



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**23 JANUARY 2023 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES
COMMITTEE**

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

MEMBERS

Cr Peter Jensen (Chairman)
Mayor Gillian Aldridge (ex officio)
Cr L Brug
Cr S Burner
Cr J Chewparsad
Cr K Grenfell
Cr David Hood (Deputy Chairman)
Cr S McKell

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 17 October 2022.

REPORTS

Administration

3.0.1	Future Reports for the Governance and Compliance Committee	5
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For Decision

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QUESTIONS ON NOTICE

MOTIONS ON NOTICE

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

CLOSE



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

17 OCTOBER 2022

MEMBERS PRESENT

Cr J Woodman (Chairman)
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

OBSERVERS

Nil.

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Ms M English
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 6:41pm.

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

APOLOGIES

Apologies were received from Cr B Brug, Cr A Duncan, Mayor G Aldridge (ex officio).

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr G Reynolds
Seconded Cr S Reardon

The Minutes of the Governance and Compliance Committee Meeting held on 15 August 2022, be taken as read and confirmed.

CARRIED**REPORTS***Administration***3.0.1 Future Reports for the Governance and Compliance Committee**

Moved Cr K Grenfell
Seconded Cr D Proleta

That Council:

1. Notes the report.

CARRIED*For Decision***3.1.1 Voting Advice to Council Delegate for the Local Government Association Annual General Meeting - 28 October 2022**

Moved Cr D Proleta
Seconded Cr G Reynolds

That Council:

1. Authorises its LGA AGM voting delegate (Deputy Mayor Cr Chad Buchanan or Mayor Gillian Aldridge as proxy) to use discretion when voting on the items presented at the upcoming LGA AGM 28 October 2022, except for these items for which Council would specifically resolve otherwise.

CARRIED**QUESTIONS ON NOTICE**

Nil

MOTIONS ON NOTICE

Nil

OTHER BUSINESS

Nil

The meeting closed at 6:45pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	23 January 2023
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
27/06/2022 3.2.1	Community Compliance Resources 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. Due: November 2023	John Darzanos
22/08/2022 MON1	Motion on Notice: Elected Member Communication Process and Protocols That Administration bring back to the Governance and Compliance Committee a report that details the current communication process and protocols to ensure Elected Members are aware of: a. significant Council infrastructure projects and initiatives. b. development our for public consultation within the City of Salisbury. c. Council public consultation initiatives. d. community events within the City of Salisbury. e. City of Salisbury media notifications Due: October 2022 Deferred to: February 2023 Reason: Deferred to February to allow consideration of current communication protocols by the new Council.	Julie Kushnir

4. CONCLUSION / PROPOSAL

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

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	23 January 2023
HEADING	Accredited Professionals Notification Policy
AUTHOR	Chris Zafiropoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report seeks Council review and re-adoption of the <i>Accredited Professionals Notification Policy</i> .

RECOMMENDATION

That Council:

1. Adopts the *Accredited Professionals Notification Policy* (Attachment 1, Governance and Compliance Committee Agenda 23 January 2023 Item 3.1.1).

ATTACHMENTS

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

1. Accredited Professionals Notification Policy

1. BACKGROUND

- 1.1 Council adopted the *Accredited Professionals Notification Policy* in November 2020. In accordance with good governance practices, this report seeks Council's review and re-adoption of the policy.

2. CONSULTATION / COMMUNICATION

- 2.1 External
 - 2.1.1 Nil

3. REPORT

- 3.1 The *Planning, Development and Infrastructure Act 2016* requires that Council appoint and take the advice of accredited professionals under the Act.
- 3.2 The Local Government Association has recommended a model policy that applies to all employees, contractors and independent members of the Council Assessment Panel who are required to hold accreditation for their roles
- 3.3 The intention of this policy is to ensure that these accredited professionals maintain their accreditation.
- 3.4 The policy sets out the responsibilities and obligations for these staff on maintaining their accreditation. The Policy has explicit requirements to notify Council of any changes to their accreditation.
- 3.5 There are no changes proposed to the Policy.

4. CONCLUSION / PROPOSAL

- 4.1 Council adopts the *Accredited Professionals Notification Policy* contained in Attachment 1 of this report.



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

Accredited Professionals Notification Policy

Adopted by:	Council
Responsible Division:	Development Services
First Issued/Adopted:	16 November 2020
Last Reviewed:	16 November 2020
Next Review Date:	January 2025

1. Introduction/Purpose

This Policy applies to Accredited Professionals who require accreditation in order to carry out the functions and/or duties associated with their employment with, or engagement or appointment by, the Council.

2. Scope

This policy applies to all:

- employees of the Council;
- contractors and/or agents of the Council during the course of their engagement; and
- members of Council's Assessment Panel,

who are or become accredited as accredited professionals pursuant to the scheme established under Section 88 of the Planning, Development and Infrastructure Act 2016 (Act) and Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019 (Regulations).

For the purposes of this policy, these persons are known as “Accredited Professionals”.

3. Legislative Requirements and Corporate Policy Context

Planning, Development and Infrastructure Act 2016

4. Interpretation/Definitions

Words and phrases defined by the *Planning, Development and Infrastructure Act 2016* and associated regulations have the same meaning when used in this Policy.

5. Policy Statements

Responsibilities of Accredited Professionals

5.1. All Accredited Professionals must take all steps necessary to gain and maintain accreditation under the Act and Regulations at the class required under the Act and Regulations for the role or function they have been employed, engaged or appointed to perform (Accreditation).

5.2. Without limiting the above clause, all Accredited Professionals must:

- take all steps necessary to maintain their Accreditation by applying for the continuation of their Accreditation annually as required under the Act and Regulations;
- ensure they fulfil all requirements of continuing professional development under the Regulations; and
- act in accordance with the Accredited Professionals Scheme Code of Conduct adopted by the Minister under Schedule 3 of the Act (Code of Conduct) when carrying out their functions and duties as an accredited professional.

Obligations of Accredited Persons

5.3. An Accredited Professional must, within 3 business days of the occurrence of any of the following events:

- the commencement of this Policy;
- becoming registered as an Accredited Professional by the accreditation authority;
- commencing employment with the Council;
- being engaged by the Council to act as, or provide advice to the Council in the person’s capacity as, an Accredited Professional; or
- accepting an appointment to the Council Assessment Panel/Regional Assessment Panel,

provide a copy of his or her Accreditation to the CEO of the Council, including any conditions or limitations imposed on the Accreditation by the accreditation authority, unless the Accreditation has already been provided to the Council (for example, during the recruitment process).

- 5.4. An Accredited Professional must, within 3 business days of receiving confirmation of the renewal of his or her accreditation, provide a copy of the renewal to the CEO of the Council.
- 5.5. An Accredited Professional must, within 3 business days of the occurrence of a Notifiable Event (as defined in Clause 4 below), provide to the CEO of the Council written notification of the Notifiable Event and a copy of any correspondence or other documentation (including electronic) received from the accreditation authority in relation to the Notifiable Event.
- 5.6. Notifiable Event means:
- a change to the class of an Accredited Professional's Accreditation;
 - the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations;
 - the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations;
 - the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Regulation 21(1) of the Regulations or Regulation 93A of the Development Regulations 2008;
 - the provision of notice to an Accredited Professional by the accreditation authority of a proposal to suspend or cancel the Accredited Professional's Accreditation pursuant to Regulation 22(1) of the Regulations;
 - the provision of a final report by a qualified auditor pursuant to Regulation 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional;
 - any action taken by the accreditation authority (including giving directions to an Accredited Professional) pursuant to Regulation 27(14), (15) or (16) of the Regulations;
 - the provision of notice to an Accredited Professional of a decision by the accreditation authority to investigate a complaint made against the Accredited Professional under Regulation 28 of the Regulations which relates to an act or omission of the Accredited Professional in the course of their employment with, or engagement or appointment by, the Council;
 - the provision of a final report of an investigator to the accreditation authority pursuant to Regulation 28(11)(b) of the Regulations, or the outcome of any process that the accreditation authority has adopted to

investigate a complaint made against an Accredited Professional pursuant to Regulation 28 of the Regulations;

- any action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint;
- any decision made by the South Australian Civil and Administrative Tribunal (SACAT) or any South Australian Court in relation to an Accredited Professional's Accreditation;
- a finding of guilt for an offence against the Act or the Development Act 1993 (Repealed Act); and
- a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.

