



## **AGENDA**

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

**21 FEBRUARY 2022 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 17 January 2022.

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## **REPORTS**

### *Administration*

- 3.0.1 Future Reports for the Governance and Compliance Committee  
(please note there are no forward reports as a result of a Council resolution  
to be listed at this time)

### *For Decision*

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- 3.1.2 2022 National General Assembly of Local Government - Call for Motions  
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### *For Information*

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## **OTHER BUSINESS**

## **QUESTIONS WITHOUT NOTICE**

## **MOTIONS WITHOUT NOTICE**

## **CLOSE**





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

**17 JANUARY 2022**

**MEMBERS PRESENT**

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

**STAFF**

Chief Executive Officer, Mr J Harry  
A/General Manager Business Excellence, Mr B Kempster  
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 7:36 pm.

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

**APOLOGIES**

An apology was received from Cr D Proleta.

**LEAVE OF ABSENCE**

Nil

## PRESENTATION OF MINUTES

Moved Cr S Reardon  
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee Meeting held on 13 December 2021, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr K Grenfell  
Seconded Cr S Reardon

That Council:

1. Notes the report.

**CARRIED**

### *For Decision*

#### **3.1.1 Local Government Association Ordinary General Meeting: 08/04/2022 - Proposed Items of Business and Voting Delegates**

Moved Cr A Duncan  
Seconded Cr S Reardon

That Council:

1. Notes the information.

**CARRIED**

## OTHER BUSINESS

Nil

The meeting closed at 7:38 pm.

CHAIRMAN.....

DATE.....

<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	21 February 2022
<b>HEADING</b>	Variation to Delegations
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment, including the commencement of new legislation, or to correct errors that have been identified.</p> <p>This report sets out changes required to City of Salisbury delegations in response to the review of delegations under the <i>Local Government Act 1999</i>, <i>Ombudsman Act 1972</i> and <i>Independent Commission Against Corruption Act 2012</i>.</p>

## **RECOMMENDATION**

### That Council:

1. Revokes its previous delegations to the Chief Executive Officer under the *Local Government Act 1999* and *Independent Commission Against Corruption Act 2012* as specified in Attachments 1 and 2 to this report (Item No. 3.1.1 Governance and Compliance, 21/02/2022), effective from Monday 4 March 2022.
2. Delegates, in exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commissioner Against Corruption Act 2012* as specified in Attachments 3, 4 and 5 to this report (Item No. 3.1.1 Governance and Compliance, 21/02/2022) effective from Tuesday 5 March 2022 to the person occupying or acting in the office of the Chief Executive Officer subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the attachments.
3. Notes that such powers and functions may be further delegated by the Chief Executive Officer in accordance with sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein on the Schedule of Conditions contained in the proposed Instrument of Delegation.

## **ATTACHMENTS**

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

1. Deleted Provisions - Local Government Act 1999
2. Deleted Provisions - Independent Commission Against Corruption Act 2012

3. New Provisions - Local Government Act 1999
4. New Provisions - Ombudsman Act 1972
5. New Provisions - Independent Commission Against Corruption Act 2012

## 1. BACKGROUND

- 1.1 Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the Act, as well as a range of other Acts. In most cases the relevant acts grant those obligations and powers directly on the Council as a body.
- 1.2 Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake these duties or exercise these powers on its behalf. Delegations enhance decision-making processes and allow nominated routine matters to be resolved efficiently and effectively without the need for submission to Council. However, in order to do this, Council must take formal steps to delegate to such people and bodies, the authority to make decisions, or undertake activities on its behalf. It is usual for Council to make delegations to the Chief Executive Officer which will then make sub-delegations to the appropriate Council Officers.
- 1.3 This report deals with variations to delegations as a result of commencement, amendment or deletion of provisions under the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commission Against Corruption Act 2012*.

## 2. REPORT

- 2.1 This report includes variations to delegations as a result of the following:
  - 2.1.1 Review of Delegations under the *Local Government Act 1999* as a result of commencement of provisions under the *Statute Amendments (Local Government Reform) Act 2021* in September 2021 including:
    - information or briefing sessions – replaces Informal Gatherings procedures, provisions for orders that sessions may be closed to the public and publication of certain information after a session has been held;
    - mobile food vendors – removing the requirement to issue a permit under section 222 making it a matter for the discretion of each council;
    - Annual Reports – types of information to be included and removal of requirement to table in Parliament;
    - functions of a council – function to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.

- 2.1.2 Review of Delegations under the *Ombudsman Act 1972* and *Independent Commission Against Corruption Act 2012* as a result of the commencement of the *Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021* in October 2021 which transferred the responsibilities for receiving reports of misconduct and maladministration from the ICAC to the Ombudsman.

**Process to be followed**

- 2.2 In order for the deleted and new delegations contained in Attachments 1-5 to come into effect, Council must first resolve to revoke any existing delegations under the *Local Government Act 1999* and *Independent Commission Against Corruption Act 2012* that have been deleted as indicated in Attachments 1 and 2 with Council then resolving to adopt the new delegations under the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commission Against Corruption Act 2012* as contained in the Attachments 3, 4, and 5.
- 2.3 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the *Local Government Act 1999* and *Independent Commission Against Corruption Act 2012* occurs on Monday 4 March 2022 with the new delegations under the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commission Against Corruption Act 2012* coming into force from Tuesday 5 March 2022. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.4 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

**3. CONCLUSION / PROPOSAL**

- 3.1 A review of Council Delegations has been conducted following the commencement of amendments to the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commission Against Corruption Act 2012*.



### DELETED Provisions – Local Government Act 1999

#	Delegation Source	Provision	Item Delegated	Delegate/Sub Delegate	Capacity of Council
500286	Local Government Act 1999	section 222(1a)	Grant a permit authorising the use of a public road by a mobile food vending business	001046 General Manager City Development, 000174 Chief Executive Officer, 001044 General Manager Business Excellence, 000680 Team Leader Community Compliance, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 001257 Fire Prevention / Community Compliance Officer, 001086 Manager Property & Buildings, 001149 Team Leader Property, Community Compliance Officers, Senior Environmental Health Officers, Environmental Health Officers	council
500290	Local Government Act 1999	section 225(1)(a)	Cancel a permit for the purpose of a mobile food vending business	001046 General Manager City Development, 000174 Chief Executive Officer, 000680 Team Leader Community Compliance, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 000987 Deputy Manager Civil & Waste, 001239 Manager Field Services, 000417 Team Leader Parks & Landscape, 001257 Fire Prevention / Community Compliance Officer, 001259 Team Leader Parks and Landscapes, 001086 Manager Property & Buildings, 001149 Team Leader Property, 000244 Leading Worker Civil Maintenance, 001270 Coordinator Civil Services, 000694 Team Leader Civil Maintenance, 001275 Coordinator Civil Services, 001276 Senior Coordinator Civil Services, 000019 Coordinator Parks & Open Space Assets,	council

#	Delegation Source	Provision	Item Delegated	Delegate/Sub Delegate	Capacity of Council
				Community Compliance Officers, Senior Environmental Health Officers	
500295	Local Government Act 1999	section 225A(1)	Prepare and adopt location rules in respect of mobile food vending businesses	001046 General Manager City Development, 000174 Chief Executive Officer, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 000987 Deputy Manager Civil & Waste, 001239 Manager Field Services, 000417 Team Leader Parks & Landscape, 001257 Fire Prevention / Community Compliance Officer, 001259 Team Leader Parks and Landscapes, 001086 Manager Property & Buildings, 001149 Team Leader Property, 000244 Leading Worker Civil Maintenance, 001270 Coordinator Civil Services, 000694 Team Leader Civil Maintenance, 001275 Coordinator Civil Services, 001276 Senior Coordinator Civil Services, 000019 Coordinator Parks & Open Space Assets, Community Compliance Officers, Senior Environmental Health Officers	council
500296	Local Government Act 1999	section 225A(4)	Amend location rules in respect of mobile food vending businesses	001046 General Manager City Development, 000174 Chief Executive Officer, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 000987 Deputy Manager Civil & Waste, 001239 Manager Field Services, 000417 Team Leader Parks & Landscape, 001257 Fire Prevention / Community Compliance Officer, 001259 Team Leader Parks and Landscapes, 001086 Manager Property & Buildings, 001149 Team Leader Property, 000244 Leading Worker	council



#	Delegation Source	Provision	Item Delegated	Delegate/Sub Delegate	Capacity of Council
				Civil Maintenance, 001270 Coordinator Civil Services, 000694 Team Leader Civil Maintenance, 001275 Coordinator Civil Services, 001276 Senior Coordinator Civil Services, 000019 Coordinator Parks & Open Space Assets, Community Compliance Officers, Senior Environmental Health Officers	
500297	Local Government Act 1999	section 225A(5)(a)	Consider amending location rules in respect of mobile food vending businesses in accordance with a recommendation of the Small Business Commissioner	001046 General Manager City Development, 000174 Chief Executive Officer, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 001086 Manager Property & Buildings	council
500298	Local Government Act 1999	section 225A(5)(b)	Provide written reasons to the Small Business Commissioner for resolving not to amend the location rules in accordance with the Commissioner's recommendation	001046 General Manager City Development, 000174 Chief Executive Officer, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 001086 Manager Property & Buildings	council
500299	Local Government Act 1999	section 225A(8)	Comply with a direction of the Small Business Commissioner to amend the location rules for mobile food vending businesses	001046 General Manager City Development, 000174 Chief Executive Officer, 000682 Manager Environmental Health & Community Compliance, 001084 General Manager City Infrastructure, 001086 Manager Property & Buildings	council



## DELETED Provisions – Independent Commission Against Corruption Act 2012

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
499101	Independent Commission Against Corruption Act 2012	section 38(1)	Provide views to the Independent Commissioner Against Corruption or Office for Public Integrity on proposed referral of a matter raising a potential issue of misconduct or maladministration in public administration	000174 Chief Executive Officer	Not to be sub delegated	public authority
499102	Independent Commission Against Corruption Act 2012	section 38(2)	Comply with direction or guidance given by the Independent Commissioner Against Corruption of office for Public Integrity	000174 Chief Executive Officer	Not to be sub delegated	public authority
499103	Independent Commission Against Corruption Act 2012	section 38(7a)	Provide comments to the Independent Commissioner Against Corruption	000174 Chief Executive Officer		public authority
499108	Independent Commission Against Corruption Act 2012	clause 3(3), Schedule 4	Act on a referral of a reviewer	000174 Chief Executive Officer		public authority



### NEW Provisions – Local Government Act 1999

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
574351	Local Government Act 1999	section 7(ba)	Determine appropriate financial contribution to be made by ratepayers to resources of the council			council
574352	Local Government Act 1999	section 90A(1)	Hold or arrange for the holding of an information or briefing session to which more than 1 member of the council is invited to attend or be involved in for the purposes of providing information or a briefing			council
574353	Local Government Act 1999	section 90A(4)	Order that an information or briefing session be closed to the public			council
574354	Local Government Act 1999	section 90A(5)	If an order under section 90A(4) of the Local Government Act is made, to make a record of the matters specified in section 90A(5)			council
574355	Local Government Act 1999	section 90A(7)	Comply with the requirements of the regulations regarding the publication of prescribed information			council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
574356	Local Government Act 1999	section 131A(1)	Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister			council
574357	Local Government Act 1999	section 224(2)	Comply with any requirements prescribed by the regulations in relation to attaching conditions under section 224(1) of the Local Government Act			council

## New Provisions – Ombudsman Act 1972

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
574844	N	Ombudsman Act 1972	section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration			public authority
574845	N	Ombudsman Act 1972	section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration			public authority
574846	N	Ombudsman Act 1972	section 12H(1)(b)	Act on a referral from the Ombudsman			public authority
574847	N	Ombudsman Act 1972	section 12H(2)(a)	Produce a specified document or a document relating to a specified matter			public authority
574848	N	Ombudsman Act 1972	section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified			public authority

## New Provisions – Ombudsman Act 1972

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
				form and, if the written notice so requires, verify the statement by statutory declaration			
574849	N	Ombudsman Act 1972	section 18(4)	To comment on the subject matter of a report			public authority
574850	N	Ombudsman Act 1972	section 25(2)	Act in accordance with a recommendation of the Ombudsman			public authority
574851	N	Ombudsman Act 1972	section 28AA(1)	Comply with directions of the Ombudsman			public authority
574852	N	Ombudsman Act 1972	section 28AA(2)	Comply with varied or further directions of the Ombudsman			public authority
574853	N	Ombudsman Act 1972	section 28AA(3)	Provide comments to the Ombudsman			public authority
574854	N	Ombudsman Act 1972	section 29(8)	Act on a referral of the inspector			public authority



## New Provisions – Ombudsman Act 1972

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
574855	N	Ombudsman Act 1972	section 31(1)(b)	Receive and use evidence or information for the purposes of any disciplinary investigation or action			Agency



## NEW Provisions – Independent Commission Against Corruption Act 2012

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
574057	Independent Commission Against Corruption Act 2012	section 18E(3)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	000174 Chief Executive Officer		public authority
574059	Independent Commission Against Corruption Act 2012	section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption	000174 Chief Executive Officer		public authority
574060	Independent Commission Against Corruption Act 2012	section 39A	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter	000174 Chief Executive Officer		public authority
574061	Independent Commission Against Corruption Act 2012	Clause 9(6), Schedule 4	Act on a referral of the inspector	000174 Chief Executive Officer		public authority



<b>ITEM</b>	3.1.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	21 February 2022
<b>HEADING</b>	2022 National General Assembly of Local Government - Call for Motions and Attendance at Assembly
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	The National General Assembly (NGA) of Local Government will take place in Canberra from 19 to 22 June 2022. Motions are being called for the NGA and submissions close Friday 25 March 2022.

