - *If both the Presiding Member and Acting Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member will be appointed from those CAP Members present by means of resolution, and will preside over the meeting.*

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 7:20pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 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.

RECOMMENDATIONThat Council:

1. Notes the report.

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
26/07/2021	Motion Without Notice: Improvement of Video Capability in the Council Chamber	Rudi Deco
MWON12.1	1. That staff bring back a report on options and costs by no later than December on improving video capability in Chambers for the purpose of online meeting participation with the intent to make the speaker clearly visible via the video camera.	
Due:	December 2021	

4. CONCLUSION / PROPOSAL

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

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Formal Meeting Schedule for 2022
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 report seeks Council's adoption of a proposed formal meeting schedule for 2022.

RECOMMENDATIONThat Council:

1. Adopts the Formal Meeting Schedule as set out in Attachment 1 to this report (Item 3.1.1, Governance and Compliance Committee, 15 November 2021).
2. Authorises the Chief Executive Officer to amend the attached Formal Meeting Schedule should the need arise.

ATTACHMENTS

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

1. Draft Meeting Schedule for 2022
2. Extract of Delegations Register: Variations to Formal Meeting Schedule

1. BACKGROUND

- 1.1 Section 81(1) & (2) of the *Local Government Act 1999* provides that ordinary meetings of Council will be held at times and places appointed by a resolution of the Council, but and there must be at least one ordinary meeting in each month.

2. CONSULTATION / COMMUNICATION

- 1.1 Internal
 - 1.1.1 Manager Governance
- 1.2 External
 - 1.2.1 Nil

2. REPORT

2.1 During the previous 12 months, the following committees have been in operation, and as resolved in October 2020, remain in place for the remainder of the current term of Council:

- Policy and Planning Committee
- Finance and Corporate Services Committee
- Governance and Compliance Committee
- Urban Services Committee
- Community Wellbeing and Sport Committee
- Innovation and Business Development Committee
- Audit Committee (in accordance with section 126 of the Local Government Act 1999)
- Council Assessment Panel (in accordance with the Planning, Development and Infrastructure Act 2016)
- CEO Review Committee

Further, the following sub committees have operated during 2021:

- Asset Management Sub Committee (reporting to the Urban Services Committee)
- Intercultural Strategy and Partnerships Sub-Committee (reporting to the Policy and Planning Committee)
- Strategic Property Development Sub-Committee (reporting to the Innovation and Business Development Committee)
- Tree Management Appeals Sub Committee (reporting to the Urban Services Committee)
- Youth Council (reporting to the Policy and Planning Committee)

The following sub committees will commence in 2022 (in accordance with Resolution 1107/2021 of 27 September 2021):

- Para Hills Precinct Sub-Committee
- Burton Precinct Sub-Committee

2.2 The meeting cycle that has been in place is based on the following:

- week one CEO Briefings and Workshops
- week two Sub Committees
- week three Committees
- week four Council


2.3 The schedule is depicted in the following table:

	Week 1	Week 2	Week 3	Week 4
Mon	CEO Briefings	<ul style="list-style-type: none"> Sub Committees CEO Review Committee <i>(Jan, Apr, Jul, Oct)</i> 	Committees: <ol style="list-style-type: none"> 1. Policy & Planning 2. Finance & Corporate Services 3. Urban Services <i>(running concurrently with 4)</i> 4. Governance & Compliance <i>(running concurrently with 3)</i> 	Council
Tues	Other workshops if/as required	<ul style="list-style-type: none"> Sub committees Audit Committee <i>(Feb, Apr, Jul, Oct, Nov)</i> Youth Council <i>(every 2nd month, commencing Feb)</i> 	<ol style="list-style-type: none"> 1. Innovation & Business Devt 2. Community Wellbeing & Sport 	CAP

- 2.6 In the event that a scheduled meeting falls on a public holiday, all meetings for that week will move forward by one day.
- 2.7 In addition to the proposed schedule, sub committees may on occasion need to alter the meeting times as circumstances might require. This will be organised at the time to ensure legislative requirements are met.
- 2.8 As required under the CEO Briefing/Workshop Session Procedure, a separate schedule is prepared for CEO Briefings and Workshops. This is communicated to Elected Members separately and published on our website on a monthly basis, with amendments made as required.
- 2.9 Historically, meetings in December are held one week earlier and, where possible, one week later in January to accommodate the Christmas break.
- 2.10 Consequently Members should note the schedule for meetings in January 2022 has not been pushed out, but rather it is proposed no CEO Briefings or sub committees will be held.
- 2.11 December 2022 has been brought forward one week as Christmas falls the fourth week of the month and will avoid the Council Meeting being held between Christmas and New Year.
- 2.12 The Chief Executive Officer has been delegated authority to amend the meeting schedule should the need arise to do so (refer Attachment 2).


3. CONCLUSION / PROPOSAL

- 3.1 A proposed meeting schedule for 2022, based on the Council approved meeting structure outlined in the report is provided in Attachment 1 to this report for adoption.




2022 Formal Meeting Schedule

Month	Meetings	Date	Time
JAN	Policy & Planning Committee	Mon 17	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 18	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 24	6:30pm
	Council Assessment Panel (CAP)	Tues 25	
FEB	CEO Briefing	Mon 7	6:30pm
	Workshops if required	Tues 8	
	Sub-Committees as required	Mon 14	
	Sub-Committees (incl. Youth & Audit) as required	Tues 15	6:30pm (Youth 5:30pm)
	Policy & Planning Committee	Mon 21	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 22	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 28	6:30pm
	Council Assessment Panel (CAP)	Tues 22	
MAR 5 weeks	CEO Briefing	Mon 7	6:30pm
	Workshops if required	Tues 8	
	Sub-Committees as required	Tues 15	
	Sub-Committees as required	Wed 16	6:30pm
	Policy & Planning Committee	Mon 21	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 22	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 28	6:30pm
	Council Assessment Panel (CAP)	Tues 29	



2022 Formal Meeting Schedule



Southbury


Month

Meetings

Date


Time

APR	CEO Briefing	Tues 4	6:30pm
	Workshops if required	Wed 5	
	Sub-Committees (incl. CEO Review) as required	Mon 11	6:30pm (Youth 5:30pm)
	Sub-Committees (incl. Youth & Audit) as required	Tues 12	
	Policy & Planning Committee	Tues 19	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee	Wed 20	At concl of F&CS
	Innovation & Business Dvt Committee		6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Tues 26	6:30pm
	Council Assessment Panel (CAP)	Wed 27	
MAY 5 weeks	CEO Briefing	Mon 2	6:30pm
	Workshops if required	Tues 3	
	Sub-Committees as required	Mon 9	6:30pm
	Sub-Committees as required	Tues 10	
	Policy & Planning Committee	Mon 16	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee	Tues 17	At concl of F&CS
	Innovation & Business Dvt Committee		6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 23	6:30pm
	Council Assessment Panel (CAP)	Tues 24	
JUN	CEO Briefing	Mon 6	6:30pm
	Workshops if required	Tues 7	
	Finance & Corporate Services Cmte?	Tues 14	6:30pm (Youth 5:30pm)
	Sub-Committees as required		
	Sub-Committees (incl Youth) as required	Wed 15	6:30pm
	Policy & Planning Committee	Mon 20	
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 21	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 27	6:30pm
	Council Assessment Panel (CAP)	Tues 28	



2022 Formal Meeting Schedule

Month	Meetings	Date	Time
JUL	CEO Briefing	Mon 4	6:30pm
	Workshops if required	Tues 5	
	Sub-Committees (incl. CEO Review) as required	Mon 11	6:30pm
	Sub-Committees as required (incl. Audit)	Tues 12	
	Policy & Planning Committee	Mon 18	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 19	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 25	6:30pm
	Council Assessment Panel (CAP)	Tues 26	
AUG 5 weeks	CEO Briefing	Mon 1	6:30pm
	Workshops if required	Tues 2	
	Sub-Committees as required	Mon 8	6:30pm (Youth 5:30pm)
	Sub-Committees (incl Youth) as required	Tues 9	
	Policy & Planning Committee	Mon 15	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 16	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 22	6:30pm
	Council Assessment Panel (CAP)	Tues 23	
SEP	CEO Briefing	Mon 5	6:30pm
	Workshops if required	Tues 6	
	Sub-Committees as required	Mon 12	6:30pm
	Sub-Committees as required	Tues 13	
	Policy & Planning Committee	Mon 19	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 20	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 26	6:30pm
	Council Assessment Panel (CAP)	Tues 27	



2022 Formal Meeting Schedule

Month	Meetings	Date	Time
OCT 5 weeks	CEO Briefing	Tues 4	6:30pm
	Workshops if required	Wed 5	
	Sub-Committees (incl. CEO Review) as required	Mon 10	6:30pm (Youth 5:30pm)
	Sub-Committees as required (incl. Youth & Audit)	Tues 11	
	Policy & Planning Committee	Mon 17	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 18	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 24	6.30pm
	Council Assessment Panel (CAP)	Tue 25	
NOV	CEO Briefing	Mon 7	6:30pm
	Workshops if required	Tues 8	
	Sub-Committees as required	Mon 14	6:30pm
	Sub-Committees as required (incl. Audit)	Tues 15	
	Policy & Planning Committee	Mon 21	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 22	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 28	6.30pm
	Council Assessment Panel (CAP)	Tues 29	
DEC	Sub-Committees as required	Mon 5	6:30pm (Youth 5:30pm)
	Sub-Committees (incl Youth) as required	Tues 6	
	Policy & Planning Committee	Mon 12	6:30pm
	Finance & Corporate Services Cmte		At concl of P&P
	Urban Services Cmte		At concl of F&CS
	Governance & Compliance Committee		At concl of F&CS
	Innovation & Business Dvt Committee	Tues 13	6:30pm
	Community Wellbeing & Sport Cmte		At concl of IBD
	Council	Mon 19	6.30pm
	Council Assessment Panel (CAP)	Tues 20	

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
550239	C	Council Resolution 0753/2020	Council Resolution 0753/2020 – <i>to be updated</i>	The Chief Executive Officer is delegated authority to amend the 2022 Formal Meeting Schedule should the need arise.	000174 Chief Executive Officer	Appropriate advice be given to elected members as soon as practicable when a need for change is determined and no later than three clear business days before the relevant meeting(s) and public notification of changed meeting details is made via the Notice of Public Meetings. Not to be sub delegated

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
PREV REFS	Resources and Governance 3.3.2 Committee 20/01/2020
HEADING	By- Laws Review 2022
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, 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 4.5 We engage meaningfully and our community is aware of Council initiatives
SUMMARY	The current six Council By-Laws, were adopted in 2014 and enacted on 1 January 2015. Pursuant to section 251 of the <i>Local Government Act 1999</i> , the Council's By-Laws are due to expire on 1 January 2023. A By-Law does not come into effect until 4 months after the date they are published in the Government Gazette. To ensure that new By-Laws come into effect before the existing By-Laws expire, the Council must have adopted and published new By-Laws in the Government Gazette before 31 August 2022. This report is the first step in the process, and seeks Council approval to undertake statutory public consultation on the draft By-Laws.

RECOMMENDATION

That Council:

1. Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 15/11/2021, Item No. 3.1.2) and as listed below for the purpose of the public and agency consultation process pursuant to Section 249 of the *Local Government Act 1999* and in accordance with Council's Public Consultation Policy (noting that Dog and Cat Management Board consultation will commence prior to public consultation in accordance with Section 90 of the *Dog and Cat Management Act 1995*).
 - a. Permits and Penalties By-Law 2022 - By-Law No.1 of 2022
 - b. Moveable Signs By-Law 2022 - By-Law No. 2 of 2022
 - c. Roads By-Law 2022 - By-Law No.3 of 2022
 - d. Local Government Land By-Law 2022 - By-Law No.4 of 2022
 - e. Dogs By-Law 2022 - By-Law No.5 of 2022

- f. Waste Management By-Law 2022 - By-Law No. 6 of 2022
2. Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 15/11/2021, Item No. 3.1.2) for further consultation processes as specified in the report including publication and invitation for comments via the Council's web site and social media channels.

ATTACHMENTS

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

1. Permits and Penalties By-Law 2022 - By-Law No.1 of 2022
2. Moveable Signs By-Law 2022 - By-Law No.2 of 2022
3. Roads By-Law 2022 - By-Law No.3 of 2022
4. Local Government Land By-Law 2022 By-Law No.4 of 2022
5. Dog By-Law 2022 - By-Law No.5 of 2022
6. Waste Management By-Law 2022 - By-Law No.6 of 2022
7. By-Laws 1-6 of 2015
8. By-Laws of 2015 Determinations and Resolutions

1. BACKGROUND

- 1.1 The current six Council By-Laws were made by Council in 2014 and enacted on 1 January 2015. Pursuant to section 251 of the *Local Government Act 1999* (the Act), the Council's By-Laws are due to expire on 1 January 2023.
- 1.2 Legal advisors were engaged to assist in the review and preparation of revised By-Laws in line with the statutory time frames to ensure new By-Laws are in place upon expiry of the existing By-Laws.
- 1.3 The head powers to make By-Laws are provided under the following legislation.
 - 1.3.1 Subject to Section 246 of the *Local Government Act 1999*, (the Act) Council may make By-Laws:
 - That are within the contemplation of the Act or another Act; or
 - that relate to a matter in relation to which the making of By-Laws is authorised by the regulations under the Act or another Act; or
 - that are for the good rule and government of the area, and for the convenience, comfort and safety of its community.
 - 1.3.2 Subject to Section 238 of the Act, Council may make By-Laws specifically for the regulation of activities on Local Government land and under Section 239 for the regulation of activities on roads.
 - 1.3.3 Section 90 of the *Dog and Cat Management Act 1995* provides the power to make By-Laws for the control or management of dogs or cats within its area.
 - 1.3.4 Section 18A of the *Harbours and Navigation Act 1993* provides the power for a Council to make By-Laws that operate in relation to adjacent land (foreshore areas) and subjacent land (coastal waters).

- 1.4 Council has six standard By-Laws that cover the same general topics regulated by most Local Councils, and this report outlines the proposed changes to the existing By-Laws and presents the six re-drafted By-Laws for Council approval for the purpose of the statutory public consultation process in accordance with the Council's Public Consultation Policy.
- 1.5 Following Public Consultation, a report will come back to Council for approval of the By-Laws. Once Council has made new By-Laws they will be required to be presented to the Legislative Review Committee to come into effect.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Elected Members
- 2.1.2 Divisional Managers
- 2.1.3 Community Compliance staff
- 2.1.4 Manager Governance

2.2 External

- 2.2.1 Legal Advisors
- 2.2.2 External consultation will be undertaken once the draft By-Laws are approved by Council and will include the community, Dog and Cat Management Board and Minister for Infrastructure and Transport.

3. REPORT

- 3.1 The proposed six new By-Laws would replace the existing six By-Laws within the City of Salisbury. In general, they regulate the same matters as the existing By-Laws. It is proposed to keep the existing By-Laws topics, as follows:
 - 3.1.1 By-Law 1 Permits and Penalties
 - 3.1.2 By-Law 2 Moveable Signs
 - 3.1.3 By-Law 3 Roads
 - 3.1.4 By-Law 4 Local Government Land
 - 3.1.5 By-Law 5 Dogs
 - 3.1.6 By-Law 6 Waste Management
- 3.2 The proposed By-Laws are drafted in a consistent manner and include the required legislative elements to meet Legislative Review Committee scrutiny principles and ensure they can be used for the good rule and government of the area, and for the convenience, comfort and safety of the community.
- 3.3 Each By-Law is structured as follows:
 - 3.3.1 Header – providing the title and objectives of the By-Law through a short description of what the By-Law addresses.
 - 3.3.2 Part 1 Preliminary - which deals with preliminary issues, including short titles, commencement and definitions.

- 3.3.3 Part 2 – covers the main body of the By-Law and the elements that provide for the regulation and governance of activities in the area.
- 3.3.4 Part 3 Enforcement (only in By-Laws 1 and 2) – includes elements relevant to taking enforcement action as it is required for specific By-Laws.
- 3.3.5 Part 3 or 4 Miscellaneous – includes administrative elements relating to directions to achieve compliance, exemptions and limitations to the application of certain provisions and revocation provisions relating to previous By-Laws.
- 3.4 In addition to the changes highlighted in this report, other drafting changes have been proposed by the Council's lawyers. These changes have been made to ensure:
 - 3.4.1 the validity of the proposed By-Laws.
 - 3.4.2 the practical efficacy (including for enforcement purposes) of the proposed By-Laws.
 - 3.4.3 consistency with the principles and rules that apply to the adoption of By-Laws under sections 247 and 248 of the *Local Government Act 1999*.
 - 3.4.4 to ensure they are acceptable to the Legislative Review Committee.

Proposed By-Laws

3.5 By-Law 1 Permits Penalties

- 3.6 Description – to create a permit system for Council By-Laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-Laws, and to repeal certain By-Laws.
- 3.7 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council's lawyers.
- 3.8 Delegations will be provided under By-Law 1 for administrative staff to issue permits under the associated By-Laws where permits are required.
- 3.9 The By-Law allows those permits to be provided for particular terms and conditions as required, and for revocation, and allows for Council to set fees or charges for any such permit required under By-Laws.
- 3.10 The main activities undertaken or permitted under By-Laws are listed under each By-Law.
- 3.11 Expiation fees may be fixed for alleged offences against By-Laws by the individual By-Laws or by Council, however an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum fine for the offence to which it relates.
- 3.12 As from 10 November 2021, the maximum penalty cannot exceed \$1,250 and in the case of a continuing offence a further penalty not exceeding \$50 for every day on which the offence or breach of the By-Law continues. The current By-Law expiation fees are set at \$100.
- 3.13 If there are any contraventions of By-Laws, authorised staff can issue orders under Section 262 of the *Local Government Act 1999* to stop the conduct or to take specified action to remedy the contravention. Persons who fail to comply

with orders can be subject to penalty and the authorised staff can take reasonable action to have the order carried out.

3.14 By-Law 2 Moveable Signs

3.15 Description – for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

3.16 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.

3.17 The main activities undertaken or permitted under this By-Law include:

3.17.1 Placement – addressing signs that are contrary to the By-Law, or illegal signs and or hazardous signs such as banners that move or overhang pedestrian paths or obstruct traffic.

3.17.2 Banners – the approval of banners for community events

3.18 By-Law 3 Roads

3.19 Description – for the management of public roads and to regulate certain activities on roads in the Council area.

3.20 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.

3.21 It should be noted that a By-Law cannot cover incidents and offences involving driving vehicles or parking on a road, as these are covered by the *Road Traffic Act 1961* and Australia Road Rules.

3.22 The By-Law provides for range of provisions that are restricted or require Council permission to be undertaken on a road or road related area.

3.23 The main activities undertaken or permitted under this By-Law include:

3.23.1 Camping – Community Compliance staff are responding to person(s) sleeping in vehicles or motor homes on roads in the area and asking them to move to suitable locations when camping is permitted.

3.23.2 Canvassing and Donations - staff responding to people canvassing and conveying messages to passerby’s in the streets and or seeking donations.

3.23.3 Obstructions – permits issued for hoardings and other erections on road or footpath to allow for skip bins, construction activity including cranes and temporary fencing to make development sites safe. There are approximately 30 hoarding permits issued per annum.

3.24 By-Law 4 Local Government Land

3.25 Description – for the management and regulation of the use of and access to all land vested in or under the control of the Council, including the prohibition and regulation of particular activities on local government land.

3.26 Changes – Some additions are proposed to be included in this draft By-Law to address recurring concerns and omissions that are not currently covered by our existing By-Laws. This included:

3.26.1 Definition of E-cigarettes as it applies to the definition of smoke.

- 3.26.2 Including drone in the definition of Model aircraft.
- 3.26.3 Prohibiting the deposit of any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.
- 3.27 The By-Law provides Council with the ability to:
 - 3.27.1 regulate a range of activities (e.g. erect signage, lead livestock, keep bees, camp, etc) on local government land that require Council's permission.
 - 3.27.2 prohibit a range of activities (e.g. use of equipment other than for the purpose for which it was designed, depositing commercial waste in Council bins) on local government land.
 - 3.27.3 limit the regulation of a range of activities (e.g. fish, operate model aircraft) to a specific location (e.g. a specific reserve or waterway) as resolved by Council under Clause 11. Regulation of the activity could be to either to restrict the activity entirely, or to require a permit for the activity.
- 3.28 For example, playing golf on the Little Para Golf Course is restricted unless the person is a member of the Little Para Golf Course or has paid the required fee.
- 3.29 Currently, the main activities regulated or permitted under this By-Law that are responded to by the City of Salisbury include:
 - 3.29.1 Fishing – nuisances created by fishing, such as obstructing paths, leaving dead carp, or creating noise nuisance for nearby residents during the evening.
 - 3.29.2 Boats – requests to kayak on the main lake at Mawson Lakes, noting that unrestricted kayaking is currently prohibited due to safety concerns unless licensed.
 - 3.29.3 Camping – moving on campers that are located on Council reserves.
 - 3.29.4 Golf – people playing golf on reserves and creating hazards to other users.
 - 3.29.5 Removing trees – trees being cut and/or fallen trees being cut and removed illegally.
- 3.30 Other activities currently permitted on local government land through licence agreements and hire agreements, include exclusive use of Council reserves and hiring key locations for events, weddings, parties and organised sports.
- 3.31 By-Law 5 Dogs**
- 3.32 Description – for the management and control of dogs within the Council's area and is made under the provisions of the *Local Government Act 1999* and the *Dog and Cat Management Act 1995*.
- 3.33 Changes – Minor changes to this By-Law are proposed along with editorial, currency and formatting changes as recommended by Council's lawyers.
- 3.34 The proposed changes include:
 - 3.34.1 Dog free areas – dogs (other than assistance dogs) are to be prohibited on all playing fields while organised sport is occurring. Dogs can be brought

to sporting activities with spectators, but would be prohibited from the field while a game is in progress.