5.7. The CEO may take such action as is reasonable and appropriate in relation to:

- the failure of an Accredited Professional to comply with their obligations under this policy; or
- written notification from an Accredited Professional of a Notifiable Event.

6. Related Policies and Procedures

Nil.

7. Approval and Change History

Version	Approval Date	Approval By	Change
1	16 November 2020	Council	Original
2	January 2023	Council	General Review

8. Availability

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

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

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

9. Review

This Policy will be reviewed in January 2025.

Further Information

For further information on this Policy please contact:

Responsible Officer: Assessment Manager
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	23 January 2023
HEADING	Caretaker Policy
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY Following a Motion on Notice, Council resolved at its meeting held on 28 November 2022: *That the Caretaker Policy be brought to the January 2023 Governance and Compliance Committee Meeting for consideration.* This report provides the opportunity for Council to consider the Caretaker Policy. This policy implements the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999*.

RECOMMENDATION

That Council:

1. Adopts the Caretaker Policy, set out in Attachment 1 to this report (Item No. 3.1.2, Council Meeting, 30 January 2023).

ATTACHMENTS

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

1. Caretaker Policy

1. BACKGROUND

- 1.1 Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) requires councils to prepare and adopt a caretaker policy to govern the conduct of the council and its staff during the election period.
- 1.2 On 10 November 2021, section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) commenced, which amended section 91A – Conduct of Council during elections period of the Elections Act. The Caretaker policy was reviewed and updated in February 2022; to reflects these changes.
- 1.3 The Caretaker Policy was last reviewed by Council at its meeting held on 28 February 2022 when the Policy was updated to reflect changes arising from the commencement of the *Statutes Amendment (Local Government Review) Act 2021* and in preparation for the 2022 Local Government periodic elections.
- 1.4 The Caretaker Policy does not apply to supplementary elections.

2. REPORT

- 2.1 The current policy is based on the LGA Model Policy which was developed in December 2021 to reflect the changes under the *Statutes Amendment (Local Government Review) Act 2021*.
- 2.2 Section 91A(2) of the Elections Act sets minimum standards for council caretaker policies.
- 2.3 Caretaker policies must at a minimum:
 - Prohibit the making of a designated decision during the election period; and
 - Prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.
- 2.4 Following a Motion on Notice, Council resolved at its meeting held on 28 November 2022:

That the Caretaker Policy be brought to the January 2023 Governance and Compliance Committee Meeting for consideration.
- 2.5 For ease of review, the track changes highlight the proposed amendment in the Caretaker Policy, Attachment 1 to this report.
- 2.6 All councils are required to update their Caretaker Policy in early 2026, prior to the 2026 Local Government periodic elections.

3. CONCLUSION / PROPOSAL

Following its November 2022 resolution, Council is asked to consider the Caretaker Policy outlining the requirements of the *Local Government (Elections) Act 1999*. This Policy sets out the parameters and provides a clear policy position that Council will operate by during a Local Government Election Caretaker period in context of periodic elections.



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

Caretaker Policy

Adopted by:	Council
Responsible Division:	CEO and Governance
First Issued/Adopted:	2011
Last Reviewed:	28 February <u>January 2022/2023</u>
Next Review Date:	To align with upcoming election <u>January 2026</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 2022, the policy commences on 6 September 2022 and ends when the election results have been certified by the Electoral Commission of South Australia (ECSA).~~

2.21 This Policy applies to:

2.21.1 The Council; Elected Members and

2.2.2 Council staff.

2.3 This Policy does not apply to Supplementary elections.

~~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 1999.~~

Election Period:

~~2.1 This Policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November 2022, the policy commences on 6 September 2022 - the day chosen by the Council for the purposes of this policy, being a date earlier than the close of nominations for the general election and ends when the election results have been certified by the Electoral Commission of South Australia (ECSA).~~

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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 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

(c) to enter into a contract, arrangement or understanding (other than a contract for road 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

Election period means the period commencing on the day of the close of nominations for a general election and 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

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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 members 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.

5.2.4 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 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 to 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 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 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 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*, 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.~~

6. Related Policies and Procedures

- 6.1 ~~Local Government Association - 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
4	28 February 2022	Council	Various changes as a result of LG reform
5	January 2023	Council	Legislative review and updated to reflect changes

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.
- City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