**RECOMMENDATION**That Council:

1. Notes that motions are being called for submission by 25 March 2022 for the National General Assembly of Local Government being held in Canberra from 19 to 22 June 2022 and that a voting delegate is to be appointed by Council.

**ATTACHMENTS**

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

1. 2022 National General Assembly - Call for Motions Discussion Paper
2. ALGA 2022 Federal Election Priorities

**1. BACKGROUND**

- 1.1 The National General Assembly (NGA) of Local Government will be held 19 to 22 June 2022 at the National Convention Centre, Canberra.
- 1.2 The theme of the 2022 NGA is 'Partners in Progress'.
- 1.3 The ALGA Board is currently calling for motions from councils.
- 1.4 They must be relevant to the work of local government nationally and must complement or build on the policy objectives of state and territory associations.
- 1.5 The deadline for submitting motions to the NGA is **Friday 25 March 2022**.

## **2. CONSULTATION / COMMUNICATION**

### **2.1 Internal**

2.1.1 Chief Executive Officer and General Managers.

### **2.2 External**

2.2.1 Nil.

## **3. REPORT**

3.1 The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. ALGA's work includes, but is not limited to the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local councils.

3.2 The ALGA Board is comprised of delegates from each member association who refer matters of national relevance to the ALGA Board for consideration at regular Board meetings.

3.3 The 2022 National General Assembly (NGA) of Local Government is an opportunity for individual councils to identify matters of national relevance to the sector and for these matters to be considered by ALGA as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

### **Submission of Motions for Debate**

3.4 The ALGA Board is calling for motions for the NGA under the theme of 'Partners in Progress'.

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

3.5.1 be relevant to the work of local government nationally

3.5.2 not be focussed on a specific location or region – unless the project has national implications (you will be asked to justify why your motion has strategic importance and should be discussed at a national conference)

3.5.3 be consistent with the themes of the NGA

3.5.4 complement or build on the policy objectives of your state and territory local government association

3.5.5 be submitted by a council which is a financial member of their state or territory local government association

3.5.6 propose a clear action and outcome i.e. call on the Australian Government to do something; and

3.5.7 not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government

3.5.8 be relevant to the work of local government nationally.

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

#### **Attendance at Assembly and Voting Delegate**

- 3.13 ALGA are this year providing registration options for both onsite and virtual attendees.
- 3.14 A provisional program is yet to be released. When this is available, it will be distributed to Elected Members.
- 3.15 As noted in paragraph 3.12 above, should Council resolve to submit a motion to the NGA, there is an expectation we will register a delegate (for either in person or online attendance) to move and speak to the motion.

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

- 4.1 Council is asked to determine if there are any issues that warrant a motion being submitted to the 2022 NGA of Local Government, being held in Canberra 19 to 22 June 2022.
- 4.2 Should Council resolve to submit a motion, a decision should also be made about who will be registered to attend the NGA (in person or online) to represent Council.









## NGA22.COM.AU

### SUBMITTING MOTIONS

This discussion paper is a call for councils to submit motions for debate at the 2022 National General Assembly (NGA) to be held in Canberra 19 – 22 June 2022.

It has been prepared to assist you and your council in developing your motions. You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s can address one or more of the issues identified in the discussion paper.

Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au) and received no later than 11:59pm AEST on Friday 25 March 2022.

The theme of the 2022 NGA is – Partners in Progress.

The NGA aims to focus on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities as well as confidently facing the future.

In submitting your council's motion/s you are encouraged to focus on how partnership can address national issues at the local level, and new ways the Australia Government could partner to strengthen the local government sector to advance community well-being, local economic development, create jobs, address environmental challenges, climate change and complex social issues such as housing affordability.

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda and promote new ways of strengthening the local government sector and our communities.

Note: If your council does submit a motion there is an expectation that a council representative will be present at the National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2022 NGA.

**1 DECEMBER 2021**  
 Opening of Call for Motions

**25 MARCH 2022**  
 Acceptance of motions close

**19 JUNE 2022**  
 Regional Cooperation & Development Forum

**20 - 22 JUNE 2022**  
 National General Assembly

**To submit your motion go to:**  
[alga.asn.au/](http://alga.asn.au/)

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## KEY DATES

### CRITERIA FOR MOTIONS

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

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

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs.

Motions should commence as follows - *This National General Assembly calls on the Australian Government to .....*

*Example*

*This National General Assembly calls on the Australian Government to restore Local Government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.*

## OTHER THINGS TO CONSIDER

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the issue. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. Please note that motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed and relatively simple. Complex motions with multiple dot point can be difficult to implement and to advance.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the criteria, clarity of the motion and the importance and relevance of the issue to local government. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

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

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

Motions should be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au). All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 25 March 2022.



## Introduction

As Australia emerges from the crisis management phase of the COVID-19 global pandemic, attention now turns to rebuilding and to the future.

By the time of the NGA in June 2022, the next federal government and 47th Parliament of Australia, will almost certainly have been elected.

Prior to the election the major political parties will have campaigned on priorities and made numerous policy and programs commitments that will help shape our nation's future.

Invariably, in government, these policies and programs will need to be refined, developed and implemented. Almost certainly they will need to be adapted to meet changing circumstances, emerging issues and local and regional needs.

We know from previous elections that governments will not be able to achieve their policy agenda alone. They need reliable partners committed to playing their part in taking the nation forward, working together on mutual goals and advancing national prosperity for all.

During the election campaign, ALGA will be working extensively with state and territory local government association members, and many of you, to advance the national priorities highlighted in the Federal Election manifesto 'Don't Leave Local Communities Behind'.

These priorities were significantly influenced by many of the resolutions of past NGAs.

Whether the Coalition Government is returned or a new Government formed, the 2022 NGA provides the first major opportunity to engage with relevant portfolio Ministers and key members of the new Government.

Most importantly, it provides you - the elected representatives of Australia's local councils and communities - with the opportunity to reaffirm our national priorities and to place new ideas on the national policy agenda.

## The Immediate Recovery Challenges

Government at all levels have collaborated to avert the worst possible health and economic outcomes of the COVID-19 pandemic across Australia.

By November 2021 most states had reached or made significant progress in reaching the 80% or more vaccination threshold.

Every community was affected, some more than others, and local government has been at the forefront of developing local solutions to local challenges.

*Given the economic and social impacts of the COVID pandemic on communities over the past 2 years, are there issues that need to be addressed by a new partnership between the Commonwealth Government and local governments?*

*Given the impacts of the COVID pandemic on your council and other councils around the country, are their issues that a partnership between the Commonwealth Government and local government should address?*

## Jobs

In September 2021 the national, seasonally adjusted unemployment rate, was 5.2% (ABS). The underemployment rate was 9.5% with monthly hours worked decreasing by 1 million hours. Roy Morgan's survey work suggests Australian unemployment (unadjusted) was 9.2% in October with underemployment at 8.6%.

National statistics however mask variations at the state, regional and local level. State and Territory unemployment ranged from 3.9% in Western Australia and the Northern Territory, 5.1% in Queensland and Tasmania, 5.3% in South Australia, NSW 5.4%, Victoria 5.6% and the Australian Capital Territory 6.6%. Similarly, regional and local community unemployment vary from the national average reflecting local circumstances and the different impact of the COVID-19 pandemic, lockdowns and their flow-on effects have on the local economy. Youth unemployment and Aboriginal and Torres Strait Islander unemployment is also consistently higher.

As an employer of staff and of contractors, as well as a facilitator of local economic development, local government can play a key role in addressing unemployment and underemployment.

In keeping with the ALGA Federal election manifesto, 'Don't Leave Local Communities Behind' local solutions are required for local circumstances.

*What new partnership program could the Australian Government develop to take advantage of local government's knowledge of the local economy, geographic spread across the country and its ability to create jobs?*

*As an employer, what are the pre-requisites for councils to create more good quality, secure local jobs that build community capacity and address local workforce skills shortages?*





### Building Back Better Businesses

The economic shock of the past 2 years has caused unprecedented disruption to local businesses and communities. While many businesses have adapted to difficult circumstances, some have not survived. The current vacant shops fronts and offices of the streetscapes in our cities and towns is evidence of the challenges that our local businesses, local industry and communities have faced.

*The capacity of the private sector, and small business in particular, to bounce back is untested.*

*What new partnership programs could the Australian Government introduce to take advantage of local government's role in economic development, including to support local businesses?*

### Opening Australia's Borders

As previously mentioned, by November 2021 most states had reached or made significant progress in reaching the 80% or more vaccination threshold. At this point, under the National Plan to Transition Australian National COVID-19 Response, governments were committed to introducing new measures such as opening international borders, minimising cases in the community without ongoing restrictions or lockdowns, Covid vaccination boosters encouraged and provided as necessary, and allowing uncapped inbound arrivals for all vaccinated persons, without quarantine.

As Australia opens-up its international borders economic recovery is expected to accelerate. The return of expats, international students, overseas migration and international tourism will increase population, supply of labour and demand for goods and services including for accommodation.

In the first instance, economic activity can be expected to return to pre-Covid levels. Over time, with appropriate support, it will grow.

The closure of borders and particularly international borders affected many parts of the tourism industry and the economies of many local communities. While domestic visitors helped fill a gap, recovery of many parts of the industry and the economy of communities that depend heavily on tourism will depend on the return of international travel.

To do this Australia must position itself to compete in international markets. This comes through offering high quality destinations, services and experiences that highlight the quality and value available in Australia. In addition to delivering a better visitor experience, this should also increase productivity, efficiency and innovation.

*In the short term, what new partnership programs could the Australian Government introduce to assist local government meet the return of international students and stronger migration now and into the future?*

*What new programs could the Australian Government develop to partner with local government to facilitate tourism and the traveller economy?*

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### Workforce Shortages and Re-engineering Work

In November 2021 business representatives report significant labour shortages particularly in the agriculture and hospitality sectors. The lack of backpackers, overseas students and migrant workers, combined with people not wanting to return to the workforce, are just some of the reasons attributed to these shortages.

While opening borders may increase the supply of labour, some argue that there is a more fundamental change in Australia's workforce and workplaces.

Although not reported in Australia yet, in the United States the post Covid workforce has been associated with what some have called the 'Great Resignation' as employees have adjusted their expectations, work life balance and priorities and simply not returned to their old jobs.

Many workers have been required to work from home for extended periods during the pandemic, including working remotely and now look for greater flexibility in their work. Technology and automation are transforming work and the workplace.

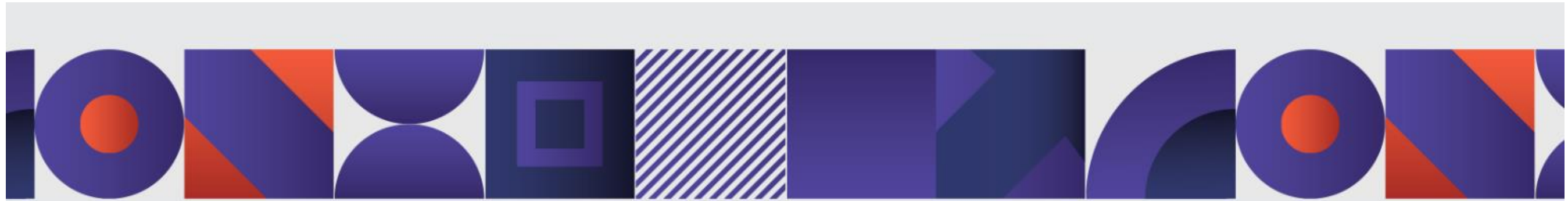
Many are prepared to change jobs to maximise this flexibility and the benefits derived from it. Traditionally this has led to wage pressure but coupled with demand for greater workplace flexibility employers need to be innovative to attract and retain employees. As an employer, councils are not immune and will also need to develop these strategies.

*What new programs could the Australian Government develop to partner with local government to help support an influx of skilled migrants?*

*What new programs could the Australian Government develop to partner with local government to help councils attract and retain appropriately trained workers and employees?*

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### Climate change

The United Nations Conference (COP) of Parties 26 held in Glasgow 2021 focused global attention on climate change and global and national efforts to achieve net zero emissions by 2050 and limit global warming to 1.5 degrees.

For decades local governments have played an important leadership role in addressing climate change. Councils have supported the adoption of a wide range of community-based programs and initiatives to lower the carbon footprint of local communities. As a sector, local government has led the debate for lowering carbon emissions, sourcing renewable energy, responded creatively to reduce greenhouse gas emissions from landfills, facilitated the construction of green buildings and water sensitive design of cities and towns.

Pragmatically, local government has been at the forefront to address the impacts of climate change and adaptation to climate change. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

*How do we work together to ensure that there is local adaptation to climate change and climate extremes?  
What partnerships are available to achieve climate neutrality?*

### Natural Disasters

With the high-risk weather season commencing, many councils will be engaging with their communities about disaster preparedness, resilience and recovery. Not only have we experienced one of Australia's worst bushfire seasons in 2019-20, but some councils also had to deal with multiple disaster events within a 12 month period. Some councils have had to deal with bushfires, followed by storms, flooding, hailstorms, more flooding and COVID-19. These multiple disasters have had a devastating effect on many councils' financial sustainability and their ability to fund mitigation measures for the upcoming high risk weather season. Smaller rural and regional councils are further financially challenged and require help with preparedness and mitigation, as they currently have zero capacity to fund major mitigation projects.