- 3.34.2 Dog on leash areas – this paragraph has been expanded to not only include areas where Council has resolved that this clause applies, but to also include:

- any park or reserve during times when organised sport is being played;
- within 5 metres of children’s playground equipment; and
- in any wetland area.

- 3.34.3 The above changes are proposed so that during off-leash activity times (6.30pm to 8.00am) dogs must be kept on a leash to prevent any interference with the sporting activities, to protect children and limit impacts on flora and fauna in wetland areas.

- 3.34.4 Increasing the maximum number of dogs per small dwelling to two, in line with the requirement for all dwelling types. The limit on the number of dogs to be kept at any premises is proposed to be two dogs unless a permit is granted. This change is proposed in recognition that the average dwelling size in the City of Salisbury is decreasing. The focus will be on addressing nuisances from dogs rather than dog numbers.

- 3.35 The main activities undertaken or permitted under the existing By-Law include:

- 3.35.1 Dog free areas – where Council has resolved to declare dog free areas in all enclosed play spaces including the St Kilda play space.
- 3.35.2 Dog on Leash Areas – where Council has resolved that all Council parks and reserves are dog on leash areas between 8.00am and 6.30pm.
- 3.35.3 Dog exercise areas – includes dog friendly parks that have been declared dog off-leash areas at all times.
- 3.35.4 Limit on dog numbers – permits are issued to persons wishing to keep more two dogs.
- 3.35.5 There are currently about 400 permits to keep more than the prescribed number of dogs in the City of Salisbury.

3.36 By-Law 6 Waste Management

- 3.37 Description – to regulate the removal of domestic waste, recyclable and green organic waste from premises in the Council area.

- 3.38 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.

- 3.39 The main activities undertaken or permitted under this By-Law include:

- 3.39.1 Keeping containers clean – responding to concerns are raised about offensive odours coming from bins requiring them to be cleaned.
- 3.39.2 Collection services – where the bins are not taken back in after collection and remain on the verge, requiring staff to order that they be taken in.

Draft By-Laws Previous Resolutions

- 3.40 While the adoption of new By-Laws and the revocation of the existing By-Laws does not affect previous Council resolutions, matters relating to delegations to issue permits and penalties will be remade to avoid any doubt about their validity.
- 3.41 All previous resolutions will continue to apply relating to areas such as:
- Dog free areas.
 - Dog on leash areas.
 - Golf restrictions on golf course.
- 3.42 A copy of existing resolutions under By-Laws is included as attachment 8 to this report.

Public and Government Consultation

- 3.43 Council's approval is sought to commence public consultation on the draft By-Laws.
- 3.44 Consultation will be carried out in accordance with Section 249 of the *Local Government Act 1999* and Council's Public Consultation Policy.
- 3.45 In addition, consultation on By-Law 5 - Dogs is required with the Dog and Cat Management Board. The consultation will include submissions of a report required under section 90(5) of the *Dog and Cat Management Act 1995*. Council's public consultation for By-Law 5 will commence 21 days after referral to the Dog and Cat Management Board.
- 3.46 In addition, any By-Law that operates in respect of foreshore areas and/or in-land waters on local government land (i.e. By-Law 4) must be referred to the Minister for Infrastructure and Transport for approval pursuant to section 18A of the *Harbours and Navigation Act 1993*.
- 3.47 The proposed timeline for consultation is as follows:
- 3.47.1 6 December 2021 - Notify the Dog and Cat Management Board of draft By-Law 5 Dogs.
 - 3.47.2 6 December 2021 - Commence community consultation on By-Laws 1-4 and 6, noting formal consultation on By-Law 5 will commence 21 days after notification to the Dog and Cat Management Board.
 - 3.47.3 3 January 2021 – Commence formal community consultation on By-Law 5 Dogs.
 - 3.47.4 31 January 2021 – Community consultation period concludes.
- 3.48 In accordance with Section 249 of the *Local Government, 1999* a notice of the public consultation period will be placed in the Advertiser and on Council's website. Copies of the draft By-Laws will be available for public inspection without charge at the City of Salisbury and on the website.
- 3.49 In addition, the information will be published on Council's website and social media channels.
- 3.50 At the conclusion of the public and government consultation, all feedback will be considered and where appropriate amendments will be made to the draft By-Laws for Council's consideration. Council will receive a consultation summary.

4. CONCLUSION

- 4.1 The draft By-Laws are included as Attachments 1 to 6 to this report along with the existing By-Laws as Attachment 7.
- 4.2 If amendments to the proposed By-Laws are significant then they may be required to undergo a further round of consultation.
- 4.3 Following consultation, the draft By-Laws and associated documentation will be presented to Council for approval and formal adoption. Under the *Local Government Act 1999*, at least two-thirds of Council members will be required to be present at the meeting, with support by an absolute majority of Council members.
- 4.4 Once the By-Laws are finalised, Council's lawyers will prepare the Government Gazette notices and submit the reports to the Legislative Review Committee.
- 4.5 To ensure that new By-Laws come into effect before the existing By-Laws expire, Council must adopt and publish the new By-Laws in the Government Gazette before 31 August 2022.
- 4.6 The By-Laws will come into effect 4 months after the date they are published in the Government Gazette.



By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2022

By-law No. 1 of 2022

To provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;

3.1.2 **Council** means the City of Salisbury;

3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;

3.1.4 **driver** of a vehicle means the person driving the vehicle;

3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;

3.1.6 **person** includes a natural person, a body corporate or incorporated association;

3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;

3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules* and includes a motor vehicle.

3.2 In this by-law:

3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;

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- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. Council May Grant Permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 the permit must be in writing;
- 5.2 a person may apply for permission by:
 - 5.2.1 making application for permission to the Council or its duly authorised agent;
 - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
 - 5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind;
- 5.3 the Council may:
 - 5.3.1 provide that the permit applies for a particular term;
 - 5.3.2 attach conditions to the permit the Council considers appropriate;
 - 5.3.3 change or revoke a condition, by notice in writing; or
 - 5.3.4 add new conditions, by notice in writing;
- 5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;
- 5.5 the Council may revoke a permit, by notice in writing, if:
 - 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;
- 5.6 the Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;

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- 5.7 a person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
- 5.7.1 the person pays the permit fee (if any) by (as the case may be):
- 5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;
 - 5.7.1.2 credit or debit card; or
 - 5.7.1.3 such other method of payment that may be approved by the Council by resolution;
- 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

Part 3 – Enforcement

6. Penalties

- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or

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- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
- 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 7.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
- 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

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8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

Part 4 – Miscellaneous**9. Revocation**

Council's *Permits and Penalties By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury held on the _____ day of _____ 20____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2022

By-law No. 2 of 2022

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;

3.2 **footpath** means:

3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or

3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;

3.3 **moveable sign** has the same meaning as the *Local Government Act 1999*;

3.4 **road** has the same meaning as in the *Local Government Act 1999*;

3.5 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Provisions Applicable to Moveable Signs

4. Design and Construction

A moveable sign displayed on a road must:

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- 4.1 be of a kind known as an 'A' frame or sandwich board sign, an 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 4.2 be designed, constructed and maintained in good quality and condition;
- 4.3 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.4 have no sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.7 not contain flashing or moving parts;
- 4.8 not have balloons, flags, streamers or other things attached to it;
- 4.9 be no more than 900mm in height, 600mm in width or 600mm in depth;
- 4.10 in the case of an 'A' frame or sandwich board sign:
 - 4.10.1 be hinged or joined at the top;
 - 4.10.2 be of such construction that its sides can be and are securely fixed or locked in position when erected; and
 - 4.10.3 not have a base area in excess of 0.6 square metres;
- 4.11 in the case of a 'T' sign, not contain struts or members than run between the display area of the sign and the base of the sign.

5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
- 5.3 be placed at least 500mm from the kerb (or if there is no kerb, from the edge of the carriageway of a road or the shoulder of a road, whichever is the greater);
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 1 metre to any other structure, object or plant (including another moveable sign);

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- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.9 not be within 10 metres of an intersection of a road.

6. Restrictions

A moveable sign displayed on a road must:

- 6.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 6.2 be limited to one per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely fixed in position such that it cannot be blown over or swept away;
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 7.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated.

8. Banners

A banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 8.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 8.4 not be displayed more than one month before and two days after the event it advertises;

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- 8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 8.6 not exceed 3m² in size.

Part 3 – Enforcement

9. Removal of Unauthorised Moveable Signs

- 9.1 If:
 - 9.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of Section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
 - 9.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
 - 9.1.3 a moveable sign is removed under subparagraph 9.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

10. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the request of an authorised person if:

- 10.1 in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 10.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 4 – Miscellaneous

11. Specified Exemptions

- 11.1 This by-law does not apply to a moveable sign which:
 - 11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;

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- 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 11.1.3 directs people to a garage sale that is being held on residential premises provided that:
 - 11.1.3.1 no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
 - 11.1.3.2 the moveable sign displays the address of the premises; and
 - 11.1.3.3 the moveable sign is displayed on the day the garage sale is taking place;
 - 11.1.3.4 the sign is removed on the same day as the garage sale;
- 11.1.4 directs people to a charitable function;
- 11.1.5 is related to a Commonwealth election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.1.6 is related to a State election and is otherwise authorised to be exhibited under the Section 226 of *Local Government Act 1999* or the *Electoral Act 1985*;
- 11.1.7 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of *Local Government Act 1999*;
- 11.1.8 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 11.1.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 11.1.10 is a sign of a class prescribed in regulations.
- 11.2 Clauses 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 11.3 Clauses 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

12. Revocation

Council's *Moveable Signs By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

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The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury on the day of 20 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

ROADS BY-LAW 2022

By-law No. 3 of 2022

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law, unless the contrary intention appears:

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 3.3 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.5 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961* but also includes any vehicle that is an electric personal transporter for the purposes of that Act.

PSK\BY-LAW NO 3 - ROADS

Part 2 – Management of Roads**4. Activities Requiring Permission**

A person must not on any road, without the permission of the Council:

4.1 Advertising

- 4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2022*;
- 4.1.2 place or maintain any goods on the road or park or stand a vehicle on the road for the purposes of:
 - 4.1.2.1 soliciting any business from any person; or
 - 4.1.2.2 offering or exposing goods or services for sale,
 provided that this sub-paragraph 4.1.2 shall not apply to a person who is simply travelling along a road;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

4.3 Animals

- 4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;
- 4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Bicycles

chain, lock or affix a bicycle to any pole, fence or other structure on a Road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;

4.5 Bridge Jumping

jump or dive from any bridge or other structure;

4.6 Camping

- 4.6.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 4.6.2 camp or sleep overnight;
- 4.6.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;

4.7 Canvassing

convey any advertising, religious or other message to any bystander, passerby or other person;

4.8 Defacing Property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council;

4.9 Distribution of Bills

place any handbill, book, notice, leaflet or other printed matter on a vehicle without the consent of the owner of the vehicle;

4.10 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.11 Obstructions

erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road;

4.12 Preaching

preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.13 Public Exhibitions and Displays

- 4.13.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.13.2 conduct or hold any concert, festival, show, public gathering, street party, circus, performance or any other similar activity;
- 4.13.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;

4.13.4 cause any public exhibitions or displays;

4.14 Soliciting

ask for or receive or indicate a desire for a donation of money or any other thing;

4.15 Touting for Business

tout for business;

4.16 Use of Council Rubbish Bins

deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

4.17 Wheeled Recreational Devices

use a wheeled recreational device on a footpath;

4.18 Working on Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

Part 3 – Miscellaneous

5. Directions

A person must comply with any reasonable direction or request from an authorised person relating to:

- 5.1 that person's use of the road;
- 5.2 that person's conduct and behaviour on the road;
- 5.3 that person's safety on the road;
- 5.4 the safety and enjoyment of the road by other persons.

6. Removal of Animals

If any animal is found on a road in breach of this by-law:

- 6.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 6.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or if no person is in charge of the animal.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 7.2 The restrictions in paragraph 4.2, 4.7, 4.10 and 4.13.4 of this by-law do not apply to:
- 7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

8. Revocation

Council's *Roads By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury held on the day of 20 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

PSK\BY-LAW NO 3 - ROADS



By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2022

By-law No. 4 of 2022

For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and marine creatures;
- 3.2 **boat** includes a pontoon, raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or cause a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **e-cigarette** means:

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- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.9 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.10 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.11 **foreshore** means the land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance);
- 3.12 **funeral ceremony** means a ceremony only (ie a memorial service) and does not include a burial;
- 3.13 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.14 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.15 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.16 **model aircraft** includes a drone;
- 3.17 **open container** means a container which:
- 3.17.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.17.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.17.1.2 being a can, it has been opened or punctured;
- 3.17.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.17.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 3.17.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.18 **personal watercraft** means a device that:

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- 3.18.1 is propelled by a motor; and
 - 3.18.2 has a fully enclosed hull; and
 - 3.18.3 is designed not to retain water if capsized; and
 - 3.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 3.19 **smoke** means:
- 3.19.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
 - 3.19.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.20 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.21 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961* but also includes any vehicle that is an electric personal transporter for the purposes of that Act;
- 3.23 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council, but excludes the ocean.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

4.1 Advertising & Signage

- 4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2022*;
- 4.1.2 erect, install, place or display a variable message sign;
- 4.1.3 place or maintain any goods on the land or park or stand a vehicle on the land for the purposes of:
 - 4.1.3.1 soliciting any business from any person; or
 - 4.1.3.2 offering or exposing goods or services for sale,

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provided that this sub-paragraph 4.1.3 shall not apply to a person who is simply travelling through the land;

4.2 **Aircraft**

subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land;

4.3 **Alteration to Local Government Land**

make an alteration to the land, including:

- 4.3.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.3.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.3.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.3.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.3.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

4.4 **Amplification**

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

4.5 **Animals on local government land**

- 4.5.1 ride, lead or drive any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;
- 4.5.2 cause or allow any animal under his or her control to swim or bathe in any waters or the ocean to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 4.5.3 allow an animal in that persons control, charge or ownership to damage a flower bed, garden plot, tree, lawn or other Council property;
- 4.5.4 release or leave any domestic animal;
- 4.5.5 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person;

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4.6 Annoyance

do anything likely to offend or unreasonably interfere with any other person:

4.6.1 using that land; or

4.6.2 occupying nearby premises,

by making a noise or creating a disturbance;

4.7 Attachments

attach, hang or fix any item to any tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council;

4.8 Bees

place, or allow to remain, any bee hive;

4.9 Boats

4.9.1 hire or offer for hire a boat, raft, pontoon or other watercraft;

4.9.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;

4.9.3 propel, float or otherwise use any boat, raft, pontoon or other watercraft on any waters;

4.10 Bridge Jumping

jump from or dive from a bridge;

4.11 Buildings & Structures

4.11.1 erect or install a building;

4.11.2 use a building or structure other than for its intended purpose;

4.12 Camping

4.12.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.12.2 camp or sleep overnight;

except where a sign or signs erected by the Council indicate that camping on the land is permitted or where the person is in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land);

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4.13 Canvassing

convey any advertising, religious or other message to any bystander, passer-by or other person;

4.14 Cemeteries

Comprising a cemetery:

4.14.1 bury or inter any human or animal remains;

4.14.2 erect any memorial;

4.15 Closed lands

enter or remain on any part of the land:

4.15.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or

4.15.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.15.3 where admission charges are payable, without paying those charges;

4.15.4 constituting a revegetation area, where a sign or signs indicate that the land is closed for that purpose;

4.16 Defacing of property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council;

4.17 Distribution

distribute anything to any bystander, passer-by or other person;

4.18 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.19 Entertainment and busking

4.19.1 sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.19.2 conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or other similar activity;

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4.20 Equipment

use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property;

4.21 Fires

subject to the *Fire and Emergency Services Act 2005*, light any fire except:

4.21.1 in a place provided by the Council for that purpose;

4.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres;

4.22 Fireworks

Use, discharge or explode any fireworks;

4.23 Fishing

4.23.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or

4.23.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

4.24 Flora, fauna and other living things

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972* and/or the *Crown Land Management Act 2009* (to the extent applicable):

4.24.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon;

4.24.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature; or

4.24.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

4.25 Foreshore

comprising foreshore:

4.25.1 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose;

4.25.2 launch or retrieve a boat from the foreshore without using a boat ramp; or

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- 4.25.3 allow a vehicle to remain stationary on a boat ramp that is necessary to launch or retrieve a boat;
- 4.26 **Funerals and scattering ashes**
- conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;
- 4.27 **Golf**
- play or practise the game of golf;
- 4.28 **Lighting**
- 4.28.1 use or operate any fixed floodlight;
- 4.28.2 use or operate any portable floodlight between sunrise and sunset on land to which this subparagraph applies;
- 4.29 **Marine life**
- introduce any marine life to any waters located on local government land;
- 4.30 **Model aircraft, boats and cars**
- 4.30.1 fly or operate a model aircraft, model boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;
- 4.30.2 fly or operate a model aircraft, model boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;
- 4.31 **Motor vehicles**
- comprising a park, garden or reserve:
- 4.31.1 drive or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles;
- 4.31.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 4.31.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;

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4.32 No liquor

- 4.32.1 consume, carry or be in possession or charge of any liquor on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);
- 4.32.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land to which this subparagraph applies (provided the land constitutes a park or reserve);

4.33 Overhanging articles or displaying personal items

suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or be of an unsightly nature;

4.34 Picking of fruit, nuts or berries

except in any community garden, pick fruit, nuts, seeds or berries from any plant;

4.35 Playing Area

use or occupy a playing area:

- 4.35.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 4.35.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 4.35.3 contrary to directions indicated on a sign displayed adjacent to the playing area;

4.36 Playing games or sport

- 4.36.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 4.36.2 promote, organise or take part in any organised athletic sport in any area to which this subparagraph applies;
- 4.36.3 play any organised competition sport, as distinct from organised social play, in any area to which this subparagraph applies;
- 4.36.4 engage in participate in or conduct any organised group fitness activity or training to which this subparagraph applies;

4.37 Pontoons

install or maintain a pontoon or jetty in any waters;

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4.38 Preaching and Canvassing

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.39 Public Exhibitions and Displays

4.39.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.39.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;

4.39.3 erect or inflate any inflatable castle;

4.39.4 cause any public exhibitions or displays;

4.40 Removing Material

carry away or remove any earth, soil, sand, timber, stones, pebbles, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or other organic or inorganic materials or any part of the land;

4.41 Selling

sell anything or display anything for sale;

4.42 Swimming

subject to the provisions of the *Harbors and Navigation Act 1993* swim in, bathe or enter any waters except:

4.42.1 in an area which the Council has determined may be used for such purpose; and

4.42.2 in accordance with any conditions that the Council may have determined by resolution apply to such use;

4.43 Trading

sell, buy, offer or display anything for sale;

4.44 Weddings, functions and special events

4.44.1 hold, conduct or participate in a marriage ceremony, funeral or special event;

4.44.2 erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event;

4.44.3 hold or conduct any filming where the filming is for a commercial purpose;

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4.45 Wetlands

subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:

- 4.45.1 operate a model boat;
- 4.45.2 fish, or take any aquatic creature;
- 4.45.3 introduce any fish or aquatic creature;
- 4.45.4 take or draw water;

4.46 Wheeled recreational devices

use a wheeled recreational device on land to which the Council has resolved this subparagraph applies;

4.47 Working on vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person must not, on any local government land:

5.1 Children's playgrounds

use any device, equipment or apparatus installed in a children's playground if that person is of or over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;

5.2 Fishing

deposit or leave any dead fish (in part or whole) or offal;

5.3 Glass

wilfully break any glass, china or other brittle material;

5.4 Interference with Land

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 5.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 5.4.2 erecting or installing a structure in, on, across, under or over the land;
- 5.4.3 changing or interfering with the construction, arrangement or materials of the land;

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- 5.4.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 5.4.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;
- 5.5 **Interference with Permitted Use**
- interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;
- 5.6 **Playing games**
- play or practise a game:
- 5.6.1 which is likely to cause damage to the land or anything on it;
- 5.6.2 in any area where a sign indicates that the game is prohibited;
- 5.7 **Smoking**
- smoke tobacco or any other substance:
- 5.7.1 in any building or part of any building; or
- 5.7.2 on any local government land;
- to which the subparagraph applies;
- 5.8 **Solicitation**
- tout or solicit customers for the parking of vehicles or for any other purpose whatsoever;
- 5.9 **Toilets**
- in any public convenience:
- 5.9.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
- 5.9.2 smoke tobacco or any other substance;
- 5.9.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.9.4 use it for a purpose for which it was not designed or constructed;
- 5.9.5 enter any toilet that is set aside for use by the opposite sex except where:
- 5.9.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or

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5.9.5.2 to provide assistance to a disabled person;

5.10 Use of Council rubbish bins

deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

5.11 Use of equipment

use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such a manner as is likely to damage or destroy it.