9. Review

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

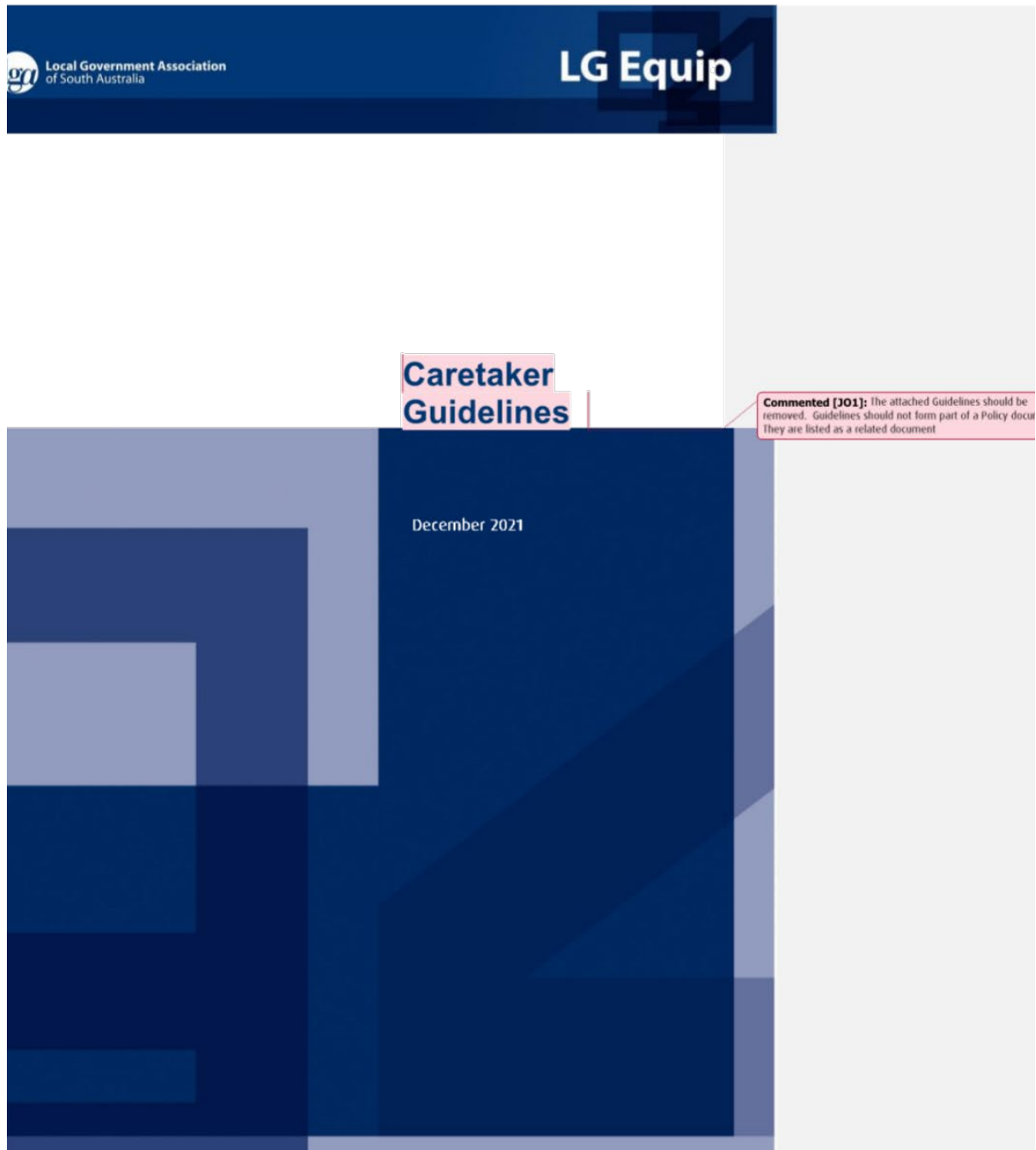
Further Information


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

Field Code Changed

Field Code Changed





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

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

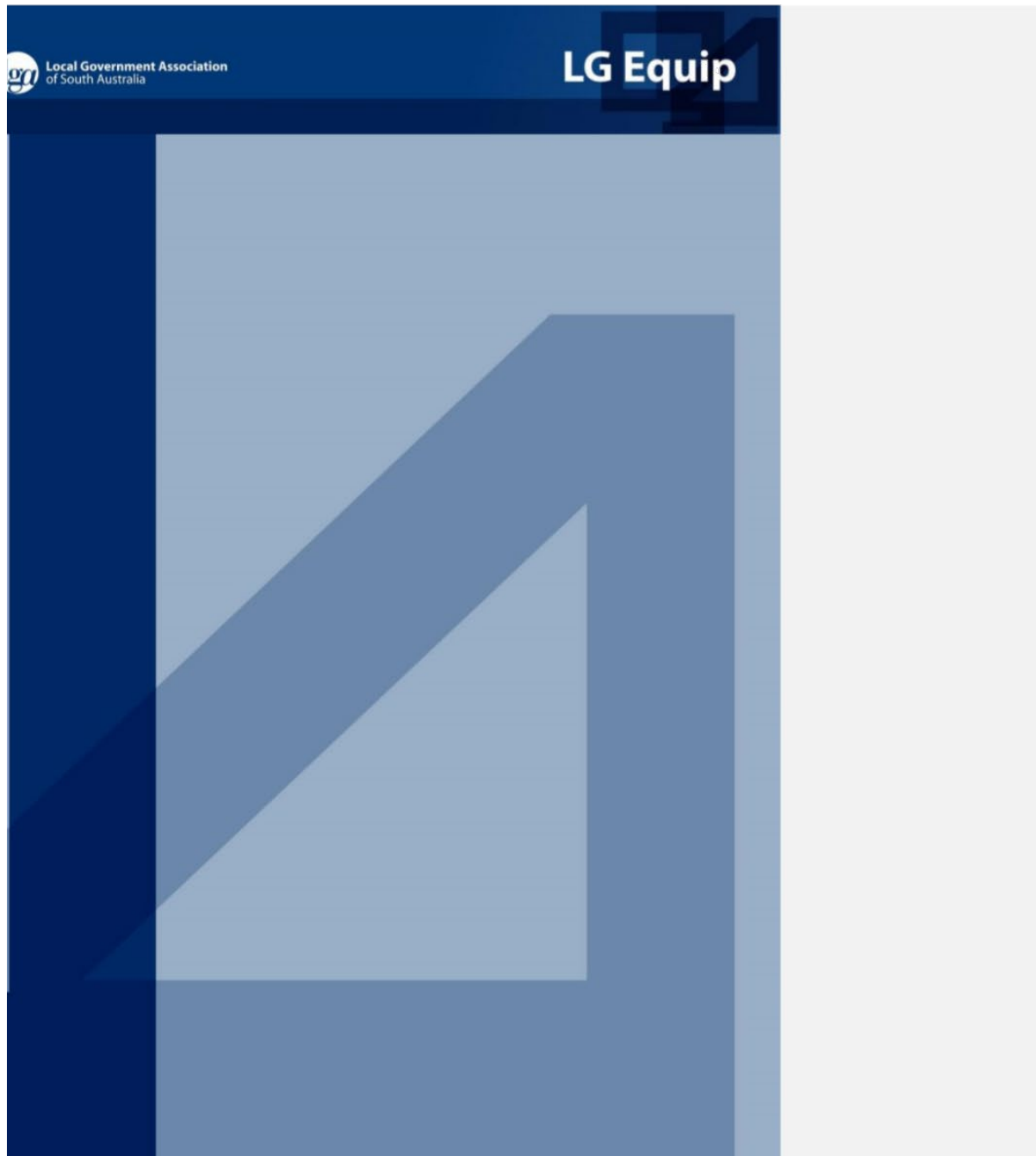
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 Local Government Association of South Australia		LG Equip
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Local Government Association
of South Australia

LG Equip

1 Introduction

Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) requires councils to prepare and adopt a caretaker policy to govern the conduct of the council and its staff during the election period for a general election.

On 10 November 2021, section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) commenced, which amended section 91A—Conduct of council during election period of the Elections Act.

Section 91A(2) of the Elections Act stipulates that the caretaker policy must at a minimum:

- (a) prohibit the making of a designated decision; and
- (b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,

during an election period.

The Local Government Association of SA (LGA) has prepared a model caretaker policy on the basis of meeting the minimum legislative obligations under section 91A of the Elections Act. Councils may wish to incorporate additional requirements within any caretaker policy adopted.

These Caretaker Guidelines (the Guidelines) provide an overview of the scope and meaning of the legislative requirements under section 91A of the Elections Act and should be read in conjunction with the model caretaker policy. Terms which are defined in the model caretaker policy have the same meanings in the Guidelines.

2 Overview

Section 91A(2) of the Elections Act sets minimum standards for council caretaker policies.

Caretaker policies must at a minimum:

- prohibit the making of a designated decision during the election period; and
- prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.

In considering how the policy applies to the prohibition on making designated decisions, regard must be had to three separate elements. In particular the following must be present:

- 1) a decision of council;
- 2) made during an election period;
- 3) which is a designated decision.

The caretaker policy must also prohibit the use of council resources for the advantage of a particular candidate or group of candidates during the election period.

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Caretaker Guidelines

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2.1 Decision of the council

Section 91A of the Elections Act applies to a decision of the council. This will include decisions made directly by the council at a meeting or indirectly through a council committee or other delegate or sub-delegate.

2.2 Election period

During an election period councils are prohibited from making designated decisions. The use of council resources for the advantage of a particular candidate or group of candidates is also prohibited. Council may apply in writing to the Minister for an exemption from the application of this section to a designated decision.

An election period:¹

- (a) commences on either:
 - (i) the day on which nominations for a general election close; or
 - (ii) if a council's caretaker policy specifies an earlier date, that date; and
- (b) expires at the conclusion of the general election.

Section 91A of the Elections Act does not apply to a decision that is announced during the election period but was made prior to the election period.

3 Designated decisions

Only specific types of decisions will be designated decisions under section 91A of the Elections Act. The designated decisions are outlined below.

The Elections Act stipulates that any designated decision made by a council during an election period without a ministerial exemption is invalid.

Any person who suffers loss or damage as a result of acting in good faith on a designated decision made in contravention of section 91A of the Elections Act is entitled to compensation from the council for that loss or damage.

3.1 Decisions relating to the employment of the Chief Executive Officer

Any decision relating to the employment, remuneration or termination² of the Chief Executive Officer, other than a decision to:

- (a) appoint an acting Chief Executive Officer; or
- (b) suspend a Chief Executive Officer for serious and wilful misconduct,³ will be a designated decision.

¹ Section 91A(8) Local Government (Elections) Act 1999

² Section 91A(8) Local Government (Elections) Act 1999

³ Regulation 12(1)(b) Local Government (Elections) Regulations 2010



3.2 Specific contracting decisions

Certain council decisions regarding specific types of contracts made during an election period will be designated decisions.

Generally, a decision 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 year¹ will be a designated decision. However, there are exclusions from this general position provided in section 91A of the Elections Act and the *Local Government (Elections) Regulations 2010* (the Elections Regulations).

3.2.1 Prescribed contracts

Prescribed contracts are expressly excluded from the types of contracts which are able to be the subject of a designated decision. A 'prescribed contract' is defined in section 91A of the Elections Act to mean a contract entered into by a council for the purpose of undertaking road construction, road maintenance or drainage works.

3.2.2 Exemptions

Other types of contracts are excluded from being the subject of a designated decision by the Elections Regulations. These types of decision are decisions:

- (a) relating to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* or under section 298 of the *Local Government Act 1999* (the Local Government Act);
- (b) for 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;
- (c) relating to the employment of a particular council employee (other than the Chief Executive Officer);
- (d) 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
- (e) relating to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council.

As set out above, the legislation does not prohibit a council from making a type of decision listed in the Elections Regulations. Councils should be mindful however of community perceptions and are encouraged to exercise care before proceeding with such a decision during a Caretaker Period.

¹Section 91A(1) *Local Government (Elections) Act 1999*

4 Prohibition on the use of council resources to give selective advantage

4.1 Scope of the prohibition

A council's caretaker policy must prohibit the use of council resources for the advantage of a particular candidate or group of candidates during an election period. A caretaker policy may however allow the equal use of resources by all candidates for election.

The prohibition does not prevent all candidates, including council members utilising council resources that are available to all members of the public.

Examples of this include a candidate using a council library public computer to design election campaign material and produce copies for distribution on a council photocopier (that is available to the general public). Candidates should not be given access to council facilities that are not available to other candidates.

There are constraints on the personal use of council resources under the Local Government Act and the Code of Conduct for Council Members. These provisions are discussed in section 4.5 of these guidelines.