The Royal Commission into National Natural Disaster Arrangements recognised that councils need help. It concluded that without assistance many local governments cannot undertake the roles and responsibilities allocated to them by their State/Territory Governments.

*What new programs could the Australian Government develop to partner with local government to help to address natural disasters to assist in recovery and build resilience?*



## Environment

Local government plays a critical role in environmental management including environment protection.

"Australia's Strategy for Nature 2019 – 2030" recognises that we all have a role in securing nature as the foundation of our existence. It is an overarching framework for all national, state and territory and local strategies, legislation, policies and actions that target nature. It has 3 goals:

1. Connecting all Australians with nature:
2. Care for nature in all its diversity, and
3. Share and Build knowledge.

To achieve these goals there are a variety of options for joint action to reduce threats and their impacts include ensuring the design and management of the protected area network considers and accommodates future threat scenarios and establishes robust mechanisms to respond effectively to new and emerging threats. The strategy suggests there are opportunities to '... improve planning, regulation, environmental impact assessment and approvals processes. In addition, threat abatement activities could include targeted pest management, ecosystem restoration (integrated fire management, revegetation), pollution control, greenhouse gas emissions management and climate change adaptation'.

*How could the Australian Government partner with local government to help support the implementation of the Australian Strategy for Nature 2019 – 2030 and take advantage of local knowledge?*

*What new programs could the Australian Government develop to partner with local government to help to reduce threats and risks to nature and build resilience?*

## The Circular Economy

The 2019 National Waste Policy Action Plan applies principles of a circular economy to waste management to support better and repeated use of our resources. The circular economy principles for waste are:

1. Avoid waste
2. Improve resource recovery
3. Increase use of recycled material and build demand and markets for recycled products
4. Better manage material flows to benefit human health, the environment and the economy
5. Improve information to support innovation, guide investment and enable informed consumer decisions.

Councils play a major role in the management of household and domestic waste. Therefore, local government has a critical role to play in further developing the circular economy.

*How could the Australian Government partner with local government to advance the circular economy?*

*What new programs could the Australian Government partner with local government to progress these objectives?*







AUSTRALIAN  
**LOCAL GOVERNMENT**  
ASSOCIATION



**DON'T LEAVE LOCAL  
COMMUNITIES BEHIND!**

**Federal Election Priorities**

## Successfully delivering for Greater Sydney communities



### Rouse Road footbridge (\$22 million), Blacktown City Council, NSW

Blacktown City Council Mayor Tony Bleasdale said the opening of the Rouse Road Bridge in 2019 - partially funded through the Commonwealth's Bridges Renewal Programme - solved a number of significant problems and that the bridge was a major access point to the Tallawong Metro station and Rouse Hill Anglican College.

"This area is experiencing rapid growth and the old causeway was an enormous traffic bottleneck and a serious safety concern for pedestrians and motorists alike during times of heavy rain," Cr Bleasdale said.

"Blacktown City Council had the bridge planned for some time, but needed to wait for available funding. The Australian Government grant enabled the work to be fast-tracked."

Authorised by Matt Pinnegar Chief Executive Officer of ALGA.

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## Introduction: Linda Scott, ALGA President

As our nation faces social and economic challenges unseen in peace-time Australia, Australians need their decision-makers working together.

They want, expect, and need pragmatic policy making that delivers a locally led recovery from COVID-19, and a focus on opportunity rather than austerity from this economic crisis.

In total (including direct and flow-on impacts), the funding priorities we've proposed in this document are estimated to contribute at least \$6.39 billion per annum on average to Australia's Gross Domestic Product (GDP), as well as support an average of 42,975 full time equivalent (FTE) jobs per annum across Australia over a four-year period.

By working with Australian councils – the level of government closest to its community – a future Federal Government can put steps in place to guarantee no local community is left behind as we recover from COVID-19.

**DON'T LEAVE LOCAL COMMUNITIES BEHIND!**

The COVID-19 pandemic that shook Australia in March 2020 has imposed new physical, social, and economic realities in Australia.

Occurring almost simultaneously with the Black Summer fires, floods, and drought, the pandemic helped trigger Australia's first recession in nearly 30 years.

It has led to unprecedented Commonwealth, state and local government economic support for those most affected by the economic and social impacts, but the cumulative shocks to our system – exacerbated by the Delta variant and a mammoth vaccination task – have presented all governments with significant financial challenges, which local governments are unable to face without the support of the Commonwealth.

Businesses closed their doors and laid off staff, families lost income, and individuals were left isolated from friends and loved ones.

Unwelcome as the pandemic was, it has also revealed the adaptability, innovation, and resilience of our nation and its citizens.

Through stay-at-home orders in place, our homes became our offices, schools, and lecture halls, and many have faced unemployment or uncertainty about how to pay the rent or support our families.

Within days of the announcement of lockdowns and health restrictions, we took difficult but necessary steps to protect our communities from the risks of infection – educating people about the need for social distancing and providing masks and food for communities.

We used our own limited funding to provide financial support to local small businesses directed to close because of COVID-19 restrictions, and organised vouchers for aged and other vulnerable locals to redeem at participating local cafes and restaurants struggling to stay in business.

We supported our communities to innovate, quickly adapting in a way only local governments can.



**Councillor Linda Scott**  
President of the Australian Local Government Association

As communities and businesses “pivoted”, we saw the adaptability that characterises local government.

Recognising that broad economic stimulus and job-creation programs were the keys to community recovery, local governments accelerated local employment-generating programs.

We partnered with other governments to roll out targeted capital works to improve road safety, rejuvenate or upgrade local community assets, and enhance our local parks, footpaths and community open spaces.

Forced to contemplate what the future might look like post-COVID, many Australians believe our communities should be restored not to what they were, but to what they could be.

A successful national recovery is a recovery that will be made up of thousands of smaller locally driven recoveries led by local governments in partnership with funding partners: private, philanthropic, state, territory and federal.

To sustain such a recovery and ensure it is felt across all communities regardless of size or location, we need a stronger, more equal partnership between governments. Our local communities need more investment, and they need to have a greater say in decision-making about their futures.

All spheres of government, elected and administrative, must work together to ensure that economic recovery post-COVID does not falter.

We have a once-in-a-lifetime opportunity to build a better future: one that bolsters community connection, wellbeing and resilience.

This document lays out a series of offers to the next incoming government, alongside a set of asks.

They build upon local government’s strengths and its proven track record of working in partnership to deliver for Australian communities and national productivity.

The policies contained in these election priorities have been assessed by independent economists, who were engaged to model the contribution to the Australian economy from each priority investment as well as articulate the socio-economic benefits these programs can be expected to deliver.

They are exactly what is needed to ensure local communities of all sizes are in a strong position to drive the inclusive recovery all Australians want and that leaves no community behind.

**Local government can lead and deliver the strong community-focused recovery from COVID-19 by:**

- leading local economic growth;
- delivering stimulus projects that generate local jobs, support local businesses and boost productivity;
- enabling economic growth through the development of a circular economy;
- building community resilience to disasters and climate change; and
- facilitating community wellbeing.

	<b>Local Government Offer to the Australian Government</b>	<b>Local Government Ask of the Australian Government</b>
<b>Economic Recovery</b>	To partner with the Federal Government to create more jobs, while addressing the nation's skills shortage through training and upskilling Australian workers.	To commit to a progressive increase in Financial Assistance Grants to at least one percent of Commonwealth taxation revenue (at least \$4.5 billion per year), and an initial injection of additional Financial Assistance Grants funding.
<b>Transport and Community Infrastructure</b>	To partner with the Federal Government to create infrastructure that will improve the safety, liveability and productivity of our communities, while contributing to Australia's economic recovery.	To invest \$500 million per year for four years extending the Local Roads and Community Infrastructure Program, while increasing roads funding and improving digital connectivity in our regions. To invest in an innovative housing partnerships of \$200m over four years to support affordable housing in communities.
<b>Building Resilience</b>	To partner with the Federal Government to grow the resilience in our communities, mitigate against the impacts of future disaster events, while focussing on local opportunities to reduce our carbon emissions and to Close the Gap between Indigenous Australians and the nation.	To provide \$200 million per year for four years for a targeted disaster mitigation program, while establishing a \$200 million Local Government Climate Partnership Program and supporting all councils to implement Closing the Gap targets with \$100 million per annum over four years.
<b>Circular Economy</b>	To identify and implement opportunities to reduce waste sent to landfill and support the development of a circular economy that will deliver environmental and economic benefits for all our communities.	To provide \$100 million per year for four years to fund local government circular innovation projects, and support our communities to reuse wherever possible.
<b>Inter-governmental Relations</b>	To provide a local, place based community perspective to intergovernmental deliberations to ensure that decisions are responsive to local needs and have regard to the great diversity between communities.	To reinstate local government representation to the primary intergovernmental forum in Australia, the National Cabinet, and ensure local government's ongoing voting membership of other Ministerial forums.



## Economic Recovery

Government responses to COVID-19 over the past two years have been overwhelmingly concentrated on averting a health and economic crisis. 2022 and the years beyond are set to be dominated by discussions and decisions around economic recovery.

New policies and strategies will be required to ensure all Australians can be employed in secure, meaningful, and sustainable jobs.

With our footprint across the nation and a workforce that encompasses 394 occupations, local governments provide an ideal catalyst for growing jobs.

We are also the ideal vehicle for co-investment in new job-creation initiatives.

Increased federal funding and investment will help councils roll out new local economic stimulus projects and give us the ability to cut the red tape that might potentially be slowing or blocking other investments planned for communities across Australia.

We would be able to create more jobs, including traineeships and apprenticeships, to address an emerging skills gaps in local government that threatens to slow decentralisation efforts aimed at rejuvenating regional and rural Australia.

Longer term certainty with Federal funding will enable Council's to invest in workforce planning and training.

In many communities, we are proud to be a major employer of Aboriginal and Torres Strait Islander peoples. Local governments are willing to support opportunities for skill training, new jobs, and business opportunities for indigenous people and their communities to help close the gap on indigenous disadvantage.

An added benefit of increased federal funding to local government is that it will help achieve equitable levels of services across all parts of Australia, build community resilience and wellbeing, and improve productivity-generating infrastructure.

## Don't leave our regional communities behind



**Commonwealth Financial Assistance Grants support equitable service levels for all Australians and ensure that no community is left behind.**

These grants are particularly vital in many regional communities, but over the past twenty years they have significantly declined as a share of total Commonwealth taxation revenue.

North Burnett Regional Council Mayor Rachel Chambers, pictured, said a number of factors including amalgamation, changes to Financial

Assistance Grants, and increasing depreciation expenses placed the region in a predicament, and could cost local jobs in her community.

"Our back is against the wall. We're running out of money, we're running out of options to save jobs, and we're running out of time," she said. "We have to use depreciation as an expense so our expenses have increased and that has been an issue. Then we have had budget cutbacks by the state and federal governments over the years."

## Economic Recovery

Failure to secure future federal funding creates the real risk of communities being disproportionately impacted in this period of economic recovery.

Councils are also grappling with the budget repair challenges that are facing state and federal treasuries.

Funding certainty is critical to the short and long-term planning of councils, particularly in rural and regional areas where there is a greater reliance on external funding.

### We are seeking:

**1: An initial injection of Financial Assistance Grants to local government worth \$1.3 billion to support communities and jobs and also resolve the current practice of bringing forward two quarterly Financial Assistance Grant payments each year.**

If funded:

**Jobs created: 13,213**

**Contribution to annual Gross Domestic Product (\$b): \$1.928**

**2: A commitment to return Financial Assistance Grants to at least one percent of Commonwealth taxation revenue - an additional (\$b) 1.598 per year - via a phased approach to be agreed with the Government.**

If funded:

**Jobs created: 16,242**

**Contribution to annual Gross Domestic Product (\$b): \$2.370**

Local Government Offer to the Australian Government	Local Government Ask of the Australian Government
To partner with the Federal Government to create more jobs, while addressing the nation's skills shortage through training and upskilling Australian workers.	To commit to a progressive increase in Financial Assistance Grants to at least one percent of Commonwealth taxation revenue (at least \$4.5 billion per year), and an initial injection of additional Financial Assistance Grants funding.



## Better Transport and Community Infrastructure

Well-targeted infrastructure investment generates lasting economic, social and environmental benefits.

It lowers costs for business and government and better connects workers to their jobs. It increases community resilience and ensures we as a nation are protected against the extreme weather events associated with global warming.

We are responsible for 33 percent of Australia's public infrastructure, including 75 percent of the country's roads by length. Much of this infrastructure is ageing and needs renewing or replacing so it meets community and industry needs.

Roads represent 39 percent of the total local government infrastructure with a total replacement cost of \$204 billion. Bridges represent four percent of the total infrastructure with a replacement cost of \$26 billion. Park and Recreation assets represent \$16 billion or 3 percent of the total infrastructure replacement cost.

However, we collect only 3.5 percent of all taxes raised in Australia, while faced with the mammoth task of maintaining a third of the nation's infrastructure.

Councils are committed to providing quality infrastructure and creating sustainable jobs.