Part 3 – Miscellaneous

6. Directions

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the land;
- 6.2 that person's conduct and behaviour on the land;
- 6.3 that person's safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

7. Removal of Animals and Exclusion of Persons

7.1 If any animal is found on local government land in breach of this by-law:

- 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.

7.2 An authorised person may direct any person who is considered to be committing, or has committed, a breach of this by-law to leave local government land.

8. Removal of Encroachment or Interference

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

- 8.1 cease the encroachment or interference; and
- 8.2 remove the source of the encroachment or interference; and
- 8.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

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9. Council May do Work

If a person:

- 9.1 fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to paragraph 8 of this by-law; or
 - 9.2 intentionally or negligently damages local government land,
- an authorised person may:
- 9.3 undertake the work to comply with the request pursuant to paragraph 8 and/or repair the damage; and
 - 9.4 recover the cost of completing the work from the person.

10. Exemptions

- 10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 10.2 The restrictions in paragraphs 4.1.2, 4.4, 4.7, 4.13, 4.17, 4.19.2, 4.38, and 4.39.4 of this by-law do not apply to:
 - 10.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 10.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 10.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

11. Application of Paragraphs

Any of paragraphs 4.23, 4.26, 4.28.2, 4.30.2, 4.32, 4.36.2, 4.36.3, 4.36.4 and 4.46 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *Local Government Land By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

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The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury on the day of 20 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

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*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

DOGS BY-LAW 2022

By-law No. 5 of 2022

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Planning, Development Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
 - 3.7.1 by means of a physical restraint;

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- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Free Areas

A person must not allow a dog in that person's control to be in, or remain:

- 4.1 on any playing field on a park or reserve during times when organised sport is being played;
 - 4.2 on any local government land to which this paragraph applies;
- unless the dog is an assistance dog.

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 5.2 on any park or reserve during times when organised sport is being played;
- 5.3 within 5 metres of children's playground equipment;
- 5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

6. Dog Exercise Areas

- 6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 9 for the purpose of exercising a dog under his or her control.
- 6.2 Where a person enters upon such part of local government land for that purpose, he or she must ensure that the dog under his or her control remain under effective control while on that land.

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7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs to be kept at any premises shall be two dogs.
- 7.2 A person must not, without permission, keep any dog at any premises where the number of dogs on the premises exceeds the limit unless:
- 7.2.1 the premises is an approved kennel establishment; or
 - 7.2.2 the Council has exempted the premises from compliance with this sub-paragraph.

8. Dog Faeces

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in his or her possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

Part 3 – Miscellaneous**9. Application**

- 9.1 Any of paragraphs 4, 5.1 and 6.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the *Local Government Act 1999* and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.
- 9.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

10. Revocation

Council's *Dogs By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury held on the _____ day of _____ 20____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

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By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2022

By-law No. 6 of 2022

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **green organics** means any clean organic matter, free of any excess soil, consisting of lawn clippings, plants, vegetables, eggs, shells, bones, leaves, prunings, horse manure, pet waste, nesting material or other materials as specified by the Council;
- 3.2 **green organics container** means a container for the reception of green organics;
- 3.3 **hard rubbish** means any internal and external household items such as whitegoods, entertainment appliances, furniture and mattresses able to be lifted and carried by two persons but excludes any household waste;
- 3.4 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead, acid batteries and any dangerous or toxic waste;
- 3.5 **household waste container** means a container for the reception of household waste;
- 3.6 **recyclables** means newspapers, magazines, paper, cardboard, plastic containers of a type specified by the Council, tins, cans, glass, milk and juice

PSK\BY-LAW NO 6 - WASTE MANAGEMENT

containers, solid plastic material and other materials as specified by the Council;

- 3.7 **recyclables container** means a container for the reception of recyclables.

Part 2 – Waste Collection

4. Provide Containers

- 4.1 An occupier of domestic premises must keep on his or her premises a household waste container and a recyclables container as approved by the Council.
- 4.2 An occupier of domestic premises may keep on his or her premises a green organics container as approved by the Council.

5. Management of Waste Collection Service

An occupier of premises must:

5.1 Household Waste

- 5.1.1 ensure that the household waste container kept on his or her premises is approved by the Council; and
- 5.1.2 ensure that the household waste container contains only household waste;

5.2 Recyclables

- 5.2.1 ensure that the recyclables container kept on his or her premises is approved by the Council; and
- 5.2.2 ensure that the recyclables container contains only recyclables;

5.3 Green Organics

- 5.3.1 ensure that the green organics container be a container that is approved by the Council; and
- 5.3.2 ensure that the green organics container contains only green organics;

5.4 Keep Container Clean

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept waterproof at all times;

5.5 Sealing of Container

cause the lid of each container to continuously and securely cover the container body except when waste is being deposited in or removed from the container;

5.6 Damage

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 5.6.1 it is not robust;
- 5.6.2 the container body is not watertight;
- 5.6.3 it is unable to be moved on its wheels efficiently;
- 5.6.4 the lid does not seal on the container when closed;
- 5.6.5 its efficiency or use is otherwise impaired;

5.7 Collection Services

5.7.1 An occupier of premises must facilitate the collection and removal of household waste, recyclables or green organics from their premises by placing the relevant waste container out for collection in accordance with:

- 5.7.1.1 the **collection service requirements** specified in clause 5.7.2; or
- 5.7.1.2 the terms of any permit granted by the Council for the placement of waste containers; or
- 5.7.1.3 as otherwise approved by the Council.

5.7.2 The collection service requirements for the collection of household waste containers, recyclables containers and green organics containers are:

- 5.7.2.1 the container must be placed out for collection no earlier than 24 hours prior to the appointed collection time;
- 5.7.2.2 where there is a kerb, the container must be placed on the footpath, verge or nature strip directly adjacent the premises, as near as practicable to the kerb so that the side of the container on which the hinges of the lid are situated face the premises;
- 5.7.2.3 where there is no kerb, the container must be placed on the road verge directly adjacent the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated face the premises;
- 5.7.2.4 the container must not be placed within 1 meter of another waste container;
- 5.7.2.5 the container must not be placed under the overhanging branches of any tree;

PSK\BY-LAW NO 6 - WASTE MANAGEMENT

- 5.7.2.6 the container must be removed from its position on the same day as the collection, after the collection has taken place.

6. Interference With Garbage/Hard Rubbish

A person must not remove, disturb or interfere with any recyclables or hard rubbish (including bottles, newspapers, cans, containers or packaging) that has been placed:

- 6.1 for disposal in or near a container; or
- 6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or with the authority of the owner.

Part 3 – Miscellaneous

7. Revocation

Council's *Waste Management By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Salisbury on the day of 20 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr John Harry
Chief Executive Officer

PSK\BY-LAW NO 6 - WASTE MANAGEMENT



CITY OF SALISBURY
PERMITS AND PENALTIES BY-LAW 2015
By-law No. 1 of 2015

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-laws.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Permits and Penalties By-law 2015* and is By-law No. 1 of the City of Salisbury.

2. Authorising law

This By-law is made under section 246 of the Act and sections 667(1) 3.LIV and 9.XVI of the *Local Government Act 1934*.

3. Purpose

The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1. creating a permit system for Council By-laws;
- 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3. clarifying the construction of Council By-laws.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No. 1 – Permits and Penalties 2008*.²

- 4.2. This By-law will expire on 1 January 2023.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law applies throughout the Council area.

6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **Council** means the City of Salisbury;
- 6.3. **person** includes a body corporate.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws generally

- 7.1. Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2. In any By-law of the Council (or such other person as the Council may, by resolution, authorise for that purpose) unless the contrary intention appears **permission** means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

PART 2 – PERMITS AND PENALTIES**8. Permits**

- 8.1. Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2. The Council (or such other person as the Council may, by resolution, authorise for that purpose) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3. A person granted permission must comply with every such condition. Failure to do so is an offence.
- 8.4. The Council (or such other person as the Council may, by resolution, authorise for that purpose) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. Offences and penalties

- 9.1. A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
- 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

City of Salisbury

Permits and Penalties By-law 2015

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
John Harry
Chief Executive Officer



CITY OF SALISBURY
MOVEABLE SIGNS BY-LAW 2015
By-law No. 2 of 2015

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Moveable Signs By-law 2015* and is By-law No. 2 of the City of Salisbury.

2. Authorising law

This By-law is made under sections 239 and 246 of the Act, and sections 667(1), 4.I and 9.XVI of the *Local Government Act 1934*.

3. Purpose

The object of this By-law is to set standards for moveable signs on roads:

- 3.1. to protect the comfort and safety of road users and members of the public;
- 3.2. to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3. to prevent nuisances occurring on roads;
- 3.4. to prevent unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No.2 – Moveable Signs 2008*.²

- 4.2. This By-law will expire on 1 January 2023.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 5.2. This By-law applies throughout the Council area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;

- 6.2. **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3. **business premises** means premises from which a business is being conducted;
- 6.4. **Council** means the City of Salisbury;
- 6.5. **footpath area** means:
 - 6.5.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
 - 6.5.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.6. **moveable sign** has the same meaning as in the Act;
- 6.7. **road** has the same meaning as in the Act;
- 6.8. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS**7. Construction and design**

A moveable sign placed on a footpath area must:

- 7.1. be of kind known as an 'A' frame or sandwich board sign, an 'inverted T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2. be designed, constructed and maintained in good quality and condition;
- 7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4. have no sharp or jagged edges or corners;
- 7.5. not be unsightly or offensive in appearance or content;
- 7.6. be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7. not rotate or contain flashing parts or lights;
- 7.8. not have balloons, flags, streamers or other things attached to it;
- 7.9. not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.10. in the case of an 'A' frame or sandwich board sign:
 - 7.10.1 be hinged or joined at the top;
 - 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.10.3 not have a base area in excess of 0.6 square metres;

7.11. in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. **Placement**

A moveable sign must not be:

- 8.1. placed on any part of a road other than the footpath area;
- 8.2. placed on a footpath that is less than 2.5 metres wide;
- 8.3. placed within 1 metre of an entrance to any business or other premises;
- 8.4. placed on the sealed part of a footpath:
 - 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
 - 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.8 metres;
- 8.5. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.6. placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.7. placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.8. placed within 10 metres of an intersection of two or more roads;
- 8.9. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.10. placed on a designated parking area;
- 8.11. placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.12. placed other than adjacent to the business premises to which it relates;
- 8.13. tied, fixed or attached to, or placed closer than 1 metre from any other structure, object, tree, plant or thing (including another moveable sign);
- 8.14. displayed during the hours of darkness unless it is clearly lit; or
- 8.15. placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

9. **Appearance**

A moveable sign placed on the footpath area of a road must, in the opinion of an authorised person:

- 9.1. be painted or otherwise detailed in a competent and professional manner;
- 9.2. be aesthetically appealing, legible and simply worded to convey a precise message; and
- 9.3. be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign, and which related well to the townscape and overall amenity of the locality in which it is situated; and
- 9.4. contain combinations of colour and typographical styles which lend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. **Banners**

A banner displayed on a road must:

- 10.1. be securely fixed at both ends to a pole, fence or other structure so that it does not hang loose or flap at either end;
- 10.2. not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council;
- 10.3. only advertise an event to which the public are invited; and
- 10.4. not be displayed more than one month before and two days after the event it advertises;
- 10.5. must not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 10.6. must not exceed 3m² in size.

11. **Restrictions**

- 11.1. The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 11.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land (including roads) primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:
 - 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 11.3.2 the business premises to which it relates is open to the public.

- 11.4. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. Exemptions

- 12.1. Subclauses 10, 8.9, 8.13, 11.1 and 11.3 of this By-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that:
- (a) no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
 - (b) the moveable sign displays the address of the vendor; and
 - (c) the moveable sign is displayed on the day the garage sale is taking place; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 12.2. Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3. A requirement of this By-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ of writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT

13. Removal of moveable signs

- 13.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.
- 13.2. The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3. The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

City of Salisbury

Moveable Signs By-law 2015

- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

14. **Liability of vehicle owners**

- 14.1. For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

John Harry
Chief Executive Officer



CITY OF SALISBURY

ROADS BY-LAW 2015

By-law No. 3 of 2015

A By-law to regulate certain activities on roads in the Council area.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2015* and is By-law No. 3 of the City of Salisbury.

2. Authorising law

This By-law is made under sections 239 and 246 of the Act, regulation 28 of the *Local Government (General) Regulations 2013*, and sections 667(1), 4.I, 7.II and 9.XVI of the *Local Government Act 1934*.

3. Purpose

The objectives of this By-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1. to protect the convenience, comfort and safety of road users and members of the public;
- 3.2. to prevent damage to buildings and structures on roads;
- 3.3. to prevent certain nuisances occurring on roads; and
- 3.4. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No. 3 – Roads 2008*.²

- 4.2. This By-law will expire on 1 January 2023.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 5.2. This By-law applies throughout the Council area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;

- 6.2. **animal** includes birds, insects and poultry but does not include a dog or a cat;
- 6.3. **camp** includes:
 - 6.3.1 setting up a camp, tent or other structure of calico, canvas, plastic or other similar material on a road; or
 - 6.3.2 subject to the *Road Traffic Act 1961*, causing a caravan or motor home to remain on a road overnight, whether or not any person is in attendance or sleeps on the road or intends to stay overnight;
- 6.4. **Council** means the City of Salisbury;
- 6.5. **effective control** means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6. **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS**7. Activities requiring permission**

A person must not do any of the following activities on a road without the permission of the Council:

7.1. Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting sound, or magnifying sound including the broadcasting of announcements or advertisements.

7.2. Animals

7.2.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.2.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.3. *Camping and Tents*

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material.

7.3.2 Camp or sleep overnight.

7.4. *Donations*

Ask for or receive or do anything to indicate that the person desires a donation of money.

7.5. *Obstructions*

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.6. *Posting & Distribution of Bills*

Subject to clause 11.2:

7.6.1 place on a vehicle (without the consent of the owner of the vehicle), give out or distribute any hand bill, book, notice, leaflet or other printed matter to any person; or

7.6.2 post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

7.7. *Preaching*

Preach, harangue, solicit or canvass for religious or charitable purposes.

7.8. *Public Exhibitions and Displays*

7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.7.4 Cause any public exhibitions or displays.

7.9. *Soliciting*

Ask for or receive or indicate a desire for a donation of money or any other thing.

7.10. *Vehicles*

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note-

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

PART 3 – ENFORCEMENT**8. Directions**

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of an authorised person to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

- (1) *If a person (**the offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
- (a) *if the conduct is still continuing – to stop the conduct; and*
 (b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

10. Removal of animals and objects

An authorised person may remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

PART 4 – MISCELLANEOUS**11. Exemptions**

11.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

11.2. The restrictions in clause 7.6 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or

City of Salisbury

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under either Act) for polling day and ending at the close of voting on polling day; or

- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. Liability of vehicle owners

12.1. For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
John Harry
Chief Executive Officer



CITY OF SALISBURY
LOCAL GOVERNMENT LAND BY-LAW 2015
BY-LAW NO. 4 OF 2015

A By-law to regulate the access to and use of Local Government land (other than roads), and certain public places.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Local Government Land By-law 2015* and is By-law No. 4 of the City of Salisbury.

2. Authorising law

This By-law is made under sections 238 and 246 of the Act, sections 667(1) 4.I and 9.XVI of the *Local Government Act 1934* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 By-law No. 4 – Local Government Land²

- 4.2. This By-law will expire on 1 January 2023.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 5.2. Subject to clauses 5.3 & 5.4, this By-law applies throughout the Council area.
- 5.3. Clauses 9.2, 9.8.1, 9.8.3, 9.9.1, 9.25.1-9.25.4, 9.28.2, 9.38, 10.3 and 10.9.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

- 5.4. Clauses 9.4.1(c), 9.14.2, 9.34.1 of this By-law apply throughout the Council area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal or animals** includes birds and insects but does not include a dog;
- 6.3. **boat** includes a raft, pontoon or personal watercraft or other similar device;
- 6.4. **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.5. **Council** means the City of Salisbury;
- 6.6. **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.7. **effective control** means a person exercising effective control of an animal either:
- 6.7.1 by means of a physical restraint; or
- 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9. **foreshore** means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);
- 6.10. **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.11. **kettle barbeque** is a barbeque or other device used for cooking food that uses solid fuel including (but not limited to) wood, charcoal and heat beads.
- 6.12. **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.13. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.14. **low water mark** means the lowest meteorological tide;
- 6.15. **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.16. **open container** means a container which:

- (a) after the contents of the container have been sealed at the time of manufacture -
 - (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - (ii) being a can, it has been opened or punctured;
 - (iii) being a cask, it has had its tap placed in a position to allow it to be used;
 - (iv) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - (v) is a flask, glass, mug or other container able to contain liquid.
- 6.17. **personal watercraft** means a device that –
 - 6.17.1 is propelled by a motor; and
 - 6.17.2 has a fully enclosed hull; and
 - 6.17.3 is designed not to retain water if capsized; and
 - 6.17.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
 and includes the device commonly referred to as a jet ski;
- 6.18. **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.19. **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.20. **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

- 7.1. close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2. fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1. which has been closed, or in respect of which access by the public is regulated or restricted in accordance with clause 7.1;
- 8.2. where entry fees or charges are payable, without paying those fees or charges; or
- 8.3. where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

9.1. Advertising

Subject to clause 14.2, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

9.2. Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

9.3. Amplification

Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.

9.4. Animals**9.4.1 On Local Government land other than the foreshore:**

- (a) cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land; or
- (b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or
- (c) lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

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- 9.4.2 On Local Government land comprising the foreshore cause or allow a sheep, cow, goat or horse to enter, swim, bathe or remain in the sea.
- 9.5. *Annoyance*
- Do anything likely to offend or unreasonably interfere with any other person:
- 9.5.1 using that land; or
- 9.5.2 occupying nearby premises,
- by making a noise or creating a disturbance.
- 9.6. *Attachments*
- Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.7. *Bees*
- Place a hive of bees on such land, or allow it to remain thereon.
- 9.8. *Boats*
- Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
- 9.8.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;
- 9.8.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 9.8.3 propel, float or otherwise use a boat on or in any waters except:
- (a) in an area to which the Council has resolved this clause applies; and
- (b) in accordance with any conditions that the Council may have determined by resolution apply to that use
- 9.8.4 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.8.5 moor a boat on any waters or to a pontoon attached to Local Government land.
- 9.9. *Boat Ramps*
- 9.9.1 Launch a boat from any boat ramp on Local Government land to which the Council has determined this clause applies without having:
- (a) purchased a short term ticket; or
- (b) been granted a launch permit.
- 9.9.2 For the purposes of clause 9.9 the following definitions apply:

- (a) **launch permit** means a permit issued by the Council and/or its agent upon application and which authorises the launch of a nominated boat from a boat ramp in accordance with the conditions determined by the Council;
- (b) **nominated boat** means the boat specified in an application for an annual launch permit, in respect of which a launch permit is granted; and
- (c) **short term ticket** means a ticket purchased from a vending machine located at or in the vicinity of a boat ramp that authorises a single launch of a boat from the boat ramp in accordance with the conditions determined by the Council and displayed at the site of the vending machine and, which is valid for a period of 24 hours from the time of purchase.

9.10. *Buoys*

Place a buoy, cable, chain, hawser, rope or net in or across any waters.

9.11. *Bridge Jumping*

Jump or dive from a bridge on Local Government land.

9.12. *Buildings*

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.13. *Burials and Memorials*

9.13.1 Bury, inter or spread the ashes of any human or animal remains.

9.13.2 Erect any memorial.

9.14. *Camping and Tents*

9.14.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

9.14.2 Camp or sleep overnight other than in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).

9.15. *Canvassing*

Subject to clause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

9.16. *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.17. *Distribution*

Subject to clause 14.2, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.

9.18. *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.19. *Entertainment and Busking*

9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.20. *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.21. *Fires*

9.21.1 Subject to clause 9.21.2 and the *Fire and Emergency Services Act 2005*, light a fire except:

- (a) in a place provided by the Council for that purpose; or
- (b) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 metres.

9.21.2 Use a kettle barbeque during fire danger season.

9.22. *Fireworks*

Ignite or discharge any fireworks.

9.23. *Flora and Fauna*

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 9.23.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

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- 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.23.8 burn any timber or dead wood.
- 9.24. *Foreshore*
On Local Government land comprising the foreshore:
 - 9.24.1 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose;
 - 9.24.2 launch or retrieve a boat from the foreshore without using a boat ramp; or
 - 9.24.3 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat.
- 9.25. *Games & Sport*
 - 9.25.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
 - 9.25.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land to which the Council has resolved this subclause applies, which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
 - 9.25.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
 - 9.25.4 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies.
 - 9.25.5 Play or practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.
- 9.26. *Litter*
 - 9.26.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
 - 9.26.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.