Field Code Changed

4.2 What are 'council resources'?

'Council resources' is a broad concept which is undefined in the Elections Act. A general definition of the term 'resources' provided in the *Macquarie Dictionary* is 'the collective wealth and assets of a country, organisation, individual'. Applying this definition, any asset or information owned or controlled by a council is a 'council resource'.

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 and contractors engaged by a council are also council resources.

4.3 Meaning of 'advantage'

The concept of 'advantage' is broad and is defined in the *Macquarie Dictionary* as 'any state, circumstance, opportunity, or means especially favourable to success, interest, or any desired end'. In the context of section 91A of the Elections Act, the relevant advantage is in respect of being elected or re-elected.

An advantage will be conferred where council resources can be used, or the permissible uses of the resource favours, one (or some) candidates over others. An advantage arises when a candidate utilises resources, information or support that is not available to a candidate in an election who is not an existing council member.

The Ombudsman has given 'advantage' a broad interpretation. The Ombudsman's view is that any activity that gives a perception of favouring one candidate over another is an advantage.

In previous decisions of the Ombudsman:

- (a) A decision to engage an independent contractor to conduct a section 270 review of a

procurement decision did not involve the use of council resources for the advantage of a particular candidate, even though one possible outcome of the review would have assisted or harmed the electoral chances of particular candidates.

- (b) A decision to include a mayor's review of the achievements of the council in an 'Annual Review' document sent to households did provide such an advantage.

Whether the scope of the 'advantage' under section 91A of the Elections Act extends to a perceived advantage is likely to be a matter for debate. Councils should, however, be aware of this view when making council resources available during an election period.

4.4 Normal council business or campaigning?

A breach of the prohibition on using council resources for the advantage of a particular candidate:

- (a) can occur inadvertently; and
- (b) does not require a specific council decision.

For example, if existing members of council are provided with a card which enables them to make copies of documents using council photocopiers (including copiers in a public library) and other candidates are not provided with this council resource, this would provide the council member with a (prohibited) advantage if they were permitted to use it for campaigning.

Other examples of council resources that, if used during the election period for campaign purposes, or purposes that would otherwise provide a genuine advantage to the candidate, which would contravene a council caretaker policy include:

- (a) Mobile phones
- (b) Council vehicles
- (c) Council-provided landline phones, computers and other office equipment beyond that provided to members of the public (eg in a public library)
- (d) Council-provided business cards
- (e) Requests to council employees to perform tasks
- (f) The ability to issue invitations to council events
- (g) Council travel arrangements (eg access to council-negotiated rates for flights, accommodation or hire cars)
- (h) Access to areas that members of the public cannot access, including areas within the property of third parties (eg a 'Mayor's Parlour' at a suburban football oval).
- (i) Councils printed materials (e.g. brochures or other documents)

It is reasonable for councils to continue to provide resources where these are necessary for a council member to perform their duties as a council member, *provided* these resources are not used to advantage a candidate or group of candidates. For example:

- (a) Access to council facilities, for the purpose of a council meeting. This may include refreshments, if usually provided as an adjunct to council meetings
- (b) Access to a secure area of the council website, where council agendas, minutes and other council documents can be obtained.

Where council members are standing for re-election, the council should consider whether the continued provision of council resources during the election period will provide an advantage to existing council members (or other particular candidates) in their election campaigns.

Reasonable minds are likely to differ over whether the use of particular council resources will advantage

particular candidates. A council's Caretaker Policy should consider all of the resources made available to council members and should set out which of these will not be available during an election period.

Specific scenario advice is provided in section 4.6 of this Guideline.

4.5 Use of council resources for personal benefit

The use of council resources for personal benefit is distinct from the prohibition against the use of council resources for the advantage of a particular candidate or group of candidates.

The use of council resources for personal benefit is regulated by legislation other than section 91A of the Elections Act. However, as the use of council resources by a council member for the purposes of an election campaign will be a use of those resources for personal benefit, the same activity may be regulated by both sets of rules.

Council members standing for re-election to council must take care that they only use council resources for normal council business and not to assist them in campaigning.

The general duties on council members under section 62 of the Local Government Act include offences for improper use of information⁵ or position⁶ to gain personal advantage for the council member or another person.

Section 78 of the Local Government Act provides for the use of council resources by council members. Section 78(3) of the Local Government Act states:

A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

The Code of Conduct for Council Members prohibits the use of council resources for private purposes without authorisation.

The use of council resources for personal benefit in breach of these requirements could be corruption in public administration for the purpose of the *Independent Commission Against Corruption Act 2012* (SA) or maladministration or misconduct for the purpose of the *Ombudsman Act 1972* (SA) and be the subject of a complaint to the office of Public Integrity (OPI) or Ombudsman respectively.

Conduct of a public officer that results in a substantial mismanagement of public resources may also be the subject of a complaint to the Ombudsman.

Disciplinary consequences or prosecutions may ultimately result from the unauthorised use of council resources for private purposes.

⁵ Section 62(3) Local Government Act 1999

⁶ Section 62(4) Local Government Act 1999

4.6 Specific council resource scenarios

The business of a council does not cease during an election period. Council resources will continue to be used during the election period. There is a distinction between the use of council resources in the ordinary course of council operations and the use of council resources by a candidate or group of candidates for campaigning purposes. Where resources are used for campaign purposes, this will be the use of council resources for personal benefit.

During an election period, council members and council staff must take care that council resources are not used for the purpose of election campaigning. Some specific scenarios are discussed below where this issue may arise.

4.6.1 Council publications during an 'election period'

The publication by a council of information for the advantage of a particular candidate or group of candidates is prohibited by section 91A of the Elections Act. Publishing includes publication by any medium, including but not limited to leaflets, newspapers, posters, email, websites, radio or television.

Councils have a statutory responsibility to publish certain information regarding general elections. Under section 12(b) of the Elections Act, each council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area and to advise its local community about the outcome of the elections and polls conducted in its area.

All election materials published by a council should fall within the types of material described in section 12(b) of the Elections Act and not contain any material which would advantage a particular candidate or candidates.

'Electoral material' is defined in the Elections Act as *'an advertisement, notice, statement or representation calculated to affect the result of an election or poll'*. Given that the purpose of electoral material is to persuade voters towards a particular candidate or group of candidates, it will not be appropriate for a council to publish electoral material.

Councils may publish other material during an election period. If council is considering publishing or distributing material during the election period, the council should consider whether or not the material would confer an advantage on a particular candidate or group of candidates for election. If an advantage would be conferred, then the material should not be published or distributed.

Where a council publication made in the ordinary course of council operations would be published during an election period, care should be taken as to the contents of these publications, to ensure that the council and council members are not criticised for publishing information which may assist or hinder the electoral prospects of particular candidates.

Council members are able to publish electoral material on their own behalf (provided that they comply with sections 27 and 28 of the Elections Act). Council members should not assert or imply that the electoral material originates from or is endorsed by the council. A council member also should not use council resources (not available to the general public) to create or distribute his or her electoral material, including through the use of council stationery, computers, printers, photocopiers or staff or the application of council logos.

4.6.3 Attendance at Events and Functions

Events and functions can take many forms including conferences, workshops, forums, launches, promotional activities, and social occasions (such as dinners, receptions and ceremonies).

Council members can continue to attend events and functions in their capacity as a council member during an election period provided that their attendance is consistent with the ordinary course of a council member's duties and is not used for campaigning.

Council members should consider whether or not their attendance at an event or function is likely to be viewed as campaigning. In part, this may depend on the conduct of the council member while in attendance at the event or function. Care should particularly be taken by council members if they are asked to give a speech at an event or function during an election period.

4.6.4 Access to council information

Section 61 of the Local Government Act provides council members with a right to access council documents in connection with the performance or discharge of the functions or duties of the member. This right of access continues during an election period.

Council members should take care that access to council documents is in connection with the performance or discharge of their functions or duties of the member. Access to council documents for the purpose of campaigning or to gain an advantage in an election is an improper use of information gained by virtue of the council member's position as a member of council.

4.6.5 Media Services

Council's media services should be used to promote council activities or initiatives or community activities or initiatives which are endorsed or otherwise supported by council.

Media services should, during the election period, be used in the ordinary course of council operations. Care should be taken that media services will not be used to advantage a particular council member in his or her re-election campaign by profiling that member or activities which are closely associated with that member.