We need additional funds to achieve this commitment and a longer-term funding assurance that allows councils to recruit trainees and apprentices, upskill workers, and attract skilled workers into rural, regional and remote areas.

Access to affordable housing underpins the economic and social fabric of local communities. We are calling for a national housing summit that can develop a national housing strategy to address the current housing challenges in our communities. Local governments must be involved with national housing governance arrangements.

### Successfully delivering for Perth suburban communities



**Thornlie Community and Sports Hub (\$5.6 million, partially funded through Community Development Grants Programme) City of Gosnells, WA**

"It's been very exciting to watch this building rise from the ground," Gosnells Mayor David Goode says.

"The hub will provide important facilities to keep local residents active, provide a welcoming meeting place, and support local community groups. I look forward to the day when we can welcome the whole community to enjoy it."



<b>ITEM</b>	3.1.3
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	21 February 2022
<b>HEADING</b>	Review of Caretaker Policy
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This report presents the reviewed Caretaker Policy for Council adoption.

**RECOMMENDATION**That Council:

1. Adopts the reviewed Caretaker Policy as set out in Attachment 1 to this report (Governance and Compliance 21/02/2022, Item No. 3.1.3).
2. Approves the Caretaker Period to commence on 6 September 2022.

**ATTACHMENTS**

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

1. Reviewed Caretaker Policy

**1. BACKGROUND**

- 1.1 The Caretaker Period for the November 2022 Council Election will commence from 6 September 2022 (or earlier if the Council determines) until the certification of the election results by the Electoral Commission of South Australia.
- 1.2 During the Caretaker Period, Council is prevented from making ‘designated decisions’ (as defined in section 91A(8) of the *Local Government (Elections) Act 1999* (the Act).
- 1.3 The Local Government Association (LGA) has reviewed its Model Caretaker Policy and Caretaker Guidelines in readiness for the November 2022 elections.
- 1.1 A reviewed Caretaker Policy, based on the LGA Model Policy has been prepared for consideration by Council.

## 2. REPORT

- 2.1 The focus of the Caretaker Period is on prohibiting the Council from making designated decisions during an election period. Designated decisions are defined as:

*91A(8) **designated decision** means a decision –*

- (a) Relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or*
- (b) To terminate the appointment of a chief executive officer; or*
- (c) To enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of \$100 000 or 1% of the council's revenue from rates in the preceding financial year; or*

*Other than a decision of a kind excluded from this definition by regulation*

- 2.2 With respect to Section 91A(8)(c) above, the relevant amount of a contract, arrangement or understanding at which it becomes a designated decision, would be \$1,021,210 based on Council's revenue from rates in the preceding financial year of \$102,121,000.
- 2.3 The revised Caretaker Policy (Attachment 1) is based on the LGA Model Caretaker Policy and addresses the core legislative requirements for a Caretaker Policy.
- 2.4 The LGA Caretaker Guidelines provide an overview of the scope and meaning of the legislative requirements under section 91A of the *Local Government (Elections) Act 1999*. The Guidelines are intended to assist Councils and Council Members to manage their obligations during a Caretaker period. The Caretaker Guidelines have been included as an attachment to the revised Caretaker Policy.
- 2.5 The reviewed Caretaker Policy (Attachment 1) provides for commencement on 6 September 2022, the date on which nominations for the 2022 elections close. Council may consider whether it wishes to commence the application of the Caretaker Policy from an earlier date, however it is desirable that Council business proceeds as usual until the legislated commencement.
- 2.6 Staff are monitoring all information being presented to Council to ensure that matters that would be in breach of the Caretaker Policy are not scheduled for consideration during the relevant period. At this stage no significant policy decisions have been identified as being required to be made during the period.
- 2.7 In some instances, it may be necessary to defer consideration of a matter until the conclusion of the Caretaker Period (likely the December 2022 round of meetings, pending the Electoral Commission of South Australia's certification of election results). This decision will be made by the CEO and if necessary, in accordance with the Caretaker Policy, a report will be presented to Council in relation to any significant decision that may be required during the Caretaker Period.

**3. CONCLUSION / PROPOSAL**

- 3.1 The reviewed Caretaker Policy attached to this report responds to the requirements of the *Local Government (Elections) Act 1999* and provides a clear policy position in relation to the caretaker period.
- 3.2 Council may determine whether it wishes to apply the Caretaker Policy from the close of nominations for the 2022 elections or from an earlier date. If the preference is the latter, the 'Scope' section of the Policy will be amended to reflect the earlier commencement date.
- 3.3 The LGA Caretaker Guidelines provide information that assists with understanding of caretaker period requirements and should be considered a support resource to the City of Salisbury Caretaker Policy.





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

## Caretaker Policy

Adopted by:	Council
Responsible Division:	CEO and Governance
First Issued/Adopted:	<u>2011</u>
Last Reviewed:	<u>1 March</u> 2022
Next Review Date:	<u>February 2023</u> <u>To align with upcoming election</u>

### 1. Introduction/Purpose

- 1.1 It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.
- 1.2 This policy affirms Council's commitment to fair and democratic elections, and adherence to this principle and includes a commitment to comply with the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999* (SA).

### 2. Scope

- 2.1 This Policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November ~~2018~~2022, the policy commences on ~~18-6~~ September ~~2018-2022~~ [or such earlier date as the Council resolves] and ends when the election results have been ~~declared~~certified by the Electoral Commission of South Australia (ECSA).

2.2 This Policy applies to:

2.2.1 The Council; and

2.2.2 Council staff.

2.3 This Policy is to be taken to form part of the *Code of Conduct for Council Members* gazetted for the purposes of section 63 of the *Local Government Act* and ~~the Code of Conduct for Council Employees gazetted for the purpose of section 110 of the Local Government Act 1999.~~

### 3. Legislative Requirements

3.1 *Local Government Act 1999*

3.2 *Local Government (Elections) Act 1999*

### 4. Interpretation/Definitions

**Chief Executive Officer** means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.

**Council Member** means an elected member of the City of Salisbury.

**Council resources** may include:

- (a) Materials published by Council
- (b) Facilities and goods owned by the Council;
- (c) Attendance and participation at functions and events;
- (d) Access to Council information; and
- (e) Media services

**Council staff** means any person ~~that who~~ is employed full-time, part-time or casually by the Council who receives remuneration for their work.

**Designated decision** means a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and wilful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
- (c) to enter into a contract, arrangement or understanding (other than a contract for road ~~works~~ construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
  - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under section 298 of the *Local Government Act 1999* (SA);



- (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
- (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);
- (iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
- (v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or

~~(d) allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates).~~

*Election period* means the period commencing on the day of the close of nominations for a general election and expiring ~~at the conclusion of the general election~~ when the election results have been certified by ECSA.

Or

*Election period* means the period:

- (a) commencing on [date to be inserted] being a day chosen by Council for the purposes of the Policy, being a date earlier than the close of nominations for the general election; and
- (b) expiring when the election results have been certified by ECSA.

*General election* means a general election of council members held:

- (a) under section 5 of the *Local Government (Elections) Act 1999*; or
- (b) pursuant to a proclamation or notice under the *Local Government Act 1999* (SA).

*Minister* means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the *Local Government (Elections) Act 1999*.

## 5. Policy Statements

### 5.1 PROHIBITION ON DESIGNATED DECISIONS

5.1.1 The Council is prohibited from making a designated decision during an election period.

5.1.2 A decision of the Council includes a decision of:

- A Committee of Council; and

- A delegate of Council.

## 5.2 PROHIBITION ON THE USE OF COUNCIL RESOURCES

5.2.1 Council resources must not be used for the advantage of a particular candidate or group of candidates.

5.2.2 For clarity, neither the *Local Government (Elections) Act 1999* nor this Caretaker Policy prohibits Council providing resources to all member of the public which incidentally includes all candidates for election.

5.2.3 The following Council resources must not be used for the advantage of a particular candidate or group of candidates and may only be used by council members, where necessary in the performance of their ordinary duties as a Council member:

- Mobile phones;
- Council vehicles;
- Council-provided landline phones, computers and other office equipment beyond that provided to members of the public (eg in a public library);
- Council-provided business cards;
- Requests to Council employees to perform tasks which would confer an advantage on a candidate or group of candidates;
- The ability to issue invitations to Council events;
- Council travel arrangements (eg access to council-negotiated rates for flights, accommodation or hire cars);
- Access to areas that members of the public cannot access, including areas within the properties of third parties (eg a 'Mayor's Parlour' at a suburban football oval);
- Council produced promotional brochures and documents.

5.2.2 Despite Clause 3 above, Council may determine those Council resources that may be used by all candidates for election on an equal basis.

## 5.3 APPLICATION FOR EXEMPTION

5.3.1 Pursuant to section 91A(3) of the *Local Government (Elections) Act 1999*, if the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, the Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be

invalid under section 91A of the *Local Government (Elections) Act 1999* and this policy.

**5.3.2** Pursuant to section 91A(4) of the *Local Government (Elections) Act 1999*, if the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the *Local Government (Elections) Act* and this policy, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

#### 5.4 TREATMENT OF OTHER SIGNIFICANT DECISIONS

5.4.1 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and ensure that such decisions:

- are considered by Council prior to the 'election period'; or
- are scheduled for determination by the incoming Council.

5.4.2 A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will bind the incoming Council.

5.4.3 A 'major policy' decision includes any decision (not being a designated decision):

- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to ~~endorse~~ adopt a new policy;
- to dispose of Council land;
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer.

5.4.4 The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor. The Chief Executive Officer must keep a record of all such determinations made and make this list available to candidates upon request.

5.4.5 Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council.

5.4.6 The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.

5.4.7 The Chief Executive Officer's report to Council will address the following issues (where relevant):

- why the matter is considered 'significant';
- why the matter is considered urgent;
- what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- whether deciding the matter will significantly limit options for the incoming Council;
- whether the matter requires the expenditure of unbudgeted funds;
- whether the matter is the completion of an activity already commenced and previously ~~endorsed-approved~~ by Council;
- whether the matter requires community engagement;
- any relevant statutory obligations or timeframes; and
- whether dealing with the matter in the election period is in the best interests of the Council area and community.

5.4.8 Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

#### 5.5 CONTINUING THE FUNCTIONS OF THE COUNCIL DURING THE CARETAKER PERIOD

5.5.1 Nothing in this policy prevents the Mayor, Council Members and staff carrying on the business of the Council during the caretaker period. The Mayor will continue to accept invitations to attend community functions, as will Council Members, particularly when those functions are in recognition of activities of community groups whether having gained the support of the Council through grants or not.

5.5.2 The CEO will ensure as far as is practical that Council initiatives will not be launched during the caretaker period.

5.5.3 The ~~endorsed-adopted~~ Media Policy will continue to apply in relation to Council spokespersons during the Caretaker period.

#### 5.6 CONSEQUENCES OF CONTRAVENING THIS POLICY

5.6.1 Pursuant to section 91(A)(5) of the *Local Government Elections Act 1999*, ~~a~~A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.

5.6.2 Pursuant to section 91(A)(6) of the Local Government Elections Act 1999,

~~a~~Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage.

5.6.3 A breach of this policy is a breach of the Code of Conduct for Council Members ~~and Code of Conduct for Council Employees.~~

## 6. Related Policies and Procedures

- 6.1 Caretaker Guidelines, December 2021 – Local Government Association  
(included as an attachment to this Policy)

## 7. Approval and Change History

Version	Approval Date	Approval By	Change
<u>4</u>	<u>1 March 2022</u>	<u>Council</u>	<u>Various changes as a result of LG reform</u>

## 8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://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](mailto:city@salisbury.sa.gov.au)

## 9. Review

This Policy will be reviewed to align with an upcoming election.

### 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](mailto:city@salisbury.sa.gov.au)



## Caretaker Guidelines

December 2021





Local Government Association  
of South Australia


# LG Equip

*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 Lawyers, for the guidance of and use by member councils.*

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**For further information contact the Governance Team**

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	Local Government Association of South Australia	<b>LG Equip</b>
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<b>ITEM</b>	3.1.4
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	21 February 2022
<b>PREV REFS</b>	Resources and Governance Committee 3.3.2 20/01/2020
	Governance and Compliance Committee 3.1.2 15/11/2021
<b>HEADING</b>	By- Laws Review 2022
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Community Compliance, City Development
<b>CITY PLAN LINKS</b>	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
<b>SUMMARY</b>	The current six Council By-Laws, were approved by Council 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 made and published new By-Laws in the Government Gazette before 31 August 2022. This report 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 21/02/2022, Item No. 3.1.4) 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 21/02/2022, Item No. 3.1.4) for further consultation processes as specified in the report including publication and invitation for comments via the Council's website and social media channels.