9.27. *Marine Life*

Introduce any marine life to any waters located on Local Government land.

9.28. *Model Aircraft, Boats and Cars*

9.28.1 Fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.

9.28.2 Fly or operate a model or drone aircraft, boat or model or remote control car on any local government land to which the Council has resolved this subclause applies.

9.29. *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

9.30. *Playing Area*

Use or occupy a playing area:

9.30.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);

9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.31. *Pontoons*

Install or maintain a pontoon or jetty in any waters.

9.32. *Posting of Bills*

Post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government land or in a public place.

9.33. *Preaching*

Preach, harangue or solicit for religious purposes.

9.34. *Swimming*

Subject to the provisions of the *Harbours and Navigation Act 1993* swim in, bathe or enter any waters except:

9.34.1 in an area which the Council has determined may be used for such purpose; and

9.34.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

9.35. *Trading*

Sell, buy, offer or display anything for sale.

9.36. *Vehicles*

9.36.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.

9.36.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.

9.36.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

9.37. *Weddings, Functions and Special events*

9.37.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.

9.37.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

9.37.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.38. *Wheeled Recreational Devices*

Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this clause applies.

10. **Prohibited activities**

A person must not do any of the following on Local Government land.

10.1. *Animals*

10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.

10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.

10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.

10.2. *Equipment*

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

10.3. *Fishing*

- Fish in any waters to which the Council has determined this subclause applies.
- 10.4. *Glass*
- Willfully break any glass, china or other brittle material.
- 10.5. *Interference with Land*
- Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 10.5.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.5.2 erecting or installing a structure in, on, across, under or over the land;
- 10.5.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.5.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.5.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.6. *Interference with Permitted Use*
- Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.
- 10.7. *Nuisance*
- Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.
- 10.8. *Playing games*
- Play or practise a game:
- 10.8.1 which is likely to cause damage to the land or anything on it;
- 10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9. *Smoking*
- Subject to the *Tobacco Products Regulation Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product:
- 10.9.1 in any building; or
- 10.9.2 on any land to which the Council has determined this subclause applies.
- 10.10. *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.11. *Throwing objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.12. *Toilets*

In any public convenience on Local Government land:

10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

10.12.3 use it for a purpose for which it was not designed or constructed;

10.12.4 enter a toilet that is set aside for use of the opposite sex except:

- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.

10.13. *Waste*

10.13.1 Deposit or leave thereon:

- (a) anything obnoxious or offensive;
- (b) any offal, dead animal, dung or filth; or
- (c) any mineral, mineral waste, industrial waste or bi-products.

10.13.2 Foul or pollute any waters situated thereon.

10.13.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.13.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 4 – ENFORCEMENT

11. Directions

11.1. A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2. A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

- (1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
- (a) if the conduct is still continuing – to stop the conduct; and
 - (b) whether or not the conduct is still continuing – to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

14.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

14.2. The restrictions in clauses 9.1, 9.15 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

City of Salisbury

Local Government Land By-law 2015

14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. **Liability of vehicle owners**

15.1. For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

15.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
John Harry
Chief Executive Officer



CITY OF SALISBURY

DOGS BY-LAW 2015

By-law No. 5 OF 2015

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dog By-law 2015* and is By-law No. 5 of the City of Salisbury.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and sections 667(1), 9.XVI of the *Local Government Act 1934*.

3. Purpose

The objects of this By-law are to control and manage dogs in the Council area:

- 3.1. to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2. to promote responsible dog ownership; and
- 3.3. to protect the convenience, comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No. 5 – Dogs 2008*.²

- 4.2. This By-law will expire on 1 January 2023³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 5.2. Subject to clause 5.3, this By-law applies throughout the Council area.
- 5.3. Clauses 9 and 10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 6.3. **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled.
- 6.4. **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5. **Council** means the City of Salisbury
- 6.6. **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7. **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint; or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8. **keep** includes the provision of food or shelter;
- 6.9. **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10. **premises** includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;
- 6.11. **small dwelling** means a self-contained residence that is:
 - 6.11.1 a residential flat building; or
 - 6.11.2 contained in a separate strata or community title unit; or
 - 6.11.3 on an allotment less than 300 square metres in area; or
 - 6.11.4 without a secure yard of at least 60 square metres in area;
- 6.12. for the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash that does not exceed 2 metres in length and:
 - 6.12.1 the leash is either tethered securely to a fixed object; or
 - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

- 7.1. Subject to clauses 7.2 and 7.4, a person must not, without the Council's permission keep:
- 7.1.1 more than one dog on premises comprising a small dwelling; or
 - 7.1.2 more than two dogs on any other premises.
- 7.2. For the purposes of clause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3. Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.
- 7.4. The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5. No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog exercise areas**

- 8.1. Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the Dog and Cat Management Act 1995, for which the owner of or person responsible for the dog may be liable.

9. Dog on leash areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has determined this clause applies unless the dog is under effective control by means of a leash.

10. Dog prohibited areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined this clause applies.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – ENFORCEMENT**12. Orders**

12.1. If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:

12.1.1 if the conduct is still continuing – to stop the conduct; and

12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

12.2. A person must comply with an order under this clause.

12.3. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.

12.4. However, an authorised person may not use force against a person under this section.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

John Harry
Chief Executive Officer



CITY OF SALISBURY
WASTE MANAGEMENT BY-LAW 2015

By-law No. 6 of 2015

A By-law to regulate the removal of domestic waste recyclable and green organic waste from premises in the Council's area.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Waste Management By-law 2015* and is By-law No. 6 of the City of Salisbury.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, sections 667(1) 4.I and 9.XVI of the *Local Government Act 1934*, and regulation 28(b) of the *Local Government (General) Regulations 2013*;

3. Purpose

The objectives of this By-law are:

- 3.1. to prevent and suppress nuisances associated with the storage and collection of domestic waste;
- 3.2. to prevent damage to Council property and land;
- 3.3. to define the requirements for the use of Council's domestic kerbside waste collection service;
- 3.4. to protect the convenience, comfort and safety of members of the public;
- 3.5. to enhance the amenity of the Council area; and
- 3.6. for the good rule and government of the area.

4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 *By-law No. 6 – Waste Management 2008*.²

- 4.2. This By-law will expire on 1 January 2023. ³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 5.2. This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **Council** means the City of Salisbury;
- 6.3. **Container** includes a Green Organics Container, Domestic Waste Container or Recyclables Container;
- 6.4. **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other materials for which permission has been given by the Council;
- 6.5. **Green Organics Container** means a container for the disposal of Green Organics that is approved by the Council;
- 6.6. **Hard Waste** means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste;
- 6.7. **Domestic Waste** means any kind of domestic and kitchen waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood and any toxic waste;
- 6.8. **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.9. **Premises** means premise, excluding vacant land, s to which the Council's Waste collection services is made available;
- 6.10. **Recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;
- 6.11. **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.12. **Road** has the same meaning as in the *Local Government Act 1999*;
- 6.13. **Waste** means Domestic Waste, Recyclables and Green Organics; and
- 6.14. **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.

7. Provide Containers

- 7.1. An occupier of premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container.
- 7.2. An occupier of premises may keep on his or her premises a Green Organics Container.

8. Management of Waste Collection Services

An occupier of premises must:

8.1. Domestic Waste

- 8.1.1 ensure that the Domestic Waste Container kept on the premises is approved by the Council; and
- 8.1.2 not place, cause, suffer or permit any waste other than Domestic Waste to be in a Domestic Waste Container; and

8.2. Recyclables

- 8.2.1 ensure that the Recyclables Container kept on his or her premises is approved by the Council; and
- 8.2.2 not place, cause, suffer or permit waste other than Recyclables to be in a Recyclables Container; and

8.3. Green Organics

- 8.3.1 ensure that any Green Organics Container kept on his or her premises is approved by the Council;
- 8.3.2 not place, cause, suffer or permit waste other than Green Organics to be in a Green Organics Container; and

8.4. Keep Container Clean

cause each Waste Container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times; and

8.5. Sealing of Container

cause each container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container; and

8.6. Damage

ensure that each Waste Container thereon is maintained, repaired or replaced (as necessary) so that it is not damaged or worn to the extent that:

- 8.6.1 it is not robust or watertight;
- 8.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 8.6.3 the lid does not seal on the container when closed; or
- 8.6.4 its efficiency or use is otherwise impaired; and

8.7. Collection Services

- 8.7.1 facilitate the collection and removal of waste from the premises by ensuring all Waste Containers thereon that contain waste for collection are placed on the road for collection by the Council its agents or contractors:
 - (a) on the day appointed by the Council for the collection of waste from those premises or the night before (and not before these times); and
 - (b) in a position:

(a) adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and

(b) not under the overhanging branches of any trees; and

(c) as may otherwise be approved or directed by the Council and, wherever practicable, notified to the occupier in writing; and

8.7.2 remove all Waste Containers from the road on the same day as the collection of waste has occurred.

8.8. **Waste**

not place any Waste Container on the road for collection by the Council its agents or contractors unless the Waste Container contains only the type of waste that is permitted to be disposed of in that Waste Container.

8.9. **Hard Waste**

not place any Hard Waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing.

9. **Interference with Waste/Hard Waste**

A person must not, without the Council's permission, remove, disburse or interfere with any Waste, or Hard Waste that has been placed on a road or in a Waste Container on a road for the apparent purpose of collection by the Council, its agents or contractors.

PART 2 – ENFORCEMENT

10. **Orders**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

11. **Exemptions**

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

This By-law was duly made and passed at a meeting of the City of Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
John Harry
Chief Executive Officer

By-Law Determinations and Resolutions

Pursuant to Section 252(6) of the Local Government Act, if a by-law only applies within a part or parts of the area of a council as the council may determine from time to time, and the council has made a determination, a certified copy of the resolution making the determination must accompany a copy of the by-law provided under subsection (5).

For the purposes of the register of by-laws the following is a list of the determinations made by Council under by-laws and is to be read in conjunction with the register of by laws as required under Section 252(1)

By-law 1 Permits Penalties

Date and Resolution Reference	Resolution
Item 3.6.1 Delegations to Issue By-Law Permits Presented March 2018 CARRIED 2388/2018	<ol style="list-style-type: none"> 1. The information be received. 2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Council's By-Law No. 1 – Permits and Penalties By-Law 2015 contained hereunder are hereby delegated from 2 April 2018 to the person occupying the office of Chief Executive Officer (and anyone acting in that position), subject to the conditions and / or limitations indicated in the Schedule of Conditions contained in the attached proposed Instrument of Delegation (Attachment 1, Item No. 3.6.1, Resources and Governance Committee, 19/03/2018): <ul style="list-style-type: none"> • the power to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law, or to otherwise grant permission under a Council By-law subject to any conditions the delegate sees fit to impose; • the power to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted; • the power to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and • the power to commence proceedings to prosecute an offence under a Council By-law. 3. 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 in the conditions and/or limitations specified in the Delegations Register.

By-law 2 Movable Signs

Date and Resolution Reference	Resolution
None applicable	None applicable

By-law 3 Roads

Date and Resolution Reference	Resolution
None applicable	None applicable

By-law 4 Local Government Land

Date and Resolution Reference	Resolution
Health, Animal Management and By-laws Item 3.3.1 Little Para Golf Course - Playing Area Signage - May 2017 Moved Cr G Reynolds Seconded Cr J Woodman CARRIED 1786/2017	<p>1. That the information be received.</p> <p>2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves, effective from 30 May 2017, to apply sub-clause 9.25.4 of By-law No. 4-Local Government Land (the By-law) to the Local Government land comprising the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report so that the permission of the Council (or its agent) is required to play or practice the game of golf on the land unless a person is a member of the Little Para Golf Course or, has paid the required fee.</p> <p>3. That, as a playing area for the purposes of sub-clause 9.30 of the By-law, the Council resolves by way of a direction under clause 9.30.3 of the By-law, that the Little Para Golf Course as detailed in the diagram in Attachment 1 to this report must not, without the permission of the Council (or its agent), be used by any person:</p> <ol style="list-style-type: none"> to play or practice the game of golf unless the person is a member of the Little Para Golf Course or, has paid the required fee; or to play or practice any other sporting activity. <p>4. That the Administration undertake all necessary steps to give effect to the Council's resolution under paragraphs 2 and 3 above, including by:</p> <ol style="list-style-type: none"> publishing notice of them in the Government Gazette and in a local newspaper circulating in the Council's area;

	<p>b. making copies of them available online and within the Councils register of by-laws; and</p> <p>c. erecting signage as appropriate on the land.</p> <p>5. (If council resolves as per recommendation 2 and 3) that Belgravia staff be trained and appointed as Authorised Officers for the purposes of being able to enforce Sub-clauses 9.25.4 and 9.30 of By-law in respect of the Little Para Golf Course</p>
<p>Motions on Notice</p> <p>Item 7.2 Salisbury United Football Club</p> <p>May 2021</p> <p>Moved Cr C Buchanan</p> <p>Seconded Cr D Proleta</p> <p>CARRIED 0965/2021</p> <p><i>Only effective from 24 May 2021 to 31 October 2021 inclusive.</i></p>	<p>1. That, due to the rehabilitation works currently being undertaken over the next few months on pitch numbers 1 and 2 at Burton Park, to enable temporary restrictions to be put in place for pitch number 3 to exclude the public from using the pitch for informal recreation, and to prohibit dog owners from walking their dogs on the pitch for the duration of the 2021 soccer season, the following clauses are adopted:</p> <p>a) Pursuant to clause 7 of City of Salisbury by-law 4 - Local Government Land, the sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is closed to public access and use for any activity other than for the authorised use of the approved lessees and their authorised personnel and club members for the practice, training, and play of soccer as per the lease agreement, and for spectators in approved areas whilst an authorised game is in play or training is being conducted. The period of restricted access shall remain in force at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>b) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community that the land is closed to public access at all times for use for any activity other than for the authorised use of the approved lessees from 24 May 2021 to 31 October 2021 inclusive.</p> <p>c) Pursuant to clause 10 of City of Salisbury by-law 5 - Dogs, sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is declared a dog prohibited area and a person must not allow a dog under that person's care and control, charge or authority (except an assistance dog) to enter or remain on the land at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>d) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community of the declaration that the area is a dog prohibited area at all times from 24 May 2021 to 31 October 2021 inclusive.</p>

By-law 5 Dogs

Date and Resolution Reference	Resolution
<p>Health and General Report May 2001 Item 3.3.2 10/4/2 Community Consultation – Unleashed Dog Exercise in Open Space</p> <p>750 Cr Irving moved in terms of the recommendation of the Committee that: Cr Abela seconded CARRIED</p>	<p>1. No environmentally sensitive habitat areas are to be made available for unleashed dog exercise activity</p> <p>2. Apart from the environmentally sensitive habitat areas, all parks are to be made available for unleashed exercise activity between the hours of 6.30 p.m. and 8.00 a.m. daily and signed accordingly, with the exception of areas currently utilised by dog obedience and structured dog club activities that require additional time for unleashed activity outside of the proposed general limit.</p> <p>3. An extensive community education program regarding permitted unleashed dog exercise times in open spaces and owner responsibilities commence in June 2001.</p> <p>4. A report be prepared for the March 2002 Council meeting detailing the incidence of dog attack subsequent to the implementation of the leashing By-Law and reviewing any changes that might be required in unleashed exercise access to sportsgrounds and playgrounds.</p>
<p>Health and General Report November 2001 Item 3.3.1 20/1/4 "Dog Friendly Parks" – Unleashed Exercise Areas</p> <p>Note: Page 1, Heading - Report, paragraph 2, line 4 to be corrected to read Founders Reserve, Valley View, instead of Founders Reserve, Para Hills. 1157 Cr Irving moved in terms of the recommendation of the Committee that: Cr L Caruso seconded CARRIED</p>	<p>1. Council approves the development of 24 hour unleashed exercise "dog friendly parks" at the sites nominated at Jenkins Reserve, Baltimore Reserve and The Paddocks.</p> <p>2. Council directs that an amount of \$76,000 for the cost of these developments be included in the First Quarter Budget Review.</p> <p>3. Under Section 3 of By Law 6, Council resolves that the 3 sites of the "dog friendly parks" at Jenkins Reserve, Baltimore Reserve and The Paddocks be exempt from the provisions of Section 2 of By Law 6 from the dates of their completion.</p> <p>4. A further report be prepared for Council's December 2001 meeting, reviewing the proposed site at Dunkley Reserve and evaluating alternative sites in the area.</p> <p>5. If the Dunkley Reserve location is approved at the December 2001 meeting, then it be funded from the Sundry Projects Fund.</p>

Date and Resolution Reference	Resolution
<p>Health and General Report Item 3.3.1 20/1/4 Additional Dog Friendly Parks – Community Consultation - August 2002</p> <p>1716 Cr Irving moved in terms of the recommendation of the Committee that: Cr Kirkhope seconded CARRIED</p>	<p>1. Council approves the construction of the Dog Friendly Parks at Kingswood Crescent Reserve Paralowie and Golding Oval Reserve Para Vista in accordance with the presented designs.</p> <p>2. Council hereby resolves that upon completion of the construction of these Dog Friendly Parks that they be public places exempt from By Law 6 – Dogs.</p>
<p>Health and General Report 3.3.1 By-law 6 Exemption For New Dog Parks - July 2006 2239 Cr Pearson seconded CARRIED</p>	<p>Cr Cotton moved in terms of the recommendation of the Committee that Council exempt the following dog friendly parks from the application of By-law 6;</p> <ul style="list-style-type: none"> • Park Way Dog Friendly Park, Mawson Lakes, • Happy Home Reserve Dog Friendly Park, Salisbury North, • Canterbury Drive Reserve Dog Friendly Park, Salisbury Heights and • Unity Park Dog Friendly Park, Pooraka.
<p>Landscaping Item 2.4.1 Dog Control within Enclosed Play Spaces – July 2015 Moved Cr J Woodman Seconded Cr S Reardon CARRIED 0496/2015</p>	<p>1. The information be received.</p> <p>2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that effective from 1st of September 2015, all Local Government land comprising a fully enclosed playground is a 'Dog Free Area' for the purposes of Clause 4 of By-Law No. 5 – Dogs. For the purposes of this resolution:</p> <ul style="list-style-type: none"> • A 'playground' is an area upon which is installed equipment and/or other devices for the purpose of children's play; and • A 'fully enclosed playground' is a playground that is fully enclosed by a fence or similar structure requiring entry via a gate. <p>3. Staff install signage declaring the fully enclosed play grounds as dog free areas.</p>

Date and Resolution Reference	Resolution
	<p>4. Staff publish a notice of determination in the Government Gazette and in a local newspaper circulating in the area, and ensure copies of the determination are made available online and within Councils register of by-laws.</p> <p>5. Staff implements the by-law changes effective from 1st of September 2015, and undertake an education and information campaign through local media, online and information posters at Council facilities including main office, libraries, dog friendly parks and fully enclosed playgrounds.</p>
<p>Health, Animal Management and By-laws</p> <p>3.3.1 Dog Control options for St Kilda Adventure Play-space – December 2015</p> <p>Moved Cr C Buchanan</p> <p>Seconded Cr D Proleta</p> <p>CARRIED 0808/2015</p>	<p>1. The information be received.</p> <p>2. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that effective from 1st of February 2016, the Local Government land comprising the St Kilda Play-space as identified in the diagram in Attachment 1 to this report is a 'Dog Prohibited Area' for the purposes of Clause 10 of By-Law No. 5 – Dogs.</p> <p>3. Staff finalise signage design and arrange to install signs as required advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in Attachment 1 to this report is declared as a "Dog Prohibited Area".</p> <p>4. Staff publish a notice of determination in the Government Gazette and in a local newspaper circulating in the area, and ensure copies of the determination are made available online and within Councils register of by-laws advising that the Local Government land comprising the St Kilda Adventure Play-space as identified in the diagram in Attachment 1 to this report is a 'Dog Prohibited Area' for the purposes of Clause 10 of By-Law No. 5 – Dogs.</p> <p>5. Staff undertake an education and information campaign through local media, online, advertising in local business premises (subject to owners' approval), and at Council facilities including main office, libraries and at St Kilda Adventure play-space.</p>
<p>Motions on Notice</p> <p>Item 7.2 Salisbury United Football Club</p> <p>May 2021</p> <p>Moved Cr C Buchanan</p> <p>Seconded Cr D Proleta</p>	<p>1. That, due to the rehabilitation works currently being undertaken over the next few months on pitch numbers 1 and 2 at Burton Park, to enable temporary restrictions to be put in place for pitch number 3 to exclude the public from using the pitch for informal recreation, and to prohibit dog owners from walking their dogs on the pitch for the duration of the 2021 soccer season, the following clauses are adopted:</p> <p>a) Pursuant to clause 7 of City of Salisbury by-law 4 - Local Government Land, the sporting (soccer) pitch number</p>

Date and Resolution Reference	Resolution
<p>CARRIED 0965/2021</p> <p><i>Only effective from 24 May 2021 to 31 October 2021 inclusive.</i></p>	<p>3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is closed to public access and use for any activity other than for the authorised use of the approved lessees and their authorised personnel and club members for the practice, training, and play of soccer as per the lease agreement, and for spectators in approved areas whilst an authorised game is in play or training is being conducted. The period of restricted access shall remain in force at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>b) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community that the land is closed to public access at all times for use for any activity other than for the authorised use of the approved lessees from 24 May 2021 to 31 October 2021 inclusive.</p> <p>c) Pursuant to clause 10 of City of Salisbury by-law 5 - Dogs, sporting (soccer) pitch number 3 at the Burton Park Soccer Facility, located at Waterloo Corner Road, Burton (the land) is declared a dog prohibited area and a person must not allow a dog under that person's care and control, charge or authority (except an assistance dog) to enter or remain on the land at all times from 24 May 2021 to 31 October 2021 inclusive.</p> <p>d) Pursuant to Section 238 of the Local Government Act a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of pitch number 3 at the Burton Park Soccer Facility (the land) to notify all attendees and members of the community of the declaration that the area is a dog prohibited area at all times from 24 May 2021 to 31 October 2021 inclusive.</p>

By-law 6 Waste Management

Date and Resolution Reference	Resolution
None applicable	None applicable

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Temporary Road Closures Policy Review
AUTHOR	Dameon Roy, Manager Infrastructure Management, City Infrastructure
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The Temporary Road Closures Policy has been reviewed and the purpose of this report is to advise Elected Members that no fundamental changes to the policy have been made.