Council members should not use their position as an elected representative or their access to council staff and other council resources to gain media attention in support of an election campaign. To do so, would contravene section 62(4) of the Local Government Act which prohibits a council member improperly using his or her position as a council member to gain, directly or indirectly, an advantage for himself or herself or for another person. Council members can be prosecuted for this offence.

Access to media monitoring is likely to confer a campaigning advantage on recipients of monitoring reports. Media monitoring can be useful to council members in the performance of their official duties but is not usually essential. Councils should carefully consider suspending the access of council members to media monitoring during an election period.

4.6.6 Public consultation during an election period

Public consultation (sometimes called 'community engagement') must be undertaken during an election period if the consultation is mandated by legislation.

Where consultation is discretionary then the consultation can occur during the election period.

Consideration should be given prior to the consultation being scheduled as to whether or not the consultation will influence the outcome of the election. If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates, then it may be prudent to delay the consultation until after the election period.

4.6.7 Expenses incurred by council members

Payment or reimbursement of costs relating to council members' out-of-pocket expenses incurred during an election period will only apply to necessary costs that have been incurred in the performance of normal council duties. This is consistent with general requirements applying to the reimbursement of council members under section 77 of the Local Government Act.

No reimbursements should be provided for campaign expenses or for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

4.6.8 Council branding and stationery

Councils should not endorse particular candidates for election. Council logos, letterheads, or other council branding or council resources or facilities should not be used for a candidate's election campaign.

4.6.9 Support staff to council members

Council staff who provide support to council members should not be asked to undertake any tasks connected directly or indirectly with an election campaign for a council member, except where similar support is provided to all candidates.

In some councils, Mayor's will have access to support staff for assistance with email and diary management and coordination of activities related to the performance of their role. During an election period it is important to ensure clear separation of 'business as usual' (e.g. acknowledging or responding to emails received, coordinating calendar appointments) and campaigning activity (e.g. preparation and distribution of campaign flyers) and that council staff do not provide any assistance with the latter.

4.6.10 Equipment and facilities

Council resources such as council computers, stationery and business cards can continue to be used by council members during an election period for **normal council business**. For example, use of a council provided device to receive and read an electronic copy of the council agenda and use of the device during the council meeting. Council resources should not be used for campaign purposes, for example, use of the council provided email address and the council device to email a newsletter to community groups seeking their support in the election, as this will contravene the Local Government Act and the Code of Conduct for Council Members.

5 Council staff activities during an election period

Council staff should not undertake any activity that may influence the outcome of an election, except where the activity is required to facilitate the conduct of a fair election process and is authorised by the Chief Executive Officer.

Council staff should not authorise, use or allocate a council resource for any purpose which may influence voting in the election, except where it is required to facilitate the conduct of a fair election process and is authorised by the Chief Executive Officer. This includes making council resources

available to council members for campaign purposes.

Council staff must not assist a council member with the member's election campaign during hours of work. Whilst it is not illegal for council staff to assist a council member with the member's election campaign in their own time, such campaign assistance creates reputational risks for the staff member, the candidate, the council and for the integrity of the election process.

Where the use of council resources could be construed as being related to a candidate's election campaign, the incident must be reported to the Chief Executive Officer.

6 Equity of assistance to candidates

6.1 Candidate Assistance and Advice

Councils should not favour a candidate or group of candidates for election, over other candidates.

Any assistance or advice provided to candidates as part of the conduct of an election will be provided equally to all candidates.

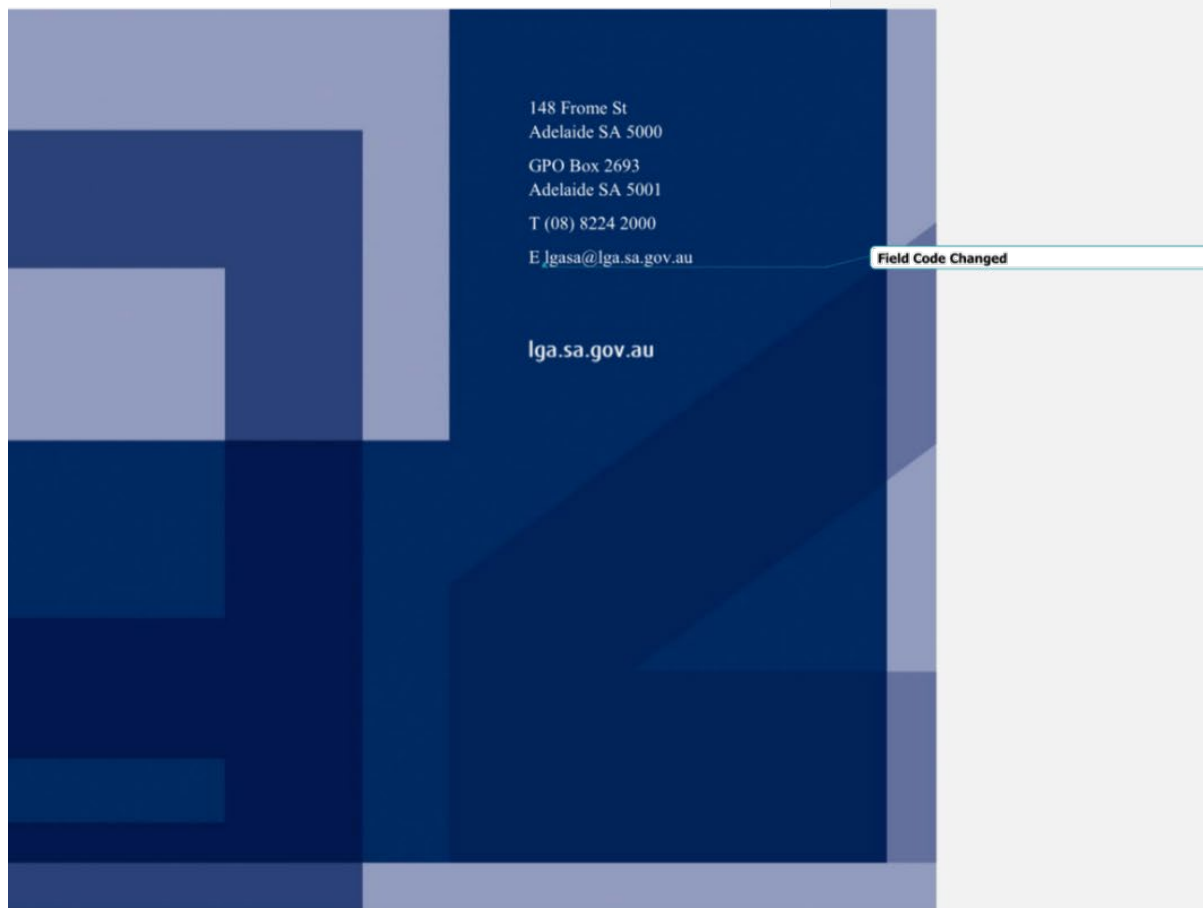
For example, if a council intends to provide information sessions for potential candidates, as far as practicable, the same information should be provided to all candidates.

Existing council members or other candidates should not be provided with additional information that would confer an electoral advantage (eg a heads up about a State MP's street meeting or information about an agenda item coming up on the agenda of a meeting of an influential community group).

The types of assistance that are available will be documented and communicated transparently to all candidates in advance.

6.2 Election Process Enquiries

All election process enquiries from candidates, whether current council members or not, are to be directed to the Electoral Commissioner as the returning officer or, where the matter is outside of the responsibilities of the returning officer, to the Chief Executive Officer or his or her nominee.



ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	23 January 2023
PREV REFS	Council NOM3 19/12/2022
HEADING	Mosquito Control Program Funding
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 2.3 Our community, environment and infrastructure are adaptive to a changing climate 4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	At the Council meeting on 19 December 2022, Council resolved to provide a report back to the appropriate committee considering opportunities for Council to investigate ongoing and increased mosquito control program investment, particularly in Globe Derby Park and St Kilda areas due to increased mosquito activity due to significant rainfall associated with La Niña. This report presents an update on current controls and service levels as a result of increased treatment schedules in 2022/23 and recommendations to increase funding and advocate for regional and improved treatment options.
RECOMMENDATION	
	<u>That Council:</u>
	<ol style="list-style-type: none"> 1. Authorises the CEO or delegate to write to the Minister for Health and all local State Members of Parliament to: <ol style="list-style-type: none"> a. acknowledge the support provided to Council and the recent increased funding for the local mosquito control measures. b. advocate for ongoing and increased mosquito control program funding for local Council's due to increased mosquito activity associated with climate change and significant rainfall from climate conditions created by La Niña weather events. c. advocate for a regional approach to the coordination of mosquito control activities and a feasibility study on the aerial application of larvicides covering crown lands, saltmarsh and samphire environments spanning the Cities of Port Adelaide Enfield, Salisbury and Playford. 2. Authorises the CEO or delegate to write to the Mayor and CEO from both the City of Playford and the City of Port Adelaide Enfield to seek support for a joint submission to the Minister for Health to advocate for the Department of Health to: <ol style="list-style-type: none"> a. coordinate regional mosquito control activities to ensure Councils affected by, and in proximity to coastal crown lands and saltmarsh and samphire environments are

addressing mosquitoes in a coordinated manner and undertaking effective mosquito control programs to address their local breeding areas.