## ATTACHMENTS

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

1. By-law No 1 of 2022 - Permits and Penalties By-Law 2022
2. By-law No 2 of 2022 - Moveable Signs By-Law 2022
3. By-law No 3 of 2022 - Roads By-Law 2022
4. By-law No 4 of 2022 - Local Government Land By-Law 2022
5. By-law No 5 of 2022 - Dogs By-Law 2022
6. By-law No 6 of 2022 - Waste Management By-Law 2022
7. By-Laws 1-6 of 2015
8. By-Laws of 2015 Determinations and Resolutions
9. By-Laws Presentation to Elected Members 6 December 2021

### 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 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 A By-Law briefing was presented to Council at the CEO Briefing on 6 September 2021. A report was then presented to the Governance and Compliance Committee 15/11/2021, Item No. 3.1.2. At the November meeting, Council resolved that it:
- 1.5.1 *Approves that this item be deferred to a CEO Briefing or Workshop Session to discuss in more detail with Elected Members and staff. CARRIED 1153/2021*
- 1.6 The second CEO Briefing was conducted on 6 December 2021. A copy of the presentation at the CEO Briefing is included as Attachment 9 to this report. Following the Briefing an email was sent to Elected Members providing further clarification regarding the proposed By-Laws and process.
- 1.7 This report seeks Council approval to undertake statutory public consultation on the draft By-Laws. Following Public Consultation, a further report will be presented to Council seeking approval of the By-Laws and the required statutory processes, including publishing of the Government Gazette notices and reports to the Legislative Review Committee for the By-Laws to come into effect.

## **2. CONSULTATION / COMMUNICATION**

### **2.1 Internal**

#### **2.1.1 Elected Members**

- CEO Briefings held on 6 September 2021 and 6 December 2021

#### **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 will replace the existing six By-Laws within the City of Salisbury. In general, they regulate the same matters as the existing By-Laws and 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 The By-Law allows for permits to be issued for alternative moveable signs that are not designed as a standard A-frame, and consideration is given to the location and impacts on pedestrian and traffic safety. Alternatively, an authorisation can also be granted under Section 221 of the Act for any signage that is fixed.
- 3.19 The proposed By-Law enables authorised staff to remove unauthorised or illegal signage including those relating to Local Government elections.

**3.20 By-Law 3 Roads**

- 3.21 Description – for the management of public roads and to regulate certain activities on roads in the Council area.
- 3.22 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council’s lawyers.
- 3.23 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.
- 3.24 The By-Law provides for a range of provisions that are restricted or require Council permission to be undertaken on a road or road related area.
- 3.25 The main activities undertaken or permitted under this By-Law include:
  - 3.25.1 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.
  - 3.25.2 Canvassing and Donations - staff responding to people canvassing and conveying messages to passerby’s in the streets and or seeking donations.
  - 3.25.3 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.

**3.26 By-Law 4 Local Government Land**

- 3.27 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.
- 3.28 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:
  - 3.28.1 Definition of E-cigarettes as it applies to the definition of smoke.
  - 3.28.2 Including drones in the definition of Model aircraft.
  - 3.28.3 Prohibiting the deposit of any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin.
- 3.29 The By-Law provides Council with the ability to:
  - 3.29.1 regulate a range of activities (e.g. erect signage, lead livestock, keep bees, camp, etc) on local government land that require Council’s permission.
  - 3.29.2 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.
  - 3.29.3 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.



- 3.30 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.
- 3.31 Currently, the main activities regulated or permitted under this By-Law that are responded to by the City of Salisbury include:
- 3.31.1 Fishing – nuisances created by fishing, such as obstructing paths, leaving dead carp, or creating noise nuisance for nearby residents during the evening.
  - 3.31.2 Boats – requests to kayak on the main lake at Mawson Lakes, noting that unrestricted kayaking is currently prohibited due to safety concerns unless licensed.
  - 3.31.3 Camping – moving on campers that are located on Council reserves.
  - 3.31.4 Golf – people playing golf on reserves and creating hazards to other users.
  - 3.31.5 Removing trees – trees being cut and/or fallen trees being cut and removed illegally.
- 3.32 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.
- 3.33 The addition of the definition of drones to the model aircraft ensures authorised staff can address drones being launched and flown over Council land, however all other drone activity is controlled under the Civil Aviation Act. The Civil Aviation Act describes the conditions under which an aircraft may fly in Australia. The Civil Aviation Safety Authority recommends that operators fly at a site which is already established rather than trying to obtain individual permission. The Model Aeronautical Association of Australia provides details of local approved sites.
- 3.34 By-Law 5 Dogs**
- 3.35 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*.
- 3.36 Changes – Minor changes to this By-Law are proposed along with editorial, currency and formatting changes as recommended by Council’s lawyers.
- 3.37 The proposed changes include:
- 3.37.1 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.
  - 3.37.2 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;
    - in any wetland area.

- 3.37.3 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, and limit impacts on flora and fauna in wetland areas.
- 3.37.4 Council can utilise the provisions available under Clause 5.1 of the By-Law to require dogs to be on a leash at specified times or areas on any local government land and or facility. Any changes would be subject to community consultation and Council endorsement and resolution, and would consider local concerns, community demand, and any identified risks or community safety concerns. This provides flexibility to address areas independently and determine an outcome based on any specific concerns (e.g. distance to playgrounds).
- 3.37.5 The limit on the number of dogs to be kept at any premises is proposed to be two dogs for all dwellings 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.
- 3.38 The main activities undertaken or permitted under the existing By-Law include:
  - 3.38.1 Dog free areas – where Council has resolved to declare dog free areas in all enclosed play spaces including the St Kilda play space.
  - 3.38.2 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.
  - 3.38.3 Dog exercise areas – includes dog friendly parks that have been declared dog off-leash areas at all times.
  - 3.38.4 Limit on dog numbers – permits are issued to persons wishing to keep more two dogs. There are currently about 400 permits to keep more than the prescribed number of dogs in the City of Salisbury.

### **3.39 By-Law 6 Waste Management**

- 3.40 Description – to regulate the removal of domestic waste, recyclable and green organic waste from premises in the Council area.
- 3.41 Changes – No changes to this By-Law are proposed other than editorial, currency and formatting changes as recommended by Council's lawyers.
- 3.42 The main activities undertaken or permitted under this By-Law include:
  - 3.42.1 Keeping containers clean – responding to concerns are raised about offensive odours coming from bins requiring them to be cleaned.
  - 3.42.2 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**

- 3.43 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.
- 3.44 All previous resolutions will continue to apply relating to areas such as:
- Dog free areas.
  - Dog on leash areas.
  - Golf restrictions on golf course.
- 3.45 A copy of existing resolutions under By-Laws is included as attachment 8 to this report.

**Public and Government Consultation**

- 3.46 Council's approval is sought to commence public consultation on the draft By-Laws.
- 3.47 Consultation will be carried out in accordance with Section 249 of the *Local Government Act 1999* and Council's Public Consultation Policy.
- 3.48 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.
- 3.49 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*.
- 3.50 The proposed timeline for consultation is as follows:
- 3.50.1 7 March 2022 – Notify the Dog and Cat Management Board of draft By-Law 5 Dogs and notify Minister for Infrastructure and Transport in respect of By-Law 4 Local Government Land.
  - 3.50.2 7 March 2022 – 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.
  - 3.50.3 29 March 2022 – Commence formal community consultation on By-Law 5 Dogs.
  - 3.50.4 30 April 2022 – Community consultation period concludes.
- 3.51 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.
- 3.52 In addition, the information will be published on Council's website and social media channels.

- 3.53 At the conclusion of the public and government consultation, all feedback will be considered and where appropriate amendments will be proposed 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 The current six Council By-Laws, were made in 2014 and enacted on 1 January 2015. To ensure that new By-Laws come into effect before the existing By-Laws expire, Council must make and publish the new By-Laws in the Government Gazette before 31 August 2022.
- 4.3 Following consultation, the draft By-Laws and associated documentation will be presented to Council for approval and formal adoption. If amendments to the proposed By-Laws are significant then they may be required to undergo a further round of consultation.
- 4.4 Under the Act, 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.
- 4.5 Once the By-Laws are finalised, Council's lawyers will prepare the Government Gazette notices and submit the reports to the Legislative Review Committee.
- 4.6 The By-Laws will come into effect four 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 they were 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 3m<sup>2</sup> 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;

PSK\BY-LAW NO 3 - ROADS

**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 they desire 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;

PSK\BY-LAW NO 3 - ROADS

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 their 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 they desire 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;
- 5.10 Use of Council rubbish bins**
- deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

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**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

DRAFT

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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 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **effective control** means a person exercising effective control of a dog either:
  - 3.6.1 by means of a physical restraint;
  - 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;

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- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **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 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 their control.
- 6.2 Where a person enters upon such part of local government land for that purpose, they must ensure that the dog under their control remains under effective control while on that land.

### 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:

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- 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 their 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**

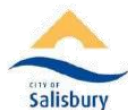
**7. Revocation**

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 operation<sup>1</sup>:

4.1.1 *By-law No. 1 – Permits and Penalties 2008*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2023.<sup>3</sup>

**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), 4.1 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 operation<sup>1</sup>:

4.1.1 *By-law No.2 – Moveable Signs 2008*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2023.<sup>3</sup>

**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 3m<sup>2</sup> 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:



- 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 operation<sup>1</sup>:

4.1.1 *By-law No. 3 – Roads 2008*.<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2023.<sup>3</sup>

**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

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 operation<sup>1</sup>:

4.1.1 By-law No. 4 – Local Government Land<sup>2</sup>

- 4.2. This By-law will expire on 1 January 2023.<sup>3</sup>

**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.



- 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;

- 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 *Harbors 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*





**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	<p>1. The information be received.</p> <p>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):</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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</li> <li>the power to commence proceedings to prosecute an offence under a Council By-law.</li> </ul> <p>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.</p>

**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"> <li>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</li> <li>to play or practice any other sporting activity.</li> </ol> <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"> <li>publishing notice of them in the Government Gazette and in a local newspaper circulating in the Council's area;</li> </ol>

	<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 Item 7.2 Salisbury United Football Club May 2021 Moved Cr C Buchanan Seconded Cr D Proleta 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**

<b>Date and Resolution Reference</b>	<b>Resolution</b>
<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>	<ol style="list-style-type: none"> <li>1. No environmentally sensitive habitat areas are to be made available for unleashed dog exercise activity</li> <li>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.</li> <li>3. An extensive community education program regarding permitted unleashed dog exercise times in open spaces and owner responsibilities commence in June 2001.</li> <li>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.</li> </ol>
<p>Health and General Report November 2001 Item 3.3.1 20/1/4 "Dog Friendly Parks" – Unleashed Exercise Areas 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>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Council directs that an amount of \$76,000 for the cost of these developments be included in the First Quarter Budget Review.</li> <li>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.</li> <li>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.</li> <li>5. If the Dunkley Reserve location is approved at the December 2001 meeting, then it be funded from the Sundry Projects Fund.</li> </ol>

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"> <li>• Park Way Dog Friendly Park, Mawson Lakes,</li> <li>• Happy Home Reserve Dog Friendly Park, Salisbury North,</li> <li>• Canterbury Drive Reserve Dog Friendly Park, Salisbury Heights and</li> <li>• Unity Park Dog Friendly Park, Pooraka.</li> </ul>
<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"> <li>• A 'playground' is an area upon which is installed equipment and/or other devices for the purpose of children's play; and</li> <li>• A 'fully enclosed playground' is a playground that is fully enclosed by a fence or similar structure requiring entry via a gate.</li> </ul> <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





### Power to make by-laws

**Council has a general power to make by-laws for:**

- the good rule and government of the area,
- the convenience, comfort and safety of its community,

**Provided the by-laws:**

- are within the contemplation of the *Local Government Act, 1999* or another Act, or
- authorised by the regulations under the *Local Government Act, 1999* or another Act.

"With great power comes great responsibility."


### Standard By-Laws

By-Laws cover the same general topics regulated by most Local Councils

Must be reviewed and enacted before previous by-laws expire

Expire 7 years after they are made

Made on the day they are published in the Government Gazette



Salisbury

### Six Council By-Laws

- By-Law 1 Permits and Penalties
- By-Law 2 Moveable Signs
- By-Law 3 Roads
- By-Law 4 Local Government Land
- By-Law 5 Dogs
- By-Law 6 Waste Management

Salisbury

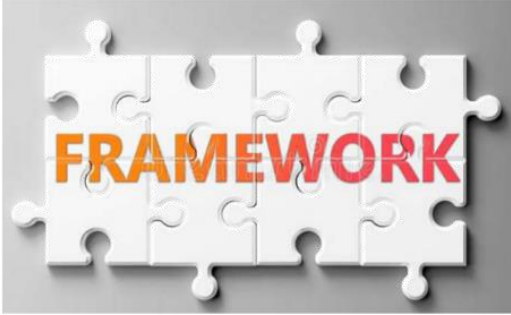


## By-Law 1 – Permits and Penalties

**What does it do?**

- Provides for a permit system
- Fix maximum penalties in Council by-laws
- Evidentiary provisions
- Liability of vehicle owners, and
- Clarify the construction of such by-laws

**No changes to this By-Law**




## By-Law 2 Moveable Signs

**What does it do?**

- Provides conditions for the size, design and placement of moveable signs
- Protects public safety and enhances the amenity of the area of the Council
- Exemptions for real-estate, garage sales, elections and charity functions
- Permits for other signs

**No changes to this By-Law**





### Current main activities - By-Law 2 Moveable Signs

- **Signs that are contrary to the By-Law**
  - Approx: 30 per annum
- **Illegal signs and or hazardous signs**
  - banners that move
  - overhang pedestrian paths or
  - obstruct traffic.
- **Permits for banners for community events**
  - Approx: 2 per annum



### By-Law 3 Roads


**What does it do?**

- Regulates certain *activities* on roads in the Council area (that require permission)

**What it doesn't do?**

- Does not cover
  - driving offences
  - abandoned vehicles
  - parking

**No changes to this By-Law**



## By-Law 3 - Regulates particular activities

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

<b>Display Advertising</b> (other than moveable signs)	<b>Distribution of Bills</b>
<b>Animals</b> cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road	<b>Obstructions</b> Erect or place obstructions – such as skips or cranes
<b>Selling from a vehicle</b>	<b>Preaching</b> preach, canvass, harangue or otherwise solicit for religious purposes
<b>Amplified sound</b>	<b>Public Exhibitions and Displays</b> sing, busk or play a musical instrument
<b>Bicycles</b> – tie or chain a bike where it causes obstructions	<b>Soliciting</b> ask for or receive or indicate a desire for a donation of money or any other thing;
<b>Bridge jumping</b> – jump dive from any bridge or structure	<b>Touting for Business</b>
<b>Camp or sleep overnight in a tent or RV, caravan or motor home</b>	<b>Use of Council Rubbish Bins</b> deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;
<b>Canvass - for religious purposes</b>	<b>Wheeled Recreational Devices</b> use a wheeled recreational device on a footpath
<b>Seek donations</b>	<b>Work on vehicles</b>

## Current main activities - By-Law 3 Roads

- **Camping**
  - Person(s) sleeping in vehicles or motor homes on roads
  - Approx: 4 per annum
- **Canvassing and Donations**
  - People canvassing and conveying messages or seeking donations
  - Approx: 10 per annum
- **Obstructions**
  - Hoarding Permits, skips or fencing
  - Approx: 30 per annum



## By-Law 4 Local Government Land

**What does it do?**

- Manages and regulates the use of and access to all land under the control of the Council.
- Prohibits and regulates particular activities:
  - for the health and safety of the community
  - for fair use
  - to prevent nuisances.
- Limits the regulation of a range of activities to a specific location:
  - restrict the activity entirely, or
  - require a permit for the activity.