RECOMMENDATIONThat Council:

1. Adopts the newly formatted Temporary Road Closure Policy as found in Attachment 1 to this report (Governance and Compliance 15/11/2021, Item No. 3.1.3), noting that there are no changes to the policy content.

ATTACHMENTS

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

1. Temporary Road Closures Policy

1. BACKGROUND

- 1.1 A revised Temporary Road Closures Policy was presented to the Resource and Governance Committee in July 2019 with the next date for review being July 2021.
- 1.2 Staff have now reviewed the Policy.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 City Infrastructure
- 2.2 External
 - 2.2.1 Not applicable

3. REPORT

- 3.1 Staff have reviewed the Temporary Road Closures Policy and determined that no changes are required at this time, however the Policy has been converted into the new policy template format.
- 3.2 The newly formatted Temporary Road Closures Policy is attached for information and will be reviewed again by November 2023.

4. CONCLUSION / PROPOSAL

- 4.1 It is proposed that Council adopt the newly formatted Temporary Road Closures Policy and note that there are no changes to the Policy content.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Temporary Road Closures Policy

Approved by:	Council
Responsible Division:	City Infrastructure
First Issued/Approved:	24 October 2005
Last Reviewed:	November 2021
Next Review Date:	November 2023

1. Introduction/Purpose

The City of Salisbury values of Respectful, Accountable, Collaborative, Helpful underpin everything that we do and this policy recognises that there are instances where temporary road closures may become necessary as part of a special event, or significant occasion.

Temporary Road closures are implemented for the prime purpose of enhancing road safety through the control of traffic. These closures have associated with them, specific times of operation and controls. They are generally implemented via Section 33 of the *Road Traffic Act 1961* or less commonly under the *Local Government Act 1999*. However, SA Police also have delegated powers for this purpose.

Temporary Road Closures have as their major purpose and objective the enhancement of road safety and the protection of vulnerable road users. This policy sets out the criteria for approving and funding such closures.

2. Scope

This policy covers all road closures of a temporary nature, introduced for specific purposes. It does not, however, include those closures of a permanent nature that are pursued under the *Roads Opening and Closing Act 1991*. Nor does it cover temporary road closures implemented as part of local area traffic management schemes, closures as part of road works or closures implemented in emergency situations.

3. Legislative Requirements and Corporate Policy Context

3.1 Acts

Road Traffic Act 1961 – Section 33

Local Government Act 1999

Roads Opening and Closing Act 1991

3.2 References

Australia Road Rules

General Approval and Delegations issued by the Minister for Transport

4. Interpretation/Definitions

Significant community event – an event that is broadly held for the benefit of the general Community and where there is an expectation that substantial numbers of the community will participate in and/or attend.

5. Policy Statements

5.1 Council will support and fund Temporary Road Closures for the following events:

5.1.1 Charity fund raising events

An event that is held for the express purpose of raising funds for charitable purposes and does not result in profit to the organisers.

5.1.2 Religious events

Celebrations associated with specific religious festivals such as Easter and Christmas.

5.1.3 Significant community events

Each request for support and funding will be considered on its merits.

Where requests for funding are approved, Council will meet the cost of providing traffic management, parking control, advertising, administration and co-ordination.

5.2 Other requests for Temporary Road Closures, generally for private purposes, may be approved subject to the following criteria, however Council will not meet any of the associated costs:

5.2.1 These requests must be in writing to Council at least two months prior to the event to allow items to be placed before full council for approval as required by legislation;

5.2.2 The applicant guarantees to meet all costs associated with the process including traffic management and advertising; and

5.2.3 The applicant guarantees to meet any other requirements of the Council.

6. Related Policies and Procedures

Not applicable.

7. Approval and Change History

Version	Approval Date	Approval By	Change
1	October 2005	Council	New Policy
2	July 2011	Council	Review
3	July 2015	Council	Review
4	July 2018	Council	Review
5	July 2019	Council	Review
6	November 2021	Council	Formatting changes

8. Availability

8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au

8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub

34 Church Street, Salisbury SA 5108

Telephone: 84068222

Email: city@salisbury.sa.gov.au

9. Review

This Policy will be reviewed:

- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related Policies and Procedures; or
- If deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Manager, Infrastructure Management

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: city@salisbury.sa.gov.au

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Audit Committee In-Camera Session with the Auditor and Local Government Reform
AUTHOR	Brett Kahland, Team Leader Corporate Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.3 The City of Salisbury is recognised as a great place to work
SUMMARY	This report executes the decisions from Council at its meeting held on 12 October 2021 in relation to in-camera sessions of the Audit Committee with the auditor. The report seeks Council's position on the associated consultation from the Local Government Association. It also provides a recommendation on the interim process for minuting and actioning items raised during an in-camera session, whilst new Regulations are being finalised.

RECOMMENDATION

That Council:

1. Notes that the Local Government Association is currently seeking feedback on the proposed draft wording of new Regulation 17B of the *Local Government (Financial Management) Regulations 2011* on the requirement of the Council's Audit and Risk Committee to liaise with the Council Auditor in confidence on at least one occasion each year.
2. Approves to submit Council's feedback on the draft proposed wording of new Regulation 17B of the *Local Government (Financial Management) Regulations 2011* to the Local Government Association as included in Attachment 1 to this report (Governance and Compliance Committee 15/11/2021, Item 3.1.4).
3. Notes that the LGA advised that the intended application of proposed Regulation 17B of the *Local Government (Financial Management) Regulations 2011* is limited to the external auditor for the purposes of section 128 of the *Local Government Act 1999*.
4. Approves the Terms of Reference of the Audit Committee to be updated to include in-camera sessions with the external auditor, with no staff to be present, specifically noting the intent of the regulation that the in-camera session is not applicable to internal audit.
5. Approves that the minuting during in-camera sessions with the external auditor will be undertaken by the Chairman of the Audit Committee and that those minutes are to be issued to the Manager Governance or delegate after the meeting, for compliance with Regulation 25 of the *Local Government (Procedures at Meetings) Regulations 2013*.

6. Notes that pursuant to section 129 (4) and (5a) of the *Local Government Act 1999*, the Auditor will provide advice on particular matters arising from an audit to the principal member of the Council who will ensure that copies are provided to the Chief Executive Officer (CEO), which allows the CEO to take relevant action if required.
7. Notes that a further report will be presented to the Governance and Compliance Committee with further proposed amendments to the Audit Committee Terms of Reference, in context of the Local Government Reform.

ATTACHMENTS

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

1. LGA Feedback Submission Audit and Local Government Reform

1. BACKGROUND

- 1.1 At its meeting on 12 October 2021, the Audit Committee resolved to recommend to Council that *in-camera sessions with the external auditor and internal auditor are to be held without management.*
- 1.2 At its meeting on 25 October 2021, Council subsequently resolved that:
 - 1.2.1 *When in-camera sessions are held with external and internal auditors, they be held without City of Salisbury staff.*
 - 1.2.2 *In the context of the current regulatory local government reforms on this matter, that staff prepare a report outlining the process to be followed for recording and actioning items raised during these in-camera sessions, with the commencement date and timing proposed to further consider this context.*
- 1.3 Council then resolved via a further motion *that the Mayor, Deputy Mayor, Chair of the Audit Committee and the Chief Executive Officer review and recommend to Council relating to the proposed Local Government reform paper on Audit and Terms of Reference of the Audit Committee in the context of the Local Government Reform Agenda.*

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Mayor, Deputy Mayor, Cr Reynolds (Chairman Audit Committee) and Chief Executive Officer
- 2.2 External
 - 2.2.1 Local Government Association

3. REPORT

- 3.1 Amendment 81 of the *Statutes Amendment (Local Government Review) Act 2021* will substitute the term “Audit Committee” with “Audit and Risk Committee”.

- 3.2 Amendment 84 will insert a new Section 126(4) of the *Local Government Act 1999* including the following provisions:

(6) Subject to this Act, the procedure to be observed at a meeting of a council audit and risk committee will be—

(a) as prescribed by regulation; or

(b) insofar as the procedure is not prescribed by regulation—as determined by the committee.

(7) Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a council audit and risk committee.

- 3.3 An amendment to the *Local Government (Financial Management) Regulations 2011* relating to in confidence sessions of the Audit and Risk Committee with the Auditor (Regulation 17B) is currently out for consultation by the Local Government Association (LGA) with feedback to be provided to Andrew Lamb, Local Government Reform Partner, at andrew.lamb@lga.sa.gov.au by Wednesday 24 November 2021.

17B—Requirement to liaise with council auditor

For the purposes of sections 126(4)(e) and 126A(4)(e) of the Act—

- (a) a council audit and risk committee must liaise with the council's auditor by meeting with the auditor on at least 1 occasion each year on a confidential basis in circumstances where—
 - (i) a majority of the members of the committee are present; and
 - (ii) no members or employees of the council are present (other than members who are members of the committee); and

- 3.4 Proposed feedback is provided in Attachment 1.
- 3.5 The LGA advised that the intended application of proposed Regulation 17B of the *Local Government (Financial Management) Regulations 2011* is limited to the external auditor for the purposes of section 128 of the *Local Government Act 1999*. It is not intended to apply to Internal Audit.
- 3.6 Considering no employees are to be present during such in-camera sessions of the Audit Committee with the external auditor, it is proposed for the minuting during the in-camera sessions to be undertaken by the Chairman of the Audit Committee. Those minutes are to be issued to the Manager Governance or delegate, for consolidation and processing after the meeting. This process will allow compliance with Regulation 25 of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 3.7 Pursuant to section 129 (4) and (5a) of the *Local Government Act 1999*, the Auditor will provide advice on particular matters arising from an audit to the principal member of the Council, who will ensure that copies are provided to the Chief Executive Officer (CEO), which allows the CEO to take relevant action as

required. This process would allow the CEO to take relevant action, for example if deemed necessary following an in-camera session with the Auditor.

- 3.8 A further report will be presented to the Governance and Compliance Committee with additional proposed amendments to the Audit Committee Terms of Reference, as required in context of the Local Government Reform and associated LGA recommendations and guidelines.
- 3.9 As the Local Government Reform is progressing, the LGA will provide training and information sessions for Elected Members and relevant staff.

4. CONCLUSION / PROPOSAL

- 4.1 This report executes the decisions from Council at its meeting held on 12 October 2021 in relation to in-camera sessions of the Audit Committee with the auditor. The report seeks Council's position on the associated consultation from the Local Government Association. It also provides a recommendation on the interim process for minuting and actioning items raised during an in-camera session, whilst new Regulations are being finalised.

COMMENTS ON STATUS & IMPACT TO CITY OF SALISBURY COUNCIL - FEEDBACK SUBMISSION

Local Government (Financial Management) (Review) Variation Regulations 2021
(these Regulations vary the Local Government (Financial Management) Regulations 2011 (the Financial Management Regulations))

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment	COS Comments
9	New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.	<p>This regulation inserts new regulations 17A and 17B. Regulation 17A provides that regional audit and risk committees:</p> <ul style="list-style-type: none"> • must have between 3 and 5 members; and • must not include, as a member, the council's auditor. <p>Regulation 17B sets out the requirements to liaise with a council auditor as per section 126(4)(e) (council audit and risk committee) and section 126A(4)(e) (regional audit and risk committee).</p> <p>The prescribed requirements are that a meeting with the auditor occur on at least 1 occasion per year on a confidential basis, with a</p>	<p>Similar propositions apply where an audit and risk committee is established in relation to a single council.</p> <p>The LGA is unaware of any groups of councils who are contemplating establishing a regional audit and risk committee.</p> <p>A general obligation for the council audit committee to liaise with the council auditor previously existed in section 126(4)(c) of the Local Government Act. However, the changes made by sections 84(6) and 85 of the Review Act provide that liaison with the council auditor must occur in accordance with</p>	<p>The City of Salisbury seeks confirmation that the Regulation 17B applies to the external audit function only.</p> <p>The City of Salisbury understands the meaning of Council's auditor "The auditor" is set out in section 128 of the <i>Local Government Act 1999 (LG Act)</i>. Section 128 (3) requires that "The auditor must be— (a) a registered company auditor; or (b) a firm comprising at least one registered company auditor" This makes clear that the auditor must be an independent and external person, and excludes employees. The prescribed requirements under section 17B are that the Audit and Risk Committee(s) must meet with the auditor on at least 1 occasion per year on a confidential basis.</p>

		majority of the members of the committee present and no members or employees of the council present (other than members of the committee).	requirements prescribed by regulations. This regulation is supported.	<p>The internal audit function is regulated by s125A of the LG Act. Section 125A (1) states that</p> <p>“The chief executive officer of a council that has an internal audit function must, before appointing a person to be primarily responsible for the internal audit function, or assigning such responsibility to an employee of the council, consult with the relevant audit and risk committee on the appointment or assignment of responsibility.”</p> <p>On the basis of the above, the City of Salisbury's interpretation is that Regulation 17B does not apply to the internal audit function or an employee with responsibility for the internal audit function.</p> <p>Clarity is sought that this is the correct interpretation, and if so, whether there may be benefit in including advice to this effect in the LGA guidance.</p>
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Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment	COS Comments
6	<p>Section 125(1) of the Local Government Act already requires councils to ensure <i>"appropriate policies, practices and procedures of internal control are implemented and maintained"</i>.</p> <p>New section 125(2) of the Local Government Act requires these to be made in accordance with a standard or document (such as a model relating to financial controls) adopted by the Regulations.</p>	Proposed Regulation 10A identifies the document that council policies, practices and procedures of internal financial control must be in accordance with as the 'Better Practice Model—Internal Financial Control' (BPM)	<p>The BPM has been developed by council financial managers. The BPM:</p> <ul style="list-style-type: none"> • Has been specifically prepared by and for the SA local government sector. • Is scalable, ensuring its applicability for councils of different sizes and type. • Recognises the financial and legislative constraints within which the SA local government sector operates. <p>The BPM will continue to be a sector-produced document, although future changes must be approved by the Minister.</p> <p>This regulation is supported.</p>	No concern. Already BPM is implemented here at COS and tested by External Auditor as part of the EOFY certification process.

7	<p>In section 126 of the Local Government Act, reference to council 'Audit Committees' is changed to 'Audit and Risk Committees'.</p> <p>New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.</p>	<p>The Regulation changes the heading above section 17 from 'Audit committees' to 'Council and regional audit and risk committees.'</p>	<p>This change merely updates the heading and does not make a substantive change.</p>	<p>No concern.</p>
8	<p>New sections 126 and 126A of the Local Government Act provide that a majority of members of a council and regional audit and risk committee must not be members or employees of the council.</p>	<p>Reference to the audit committee in Regulation 17(1) is updated to audit and risk committee.</p> <p>Current regulation 17(1)(b) is deleted. This Regulation previously required council audit committees to have at least one member who is not a member of the council.</p> <p>Section 126(2) of the Local Government Act (rather than the Regulations) now sets out the obligation that the majority of the members of the council or regional audit and risk committee must be persons who are not council members and may not include employees of the council.</p>	<p>These changes update the Regulations, to take into account changes made to the Local Government Act.</p> <p>This regulation is supported.</p>	<p>No concern. The proposed change AC composition with majority Independent Members is already in place, so does not need any changes.</p>

Local Government (General) (Annual Reports) Variation Regulations 2021(these Regulations vary the *Local Government (General) Regulations 2013* (the General Regulations))

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment	COS Comment
6.2	Changes to section 126(2) of the Local Government Act will amend the composition of council audit and risk committees. A majority of the members of these committees must not be members of the council. They also must not be employees of the council. Collectively, the committee must have the skills specified in section 126(2)(b) of the Local Government Act.	The Transitional Provisions will authorise existing members of council audit committees to remain on the new audit and risk committee until the expiration of their current term of office, despite the new requirements of section 126(2).	Many regional councils have difficulty in recruiting independent members for their audit committees. The Transitional Provisions will give councils additional time to transition to the new requirements, including time to recruit suitable new audit and risk committee members. This regulation is supported.	No concern. Current COS Audit Committee composition is already aligned to this, as per Best Practice.
6.3	Changes to section 128(6) of the Local Government Act will require councils to change their external auditor every five years and not re-appoint any auditor for a five-year period after their previous period as auditor has expired.	The Transitional Provision provides that, if an audit firm comprises at least one registered company auditor, then the changes to section 128(6) do not commence until the end of the term of the current contract with that audit firm.	This is a sensible transitional provision which will enable councils to honour their existing commercial contracts with auditors. The new requirements will commence at the end of the current contractual term. This regulation is supported.	No concern. COS has selected a new external audit firm from 2021/2022 onwards.

ITEM	3.1.5
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Review of Elected Member Allowances, Facilities and Support Policy
AUTHOR	Joy Rowett, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	<p>This report sets out details related to Elected Member allowances and reimbursements, facilities, and support available under the <i>Local Government Act 1999</i> and provides a revised draft Elected Member Allowances, Facilities and Support Policy for consideration by Council.</p> <p>In addition, this report provides information with respect to changes to the provisions of the <i>Local Government Act 1999</i> concerning allowances for Elected Members as a result of the recent commencement in September 2021 of some provisions of the <i>Statutes Amendment (Local Government Review) Act 2021</i>.</p>

RECOMMENDATION

That Council:

1. Adopts the reviewed Elected Member Allowances, Facilities and Support Policy as contained in Attachment 2 to this report (Governance and Compliance, 15/11/2021, Item No. 3.1.5)

ATTACHMENTS

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

1. LG Reform - Information Sheet - Elected Member Allowances
2. Reviewed Elected Member Allowances Facilities and Support Policy

1. BACKGROUND

- 1.1 Part 5 of the *Local Government Act 1999* (the Act) deals with the provision of Allowances and Benefits to members of a Council, including reimbursement of expenses and the provision of facilities and support.
- 1.2 Section 77 (1) of the Act also allows for the development of a policy by Council to approve reimbursement of expenses and notes that any policy developed under this section lapses at a general election of the council.
- 1.3 As the Elected Member Allowances, Facilities and Support Policy was last reviewed by Council at its meeting in November 2020, it has now been reviewed

and updated in line with the information provided by the Local Government Association concerning the changes to the relevant provisions of the Act as a result of commencement in September 2021 of some provisions of the *Statutes Amendment (Local Government Review) Act 2021*.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Manager Governance

2.2 External

2.2.1 Local Government Association

3. REPORT

3.1 The Elected Member Allowances, Facilities and Support Policy was last reviewed by Council at its meeting in November 2020.

3.2 Commencement of relevant provisions in the *Statutes Amendment (Local Government Review) Act 2021 in September 2021* has impacted on the provisions concerning allowances for council members. An information sheet released by the Local Government Association relating to elected member allowances is attached to this report for information (Attachment 1).

Elected Member Allowances

3.3 Section 39 of the *Statutes Amendment (Local Government Review) Act 2021* makes a number of changes to section 76 of the Act which relates to the determination and adjustment of council member allowances, the matters to be considered by the Remuneration Tribunal SA (RTSA) in determining those allowances and the recovery of costs associated with the RTSA determination process.

Ratio of members to ratepayers

3.4 A new subsection (3)(ba) has been inserted which requires the RTSA to have regard to the ratio of members to ratepayers when determining council member allowances. This factor will now be considered, along with:

3.4.1 The role of members as members of the governing body and representatives of their area;

3.4.2 The size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;

3.4.3 The fact that an allowance is not intended to amount to a salary;

3.4.4 The fact that an allowance should reflect the nature of a member's office; and

3.4.5 The provisions of the Local Government Act providing for reimbursement of expenses

Annual adjustment of allowances

3.5 The amendment also removes reference to the scheme prescribed by regulations that has, to date, dealt with the annual adjustment of council member allowances. Council member allowances will now be adjusted on the first, second and third anniversaries of the periodic election to reflect changes in the Consumer Price

Index (All groups index for Adelaide) as published by the Australia Bureau of Statistics.