- b. commit to a feasibility study exploring the aerial application of larvicides to cover a broader area of crown lands and saltmarsh and samphire environments spanning from the City of Port Adelaide Enfield, City of Salisbury and extending north to the City of Playford to address the nuisance and public health risk from salt marsh species, and if feasible, commit to implementing the extended annual aerial larviciding program.
3. Notes that a budget review to increase budget allocations for the 2022/23 control program will be presented in the third quarter budget review.

ATTACHMENTS

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

1. Mosquito Activity and Breeding Sites Review 2021 2022

1. BACKGROUND

- 1.1 The City of Salisbury undertakes an annual mosquito control program to manage and minimise the nuisance issues and potential public health effects associated with mosquitoes. As part of a breeding sites and species review that was conducted in 2021/2022, new and potential breeding sites were identified that supported breeding along with the traditional areas adjacent to the coastal environments, and a range of mosquito species including freshwater species were identified. The new sites have been included in annual treatment schedule and ongoing adult trapping is undertaken to monitor the span and spread of mosquito species in the City.
- 1.2 This increase in treatment areas along with the impact of increased rain events from the La Niña, has resulted in increased breeding and the subsequent increase in expenditure on the control program which has been offset by increased grant funding for mosquito control from SA Health and the State Government.
- 1.3 At the Council meeting on the 19 December 2022 it was resolved that Council:
 - 1.3.1 *acknowledge and thank the State Government for their ongoing support and funding provided to Council and the recent increase of funding for the local mosquito control measures.*
 - 1.3.2 *bring a report back to the appropriate committee within three months considering opportunities for Council to investigate ongoing and increased mosquito control program investment, particularly in Globe Derby Park and St Kilda areas due to increased mosquito activity associated with significant rainfall associated with La Niña.*
- 1.4 This report provides an overview of the program to date and the need to review current funding to cater for the increased treatment requirements and the options for future funding.

2. REPORT

- 2.1 The City of Salisbury Mosquito Control Program has traditionally concentrated the mosquito control efforts along the western side of the City around the established high-risk areas surrounding Globe Derby Park, St Kilda and parts of

Mawson Lakes, Greenfields and Parafield Gardens. This is due to the presence of the predominant species in the area being the saltwater and brackish water breeders *Aedes camptorhynchus* and *Aedes vigilax*.

- 2.2 An assessment of mosquito activity and breeding sites in City of Salisbury was undertaken in 2021/22 due to community complaints about mosquito activity from other suburban locations extending further East into the City in suburbs such as Parafield Gardens, Burton, Mawson Lakes and Pooraka, along with changing climate due to La Niña weather event contributing to many of the stormwater catchments holding water for extended periods and therefore potentially contributing to localised breeding. A summary of the mosquito activity and breeding sites review is included in Attachment 1.
- 2.3 Adult trapping across multiple sites of the city established 15 mosquito species present in Salisbury. The saltwater and brackish water breeders breeding in the saltmarshes adjacent to residential areas were found to be dispersing to inner suburbs making these species a major nuisance and potential disease vector across the City of Salisbury, including suburbs away from the coastal areas.
- 2.4 The presence and dispersal of *Culex annulirostris* across the City meant that a major disease vector associated with freshwater habitats and commonly associated with arboviruses along the Riverland regions was present in the metropolitan Adelaide area. The presence of this species, as well as the coastal species means that the risk for a disease outbreak in the metropolitan area was increasing due to the changing climate, increased rain events, and potential for disease hosts to migrate to the area. This concluded that the ongoing mosquito control program must include a wider area of freshwater habitats as well as adequate control measures in the saltmarsh, mangrove and samphire environment's adjacent to Globe Derby Park and St Kilda.
- 2.5 Larval investigation revealed several sites that may provide ideal breeding locations including stormwater drains and stormwater outlets leading into wetlands and these have been added to the routine surveillance and treatment program, and resulted in expanded treatment areas to the 2022/2023 control program. Several ad hoc areas have also been added to the ongoing program resulting in expanded treatment requirements.
- 2.6 The ongoing rain events during the first half of the season from September to December 2022 have meant that treatment areas have remained active for longer periods of time with more surface areas to treat, increasing the volume of larvicides needed and time to monitor and treat. This has been compounded by increased ad hoc surveillance and treatment.
- 2.7 This has resulted in treatment costs increasing and expenditure for the first half of the season equaling last years commitments.
- 2.8 The remainder of the season is expected to ease slightly with the forecasts from the Bureau of Meteorology indicating that La Niña is anticipated to ease over summer however the forecasts indicate an equal chance of above or below median rainfall in most areas between January to March 2023.

- Source: <http://www.bom.gov.au/climate/enso/> and, <http://www.bom.gov.au/climate/outlooks/#/rainfall/summary>

- 2.9 The easing of La Niña and rain events should translate to the treatment program scaling back to the known areas and a reduction in the size of areas being treated along with a reduction in volume of larvicide being used.
- 2.10 However, there is a need to undertake a budget review to increase budget allocations for the control program and this will be progressed in the second quarter budget review process. The establishment of budgets before a third La Niña was announced resulted in budgets being set at previous years rates, however the increased treatments and expanded areas have resulted in expenditure increasing above what was anticipated. Current Year to date as of December 2022, is \$50,535, with an original budget of \$51,500, and estimated EOY for 2022/23 based on current treatment rates is \$90,535 requiring a further budget allocation of \$40,000. A third quarter budget review will occur to address the need for increased funding. The potential for a dryer second half of the season if La Niña eases may result in treatments easing and estimated expenditure being under what is predicted.
- 2.11 Adult trapping carried out this season has continued to confirm the presence of saltwater and brackish water breeders in most parts of the City along with a range of fresh water species that support the need to maintain control across fresh and saline water environments.
- 2.12 The Mosquito Control Program is not only a key strategy to control and minimise the public health effects from mosquitoes, but it aligns with the public health principles of Council's City Plan to ensure the health and wellbeing of our community is a priority, and with Council's legislative responsibilities under the *South Australian Public Health Act 2011 (the Act)*.
- 2.13 *The Act* requires Council who is the local public health authority to undertake the following activities:
- to take action to preserve, protect and promote public health within its area;
 - to cooperate with other authorities involved in the administration of this Act;
 - to identify risks to public health within its area; and
 - as necessary, to ensure that remedial action is taken to reduce or eliminate adverse impacts or risks to public health.
- 2.14 As a result Council is responsible for funding the mosquito control program however SA Health has been providing mosquito management subsidy funding to local councils that are responsible for ensuring appropriate mosquito management on public land, including Crown Land, and in areas which impact their residents and visitors to their council area.
- 2.15 The local council subsidy funding for mosquito management supports mosquito surveillance and control activities undertaken by, or on behalf of local councils. The subsidy is targeted to specific high-risk mosquito breeding areas of South Australia where the cost of effective mosquito management exceeds available local council resources.
- 2.16 The subsidy aims to cover up to half of the cost (maximum grant being \$30,000 in 2022/23) of mosquito control and surveillance undertaken by a council on public land, including Crown Land. Funding for local council activities is assessed and allocated on an annual basis and funding is prioritised based on public health risk

first and secondly on amenity benefit, as determined by SA Health's Health Protection Programs section.