## By-Law 4 - Regulates particular activities

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

Alteration to Local Government Land	Entertainment and busking	Playing Area
Amplification	Equipment	Playing games or sport
Animals on local government land	Fires	Pontoons
Annoyance	Fireworks	Preaching and Canvassing**
Attachments	Fishing**	Public Exhibitions and Displays
Bees	Flora, fauna and other living things	Removing Material
Boats	Foreshore	Selling
Bridge Jumping	Funerals and scattering ashes**	Skateboards and small wheeled devices**
Buildings & Structures	Golf	Swimming
Camping	Lighting	Trading
Canvassing	Marine life	Weddings, functions and special events
Cemeteries	Model aircraft, boats and cars**	Wetlands
Closed lands	Motor vehicles	Wheeled recreational devices
Defacing of property	No liquor	Working on vehicles
Distribution	Overhanging articles or displaying personal items	

## By-Law 4 - Prohibits particular activities

A person must not, on any local government land:

Children's playgrounds	Smoking*
Fishing	Solicitation
Glass	Toilets
Interference with Land	Use of Council rubbish bins
Interference with Permitted Use	Use of equipment
Playing games	

## Changes to By-Law 4 Local Government Land

- Definition of E-cigarettes
- Including drone in the definition of Model aircraft
- Prohibiting commercial waste in any Council rubbish bin









### Current main activities - By-Law 4 Local Government Land

**Customer Requests** (Approx. 100 per annum)

- Fishing - Nuisances created by fishing
- Boats - requests to kayak on lakes
- Camping - campers from Council reserves
- Golf - golf on reserves creating hazards to other users.
- Removing trees - trees being cut and removed

**License and hire agreements** (Approx. 290 per annum)

- Events, weddings, parties
- Managed by Property Services team




### By-Law 5 - Dogs

**What does it do?**

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

- Dog free areas
- Dog on leash areas
- Dog exercise areas
- Limit on dog numbers
- Dog faeces management



### Changes to By-Law 5 – Dogs

**Dog free areas**

- Prohibited on playing fields while sport is occurring.

**Dog on leash areas**

- Any park or reserve during times when organised sport played
- Within 5 metres of children's playground equipment
- In any wetland area.

**2 dogs for all dwellings**

- Recognition that the average dwelling size decreasing
- Permit required for more than 2 dogs.



### Current main activities - By-Law 5 - Dogs

**Dog free areas**

- Enclosed play spaces & St Kilda

**Dog on Leash Areas**

- Responding to off leash complaints
- Approx. 50 p/a

**Dog exercise areas**

- Dog friendly parks as off-leash areas

**Limit on dog numbers**

- Permits to keep more two dogs
- Approx. 400 permits





## By-Law 6 Waste Management

**What does it do?**

Regulates the removal of domestic, recyclable and green organic waste

Defines waste for Household, Recyclables and Green Organics

**Must:**

- Keep containers clean, sealed and good condition
- Facilitate collection by placing in approved area, and bringing bins in promptly
- Can't interfere with garbage or hard wastes.

**No changes to this By-Law**



## Current main activities - By-Law 6 Waste Management

**Keeping containers clean**

- Offensive odours from bins
- Required to be cleaned
- Approx. 10 per annum

**Collection services**

- Bins are not taken back in after collection
- Require order that they be taken in
- Approx. 70 per annum



## What By-Laws don't cover

**Abandoned Shopping Trolleys**  
Amendments proposed to *Local Nuisance and Litter Control Act, 2016*

**Animal nuisances**  
Local nuisance under *Local Nuisance and Litter Control Act, 2016*  
E.g.

- Noisy roosters and keeping poultry
- Bird feeding
- Cat nuisances (includes wandering, spraying & offensive odours from too many cats)

**Parking or Driving Offences**

- Australian Road Rules
- Road Traffic Act

**Littering**  
Local Nuisance and Litter Control Act



## By-Laws Next Steps

**Report to Council with Draft By-Laws**

**Seek approval to commence public consultation and formal agency consultation**

- Dog and Cat Management Board
- Minister for Infrastructure and Transport


**Public Consultation 21 days after referral to Dog and Cat Management Board and additional 28 days**

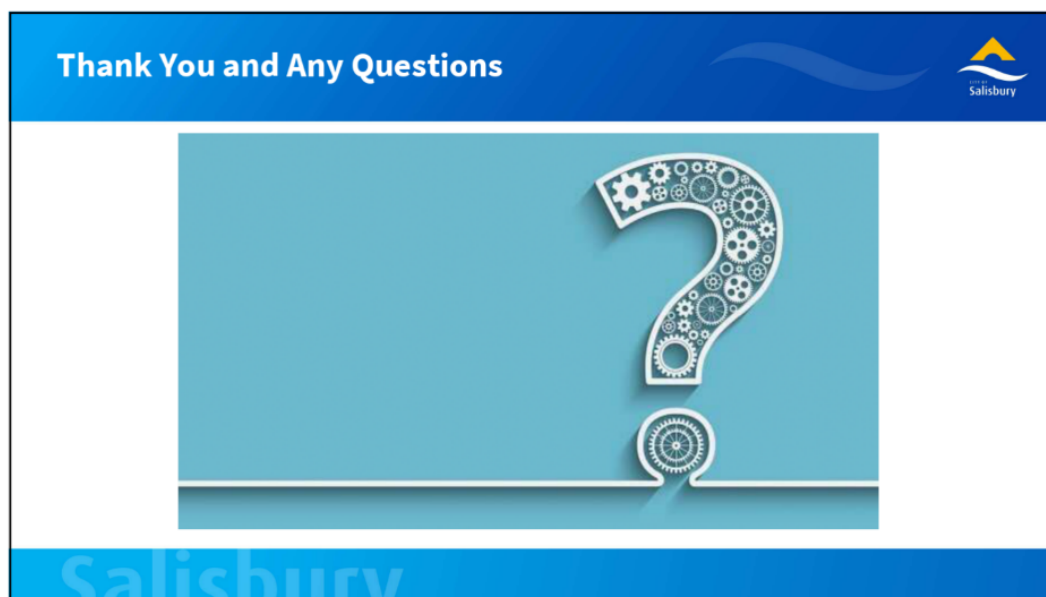
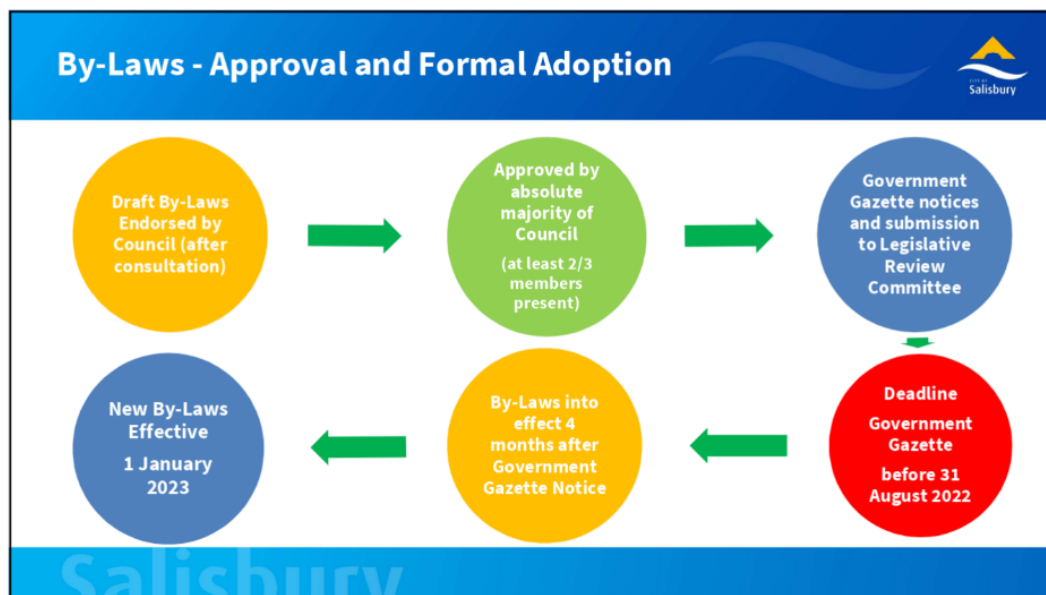
**Notice in the Advertiser and on Council's website and social media channels.**

- Copies of the draft By-Laws will be available for public inspection without charge

**At Conclusion:**

- Council will receive a consultation summary
- Where appropriate amendments will be made to the draft By-Laws for Council's consideration.





7/02/2022





<b>ITEM</b>	3.1.5
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	21 February 2022
<b>HEADING</b>	Dog Registration Fees 2022 - 2023
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Community Compliance, City Development
<b>CITY PLAN LINKS</b>	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
<b>SUMMARY</b>	Under the provisions of the <i>Dog and Cat Management Act 1995</i> , Council can establish dog registration fees and rebates without any fee cap or approval required from the Minister. The only requirement is a level of consistency in the category of dog registration types and concessions available to help facilitate the required categories on Dog and Cats Online (DACO), the state-wide dog registration database. This report presents for Council approval the 2022-2023 dog registration fees. Fees must be approved prior to 31 May 2022 to facilitate the update and generation of new registrations for the 2022/23 period in DACO.

## RECOMMENDATION

### That Council:

1. Approves the 2022-2023 maximum dog registration fee for a non-standard dog at \$75.00 with the dog registration categories, eligible rebates and late fees as per the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.
2. Approves the Other Registration Fees relating to:
  - Replacement disc fee;
  - Late registration penalty, which is applicable 3 clear business days from last day to pay annual registration;
  - Puppies aged 6 months or less;
  - Part year rebate after 1 January and until end of current registration period for new dogs not previously registered in the area; and
  - Fee free registration period from 1 June to 30 June.
  - Certified extract from register (per page).

as presented in the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.



3. Approves the fees for meeting any other requirement imposed on councils under this Act, namely:

- Dog seizure fee (seizing a dog for the purposes of impounding) and includes Day 1 (or first 24 hours) or part thereof of impounding.
- Daily pound fee (fees for keeping dog at pound daily, or part thereof);
- Daily pound fees – long term hold for dog;
- Daily pound fees – short or long term hold for cat;
- Veterinary fees, applicable to dogs and cats;
- Other animal welfare related costs including euthanasia, microchipping, or desexing applicable to dogs and cats;

as presented in the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.

## ATTACHMENTS

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

1. Revenue and Expenditure Estimates 2022-2023
2. Dog Registration Fee Schedule 2022-2023
3. Dog Registration Fee Modelling

### 1. BACKGROUND

- 1.1 Under the provisions of the *Dog and Cat Management Act 1995* (the Act) Council has the discretion to set dog registration fees and must notify the Dog and Cat Management Board.
- 1.2 Fees must be approved prior to 31 May 2022 to facilitate the update of fees on Dogs and Cats Online (DACO) the state-wide dog registration database, and the generation of new registrations for the 2022/23 period in DACO.
- 1.3 To provide consistency in the required categories on DACO the standard and non-standard dog category was adopted since 2018.
- 1.4 A standard dog is a “desexed and microchipped dog” and has a 50% rebate on the maximum fee which is for a non-standard dog. A non-standard dog means a dog that is only microchipped or desexed, and not both. The current fee structure is \$35 for a standard dog and \$70 for a non-standard dog with a 50% concession for eligible concession card holders.
- 1.5 The Act requires that all money received by Council under the Act must be utilised by Council in the provision of dog and cat management services.