- 3.6 A consequential amendment has also been made to the *Local Government (Members Allowances and Benefits) Regulations 2010* to delete regulation 4(2), which had previously set out the scheme to be used to calculate the annual allowance adjustment.

November 2021 Adjustment

- 3.7 Council member allowances were due for adjustment on 9 November 2021, being the third anniversary of the November 2018 periodic election.
- 3.8 Given the removal of the scheme prescribed by regulations, allowances must be adjusted to reflect changes in the Consumer Price Index on 9 November 2021 rather than by reference to the previous scheme set out in the regulations.
- 3.9 The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index (All groups index for Adelaide), as at 9 November 2021. It is envisaged that this will be the annual figure published by the Australian Bureau of Statistics for the September 2021 quarter.
- 3.10 The LGA provided adjusted allowance amounts for use by councils prior to 9 November 2021.

Future Adjustments

- 3.11 On the first, second and third anniversaries of the November 2022 election, council member allowances must be adjusted to reflect the annual change in the Consumer Price Index (All groups index for Adelaide).
- 3.12 The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).
- 3.13 By way of example, for the adjustment to be made on the first anniversary of the November 2022 election, if the Consumer Price Index (All groups index for Adelaide) September 2022 quarter is 2.5%, then the allowance payable to members from the date of adjustment will be:
- 3.13.1 the initial allowance amount determined by the RTSA, multiplied by 2.5%; plus
 - 3.13.2 the initial allowance amount.
- 3.14 Adjustments for the second and third anniversaries will be:
- 3.14.1 the allowance amount payable immediately prior to the adjustment anniversary, multiplied by the relevant Consumer Price Index (All groups index for Adelaide) September quarter percentage value; plus
 - 3.14.2 the allowance amount paid immediately prior to the adjustment anniversary.
- 3.15 The LGA will continue to provide adjusted allowance amounts for use by councils prior to the relevant adjustment dates.

Costs of the Remuneration Tribunal SA

- 3.16 The final amendment to section 76 relates to recovery of costs of the RTSA in making council member allowance determinations. The role of the Minister in determining any arrangement for cost recovery has been removed, with that role now sitting with the President of the RTSA after consultation with the LGA.
- 3.17 In addition, subsection (13a) has been inserted which specifically provides for the recovery of costs for RTSA determinations from councils by the LGA.

Provision of Facilities and Support

- 3.18 Section 78 of the *Local Government Act 1999* (the Act) allows for the provision of facilities and support to elected members to “*assist the members in performing or discharging official functions and duties*”.
- 3.19 Section 78(2) of the Act states that the provision of facilities and services is at the discretion of the council subject to complying with the following requirements:
- “(a) *The council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;*
 - (b) *Facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);*
 - (c) *Any property provided to a member remains the council’s.*”
- 3.20 Section 78(3) specifies:
- “*A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).*”
- 3.21 Historically, Council has adopted the Elected Members Allowances, Facilities and Support Policy that specifies elected members allowances, expenses eligible for reimbursement and other facilities and support available to elected members. This has included the provision of a laptop computer and/or an iPad, printer, reimbursement (capped) for broadband internet connection that is privately provided by the Elected Member and various stationery items.
- 3.22 Text highlighted in yellow on the attachment (clause 4. of Schedule 2 and all of Schedule 3) are at Council’s discretion and can be modified if required.
- 3.23 Any facilities/support accessed under the Elected Members Allowances, Facilities and Support Policy will be recorded in the Allowances and Benefits Register, in accordance with the requirements of s.79 of the Act.
- 3.24 The Policy has now been revised and updated in line with the latest advice with respect to adjustment of council member allowances as advised by the Local Government Association and is attached to this report (Attachment 2).

4. CONCLUSION / PROPOSAL

- 4.1 Elected Members are asked to consider the attached draft Elected Members Allowances, Facilities and Support Policy and determine if any changes are required, noting the changes to the allowances paid to Elected Members as a result

of commencement of relevant provisions in the *Statutes Amendment (Local Government Review) Act 2021*.

Section 76 – Allowances

This information sheet relates to the commencement of section 39 of the Statutes Amendment (Local Government Review) Act 2021, amending section 76 of the Local Government Act 1999.

Based on information currently available, and consistent with previous advice from the Minister for Local Government, the changes will commence on proclamation which is anticipated to be in September 2021.

1. Background

Section 39 of the *Statutes Amendment (Local Government Review) Act 2021* makes a number of changes to section 76 of the *Local Government Act 1999* (the *Local Government Act*) which relates to the determination and adjustment of council member allowances, the matters to be considered by the Remuneration Tribunal SA (RTSA) in determining those allowances and the recovery of costs associated with the RTSA determination process.

2. Ratio of members to ratepayers

A new subsection (3)(ba) has been inserted which requires the RTSA to have regard to the ratio of members to ratepayers when determining council member allowances. This factor will now be considered, along with:

- The role of members as members of the governing body and representatives of their area;
- The size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
- The fact that an allowance is not intended to amount to a salary;
- The fact that an allowance should reflect the nature of a member's office; and
- The provisions of the *Local Government Act* providing for reimbursement of expenses

3. Annual adjustment of allowances

The amendment also removes reference to the scheme prescribed by regulations that has, to date, dealt with the annual adjustment of council member allowances. Council member allowances will now be adjusted on the first, second and third anniversaries of the periodic election to reflect changes in the Consumer Price Index (All groups index for Adelaide) as published by the Australia Bureau of Statistics.

A consequential amendment has also been made to the *Local Government (Members Allowances and Benefits) Regulations 2010* to delete regulation 4(2), which had previously set out the scheme to be used to calculate the annual allowance adjustment.

November 2021 Adjustment

Council member allowances are due for adjustment on 9 November 2021, being the third anniversary of the November 2018 periodic election.

Given the removal of the scheme prescribed by regulations, allowances must be adjusted to reflect changes in the Consumer Price Index on 9 November 2021 rather than by reference to the previous scheme set out in the regulations.

For further information contact the Governance Team

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The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index (All groups index for Adelaide), as at 9 November 2021. It is envisaged that this will be the annual figure published by the Australian Bureau of Statistics for the September 2021 quarter.

By way of example, if the Consumer Price Index (All groups index for Adelaide) for the September 2021 quarter is 2.5%, then the allowance payable to members from 9 November 2021 will be:

- The allowance amount payable immediately prior to 9 November, multiplied by 2.5%; plus
- the allowance amount paid immediately prior to 9 November.

Example calculation: Group 2 Council

Adjusted Allowance from 9 November 2020	\$18,100
CPI (All groups index for Adelaide) Sept 2021 quarter	2.5%
Allowance increase amount	\$452.50
Adjusted Allowance payable	\$18,552.50

The LGA will provide adjusted allowance amounts for use by councils prior to 9 November 2021.

Future Adjustments

On the first, second and third anniversaries of the November 2022 election, council member allowances must be adjusted to reflect the annual change in the Consumer Price Index (All groups index for Adelaide).

The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).

By way of example, for the adjustment to be made on the first anniversary of the November 2022 election, if the Consumer Price Index (All groups index for Adelaide) September 2022 quarter is 2.5%, then the allowance payable to members from the date of adjustment will be:

- the initial allowance amount determined by the RTSA, multiplied by 2.5%; plus
- the initial allowance amount.

Adjustments for the second and third anniversaries will be:

- the allowance amount payable immediately prior to the adjustment anniversary, multiplied by the relevant Consumer Price Index (All groups index for Adelaide) September quarter percentage value; plus
- the allowance amount paid immediately prior to the adjustment anniversary.

The LGA will continue to provide adjusted allowance amounts for use by councils prior to the relevant adjustment dates.

4. Costs of the Remuneration Tribunal SA

The final amendment to section 76 relates to recovery of costs of the RTSA in making council member allowance determinations. The role of the Minister in determining any arrangement for cost recovery has been removed, with that role now sitting with the President of the RTSA after consultation with the LGA.

In addition, subsection (13a) has been inserted which specifically provides for the recovery of costs for RTSA determinations from councils by the LGA.

For further information contact the Governance Team

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5. Extract of section 76

76—Allowances

- (1) Subject to this **section Act**, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.
- (2) The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.
- (3) The Remuneration Tribunal must, in making a determination under this section, have regard to the following:
 - (a) the role of members of council as members of the council's governing body and as representatives of their area;
 - (b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
 - (ba) the ratio of members to ratepayers;**
 - (c) the fact that an allowance under this section is not intended to amount to a salary for a member;
 - (d) the fact that an allowance under this section should reflect the nature of a member's office;
 - (e) the provisions of this Act providing for the reimbursement of expenses of members.
- (4) For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of **remuneration** in the *Remuneration Act 1990*.
- (5) Without limiting section 10 of the *Remuneration Act 1990*, the Remuneration Tribunal must—
 - (a) allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and
 - (b) allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.
- (6) Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).
- (7) The rates of allowances may vary from office to office, and from council to council.
- (8) An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—
 - (a) commencing on the conclusion of the relevant periodic election; and

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- (b) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the *Local Government (Elections) Act 1999* (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).
- (9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ~~under a scheme prescribed by the regulations.~~
- (10) Sections 17 and 19 of the *Remuneration Act 1990* do not apply in relation to a determination under this section.
- (11) Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.
- (12) An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).
- (13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by ~~the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal~~ President of the Tribunal after consultation with the LGA.
- (13a) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.
- (14) Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.
- (15) In this section—
Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;
designated day, in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse, for the guidance of and use by member councils. **Last Updated: 08/09/2021**

For further information contact the Governance Team

148 Frome Street Adelaide SA 5000 | governance@lga.sa.gov.au | 08 8224 2000 | lga.sa.gov.au

ECM 765242



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Elected Member Allowances, Facilities and Support Policy

Adopted by:	Council
Responsible Division:	CEO & Governance
First Issued/Adopted:	
Last Reviewed:	November 2021
Next Review Date:	November 2022

1. Introduction/Purpose

- 1.1 The City of Salisbury seeks to ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with the *Local Government Act 1999*, ~~Remuneration Tribunal Determination No. 6 of 2018: Members of Local Government Councils~~ and the *Local Government (Members Allowances and Benefits) Regulations 2010*.
- 1.2 Allowances, reimbursements, facilities and support are provided to Elected Members to enable them to effectively perform or discharge official functions and duties.
- 1.3 This policy sets out:
 - Elected Member allowances;
 - the expenses that may be reimbursed to Elected Members, as provided for within the *Local Government (Members Allowances and Benefits) Regulations 2010*; and
 - facilities and other support available to all Elected Members as determined by Council.

2. Scope

This Policy applies to all Elected Members.

3. Legislative Requirements and Corporate Policy Context

3.1 *Local Government Act 1999*, sections 76, 77 and 78

3.2 *Local Government (Members Allowances and Benefits) Regulations 2010*

4. Interpretation/Definitions

4.1 **Eligible journey** – means a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting.

4.2 **Prescribed meeting** – in relation to a member of a council, means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

4.3 **Prescribed reimbursements** – are those reimbursements provided for within Section 77 of the *Local Government Act 1999* (and supporting Regulations).

4.4 **Facilities and support** – facilities and other forms of support made available to Elected Members in accordance with Section 78 of the *Local Government Act 1999*.

5. Policy Statements

5.1 Elected Members shall be provided with reimbursements, facilities or support that are necessary or expedient to the performance or discharge of official functions or duties.

5.2 In support of this philosophy Elected Members are provided with a range of reimbursements, facilities and support on the following basis:

- All facilities and support are made available to Elected Members on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
- Any property provided to an Elected Member in accordance with this policy remains the property of Council.
- Reimbursements will be restricted to *prescribed reimbursements* (travel and child **or dependent** care related) unless otherwise approved within this Policy or specifically approved by way of Council resolution.
- All reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred. Requests for reimbursement must be received within the financial year relevant to the expense incurred and must include full details of the nature of the expense, be supported by evidence of the expense and accompanied by the relevant request for reimbursement form.

5.3 Section 77(1)(b) of the *Local Government Act* allows for the provision of further reimbursement of expenses, subject to the approval of council.

Schedule 2 of this Policy provides full details relating to reimbursements that may be made to Elected Members.

- 5.4 As required by section 79 of the *Local Government Act 1999*, the Chief Executive Officer will ensure a record of the allowances paid, expenses reimbursed or any other benefits paid or provided to a member is maintained (Register of Allowances and Benefits).
- 5.5 Elected Member Allowances are ~~prescribed~~ determined by the Remuneration Tribunal SA and will be adjusted ~~in accordance with that Determination~~ on an annual basis.
- 5.6 Elected Member reimbursements, facilities and support, as detailed in Schedule 2 and 3 attached to this Policy, will be reviewed annually.

6. Related Procedures

- 6.1 Register of Elected Members Allowances and Benefits - *City of Salisbury*
 6.2 Reimbursement Form - *City of Salisbury*

7. References

- 7.1 Schedule 1 – Elected Member Allowances
 7.2 Schedule 2 – Approved Reimbursements
 7.3 Schedule 3 – Additional Facilities and Support

78. Approval and Change History

Version	Approval Date	Approval By	Change
7	22/11/2021	Council	

89. Availability

- 89.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au
- 89.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
 34 Church Street, Salisbury SA 5108
 Telephone: 84068222
 Email: city@salisbury.sa.gov.au

910. Review

Elected Member reimbursements, facilities and support, as detailed in Schedule 2 and 3 attached to this Policy, will be reviewed annually.

Further Information

For further information on this Policy please contact:

Responsible Officer: Manager Governance

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: city@salisbury.sa.gov.au

Schedule 1 – Elected Member Allowances

1. The Local Government Act 1999 and Local Government (Members Allowances and Benefits) Regulations 2010 provide that an Elected Member shall be entitled to receive an allowance ~~determined by the Remuneration Tribunal~~ in relation to the member's office.
 2. Section 39 of the Statutes Amendment (Local Government Review) Act 2021 made a number of changes to section 76 of the Local Government Act 1999 (the Local Government Act) which relates to the determination and adjustment of council member allowances and the matters to be considered by the Remuneration Tribunal SA (RTSA) in determining those allowances.
 3. RTSA will have regard to the ratio of members to ratepayers when determining council member allowances. This factor will now be considered, along with:
 - 3.1. The role of members as members of the governing body and representatives of their area;
 - 3.2. The size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
 - 3.3. The fact that an allowance is not intended to amount to a salary;
 - 3.4. The fact that an allowance should reflect the nature of a member's office; and
 - 3.5. The provisions of the Local Government Act providing for reimbursement of expenses
 4. ~~Elected Member Allowances are determined by the Remuneration Tribunal and set out in Determination No. 6 of 2018: Members of Local Government Councils. The accompanying Report of the Remuneration Tribunal to Determination No. 6 of 2018 states that "the nature of the Determination made by the Tribunal is to create an entitlement for members of Councils to be paid what is described as an allowance, in the nature of a fee, as defined by the Remuneration Act 1990 . . . for counsel or advice provided in relation to the decisions and actions of Councils in the performance of their statutory responsibilities, including a representative function within that decisions making process".~~
Council member allowances will be adjusted on the first, second and third anniversaries of the periodic election to reflect changes in the Consumer Price Index (All groups index for Adelaide) as published by the Australia Bureau of Statistics.
- November 2021 Adjustment**
5. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index (All groups index for Adelaide), as at 9 November 2021. It is envisaged that this will be the annual figure published by the Australian Bureau of Statistics for the September 2021 quarter.
Example: If the Consumer Price Index (All groups index for Adelaide) for the September 2021 quarter is 2.5%, then the allowance payable to members from 9 November 2021 will be:
 - 5.1. The allowance amount payable immediately prior to 9 November, multiplied by 2.5%;
 - 5.2. plus
 - 5.2. the allowance amount paid immediately prior to 9 November.
- Future Adjustments**
6. On the first, second and third anniversaries of the November 2022 election, council member allowances must be adjusted to reflect the annual change in the Consumer Price Index (All groups index for Adelaide).
 7. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which

will likely be the most recent relevant September quarter figure).

Example: For the adjustment to be made on the first anniversary of the November 2022 election, if the Consumer Price Index (All groups index for Adelaide) September 2022 quarter is 2.5%, then the allowance payable to members from the date of adjustment will be:

- the initial allowance amount determined by the RTSA, multiplied by 2.5%; plus
- the initial allowance amount.

8. Adjustments for the second and third anniversaries will be:

- the allowance amount payable immediately prior to the adjustment anniversary, multiplied by the relevant Consumer Price Index (All groups index for Adelaide) September quarter percentage value; plus
- the allowance amount paid immediately prior to the adjustment anniversary.
- The LGA will provide adjusted allowance amounts for use by councils prior to the relevant adjustment dates.

2.9. In summary, this Determination provides the following allowances for City of Salisbury Elected Members will apply as follows:

Councillor:	\$25,083 per annum (effective November 2020/2021)
Mayor:	\$100,332 per annum (effective November 2020/2021)
Deputy Mayor:	\$31,353.75 per annum (effective November 2019/2021)
Chairman of Standing Committees	\$31,353.75 per annum (effective November 2020/2021)
Sitting fee payable to a Councillor (other than the principal member or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, such as a sub-committee.	\$248 per meeting limited to an aggregate amount of \$1,483 per annum (effective November 2020/2021)

2. The allowances prescribed in Determination No. 6 of 2018 are operative for all council members from the first ordinary meeting of the Council held after the conclusion of the 2018 Local Government elections.

3. In accordance with section 76(9) and 76(15) of the Local Government Act, allowances set out in Determination No. 6 of 2018: Allowances for Members of Local Government Councils will be adjusted annually on the first, second and third anniversary of the 2018 local government election to reflect changes in the Consumer Price Index, where the Consumer Price Index is defined as the "Consumer Price Index (All groups index for Adelaide)" published by the Australian Bureau of Statistics" (section 76(15) Local Government Act 1999).

Schedule 2 - Reimbursement of Expenses

1. In accordance with the requirements of section 77 of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010* the kinds of expenses for which an Elected Members will be reimbursed are as follows:
 - a) Travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if –
 - (i) The journey is an eligible journey; and
 - (ii) The journey is by the shortest or most practicable route;
 - b) Expenses for the care of –
 - (i) A child of the member; or
 - (ii) A dependant of the member requiring full time care
 actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.
2. In relation to reimbursement of travelling expenses:
 - a) If an eligible journey relates to travel between a place within the area of the council and a place outside the area of the council (in either direction) the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council (unless the travel relates to an activity specified in clause 4 below).
 - b) The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculated deductions for car expenses as detailed on the Australian Taxation Office website.
 - c) Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred", but is limited to 'eligible journeys' as defined in this Policy.
3. In relation to reimbursement of care expenses:
 - a) A member of council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.
4. Council has also determined that reimbursement will be available for travel expenses for the following meetings (both within and outside the Council area) and care costs associated with attendance at the following meetings (subject to the limitations set out in clause 2 above):
 - Sub Committee meetings
 - ~~Informal Strategy CEO Briefing/Workshop sessions~~
 - Working Groups supported by Council
 - Council Representative to Greater Adelaide Regional Organisation of Councils meetings
 - Local Government Association Ordinary and Annual General Meetings
 - Local Government Association Board of Directors (where/when the City of Salisbury has membership – may include accommodation costs for regional meetings) Regional Subsidiary meetings when a member is appointed by Council
 - Annual Christmas Dinner
 - Civic receptions
 - External Committees where an Elected Member is appointed by Council

- Activities where an Elected Member is representing the Mayor on behalf of Council
- Conferences and Training

5. As provided under section 77(1)(b) of the *Local Government Act 1999*, reimbursement of travel expenses associated with attendance at meetings that are not included in the above list may be approved by Council on a case by case basis.

Schedule 3 – Additional Facilities and Support

1. To facilitate the performance and discharge of official functions and duties Council has specifically resolved that the provision of the following facilities and services is necessary or expedient to the performance or discharge of official functions and duties. These facilities and services are therefore provided to Elected Members to assist in performing or discharging official functions and duties:
 - A suitable laptop or desktop computer
 - Tablet (eg Apple iPad)
 - A suitable multifunction device (printer, scanner and fax) with up to 16 sets of printer cartridges per Council term.
 - As a broadband connection is not provided by Council, reimbursement **will be made** to the value of \$60 per month for a broadband internet connection that is privately provided by the Elected Member.
 - Up to four (4) reams of paper per annum.
 - Envelopes – up to 1500 per Elected Member per annum.
 - Business cards – up to 500 per Elected Member per annum.
 - With Compliments Slips - up to 500 per Elected Member per annum.
2. Where quantities of items are provided on a “per annum” basis these amounts apply for a financial year period (that is, from 1 July until 30 June). During an election year, a pro-rata quantity is determined leading up to and after the conclusion of the election.
3. In addition to the additional facilities and support provided to Elected Members, Council has resolved to make available to the Mayor the following facilities and support to assist in the performance of the Mayor’s official functions and duties:
 - Fully maintained motor vehicle
 - A mobile phone and hands free car kit
 - Office space
 - Access to a Personal Assistant

ITEM	3.1.6
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Review of Code of Practice for Meeting Procedures
AUTHOR	Joy Rowett, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report provides information with respect to recent amendments to legislation governing the Procedures of Meetings of Council and its Committees and presents the reviewed City of Salisbury Code of Practice for Meeting Procedures for adoption by Council, noting that support of at least two-thirds of the members of the council entitled to vote on the resolution is required.