- 2.17 The City of Salisbury grant funding was capped at \$5,000 for its annual control program since 2019/20 due to priority funding in other higher risk localities. In 2021/22 SA Health provided additional funding to support the City of Salisbury's Mosquito Species and Breeding Sites review and allocated \$20,000 over a 2-year period. This resulted in \$5,000 for the program and \$10,000 for the project in 2021/22.
- 2.18 In 2022/23 SA Health provided the maximum allocation per council of \$30,000, consisting of \$5,000 for the program and \$10,000 for the project conducted in 2021/22, and an additional \$15,000 to support increased control measures due to Japanese Encephalitis Virus, the climate change impacts from La Niña and the species of mosquitos present in the area, namely *Culex annulirostris*.
- 2.19 SA Health has provided additional funding; however, the City of Salisbury's expenditure has increased significantly due to the requirement to treat more locations and more frequently due to increased rain events.
- 2.20 Summary of costs and grant funding over the last five years is as follows:

	CoS Expenditure (ex GST)	Grant	Comments
2018/19	\$37,091	\$15,000	
2019/20	\$37,692	\$5,000	Fees were capped at \$5,000 due to priority funding of Riverland regions
2020/21	\$46,687	\$5,000	Fees were capped at \$5,000 due to priority funding of Riverland regions
2021/22	\$84,761	\$15,000	Expenditure \$54,761 Control Program \$30,000 Breeding sites and species review Revenue \$5,000 grant for control program and \$10,000 grant funding to support CoS project
2022/23	YTD Dec 2022 \$50,535 Estimated EOY expenditure \$90,535	\$30,000	Revenue Pre-approved grant of \$30,000 consisting of: \$5,000 for control program \$10,000 for the project, and \$15,000 additional funding based on JEV, climate change impacts and species of mosquitoes present Expenditure \$51,500, Current treatment schedule has average monthly expenditure \$10,000 per month Budget variance – budget shortfall of \$39,035 Net cost \$60,535
2023/24	Estimated expenditure \$105,000	Grant subsidy may revert to \$5,000	Expenditure Program \$95,000 plus monthly adult trapping events across four sites estimated at \$10,000 Revenue \$5,000

- 2.21 In addition to subsidising costs incurred by councils for mosquito surveillance and control, SA Health provide the following support:
- Supplying mosquito traps;
 - Training and assistance in setting and collecting mosquito surveillance traps, and adult mosquito identification;
 - Guidance in preparing arbovirus risk management plans and designing and implementing mosquito control program;
 - Supplier information for surveillance and control equipment, consumables and chemicals; and
 - Support for responding to media requests and provision of an expert when required.
- 2.22 Control undertaken by SA Health includes the aerial larvicide program occurring west of Globe Derby Park provides the greatest benefit to the residents of Globe Derby Park. The aerial application of larvicides is an effective delivery method that covers a large environment in an efficient manner and can target large areas of salt marsh breeding environments. The larvicides being used in the aerial application are the same products used in the ground application and are specific to mosquito larvae and do not affect non-target species and are not harmful to people, animals or the environment.
- 2.23 The current area being treated is limited to approximately 41 hectares located to the west of Globe Derby Park, however the expanse of tidal and salt marsh environments that support mosquito breeding extend from Port Adelaide to Playford and generally go untreated.
- 2.24 With the current climate outlooks and knowledge that the salt marsh mosquitoes affect a large area of the City of Salisbury and metropolitan Adelaide, it is opportune that the State Government and SA Health consider expanding this treatment area and the aerial application of larvicides.

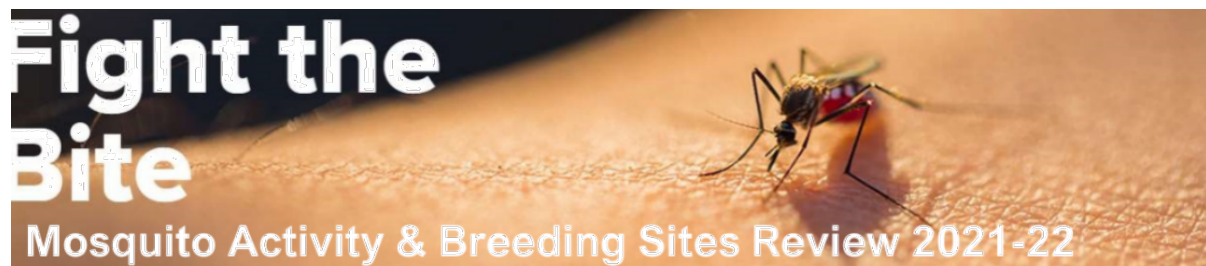
3. CONCLUSION / PROPOSAL

- 3.1 The findings of the recent review combined with the potential for climate change to impact on activity and disease risks in future indicates that the mosquito control program is not only a key strategy to control and minimise the public health effects from mosquitoes, but it aligns with the public health principles of Council's City Plan and requirements under the Act to preserve, protect and promote public health within its area,
- 3.2 Whilst Council is conducting an effective program there needs to be equal commitments across the region to address salt marsh and samphire areas extending from Port Adelaide, to Salisbury and Playford. A consistent approach and collaboration may lead to increased funding opportunities from the State.
- 3.3 A united approach to mosquito management is essential to reduce the impact from mosquitoes and increased investment by all tiers of Government is important to address the public health risk and threat of mosquitoes and disease due to the changing climate.
- 3.4 The Bureau of Meteorology advises that climate change continues to influence Australian and global climates. Australia's climate has warmed by around 1.47 °C in the period 1910–2021. There has also been a trend towards a greater proportion

of rainfall from high intensity short duration rainfall events, especially across northern Australia.

Source: (<http://www.bom.gov.au/climate/enso/>)

- 3.5 Investigating and implementing more efficient treatment options such as aerial applications and planning for effective control of mosquitoes in cases of severe and extreme outbreaks will contribute to a reduction in the public health risk and nuisance impact of mosquitoes and will help to protect and promote public health for communities at a local, regional and State-wide level.
- 3.6 The provision of a Mosquito Control Program is essential and council is responsible for delivering a local control program which needs to be complimented and supported by an effective regional program.
- 3.7 The benefits provided to the broader metropolitan area by local programs should be recognised with additional funding support provided by the State Government as well as investigations into expanding more efficient control methods such as aerial applications of larvicides where possible.



Mosquito Control Program

The City of Salisbury undertakes a mosquito control program including the surveillance and control of mosquitoes as a key strategy to manage and minimise the nuisance issues and potential public health risks associated with mosquitoes.

The current control program has been actively addressing mosquitoes since the early 1990's when the concerns were raised by Globe Derby Park residents who were being inundated with large numbers of nuisance mosquitoes.

Information on the current controls can be found on the City of Salisbury's website under Mosquito Control.

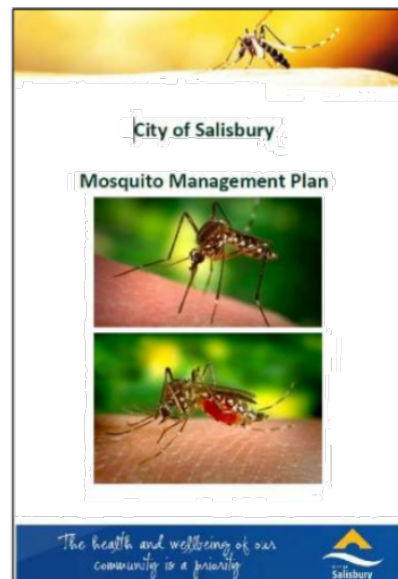


Advertiser Article 1993

Located between the foothills and the coast, the City receives large volumes of stormwater which have to be managed, and this combined with the proximity to the coast, mangrove and samphire environments provide for a perfect mosquito prone environment allowing for different species to affect the local community.

The mangrove and samphire environments are prone to large numbers of salt water breeding mosquitoes which can disperse up to 10km and affect most of the City. Combine this with the potential for fresh water species not only in public spaces, but also in back yard breeding, and this makes the City prone to a range of mosquito species.

The public spaces of most concern and subject to surveillance and treatment are the network of stormwater drains and swales built to manage stormwater and prevent flooding. These areas usually hold water and become potential breeding areas during warmer months when the rain events slow down.



Constructed Wetlands

A study in 2013/14 conducted by the University of South Australia across eight metropolitan wetlands over a period of six years concluded that constructed wetlands that are generally large, semi-permanent water bodies of high quality are unlikely to cause mosquito problems.

Most wetlands of this nature will have a natural mosquito presence, however, with healthy populations of predatory fish and insects, mosquito populations are likely to be low.