### 2. CONSULTATION / COMMUNICATION

- 2.1 Internal
  - 2.1.1 Assistant Accountant, Business Excellence

### 3. REPORT

- 3.1 Council provides a large range of services delivered by the Community Compliance Team in the administration and enforcement of the Act, along with significant support services to deliver these functions and projects in the area of dog and cat management.
- 3.2 These services include:
- 3.2.1 Community Compliance Services:
- Dog attack investigations;
  - Dogs wandering at large;
  - Dog noise and nuisance complaints;
  - Dog leashing laws;
  - Guard dog register;
  - Provision of information and educational material,
  - Support for micro-chipping day;
  - Dog Registration assessments;
  - Cat nuisance investigations, trapping services and cat relocations and impounds;
  - After hour and weekend services;
  - Management of Council's dog pound activities including cleaning;
  - Dog rehoming via a contract with the Animal Welfare League;
  - Customer Centre staff resources; and
  - City Development Administration staff.
- 3.3 Council also provides for the maintenance of numerous Council facilities provided for dog owners and for dog management. These include the services and facilities provided by City Infrastructure and include:
- Provision and maintenance of nine dog friendly parks and the recent expansion to include small dog parks;
  - Provision and maintenance of dog litter bags and dispensers;
  - Installation and maintenance of signage associated with dog laws and dog friendly parks;
  - The development of a new pound and the ongoing maintenance of the facility;
- 3.4 Capital projects include:
- the joint pound redevelopment with the City of Tea Tree Gully;
  - the maintenance and upgrades of the dog friendly parks due to commence in 2022/23.
- 3.5 Other projects identified as part of the Dog and Cat Management Plan review, including:
- Off-leash greyhound event
  - Supporting low cost microchipping days and desexing initiatives

- 3.6 The costs for services provided by the City of Salisbury exceed the revenue generated through registration and other dog and cat management fees which accounted for approximately 40% of total expenditure in 2021/22. This was down from approximately 67% in 2020/21 due to the capital costs associated with the pound redevelopment in the current financial year.
- 3.7 If fees remain the same, at \$35 standard / \$70 non-standard for the 2022/23 financial year, revenue is expected to contribute to approximately 52% of expenditure, whilst increasing fees to \$37.50 standard /\$75 non-standard will increase revenue contributions to approximately 55% of total expenditure.
- 3.8 The impact of increasing fees upon the proportion of cost recovery is outlined in Attachment 1 Revenue and Expenditure Estimates 2022/23.
- 3.9 All revenue generated by fees under the *Dog and Cat Management Act 1995* must be expended on dog management services, capital works and other operational activities consistent with the requirements of the Act.
- 3.10 The summary of fee changes over the last five financial years is provided in Table 1 below:

*Table 1 Dog Registration Fees History - Present to 2017/18*

Year	Fee	Fee increase	Percentage change from previous year	Comments
2021/22	\$70	\$5	7.7%	Fees increased to \$70 following 4-year fee cap.
2020/21	\$65	\$0	0%	Approved at \$70, however fee increase was amended due to the Council's response to the COVID-19 pandemic.
2019/20	\$65	\$0	0%	
2018/19	\$65	\$0	0%	
2017/18	\$65	\$2.50	4%	

### **Dog Registration Fees 2022/23**

- 3.11 The existing registration categories will be utilised to establish the fee structures, and include:
- Business Registration;
  - Assistance Dog;
  - Non-Standard Dog;
  - Standard Dog;
  - Non-Standard Dog – Concession;
  - Standard Dog – Concession;
  - Non-Standard Dog – Working; and
  - Standard Dog – Working.

- 3.12 Registration numbers have remained reasonably consistent with 71% of all registrations being standard dogs, increasing from 65% in 2018/19 as represented in Table 2.

*Table 2 Dog Registration Classification and Numbers*

<b>Classification</b>	<b>2020-2021</b>	<b>2018-2019</b>
Standard (including concessions)	16,171	14,970
Non-Standard (including concessions)	6,407	8,024
Other classifications	353	25
<b>Total</b>	<b>22,931</b>	<b>23,019</b>

- 3.13 It is expected that the majority of dogs will eventually transition to standard dogs eligible for the full rebate.
- 3.14 Table 3 below summarises the projected revenues from registration fees set at \$37.50/\$75.00 and \$35.00/\$70.00 and is based on the estimated registration rates from the current year.

*Table 3 – Projected Dog Registration Revenues*

	<b>Standard Dog Fees</b>	<b>Non-Standard Dog Registration Fee</b>	<b>Percentage (%) Increase from \$35/\$70</b>	<b>Estimated Dog Registration Revenue</b>	<b>Variation from 2021/22 projected EOY revenue (\$778,512)</b>
<b>Proposed fees</b>	\$37.50	\$75.00	7.1%	\$830,878	\$52,366
<b>Current fees</b>	\$35.00	\$70.00	0%	\$775,500	-\$3,012

- 3.15 These projections indicate that a Standard registration fee of \$37.50 and a Non-Standard maximum registration fee of \$75 are appropriate in 2022/23 to provide for ongoing contributions to the cost recovery for services from dog registration fees.
- 3.16 An increase in registration fees will ensure that the services provided for dog management are funded to an appropriate extent from the registration fees rather than general revenue, reflecting that there is both a benefit to dog owners and a broader community benefit to the dog registration and management framework.

#### ***Comparisons to other Councils***

- 3.17 The City of Salisbury has one of the lowest fee structures compared to adjoining and other large metropolitan councils.

*Table 4 – Comparison of Dog Registration Fees*

<b>Council</b>	<b>2021/22 Standard Fee</b>	<b>2021/22 Non-Standard Fee</b>
Salisbury	\$35.00	\$70
Marion	\$37.00	\$74
Playford	\$37.50	\$75
Tea Tree Gully	\$40.00	\$78
Port Adelaide Enfield	\$47.50	\$95
Onkaparinga	\$47.50	\$95
Gawler	\$48.00	\$96
Charles Sturt	\$50.00	\$100

- 3.18 The proposed increases (Standard registration fee of \$37.50 and a Non-Standard maximum registration fee of \$75) would increase the City of Salisbury's fee to be consistent with the City of Playford, while still remaining one of the lowest in metropolitan Adelaide.

### ***Other Revenue***

- 3.19 Other revenues collected under the provisions of the Act include expiations, fines recovered by the Fines Enforcement and Recovery Unit, and pound fees. These revenue sources are variable and dependent on offences being committed and detected and animals impounded. The revenues from dog registration fees are considered the most consistent and predictable source of funds for expenditure associated with dog and cat management.
- 3.20 Other revenue has been considered in the modelling for dog and cat management expenditure. Other revenue is estimated to contribute to approximately 9% of all dog and cat expenditure in 2022/23 and this has declined from approximately 14% in 2020/21.
- 3.21 The decline in revenue is associated with reduced impound rates, a decline in expiations issued for dog and cat management offences due to an educational approach being taken, as well as the impact of COVID-19 on the community and staff's ability to undertake routine assessments. This combined with an increase in fines being referred to Fines Enforcement and Recovery Unit for gradual recovery has resulted in the decline in other revenue.

### ***Projects and Additional Expenditure***

- 3.22 The following approved projects are currently being implemented and will result in significant capital expenditure along with operating costs. In the absence of sufficient funding from dog and cat management revenues additional budget provision will need to be provided from general rate revenue.
- 3.23 The projects include:

#### **Dog Pound Renewal**

- 3.23.1 As per item 2.6.1 presented to Works and Services Committee on 16 September 2019 and endorsed by Council on the 23 September 2019 (Resolution 0271/2019) a joint pound renewal project with the City of Tea Tree Gully is underway and expected to be completed in 2021/2022.
- 3.23.2 The capital fund contributions from the City of Salisbury and from the City of Tea Tree Gully have been allocated and expected to be expended in 2021/22.
- 3.23.3 Operating costs are expected to increase with the new pound development and will be offset by income from the City of Tea Tree Gully as part of the agreed operating contributions, however it has resulted in increased operating costs allocated to projected 2022/23 operating budgets.

#### **Dog Park Renewals**

- 3.23.4 The resolution by Council on 28 January 2020 from Item 7.1 Motion on Notice – Dog Parks, resolved that Council staff undertake a review of dog friendly parks across the city. The report identified upgrades across

the dog parks and the proposed capital works program is anticipated to start in 2022/23 with a total budget commitment of approximately \$639,500 over five years to 2026/27. These costs have been factored into future estimates and will result in a greater allocation from rate revenues towards dog and cat management projects.

#### Dog and Cat Management Plan Review

- 3.23.5 The review of the Dog and Cat Management Plan was initiated in 2020/21 and the outcomes of this process has identified future strategies and/or projects that will require Council commitments. These include off-leash greyhound events, as well as increased education and support for microchipping and low-cost desexing programs.

#### Cat controls

- 3.23.6 Ongoing demand for cat trapping and the control of nuisance cats has seen the increase in the requirements to investigate and respond to cat nuisances as well as support the impounding and relocations to a suitable shelter. The cost of managing cats handed into the shelter has increased and the volume of cats entering the shelter (approximately 900 cats) is about five times that of dogs (approximately 180 impounded dogs). In addition, a 2 to 3% reclaim rate for cats is being experienced. This means that Council is liable for the costs associated with unowned nuisance cats.
- 3.24 The estimated revenue from only dog registrations fees set at \$37.50/\$75 for 2022/23 represents approximately 46% of total expenditure on dog and cat services, requiring a contribution from rate revenues of approximately \$810,000. A cap on the fee at \$35/\$70 is estimated to contribute approximately 43% to dog and cat services, requiring a contribution from rate revenues of approximately \$853,000.
- 3.25 The estimates are presented in Attachment 1 Revenue and Expenditure Estimates 2022/23.

#### ***Dog Registration Fees Schedule***

- 3.26 The proposed fees are summarised in Attachment 2 – Dog Registration Fees Schedule 2022/2023 and includes other registration fees and fees for meeting any other requirement imposed on councils under this Act.
- 3.27 Attachment 3 Registration Fee Options presents the options for \$70, \$75 and \$80, and the final resolution will need to be amended to reflect any changes to the base registration fee from that recommended.

#### ***Other Fees***

- 3.28 Included in the registration fees schedule are the fees associated with the seizure, detention or destruction of dogs and cats. They include seizure fees, daily pound fee and any veterinary/welfare, microchipping, desexing or euthanasia fees that may be incurred whilst a dog or cat is held by Council or its agents, as well as daily pound fees for long term holds at a pound or at an alternative facility.
- 3.29 The impounding fees have been reviewed and it is recommended that the seizure fee and the inclusive of day 1 daily pound fee remain at \$80, with a view of encouraging owners to claim their dogs as soon as possible.



3.30 The daily pound fee has been reviewed and it is recommended that it be increased from \$45 to \$50 to reflect the increased cleaning and operational costs that will be associated with the operations of the new pound facility.

3.31 As a comparison the proposed change would be as follows:

*Table 4 – Proposed Pound Fees*

<b><i>Pound Fees</i></b>	<b><i>Current 2021/22</i></b>	<b><i>Proposed 2022/23</i></b>
Seizure Fee	\$80	\$80
Day 1 Pound Fee (inclusive of seizure fee)	\$0 (Total \$80)	\$0 (Total \$80)
Day 2 Pound Fee	\$45 (Total \$125)	\$50 (Total \$130)
Day 3 Pound Fee	\$45 (Total \$170)	\$50 (Total \$180)
<b>Maximum for 3 days impounding</b>	<b>\$170</b>	<b>\$180</b>

#### 4. CONCLUSION / PROPOSAL

- 4.1 The services provided by Council in the area of dog and cat management are diverse, resource intensive and involve a significant budget provision and subsidy from Council's general revenue under historic fee levels.
- 4.2 Registration fees contribute to the provision of these services, based on the 'user pays' principle.
- 4.3 Whilst the base fee reflects a non-standard dog fee, the majority (71%) of registered dogs are registered as standard dogs which forms the basis of most new dog registrations.
- 4.4 An annual increase to the registration fees will ensure that the fees will maintain the current contribution to the administration and enforcement of the *Dog and Cat Management Act 1995* and the provision of community services and facilities to support dog owners. This will limit the cross-subsidisation of dog management services from general revenue.
- 4.5 A gradual increase will also ensure registration revenue is sustained as the dog population transitions into the new standard dog registration class.
- 4.6 The report outlines options to increase registration fees and it is recommended that registration fees for 2022/23 be increased to \$37.50 for Standard dog and the maximum of \$75 for Non-Standard dog.
- 4.7 A \$5 increase to the maximum fee for non-standard dogs represents an annual increase of \$2.50 (or \$1.25 for concession card holders) to approximately 71% of all registered dog owners.
- 4.8 Consideration to a further increase above \$75 will provide for increased funding from dog registration revenue for upcoming projects and initiatives associated with dog and cat management, and a reduced call on general revenue for these initiatives.