RECOMMENDATIONThat Council:

1. Adopts the reviewed City of Salisbury Code of Practice for Meeting Procedures as contained in Attachment 1 to this report (Governance and Compliance 15/11/2021, Item No. 3.1.6)

ATTACHMENTS

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

1. Reviewed Code of Practice for Meeting Procedures

1. BACKGROUND

- 1.1 The commencement in November 2021 of some provisions of the *Statutes Amendment (Local Government Review) Act 2021* and the *Local Government (Procedures at Meetings) (Review) Variation Regulations 2021* has impacted on the provisions concerning procedures of meetings of Council and its Committees.
- 1.2 As a result, the Code of Practice for Meeting Procedures has been reviewed and is presented to Council for adoption

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 CEO and Manager Governance
- 2.2 External
 - 2.2.1 Local Government Association

3. REPORT

- 3.1 Commencement of relevant provisions in the *Statutes Amendment (Local Government Review) Act 2021* and the commencement of the *Local Government (Procedures at Meetings) (Review) Variation Regulations 2021* on 10 November 2021 has impacted on the provisions concerning procedures of meetings of Council and its Committees, including the following amendments:

3.1.1 The period for an Elected Member to ask a Question on Notice by giving the Chief Executive Officer written notice of the question has been increased from five (5) clear days to seven (7) clear days. The notice period for written questions submitted for Public Question Time has also been amended to correspond.

3.1.2 The period for an Elected Member to submit a Motion on Notice to the Chief Executive Officer has been increased from five (5) clear days to seven (7) clear days.

- 3.2 Also included in the amendments to the Code of Practice for Meeting Procedures is the recent amendment to the *Local Government Act 1999* with respect to the definition of prescribed member for the purposes of calculation of a quorum, as follows:

Section 85 – Quorum

(2) *For the purposes of the definition of **prescribed number** –*

- (a) *a member of a council who is suspended from the office of member of the council; and*
- (b) *a member of a council who is taken to have been granted leave of absence from the office of member of the council under section 55A,*

is not to be counted in the total number of members of the council.

- 3.3 In addition, the following resolution of Council at its September 2021 meeting regarding audio recording of meetings has also been included:

MON1 – Motion on Notice: Audio Recording

That Council:

- *commences necessary preparations to implement quality audio recording of all public meetings, and publish the recording of the public Council meeting on the Council website within 48 hours after the Council meeting and retain it on the website for a period of 3 months, after which it will be removed from the website*

- 3.4 A discretionary clause has also been added to formalise that a Member may move a Further Motion relevant to the matter considered immediately before making the Further Motion. This Further Motion is a Motion Without Notice as per Regulation 12(5), related to the preceding item of business on the meeting agenda.

- 3.5 To align with existing practice, amendments have also been made to the discretionary clauses relating to remote participation allowing for Committee members to attend via telephone or electronic means and the conditions associated with remote participation, including:

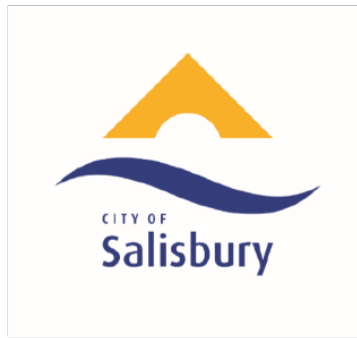
“Committee Members participating by telephone or electronic means shall be located within a quiet environment to ensure they are able to hear and be heard clearly and in a confidential environment with no other persons present when confidential items are considered by the Committee.”

- 3.6 It should be noted that Regulation 6(3) of the *Local Government (Procedures at Meetings) Regulations 2013* provides that:

“A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.”

4. CONCLUSION / PROPOSAL

- 4.1 Commencement of relevant provisions in the *Statutes Amendment (Local Government Review) Act 2021* and the commencement of the *Local Government (Procedures at Meetings) (Review) Variation Regulations 2021* has impacted on the provisions concerning procedures of meetings of Council and its Committees.
- 4.2 Council’s Code of Practice for Meeting Procedures has been reviewed in line with recent legislative changes together with a recent resolution of Council and minor editorial changes and is presented to Council for endorsement, noting that support of at least two-thirds of the members of the council entitled to vote on the resolution is required.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Code of Practice for Meeting Procedures

In accordance with regulation 7 of the
Local Government (Procedures at Meetings) Regulations 2013

Adopted by Council 23 April 2018

*Amendment to Conclusion of Deliberations of Council and its
Committees and Sub Committees – 26 November 2018 (Refer S.MCT -
Page 19)*

*Amendment to Remote Participation in Committee and Council Meetings
– 1 April 2020 (Resolution No. 0488/2020) (Refer S.RP – Page 9)*

*Amended in accordance with the Local Government (Procedures at
Meetings) (Review) Variation Regulations 2021 and Council Resolution
1110/2021 – Audio Recordings*

22 November 2021 (Resolution No. xxx/2021)



Introduction

The City of Salisbury is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provide that meetings of the Council or a Council Committee will be conducted according to the procedures:

- Prescribed by regulation; and
- In relation to Council meetings, insofar as the procedure is not prescribed by the regulations – as determined by the Council; and
- In relation to Committee meetings, insofar as the procedure is not prescribed by the regulations, or determined by the Council – as determined by the Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

- The meetings of the Council;
- The meetings of a Council Committee performing regulatory activities; and
- The meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

These Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that varies certain of these provisions.

This document is the City of Salisbury Code of Practice for Meeting Procedures.

Procedures adopted by Council that are variations of the Regulations, or concern matters on which the Act and Regulations are silent, have been inserted (in boxes, italics and bold ***like this***) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the regulations. Further, the terms "regulation" and "sub regulation" appearing in the Regulations have been substituted with "clause" and "sub-clause" respectively for the purposes of this Code of Practice.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of the City of Salisbury.

As required under the legislation, this Code of Practice is reviewed annually. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.



CITY OF SALISBURY CODE OF PRACTICE FOR MEETING PROCEDURES

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PART 1 – PRELIMINARY

1. CITATION

- (1) *These procedures may be cited as the "City of Salisbury – Code of Practice for Meeting Procedures."*

2. COMMENCEMENT

- (1) *These procedures were approved by the City of Salisbury Council on 22 November 2021.*

3. INTERPRETATION

- (1) In these procedures, unless the contrary intention appears:

- (a) "Act" means the Local Government Act 1999;
- (b) "clear days" see sub-clauses (2) and (3);
- (c) "deputation" means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;
- (d) "formal motion" means a motion
 - (i) that the meeting proceed to the next business; or
 - (ii) that the question be put; or
 - (iii) that the question lie on the table; or
 - (iv) that the question be adjourned; or
 - (v) that the meeting be adjourned¹;

¹ See Clause 12 for specific provisions about formal motions.

- (e) "Guiding Principles" see Clause 4;
- (f) "member" means a member of the council or council committee (as the case may be);
- (g) "point of order" means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting;
- (h) "presiding member" means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;
- (i) "written notice" includes a notice given in a manner or form determined by the Council *which includes either legibly hand written or typed and either in paper or electronic form.*

- (2) In the calculation of "clear days" in relation to the giving of notice before a meeting:

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of "clear days" under clause 3 (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.



- (4) For the purposes of these procedures, a vote on whether ***leave of the meeting*** is granted may be conducted by a show of hands (but nothing in this clause prevents a division from being called in relation to the vote).

4. GUIDING PRINCIPLES

- (1) The following principles (the "**Guiding Principles**") should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:
- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
 - (b) procedures should encourage appropriate community participation in the affairs of the council;
 - (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 - PRELIMINARY

5. APPLICATION OF PART

- (1) The provisions of this Part apply to, or in relation to
- (a) the meetings of the Council;
 - (b) the meetings of a council committee performing regulatory activities;
 - (c) ***the meetings of:***
 - (i) ***the Policy and Planning Committee;***
 - (ii) ***the Urban Services Committee;***
 - (iii) ***the Governance and Compliance Committee;***
 - (iv) ***the Finance and Corporate Services Committee;***
 - (v) ***the Community Wellbeing and Sport Committee; and***
 - (vi) ***Innovation and Business Development Committee***
 - (vi)(vii) ***any other Committee, that the Council resolves is a Standing Committee;***
 - (d) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

(S.2) where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

6. DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a

council may, by a resolution supported by at least two-thirds of the members of the council as a whole, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

- (2) A council should, at least once in every financial year, review the operation of a code of practice under this clause.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council as a whole, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this clause at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of clause 20.

DIVISION 2 - PRESCRIBED PROCEDURES

7. COMMENCEMENT OF MEETINGS AND QUORUMS

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the Chief Executive Officer must:
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.



S.RP REMOTE PARTICIPATION IN COMMITTEE AND COUNCIL MEETINGS

- (1) A Committee Member may attend Committee meetings by telephone or electronic means ~~be considered as being present at a Committee Meeting despite not being physically present at the meeting,~~ subject to the following conditions:
- ~~(a) Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and confirmed to the Chief Executive Officer not less than 3 working days prior to the scheduled commencement time for the meeting, and;~~
 - ~~(b) The Chief Executive Officer has confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Member's participation in the meeting and compliance with the Act, and;~~
 - ~~(c) A Committee Member participating by such means being for up to two consecutive meetings of the Committee, and;~~
 - ~~(da) All Committee Members being able to hear other Committee Members whilst a Committee Member is participating by telephone or other electronic means, and;~~
 - (b) Committee Members participating by telephone or electronic means shall be located within a quiet environment to ensure they are able to hear and be heard clearly and in a confidential environment with no other persons present when confidential items are considered by the Committee.
 - ~~(ec) The Committee Members that is~~ participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
 - ~~(fd) The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;~~
 - ~~(ge) Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;~~
 - ~~(hf) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.~~
- (2) This Code of Practice for Meeting Procedures is amended to enable Elected Members to attend meetings of Council by electronic means, in accordance with the Electronic Participation in Council Meetings Notice 2020 (SA Government Gazette, 31 March 2020) issued by the Minister for Local Government. (Resolution No 0488/2020, Council, 1 April 2020)

8. MINUTES

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will:
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include:
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection_(2) of section_90 of the Act (see subsection_(7) of that section); and
 - (i) a note of the making of an order under subsection_(7) of section_91 of the Act in accordance with the requirements of subsection_(9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and
 - (m) a subject description of any oral briefing given to the meeting on a matter of Council business; and
 - (k) any other matter required to be included in the minutes by or under the Act or any Regulation.

S.MP MEETING PROTOCOL

- (1) *The Chief Executive Officer/appropriate General Manager will sit either side of the Presiding Member of Standing Committees.*



- (2) *If the time required to consider the business on the agenda extends beyond two (2) hours a five (5) minute break will be provided to members and staff present.***

9. QUESTIONS

- (1) A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five **seven (7)** clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
 - (a) the Chief Executive Officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The **Presiding Member** may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The **Presiding Member** may rule that a question with or without notice not be answered if the **Presiding Member** considers that the question is vague, irrelevant, insulting or improper.

S.PQT PUBLIC QUESTION TIME

- (1) *A period of 30 minutes will be made available at the commencement of each ordinary Council Meeting to provide an opportunity for members of the public to ask questions of the Council.*
- (2) *A maximum time of ten (10) minutes per representative will apply. The **Presiding Member** may allow for an extension of time if appropriate.*
- (3) *People wishing to ask questions are encouraged to advise the Chief Executive Officer of the nature of their question in writing at least **seven (7)** working days prior to the meeting, to enable the question/s and answer/s to be included in the publicly available agenda for the Council meeting.*
- (4) *Should notice of the question/s be advised to the Chief Executive Officer less than ~~five (5)~~ **seven (7)** working days prior to the meeting, staff will make the best possible effort to provide an answer at the meeting, which the **Presiding Member** will read out.*
- (5) *If there has been insufficient notice given to allow the **Presiding Member** to give an answer to the question at the meeting, the question will be taken on notice and an answer given in the Agenda for the next meeting of Council.*
- (6) *Questions without notice may be asked by members of the public, however the **Presiding Member** will give priority to those who have given prior notice of their intention to ask a question.*
- (7) *The **Presiding Member** will provide an answer to the question asked and the answer will be recorded in the minutes. Where the question was:*

- (a) asked with notice, a written copy of the answers will be provided to the person who asked the question following the giving of the answer.
 - (b) asked without notice, a copy of the written response will be forwarded to the person who asked the question within three working days.
 - (c) taken on notice, **the question and** an answer to the question will be entered into the Agenda and minutes of the next ordinary Council Meeting and a copy of the answer will be provided directly to the person who asked the question.
- (8) The **Presiding Member** may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:
- (a) is unlawful in any way;
 - (b) contains defamatory remarks, offensive or improper language;
 - (c) questions the competency of Council staff or Councillors;
 - (d) relates to the personal affairs or actions of Council staff or Councillors;
- (e) relates to confidential matters, legal advice or actual or possible legal proceedings;
 - (f) is, in the reasonable opinion on the **Presiding Member**, proffered to advance a particular point of view, rather than to make a genuine inquiry;
 - (g) is vague in nature, or irrelevant to Council;
 - (h) is not related to Council activities; or
 - (i) is a question that has been substantially asked and answered at a previous Council meeting.
- (9) No debate is permitted on either the question or the answer.

10. PETITIONS

- (1) A petition to the council must:
- (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners;
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (c) be addressed to the **Council** and delivered to the principal office of the **Council**.

- (2) If a petition is received under sub-clause (1), the Chief Executive Officer must ensure that **a summary of the petition including a statement as to the nature of the request or submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the council and that a copy of the full petition is provided to all elected members.**

- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.



11. DEPUTATIONS

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The Chief Executive Officer must transmit a request received under sub-clause (1) to the Presiding Member.
- (3) The Presiding Member may refuse to allow the deputation to appear at a meeting.
- (4) The Chief Executive Officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
- (7) A council may refer the hearing of a deputation to a council committee.

12. MOTIONS

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the Chief Executive Officer at least five seven (7) clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought
 - (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election,
 whichever is the sooner.
- (5) Subject to the Act and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the **Guiding Principles**, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving a motion will speak to the motion at the time of moving the motion.

(S.a) *A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.*

- (10) A member may only speak once to a motion except:
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply; or

(S.d) *A member may, with the leave of the **Presiding Member**, ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment.*

- (11) A member who has spoken to a motion may not at a later stage of the debate move an amendment to the motion.

(S.a) *Notwithstanding clauses 12 (10) a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.*

(S.b) *A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause 12 (9)(S.a), may not move or second an amendment to the motion.*

(S.c) *Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and the minute taker in the subsequent preparation of the minutes of the meeting.*

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) below (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:
- (a) that the *meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the **Presiding Member** without further debate; or
 - (c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or



- (d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
- (e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the **Presiding Member** without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost:
 - (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-clause 14(c) lapses at the next general election.
- (20) The Chief Executive Officer must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (19) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

S.NOM	MEMBER WHO PLACES NOTICE OF MOTION ON AGENDA ABSENT
(1)	<i>In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting the Notice of Motion will lapse.</i>

13. AMENDMENTS TO MOTIONS

- (1) A member who has **not** spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(S.a) *Notwithstanding clauses 12 (10) and 13 (1), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.*
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only one **(1)** further amendment may be moved to the original motion.

- (5) If an amendment is carried, only one **(1)** further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

14. VARIATIONS, ETC.

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The **Presiding Member** must immediately put the question for leave to be granted and no debate will be allowed on that question.

S.FM FURTHER MOTIONS

- (1) A Member may move a Motion Without Notice pursuant to Regulation 12.5 related to the preceding item of business on the meeting agenda.**

15. ADDRESSES BY MEMBERS, ETC.

- (1) A member must not speak for longer than five minutes at any one time without leave of the meeting.
- (2) A member, may, with the leave of the **Presiding Member**, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Sub-clauses (1) and (2) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

- (S7) A member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.**
- (S8) A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee. In the event that this occurs, a member, or the Presiding Member, may request that the member withdraw any comments made.**

S.RoR RIGHT OF REPLY

- (1) The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).**
- (2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.**
- (3) Notwithstanding clause S.RoR(2), a member may:**
 - i. provide an explanation in regard to a material part of his or her speech (Clause 12 (10)(a)); or**
 - ii. seek leave of the meeting to make a personal explanation (Clause 15 (3)).**



16. VOTING

- (1) The **Presiding Member**, or any other member, may ask the Chief Executive Officer to read out a motion before a vote is taken.
- (2) The **Presiding Member** will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-clause (3)
 - (a) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the *Local Government Act 1999*.

17. DIVISIONS

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the **Presiding Member** as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (c) the **Presiding Member** will count the number of votes and then declare the outcome.
- (4) The Chief Executive Officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

18. TABLING OF INFORMATION

- (1) A member may require the Chief Executive Officer to table any documents of the council relating to a motion that is before a meeting (and the Chief Executive Officer must then table the documents within a reasonable time, or at a time determined by the **Presiding Member** after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The Chief Executive Officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

S.GB GENERAL BUSINESS ITEMS (RAISED BY STAFF)

- (1) *will be included by staff on a Council meeting agenda where the matter is either:*
- (a) *urgent; or*
 - (b) *a matter that does not otherwise fit within the scope of an existing Committee.*

S.OB OTHER BUSINESS ITEMS (RAISED BY ELECTED MEMBERS)

- (1) *Elected Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Other Business item.*
- (2) *To facilitate good and informed decision-making Elected Members will endeavour to raise such Other Business items by way of a motion seeking a report to be submitted to the relevant Committee.*

19. ADJOURNED BUSINESS

- (1) If a formal motion for a substantive motion to be adjourned is carried:
- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the council pursuant to Regulation 6 of the Local Government (Procedures at Meetings) Regulations.

20. SHORT-TERM SUSPENSION OF PROCEEDINGS

- (1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.
- (2) The **Guiding Principles** must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - (i) the provisions of the Act must continue to be observed¹; and

¹ See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

ITEM	3.1.7
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Review of Code of Practice for Access to Meetings and Associated Documents
AUTHOR	Joy Rowett, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report provides information with respect to the new provisions regarding access to meetings and associated documents and presents the reviewed Code of Practice for Access to Meetings and Associated Documents for Council adoption.

RECOMMENDATIONThat Council:

1. Adopts the Reviewed Code of Practice for Access to Meetings and Associated Documents as contained in Attachment 1 to this report (Governance and Compliance 15/11/2021, Item No. 3.1.7).

ATTACHMENTS

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

1. Reviewed Code of Practice for Access to Meetings and Associated Documents

1. BACKGROUND

- 1.1 The commencement in late September 2021 of some provisions of the *Statutes Amendment (Local Government Review) Act 2021* impacted on the provisions concerning access to meetings and associated documents under the *Local Government Act 1999* (the Act).
- 1.2 As a result, the Code of Practice for Access to Meetings and Associated Documents has been reviewed and is presented to Council for adoption.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 CEO and Manager Governance
- 2.2 External
 - 2.2.1 Local Government Association

3. REPORT

- 3.1 Open and transparent Council meetings and Council Committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.
- 3.2 Council and Committee meetings are open to the public and attendance is encouraged. The public will only be excluded where considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.
- 3.3 Public access to Council agendas is encouraged as it provides one of the main opportunities for the community to gain information about the business of Council and Committees.
- 3.4 Examples of procedures applied to encourage public access include:
 - 3.4.1 Agendas and associated documents for meetings are publicly available on Council's website subject to any indication from the Chief Executive Officer under section 83(5) of the Act or to an order of confidentiality under section 90(3) of the Act.
 - 3.4.2 Written notice of a Council or Committee meeting (unless it is a special meeting) must be given at least three (3) clear days before the meeting. 'Clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice is given and the day of the meeting.
- 3.5 A Council or Council Committee can only resolve to hear a matter in confidence or keep relevant documents and information confidential if the matter falls within the ambit of the provisions of section 90(3) of the Act.
- 3.6 The commencement in late September 2021 of some provisions of the *Statutes Amendment (Local Government Review) Act 2021* impacted on the provisions concerning access to meetings and associated documents under the *Local Government Act 1999* (the Act) including:
 - 3.6.1 Section 51 of the *Statutes Amendment (Local Government Review) Act 2021* inserts a new ground at section 90(3)(o) that allows Council to exclude the public in order to receive, discuss or consider information relating to a proposed award recipient before presentation of the Award. A direct consequence of the amendment is that Council may also make confidentiality orders under section 91(7) of the Act to keep documents or parts of documents relating to a proposed award recipient confidential.
 - 3.6.2 Section 90A of the Act provides that the Council or Chief Executive Officer may arrange for the holding of an information or briefing session which is closed to the public to allow attendees to receive, discuss or consider any information or matter listed in section 90(3) of the Act.
- 3.7 These amendments have been included in the reviewed Code of Practice for Access to Meetings and Associated Documents together with minor editorial changes.
- 3.8 Other amendments include minor editorial changes and the change to the way confidential items are heard, with all Motions to exclude the public being heard prior to excluding the public and going in to confidence at which time all the

matters to be heard in confidence are being heard. This to align with the current meeting practice.