Mosquito Activity & Breeding Sites Review

In 2020/21 there were a number of factors that helped determine that there was a need to undertake a review and implement an assessment of mosquito activity and breeding sites in City of Salisbury. These included:

- community complaints about mosquito activity from other suburban locations extending further East into the City in suburbs such as Parafield Gardens, Mawson Lakes, Burton and Pooraka
- stormwater infrastructure upgrades, and installation of swales and weirs to reduce outflows, and seeing if these held water that contributed to breeding
- changing climate with a La Nina weather event in 2020/21 and a predicted second La Nina event in 2021/22 contributing to many of the stormwater catchments holding water for extended periods and therefore potentially contributing to localised breeding and the increase in resident complaints
- needing to understand if the predominant coastal species of mosquitoes were dispersing and affecting a wider area of the community or whether there was an increase in localised breeding in fresh water catchments with a range of other species adding to the level of mosquito activity.



The project plan for the mosquito activity and breeding sites review was developed to address the following:





- Monitor mosquito numbers and identify species
- Identify and monitor mosquito breeding habitats
- Determine additional locations to be added to the regular treatment program
- Ensure mosquito control program was addressing the right areas.



Adult Trapping

Adult trapping was carried out across 14 locations in the City.

- 23,559 adult mosquitoes were trapped
- 15 different mosquito species were identified and seven of these species were potential disease vectors and major nuisance species.
- Screening for arboviruses was not originally a part of the project scope, however in response to Japanese Encephalitis Virus (JEV) being declared a communicable disease of national significance, trapped mosquitoes were screened for various arboviruses.
- A total of 2,717 mosquitoes were screened for:
 - Ross River Virus (RRV)
 - Barmah Forest Virus (BFV)
 - Murray Valley Encephalitis Virus (MVEV)
 - Kunjin Virus (KUN)
 - JEV.

MOSQUITO SURVEILLANCE SNAPSHOT 2021-2022		
	56	Adult mosquito traps set across 14 locations in the City of Salisbury
	23,559	Adult mosquitoes trapped
15	Mosquito species collected during the 2021-22 period	7 Mosquito significant disease vectors or major nuisance species
	2,717	Mosquitoes screened for arboviruses
	1	Ross River virus detected in viral analysis of one sample of adult mosquitoes

There was one detection of RRV from one sample, however there were no other positive results from either the City of Salisbury trapping program or traps set by SA Health. As a result, the local presence and prevalence of RRV could not be confirmed.

Adult Mosquitoes of Significance

Saltmarsh mosquitoes *Aedes camptorhynchus* and *Aedes vigilax* were trapped in St Kilda, Globe Derby, Dry Creek, Mawson Lakes, Pooraka, Burton and Salisbury, indicating that they are present across large parts of the City although breed along the coastal environments. They are aggressive mosquitoes and bite humans and animals.

Aedes camptorhynchus is present from September to December and is a large mosquito. *Aedes vigilax* is around from January to March and is smaller, darker and a very aggressive biter.



Freshwater breeder and major nuisance and disease vector *Culex annulirostris* was trapped in Salisbury, Dry Creek, Mawson Lakes, Burton and Pooraka. *Culex annulirostris* is a vector of various arboviruses including Japanese Encephalitis Virus and the presence and dispersal of this species across the City would mean that a major disease vector associated with freshwater habitats and commonly associated with arboviruses along the Riverland regions was present in metropolitan Adelaide area.

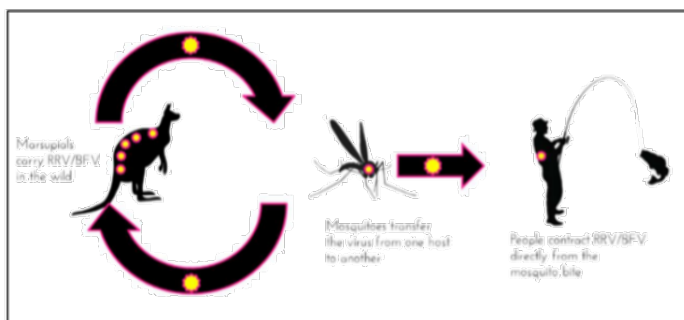


Major nuisance pest species *Aedes notoscriptus* and *Culex quinquefasciatus* were found across 13 out of the 14 sites across the City. *Aedes notoscriptus* is a common nuisance biter found around residential dwellings and often the one that will bother you in the garden. *Culex quinquefasciatus* is active at dusk, dawn and at night where they feed on birds and mammals, including humans and is likely to be the one buzzing around at night in the bedroom.

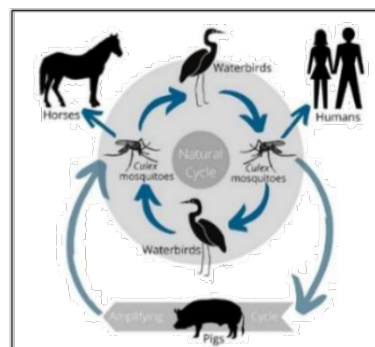


Arbovirus Cycle

The presence of mosquitoes that can transmit viruses to humans is cause for caution, but not alarm, as there is still the need for the right bird or mammal hosts to be present that carry the virus. The virus is then picked up by the mosquitoes feeding on these birds or mammals and can then be transmitted to humans through their saliva and other agents they transmit via their proboscis when they seek a blood meal.



Ross River Virus Cycle (Source: WA Department of Health)



Japanese Encephalitis Virus Cycle
(Source: Australian Government)

Larval Surveillance

The most important part of mosquito control is to identify where they are breeding and this was determined through larval investigations across our City to identify potential breeding grounds. Larval investigations of sites treated through the City's current surveillance program did not reveal any significant larvae indicating the current larval control program is effective. Adults are still trapped around these areas indicating breeding is occurring within proximity of these sites or outside of current treatment sites.

Larval investigation revealed several sites that may provide ideal breeding locations for mosquitoes including stormwater drains and stormwater outlets into wetlands.



These and other potential breeding sites require further investigation so that effective proactive and reactive larval treatment programs and engineering solutions can be developed and implemented to reduce potential impacts of mosquitoes.



Several of the identified sites with the potential for breeding and also the presence of larval activity have been added to the 2022/2023 control program, with the City for Salisbury committing to increased treatment and surveillance.

Ongoing adhoc surveillance and treatment will continue to occur and inform the control program in order to add to the treatment areas, and these are based on investigations and complaints about mosquitoes and from the results of adult trapping.

Ongoing Monitoring and Treatment

In conclusion, Council will continue its ongoing monitoring to assess potential breeding sites, its treatment program and will undertake surveillance to understand the species of mosquitoes present in different areas.

This data will continue to be used to implement targeted control programs which are increasingly important due to the changing climate, increased rain events, and the growing threat and presence of disease vectors such as *Culex annulirostris*, along with the detection of arboviruses such as Japanese Encephalitis Virus across larger parts of the State.

Council's investment in mosquito treatment will ramp up as new areas for treatment are identified and added to the treatment program, and as the frequency of treatments are required the increase to respond to additional periods of increased rain that are driven by climatic conditions, such as the current La Nina event.

The work undertaken by Council informs and supports the regional efforts by other councils and those of SA Health. It will be important to continue to improve on our Mosquito Control Program as the threat of mosquitoes and disease increases as a result of the changing



climate. This will require increased investment by all tiers of Government in order to address the public health risk. It will mean being ready to tackle both larvae and adult mosquitoes with more efficient treatment options such as:

- aerial application of larvicides
- use of a ground fleet of all terrain vehicles
- working with Government Agencies to plan for effective control of adult mosquitoes in cases of severe and extreme outbreaks.



A joint effort will contribute to a reduction in the public health risk and nuisance of mosquitoes and will help to protect and promote public health for communities at a local, regional and State-wide level.

Current Control Program 2022/2023

Treatment of breeding sites is continuing from September through to April. This year the treatment areas expanded following the Mosquito Surveillance and Breeding Site Review:

- Globe Derby Park and St Kilda
- Field Street, Parafield Gardens
- Dry Creek adjacent to Salisbury Highway
- Greenfields wetlands and road side swales along Salisbury Highway and Port Wakefield Road
- Sanctuary Drive, Dutton Avenue Reserve and Pledger Wetland, Mawson Lakes
- Myall Boulevard Reserve Salisbury

Monthly Adult surveillance across four sites in the City to identify species and support ongoing SA Health trapping Program:

- Pooraka Triangle Park, Pooraka
- Dutton Avenue Reserve Mawson Lakes
- Myall Boulevard Reserve Salisbury
- Springbank Boulevard Reserve Burton

SA Health Aerial Larvicide Program

The SA Health Aerial Larvicide Mosquito control program which covers an area of samphire and saltmarsh environments and coastal breeding areas west of Globe Derby Park, will commence 14 December through to 27 April 2023 approximately every two weeks following peak tides.