## Attachment 1 Revenue and Expenditure Estimates

Year	2020/21		2021/22		2022/23		2022/23		2022/23	
<b>Budget Estimates</b>	<b>\$65.00 fee</b>	<b>Revenue as % of Total Expenditure</b>	<b>\$70 fee EOY Estimates</b>	<b>Revenue as % of Total Expenditure</b>	<b>\$70 fee Estimates</b>	<b>Revenue as % of Total Expenditure</b>	<b>\$75 fee Estimates</b>	<b>Revenue as % of Total Expenditure</b>	<b>\$80 fee Estimates</b>	<b>Revenue as % of Total Expenditure</b>
Operating Revenue - Registration Fees	(\$762,779)	53	(\$778,512)	34	(\$775,500)	43	(\$830,878)	46	(\$886,270)	49
Operating Revenue - Other	(\$198,571)	14	(\$147,900)	6	(\$157,900)	9	(\$157,900)	9	(\$157,900)	9
<b>Total Operating Revenue</b>	<b>(\$961,350)</b>	<b>67</b>	<b>(\$926,412)</b>	<b>40</b>	<b>(\$933,400)</b>	<b>52</b>	<b>(\$988,778)</b>	<b>55</b>	<b>(\$1,044,170)</b>	<b>58</b>
Operating Expenditure	\$1,242,077		\$1,394,058		\$1,464,503		\$1,477,794		\$1,491,088	
Capital Expenditure	\$16,190		\$715,000	***	\$128,000	***	\$128,000	***	\$128,000	***
Estimated Other Items Expenditure**	\$181,062		\$189,683		\$193,777		\$193,777		\$193,777	
<b>Total Expenditure</b>	<b>\$1,439,329</b>		<b>\$2,298,741</b>		<b>\$1,786,280</b>		<b>\$1,799,571</b>		<b>\$1,812,865</b>	
<b>Net Deficit / (Profit)</b>	<b>\$477,979</b>		<b>\$1,372,329</b>		<b>\$852,880</b>		<b>\$810,793</b>		<b>\$768,695</b>	

## Estimated Expenditure

- Organisational overheads (IT, HR, Administration, Accommodation costs)
- Customer Centre staff resources to provide animal management services, (customer requests, registrations)
- Regular maintenance of 9 dog friendly parks
- Provision and maintenance of dog signs (approximatley 700 signs throughout the City)
- Provision and maintenance of dog litter bags and dispensers
- Maintenance of the dog pound
- Upgrades of dog parks \*\*\* -Dog Park renewal commitments \$639500 committed over 5 years starting 2022/23
- Pound renewal and contruction \*\*\* - Pound renewal budget allocation (CoS contribution only)
- Dog and Cat Management actions, strategies and additional dog management initiatives which can have financial implications for the organisation.
  - Future upgrades of dog parks, microchipping days, low cost desexing, greyhound off leash events



**Dog Registration Fee Schedule 2022-2023**

<b>Registration Fees Category</b>	<b>Percentage % rebate</b>	<b>2022/23 Registration fee \$75</b>	<b>2022/23 Registration fee including \$10 Late fee</b>
Business Registration	0	\$75.00	\$85.00
Assistance Dog	100	\$0.00	\$0.00
Non Standard Dog	0	\$75.00	\$85.00
Standard Dog	50	\$37.50	\$47.50
Non Standard Dog - Concession	50	\$37.50	\$47.50
Standard Dog - Concession	75	\$18.75	\$28.75
Non Standard Dog - Working	0	\$75.00	\$85.00
Standard Dog - Working	50	\$37.50	\$47.50

<b>Other Registration Fees</b>	<b>2021/22</b>	<b>2022/23</b>
Transfer of Registration	N/A	N/A
Replacement Disc Fee	As determined by the DCMB	As determined by the DCMB
Late Registration Penalty (applies 3 clear business days from last day to pay annual registration)	\$10.00	\$10.00
Puppies aged 6 months or less	Standard Dog or Standard Dog - Concession Fee applies	Standard Dog or Standard Dog - Concession Fee applies
Part Year Rebate after 1 January and until end of current period for new dogs not previously registered in the area	Varies (50% of fee)	Varies (50% of fee)
Fee free registration period from 1 June to 30 June	\$0 for all registrations	\$0 for all registrations
Certified Extract from register (per page)	\$10.00	\$10.00
<b>Fees for meeting any other requirement imposed on councils under this Act.</b>		
	<b>2021/22</b>	<b>2022/23</b>
Seizure Fee		
Seizing a dog for the purposes of impounding. Includes Day 1 (or first 24 hours) or part thereof of impounding.	\$80.00	\$80.00
Daily Pound Fee (per day or part thereof) (Fees for Keeping Dog at Pound daily (or part thereof)) applicable for: Day 2 (or second 24 hour period) or part thereof and Day 3 (or third 24 hour period) or part thereof.	\$45.00 per day	\$50.00 per day
Daily Pound Fees – Long term hold for dog Applicable rate for each and every day dog held for consideration of appeals to Control Orders, and or legal action (onsite at pound or at alternative facility)	\$45.00 per day	\$50.00 per day
Daily Pound Fees – short or long term term hold for cat Applicable rate for each and every day cat held for consideration of action taken under the Dog and Cat Management Act (onsite at pound or at alternative facility)	Varies (Direct costs incurred)	Varies (Direct costs incurred)
Veterinary Fees (Applicable to dogs and cats, and all direct costs incurred will be claimed)	Varies (Direct costs incurred)	Varies (Direct costs incurred)
Other animal welfare related costs, including euthanasia, microchipping, desexing (Applicable to dogs and cats and all direct costs incurred will be claimed)	Varies (Direct costs incurred)	Varies (Direct costs incurred)



**Dog Registration Fee Modelling**

Registration Category	% rebate	2022/23 \$75 fee	2022/23 Including Late fee +\$10
Business Registration	0	\$75.00	\$85.00
Assistance Dog	100	\$0.00	\$10.00
Non Standard Dog	0	\$75.00	\$85.00
Standard Dog	50	\$37.50	\$47.50
Non Standard Dog - Concession	50	\$37.50	\$47.50
Standard Dog - Concession	75	\$18.75	\$28.75
Non Standard Dog - Working	0	\$75.00	\$85.00
Standard Dog - Working	50	\$37.50	\$47.50

Registration Category	% rebate	2022/23 \$70 fee	2022/23 Including Late fee +\$10
Business Registration	0	\$70.00	\$80.00
Assistance Dog	100	\$0.00	\$10.00
Non Standard Dog	0	\$70.00	\$80.00
Standard Dog	50	\$35.00	\$45.00
Non Standard Dog - Concession	50	\$35.00	\$45.00
Standard Dog - Concession	75	\$17.50	\$27.50
Non Standard Dog - Working	0	\$70.00	\$80.00
Standard Dog - Working	50	\$35.00	\$45.00

Registration Category	% rebate	2022/23 \$80 fee	2022/23 Including Late fee +\$10
Business Registration	0	\$80.00	\$90.00
Assistance Dog	100	\$0.00	\$10.00
Non Standard Dog	0	\$80.00	\$90.00
Standard Dog	50	\$40.00	\$50.00
Non Standard Dog - Concession	50	\$40.00	\$50.00
Standard Dog - Concession	75	\$20.00	\$30.00
Non Standard Dog - Working	0	\$80.00	\$90.00
Standard Dog - Working	50	\$40.00	\$50.00





**INFORMATION  
ONLY  
ITEM**

3.2.1

**GOVERNANCE AND COMPLIANCE COMMITTEE****DATE**

21 February 2022

**HEADING**

2022 Elections Update

**AUTHOR**

Michelle Woods, Projects Officer Governance, CEO and Governance

**CITY PLAN LINKS**

4.2 We deliver quality outcomes that meet the needs of our community

**SUMMARY**

The next elections for all SA councils will be held in November 2022. This report provides information on the preparations undertaken by the City of Salisbury to date and provides a broad outline of future activities.

**RECOMMENDATION**That Council:

1. Notes the information.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Council elections are held every four years and representatives for each Ward are nominated and voted for by the community. Councils have a legislative obligation to provide information, education and publicity for a general election.
- 1.2 Section 13A of the *Local Government (Elections) Act 1999* (the Act) sets out:
  - (1) *The returning officer may, after consultation with the LGA conducted in such manner as the returning officer thinks fit, arrange advertising (the costs of which are recoverable from councils in accordance with a scheme determined by the returning officer) for the purposes of—*
    - (a) *informing electors on access to information relating to candidates; and*
    - (b) *encouraging voting at elections; and*
    - (c) *informing electors about postal voting and the method of voting; and*
    - (d) *advising potential electors (other than those referred to in section 14(1)(a)) of the requirement to apply to be enrolled on the voters roll.*

- (2) *Each council—*
- (a) *must, in a year in which a periodic election is to be held, during the period commencing on 1 January of that year and ending on the day fixed by the returning officer for the close of the roll, inform potential electors in its area (other than those referred to in section 14(1)(a)) of the requirement to apply to be enrolled on the voters roll; and*
  - (b) *may arrange advertising relating to any matters referred to in subsection (1).*

## 2. CONSULTATION / COMMUNICATION

### 2.1 Internal

#### 2.1.1 Community Experience and Relationships

### 2.2 External

#### 2.2.1 Local Government Association

## 3. REPORT

### Key Dates

- 3.1 The Local Government Association has advised that the key dates for the 2022 elections are as follows:

Roll Close	5pm, Friday 29 July 2022
Nominations Open	Tuesday 23 August 2022
Nominations Close	12 noon, Tuesday 6 September 2022
Dispatch of ballot material to electors	Friday 14 October and Thursday 20 October 2022
Close of Voting	5pm, Thursday 10 November 2022
Scrutiny and Count	9am, Saturday 12 November 2022

### Electoral Roll and Voting Requirements

- 3.2 As at 1 January of every election year Council's voter roll is cleared with all landlords, business lessees and resident non-Australian citizens removed from the roll. Eligible voters in these categories must re-enrol to be eligible to vote in the 2022 Council elections.
- 3.3 This means that all residents not on the State Electoral roll; including:
- 3.3.1 non-Australian citizens;
  - 3.3.2 a sole owner who lives outside the area but owns property in the Council;
  - 3.3.3 a sole occupier who occupies property in the Council area as a tenant but does not live at that property (a non-resident occupier);

3.3.4 bodies corporate; and

3.3.5 groups of persons.

are not automatically included on the Council voters roll and instead need to apply for voting entitlements. Additionally, bodies corporate and groups will need to nominate a designated person who will vote (and/or nominate as a candidate) on their behalf.

- 3.4 Section 16(10) of the *Local Government (Elections) Act 1999* (the Act) also specifies that a natural person may only vote in one capacity at an election or poll (but this clause does not prevent a person voting at two or more elections for a council held on the same day). Each elector can only vote once for a Ward election but is entitled to vote in more than one Ward election if they have rateable property in those other wards.

#### **Election preparation activities**

- 3.5 In around May 2022, the City of Salisbury will contact those that were previously listed on the Council's voters roll and invite them, along with others in the categories referred to in paragraph 3.3 above, to apply for inclusion on the Council voters roll for the 2022 elections.

- 3.6 Council's website will also be updated with information prepared by the Local Government Association on the 2022 Local Government elections, including:

3.6.1 How to enroll to vote;

3.6.2 How to nominate as a candidate in the election;

3.6.3 Important dates;

3.6.4 Links to other sites with information about the election; and

3.6.5 Forms including:

- enrolment form for Resident not on the State Electoral roll or a Sole Owner or Sole Occupier (where owner or occupier is a person).
- enrolment form for Business or Organisation Sole Owner or Occupier (Body Corporate). A designated person is required to vote on behalf of the body corporate; and
- enrolment form for Group of Owners or Occupiers (property owned or occupied by more than one person and/or business/organisation). A designated person is required to vote on behalf of the group.

#### **Caretaker Policy**

- 3.7 The Caretaker Period for the November 2022 Council Elections will commence from 6 September 2022 which is the date that nominations close (or earlier if the Council determines) and operate until the certification date of the election results.
- 3.8 Pursuant to Section 91A of the *Local Government (Elections) Act 1999*, councils must adopt a Caretaker Policy. The City of Salisbury updated Caretaker Policy (last review in 2018 prior to the 2018 elections) is presented to Council for adoption under a separate report.

**Local Government Association Resources**

- 3.9 The Council, LGA and Electoral Commission of South Australia (ECSA) work together on the marketing and promotion campaign throughout the year to promote the appropriate stages of the election: enrol, nominate and vote.
- 3.10 As a resource to councils the LGA provides a range of marketing materials to councils to be used and adapted for our own marketing purposes.
- 3.11 The LGA also provides each council with a number of promotional materials, up to a value set by the size of each council, which have included:
- 3.11.1 Posters
  - 3.11.2 Bookmarks
  - 3.11.3 Information brochures
  - 3.11.4 Postcards
  - 3.11.5 Artwork
  - 3.11.6 Translations of some key materials into:
    - Arabic
    - Burmese
    - Chinese – simplified
    - Chinese – traditional
    - French
    - Greek
    - Italian
    - Khmer
    - Nepali
    - Persian
    - Polish
    - Punjabi
    - Serbian
    - Swahili
    - Tagalog
    - Vietnamese
- 3.12 The LGA will be providing to councils:
- 3.12.1 Coordinated communications plan for the election for LGA communications
  - 3.12.2 Website information for use by the council
  - 3.12.3 Voters' Roll Practice Manual and training

- 3.12.4 Training information – “So you want to be on Council” information sessions including information sheets, booklets and training materials
- 3.12.5 Candidate Website
- 3.12.6 Promotional Materials and artwork
- 3.12.7 Model Policies and handbooks
- 3.13 The LGA has advised Council that it will be distributing material to councils from April 2022.

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

- 4.11 The next elections for all SA councils will be held in November 2022. This report provides information on key dates for the elections and the preparations to be undertaken by the City of Salisbury in conjunction with the Local Government Association and Electoral Commission of South Australia.