- 3.9 The *Electronic Participation in Council Meetings Notice (No 1) 2020* suspends section 92(5) of the *Local Government Act 1999* which requires community consultation when the Code of Practice for Access to Meetings and Relevant Documents is amended. As such Council may adopt the Reviewed Code of Practice for Access to Meetings and Relevant Documents without having to undertake community consultation.

4. CONCLUSION / PROPOSAL

- 4.1 Following the commencement of some provisions of the *Statutes Amendment (Local Government Review) Act 2021* impacting on access to meetings and associated documents under the *Local Government Act 1999* (the Act), Council's Code of Practice for Access to Meetings and Associated Documents has been reviewed and is presented to Council for adoption.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Code of Practice for Access to Meetings and Associated Documents

Approved by:	Council
Responsible Division:	Governance
First Issued/Approved:	October 2007
Last Reviewed:	November 2021
Next Review Date:	November 2023

1. Introduction/Purpose

- 1.1 In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework as prescribed by the *Local Government Act 1999* (the Act), the City of Salisbury is fully committed to open and transparent government. It recognises, however, on some occasions it may be necessary, in the broader community interest, to restrict public access to discussions or documents. This only happens after due consideration is given to the matter by the Chief Executive Officer.
- 1.2 This Code sets out the commitment of the City of Salisbury to provide public access to meetings of Council and associated documents, and outlines the policies and procedures the City of Salisbury will use in accordance with relevant provisions of the Act to restrict public access. The Code includes:
 - 1.2.1 Information on the relevant provisions of the Act;
 - 1.2.2 Council's principles on public access and participation;

1.2.3 The process that will be adopted when public access is restricted; and

1.2.4 Grievance procedures if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

1.3 This Code of Practice clearly states the City of Salisbury's commitment to transparent decision making and provides the community with certainty in relation to access to meetings and associated documents.

2. Scope

This Code of Practice applies to all meetings of Council and associated documents.

3. Legislative Requirements and Corporate Policy Context

3.1 Chapter 6 of the Act sets out the arrangements for Meetings of Council. These meetings are to be held in public except where special circumstances exist as prescribed in the Act and a Council or Committee orders that the public be excluded.

3.2 There are very strict circumstances in which a discussion or document considered in a meeting of Council can be kept confidential. These provisions are covered in the following sections of the Act:

- 83(5) Council and 87(10) Committee – the Chief Executive may, after consultation with the principal member of Council, or in the case of a Committee the presiding member, indicate on a document or report provided to the members of the Council or Committee that the matter may, if the Council or Committee so determines, be considered in confidence. The Chief Executive is required to specify at the same time the basis on which such an order can be made.
- 90(2) and (3) - circumstances where Council may order that the public can be excluded from attendance at a meeting, or part of it, to enable a matter to be considered in confidence. Appendix 1 provides a list of matters which fall into this category.
- 91(7) – circumstances where a document considered in confidence can be ordered to remain confidential.
- 91(8) – circumstances where a Council must not order that a document remain confidential.
- 91(9) – the Council or Committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order will be reviewed. The power to revoke an order can also be delegated to an employee of Council.
- 92 – requires the Council to prepare and adopt a Code of Practice relating to access to meetings and documents. Prior to adoption, alteration or substitution the proposed Code (or changes) must be available for inspection and purchase. Council is also required to follow the relevant

steps set out in its public consultation policy. (The *Electronic Participation in Council Meetings Notice (No 1) 2020* provides for the suspension of this requirement).

- 94 – provides that the Ombudsman may, on receipt of a complaint, investigate the use of these provisions.

4. Interpretation/Definitions

4.1 *Associated documents* refers to agendas, reports, attachments and minutes of meetings of Council.

4.2 *Clear Days* means the days between the:

- Posting of a notice of a meeting and the day the meeting is held excluding both the day on which the notice is given and the day of the meeting, e.g. when notices are given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday; or
- Holding of a meeting and the day the minutes are released excluding the day of the meeting and the day the minutes are released.

4.3 *Meetings of Council* refers to sub-committee, committee and council meetings held in accordance with Chapter 6 (Meetings) of the Act.

5. Policy Statements

5.1 The City of Salisbury will:

5.1.1 Act in the best interest of the community, with honesty, integrity and transparency;

5.1.2 Represent the interests of the Salisbury community through responsible, open and accessible government;

5.1.3 Ensure confidentiality provisions will only be utilised when considered absolutely necessary;

5.1.4 Ensure that in all cases, the information be made publicly available at the earliest possible opportunity.

5.2 The City of Salisbury will conduct all formal meetings of Council in public and will provide public access to all documents considered at those meetings, except where the meeting of Council is clearly satisfied that the need for confidentiality outweighs the principle of open decision making.

5.3 At the City of Salisbury the following procedures and practices will apply when considering whether to restrict public access to a Council or Council Committee meeting or a report presented to these meetings:

5.3.1 Where the Chief Executive Officer believes that a matter should be considered in confidence, the nature of the matter and the reasons why

it should be considered in confidence will be clearly stated on the agenda for the meeting which is made available to the public.

5.3.2 Information of a confidential nature will be placed in attachments to reports, where possible, so that the report itself can be made available to the public.

5.3.3 Recommendations and resolutions will be framed, where possible, so that public access to the minutes of these meetings does not need to be restricted.

5.3.4 Public access will be restricted for the minimum period of time necessary to allow the matter to be resolved.

5.3.5 Council reports on assessment of tenders for the provision of goods and services to Council will become public as soon as the contract documentation is executed and finalised.

5.3.6 Council and Committee items declared confidential will be recorded in a Register of Confidential Items listing the following information:

- title of the item
- date of the Council or Committee meeting;
- reason for holding the matter confidential and the legislative provision to which it applies;
- date of release from confidentiality

and the Register will be made available for public inspection.

5.3.7 Council will consider objections by a member of the public that a matter is subject to restricted access and will advise that person of their right to seek a review by the Ombudsman if they disagree with a decision to restrict access.

5.4 Agenda for Council and Committee Meetings

One of the main opportunities for the community to obtain information about the business of Council is from the agendas for Council and Committee meetings and associated reports and attachments. Therefore public access to Council agenda papers is encouraged. In the City of Salisbury the following procedures apply to encourage public access:

- At least three clear days before an ordinary meeting of Council or Council Committee meeting, a copy of the Agenda for the meeting will be placed on public display in the foyer of the Council Offices (the Agenda is defined as being a list of items of business to be considered).
- A copy of associated reports, attachments and recommendations prepared by Council Officers to be considered by the Members will be available for public inspection at the same time and place as the Agenda. Members of the public

may request a copy of a particular report or reports for a small fee to cover the costs of duplication.

- Copies of agendas, reports, attachments and minutes of all meetings of Council will be published on Council's Internet site – www.salisbury.sa.gov.au
- If, in the opinion of the Chief Executive Officer, a matter is likely to be required to be dealt with in confidence, that matter will be noted on the Agenda together with the reason that it may need to be discussed in confidence. The reason must fall within the provisions of Section 90(3) of the Act (as outlined in Attachment 1 to this Policy).
- Where a report has been considered in confidence and restricted from public access, the report will be reviewed internally twice a year being January and July to determine its confidential status for possible release to the public.

5.5 Public Access to Meetings

In the City of Salisbury, public access to meetings of Council and Council Committees is always available, except where indicated on the Agenda that a matter may need to be discussed in confidence as outlined above. Examples where the public may be excluded include:

- The Council is intending to bid at auction to acquire land and would not want others involved such as the vendor to have prior knowledge of what the Council was setting as an upper limit to bid at the auction, as to do so would prejudice the position of the Council and disadvantage the community [s.90(3)(b)].
- Matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person. [s.90(3)(e)]

The public will only be excluded when considered absolutely necessary and the need for confidentiality outweighs the principle of open decision making.

Section 90(4) of the Act stipulates that Council and Council Committees cannot make an order, that the public be excluded from a meeting, only on the basis that discussion of a matter in public may:

- Cause embarrassment to Council, the Committee, Elected Members, independent members of a Committee or employees of the City of Salisbury; or
- Cause a loss of confidence in Council; or
- Involve discussion of a matter that is controversial within the Council area; or
- Make the Council susceptible to adverse criticism.

5.6 Process to Exclude the Public

The meeting will adopt the following procedure and practices before deciding to exclude the public:

- a. Before a meeting excludes the public from discussion of a particular matter or matters presented in confidence in the Agenda, the meeting will formally determine if this is necessary and that it falls within the relevant provisions of Section 90(3) of the Act as a matter(s) justifying treatment in confidence. The meeting will then pass an appropriate resolution or resolutions to exclude the public.
- b. The debate on whether or not the public should be excluded will be held in public.
- c. The public will only be excluded after a motion to that effect is carried.
- d. If a resolution or resolutions to exclude the public is/are made, the grounds for this will be communicated to the public present at the meeting and will be recorded in the Minutes together with the basis on which the information or matter(s) to which the order(s) relates falls within the ambit of each ground on which the order(s) was/were made and if relevant, the reasons that receipt, consideration or discussion of the information or matter(s) in a meeting open to the public would be contrary to the public interest.
- e. If this occurs then the public must leave the room in which the meeting is being held.
- f. For the convenience of the public present at a meeting, where it is resolved to consider a matter or matters in confidence, the matter or matters are to be placed last on the agenda and deferred until all other business has been dealt with. This avoids the need to ask the public to leave the room and wait until the matter(s) is/are concluded and then allow them to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.
- g. Once debate on each matter is concluded, the meeting will then consider if it is necessary to make an order that some or all documents associated with the relevant matter remains confidential. In determining this, the meeting will have regard to the provisions of the Act and this Code. If an order is made the meeting will also determine for what period, or for what circumstances (e.g settlement of land division) the document or portion of the document will remain restricted from public access.
- h. Once discussion on the matters to be heard in confidence is concluded, the public are then permitted to re-enter the meeting.

5.7 CEO Briefing/Workshop Sessions

Section 90A of the Act provides that the Council or Chief Executive Officer may arrange for the holding of an information or briefing session.

Under the Act, there is an obligation to conduct information or briefing sessions in a place open to the public when a matter that is, or is intended to be, on the agenda for a formal meeting of the Council is to be discussed.

An information or briefing session may be closed to the public to allow attendees to receive, discuss or consider any information or matter listed in section 90(3) of the Act. This decision can either be made by the Council at a Council meeting held prior to the information or briefing session or by the CEO before or at the session.

The relevant considerations for each of the relevant subsection in section 90(3) of the Act will be considered when determining to close the information or briefing session to the public and making an order to that effect.

Model order for closing an information or briefing session to the public

Pursuant to Section 90A(4) and 90(3)(##) of the Local Government Act 1999, the [Council/CEO] orders that the information or briefing session to be held on [insert date] be closed to the public for item [insert item description/title], and members of the public be excluded from attendance with the exception of required [council name] staff and:

- [insert names/description of other persons who may remain, e.g. consultant/external advisor]

on the basis that the information to be received, discussed or considered relates to:

- [insert description and relationship with relevant 90(3) subsection]

[if relevant – i.e. for s.90(3)(b), (d) & (j)] and the receipt, consideration or discussion of the information or matter in an information or briefing session open to the public would, on balance, be contrary to the public interest because [insert reasons].

When an order is made to close an information or briefing session to the public, as soon as practicable after the making of an order a record should be made of:

- a) The grounds on which the order was made; and
- b) The basis on which the information falls within the ambit of each ground of section 90(3) on which the order was made; and
- c) If relevant, the reason that receipt, consideration or discussion of the information publicly would be contrary to the public interest.

In the interests of good governance, a notice of CEO Briefing/Workshop Sessions will be included in the Notice of Meetings and if a session is to be closed to the public, will include the relevant provisions under Section 90(3) of the Act.

5.8 Person Requesting a Matter to be kept Confidential

Where a person provides information to the Council and requests that it be kept confidential the Council is not able to even consider this request unless the matter is one that falls within the provisions of Section 90(2) of the Act. If this is the case, Council will then be in a position to consider the request on its relative merits in accordance with the Act and this Code.

5.9 Public Access to Documents

The City of Salisbury will only order that a document associated with a discussion from which the public are excluded will remain confidential, if it is considered absolutely necessary in the broader community interest. Council can only make orders in relation to documents that were considered in confidence under section 90(3) of the Act.

Any inquiries in relation to the process for seeking access to documents held by the Council should be directed to the Freedom of Information Officer on 8406 8222 or email: city@salisbury.sa.gov.au

5.10 Reviewing and Revoking Confidential Orders

Where keeping a document confidential is considered absolutely necessary, a resolution to this effect is required, which shall include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be reviewed.

It is the general practice of this Council to review all confidential orders twice a year. Depending on the nature of the material, the confidentiality order may be lifted at the time of review, thereby providing access by the public, or another review period may be set.

Council may delegate to an officer or employee the authority to revoke a confidential order, and if relevant, may add conditions as to when the delegation can be used.

Example

Council resolved to bid \$100,000 at auction for a parcel of land. An order that this discussion be confidential could be made in accordance with section 90(3)(b). Council resolved that the document containing information on the value of land remain confidential in accordance with section 91(7). Council could delegate that the CEO have the authority to make this information public following the completion of the acquisition of the land in accordance with section 91(9)(c).

5.11. Accountability and Reporting to the Community

Council will report on an annual basis in the Annual Report on its use of all confidentiality provisions. The report will include the following information:

- Number of occasions each of the provisions of section 90(3) and section 91(7) were utilised.
- Number of occasions each of the provisions of section 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered.
- An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire parcel of land x was considered on 4 separate occasions.
- An indication of the categories of section 90(3) that were used most frequently.
- Number of occasions that information originally declared confidential has subsequently been made publicly available.

The Annual Report is available on Council's website – www.salisbury.sa.gov.au
Copies can be provided on request.

5.13 Grievances

In the first instance, any questions or complaints about the use of confidentiality provisions should be raised with the Manager Governance. The question or complaint should be made in writing (wherever possible) to ensure all grievances are considered and acted upon in a proper manner. Questions or complaints should be marked to the attention of the Manager Governance, City of Salisbury, PO Box 8, Salisbury SA 5108 or via email city@salisbury.sa.gov.au.

Initially information on the application of confidential provisions and full explanation of the details and circumstances relating to the complaint will be provided. It is anticipated that most, if not all, questions or complaints will be resolved through this process.

Should this not resolve the matter, a formal application for internal review of this decision can be made. This will be dealt with in accordance with Council's Internal Review of Council Decisions Process.

If a person remains aggrieved about an action of Council, they have the option of seeking to have the Ombudsman review the matter. It is hoped that all grievances can be resolved with Council, but if not, Council Staff can provide details of how to contact the Ombudsman if required.

6. Related Policies and Procedures

- 6.1 Internal Review of Council Decisions - Section 270 *Local Government Act 1999*
- 6.2 City of Salisbury Code of Practice for Meeting Procedures
- 6.3 City of Salisbury [CEO Briefing/Workshop Sessions Procedure](#)

7. Approval and Change History

Version	Approval Date	Approval By	Change
5		Council	Review following commencement of the Statutes Amendment (Review) Act 2021

8. Availability

8.1 The Code is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au

8.2 The Code will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.gov.au

9. Review

This Code will be reviewed within 12 months of a Council election and thereafter as necessary.

In accordance with the Act, before Council adopts, alters or substitutes a code of practice under section 92 of the Act, it will undertake public consultation on the proposed code, alterations or substitute case (as the case may be). (The *Electronic Participation in Council Meetings Notice (No 1) 2020* provides for the suspension of this requirement).

Further Information

For further information on this Code please contact:

Responsible Officer: Manager Governance
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

APPENDIX 1**MATTERS FOR WHICH COUNCIL, OR A COMMITTEE, CAN ORDER THAT THE PUBLIC BE EXCLUDED**

Council, or a committee may order that the public be excluded in the following circumstances:

- a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- b. information the disclosure of which-
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;
- c. information the disclosure of which would reveal a trade secret;
- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- e. matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;
- f. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- h. legal advice;
- i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;
- j. information the disclosure of which-

- (i) would divulge information provided on a confidential basis by or to a Minister of the crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest;
- k. tenders for supply of goods, the provision of services or the carrying out of works;
- m. information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act;
- n. information relevant to the review of a determination of a council under the Freedom of Information Act 1991;

o. information relating to a proposed award recipient before the presentation of the award

The Act provides for a definition of “personal affairs” being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person.

(*Local Government Act 1999 – Section 90*)

ITEM	3.1.8
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 November 2021
HEADING	Nominations Sought for the Dog and Cat Management Board
AUTHOR	Joy Rowett, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The Minister for Environment and Water has written to the LGA requesting nominations for a local government member on the Dog and Cat Management Board following the resignation of one of the LGA nominees on the Board.

RECOMMENDATIONThat Council:

1. Approves the nomination of _____ as a Local Government Member on the Dog and Cat Management Board.

ATTACHMENTS

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

1. Part A - Call for Nominations Information Sheet - DCMB
2. Part B - Nomination Form - DCMB

1. BACKGROUND

- 1.1 The Minister for Environment and Water has written to the Local Government Association (LGA) requesting nominations for a local government member on the Dog and Cat Management Board following the resignation of one of the LGA nominees on the Board.
- 1.2 Nominations must be forwarded to the LGA by COB Tuesday 20 December 2021.
- 1.3 Under the *Dog and Cat Management Act 1995* (the Act) there are to be four LGA nominated positions on the Dog and Cat Management Board.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 LGA News dated 10 November 2021 from the LGA was circulated to Elected Members, the Executive Group and Manager Environmental Health and Safety on 10 November 2021.
- 2.1.2 At the time of writing this report no registration of interest in nominating has been received.

2.2 External

2.2.1 Nil

3. REPORT

- 3.1 The Dog and Cat Management Board (DCMB) is established by the Act.
- 3.2 The DCMB's primary functions are as the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The Board also plays a key role as an advocate and intermediary, working with vets, breeders and pedigree organisations, animal rescue and shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objects of the Act.
- 3.3 The LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, to fill a position with a term of three years following appointment by the Minister.
- 3.4 There are four LGA nominated positions on the Dog and Cat Management Board, one of which is a vacant position resulting from the recent resignation of Cr Reardon from the Board.
- 3.5 Sitting fees for Board members are \$206 per four-hour session attended plus certain travel expenses.
- 3.6 The DCMB meets monthly except in December, generally on Tuesday of the third or fourth week of each month. Meetings are held in their offices in Waymouth Street, Adelaide as well as at metropolitan and regional councils.
- 3.7 In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, the Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors; this may include the Nominations Committee undertaking interviews and/or requesting details of referees. Only nominations submitted following a resolution of council will be considered.
- 3.8 The Policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences. The Nomination Form (Part B below) asks nominees whether they want to be listed on the database.
- 3.9 LGA nominees together must meet the legislative criteria as set out below in order to be considered for nomination:
 - 3.9.1 Practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government;
 - 3.9.2 Experience in the administration of legislation;
 - 3.9.3 Experience in financial management;
 - 3.9.4 Experience in education and training.
- 3.10 The Call for Nominations Information Sheet (Part A) (attached) provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.

- 3.11 The nominee and council are required to complete the Nominations Form and forward, together with a current Curriculum Vitae, to the Local Government Association by COB Tuesday 20 December 2021.
- 3.12 This Board position is remunerated at (currently) \$206 per meeting. If an Elected Member is nominated, then this particular Elected Member will have to consider declaring a conflict of interest in context of the pecuniary benefit associated with the position.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made.
- 4.2 Council should note it is not obliged to make a nomination.

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Dog and Cat Management Board	
Governing Statute (if applicable)	Section 12(1)(a) Dog and Cat Management Act
Purpose/Objective	Public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The Board also plays a key role as an advocate and intermediary, working with vets, breeders and pedigree organisations, animal rescue and shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objects of the Dog and Cat Management Act.
Administrative Details	12 meetings per year with a fee of \$206/session
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> • Local government knowledge and experience • practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government • experience in the administration of legislation • experience in financial management • experience in education and training.
<p><i>In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, selection for appointment or nomination to this Outside Body may include the conduct of interviews and checking of referees by the LGA. By applying, the applicant accepts that the LGA may request an interview and/or the details of referees.</i></p>	
<p>Liability and indemnity cover</p> <p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>	
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000</p>	

PART B

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

- Must be submitted by a council
- Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au
- Receipt of nomination will be acknowledged by return email
- CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the *Call for Nominations* information sheet (Form: PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

Dog and Cat Management Board	
Council Details	
Name of Council submitting the nomination	
Contact details of council officer submitting this form	Name: Position: Email: Phone:
Council meeting minute reference and date	
Nominee Full Name	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

PART B**SECTION 2: NOMINEE to complete**

Dog and Cat Management Board			
Nominee Details			
Full Name			Gender
Home / Postal Address			
Phone		Mobile	
Email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies to Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: • _____			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>			
Signature of Nominee: _____			