



**MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
34 CHURCH STREET, SALISBURY ON**

27 MARCH 2023

MEMBERS PRESENT

Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr C Buchanan
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen
Cr M Mazzeo
Cr S McKell
Cr S Ouk
Cr S Reardon

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
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 6:30pm.

OPENING PRAYER AND WELCOME

The Mayor welcomed the public, Elected Members and staff to the meeting.

The Mayor advised that for security purposes, CCTV is used in the Council Chamber. In accordance with the City's meeting procedures, no audio or video recording is allowed without prior written permission from the Presiding Member.

The Mayor read the Kurna Acknowledgement.

The Chief Executive Officer read the Opening Prayer.

APOLOGIES

Apologies were received from Cr G Bawden and Cr S Burner.

LEAVE OF ABSENCE

Nil.

PUBLIC QUESTION TIME

Ms Maria Blackmore a question in relation to the online direct debit system:

Question:

What remedial action is administration taking to respond to those who have been disadvantaged, and fined, after using their online direct debit system? And how is this being prevented in future?

The General Manager Business Excellence took the question on notice.

DEPUTATIONS

No Deputations were received.

PRESENTATION OF MINUTES

Moved Cr A Graham
Seconded Cr S McKell

The Minutes of the Council Meeting held on 27 February 2023 and Special Council Meeting held on 8 March 2023, be taken as read and confirmed.

CARRIED
UNANIMOUSLY
0167/2023

PETITIONS

No Petitions were received.

Cr Buchanan sought leave of the meeting to bring forward Items C1 Elected Member Behaviour – Complaint and C2 Elected Member Behaviour – Complaints. Leave was granted.

The Mayor brought forward Item *C1 Elected Member Behaviour – Complaint and C2 Elected Member Behaviour – Complaints* as the next Items of business.

ORDERS TO EXCLUDE THE PUBLIC

C1 Elected Member Behaviour - Complaint

Moved Cr A Graham

Seconded Cr P Jensen

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Disclosure in public would implicate the personal affairs of the individual.*

*On that basis the public's interest is best served by not disclosing the **Elected Member Behaviour - Complaint** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance be excluded from attendance at the meeting for this Agenda Item.*

CARRIED
0168/2023

C2 Elected Member Behaviour - Complaints

Moved Cr A Graham

Seconded Cr P Jensen

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

2. *In weighing up the factors related to disclosure,*

- *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
- *Public disclosure would implicate the personal affairs of the individual.*

*On that basis the public's interest is best served by not disclosing the **Elected Member Behaviour - Complaints** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED
UNANIMOUSLY
0169/2023

The meeting moved into confidence at 6:37pm

Pursuant to section 74 of the Local Government Act 1999, Cr Grenfell declared a general conflict of interest in relation to this matter on the basis that she may be partial to this matter. Cr Grenfell stated that she will deal with the conflict by withdrawing from the meeting.

Cr K Grenfell left the meeting at 6.39 pm.

Cr L Brug left the meeting at 6.40 pm.

GENERAL BUSINESS

C1 Elected Member Behaviour - Complaint

Moved Mayor G Aldridge

Seconded Cr P Jensen

That Council:

1. Notes that a complaint was received on 23 January 2023 alleging breaches of the Behavioural Standards for Council Members by Cr Grace Bawden.
2. Notes that this complaint is managed in accordance with the Model Behavioural Management Policy (Attachment 2, Council, 27 March 2023, Item No. C1).
3. Receives the independent report from Norman Waterhouse on the complaint received on 23 January 2023 alleging breaches of the Behavioural Standards for Council Members by Cr Grace Bawden, as included in attachment 1 (Council, 27 March 2023, Item No. C1).
4. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C1) concludes that Cr Grace Bawden has breached clause 1.2 of the Behavioural Standards by failing to act in a way that generates community trust and confidence in the Council.
5. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C1) concludes that Cr Grace Bawden has breached clause 1.4 of the Behavioural Standards by failing to act in a reasonable, just, respectful and non-discriminatory way.
6. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C1) concludes that Cr Grace Bawden has breached clause 2.3 of the Behavioural Standards by failing to take all reasonable steps to ensure the community and the Council are not knowingly misled.
7. Notes the recommendation in paragraph 6 of the report from Norman Waterhouse (Attachment 1, Council, 27 March 2023, Item No. C1), for Cr Grace Bawden to issue a public apology in respect of her conduct.
8. Notes that Council can – in consideration of the recommendation in paragraph 6 of the report from Norman Waterhouse (Attachment 1, Council, 27 March 2023, Item No. C1), resolve to act pursuant to section 262C of the Local Government Act 1999, noting that for such action the report must be considered at a public meeting of the Council.
9. Approves that, pursuant to Section 91(7) of the *Local Government Act 1999*, the discussion for this item will remain confidential and not available for public inspection until 30 June 2026.

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10. Approves that, pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.
 11. Authorises the Chief Executive Officer to redact any residential addresses from any public reports or documents relating to this matter.

CARRIED
UNANIMOUSLY
0170/2023

C2 Elected Member Behaviour - Complaints

Moved Mayor G Aldridge

Seconded Cr S McKell

That Council:

1. Notes that five complaints were received, on 14 January 2023, 18 January 2023, 20 January 2023, 23 January 2023 and 2 February 2023, alleging breaches of the Behavioural Standards for Council Members by Cr Severina Burner.
2. Notes that these complaints are managed in accordance with the Model Behavioural Management Policy (Attachment 2, Council, 27 March 2023, Item No. C2).
3. Receives the independent report from Norman Waterhouse on the five complaints received alleging breaches of the Behavioural Standards for Council Members by Cr Severina Burner, as included in attachment 1 (Council, 27 March 2023, Item No. C2).
4. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 1.2 of the Behavioural Standards by failing to act in a way that generates community trust and confidence in the Council.
5. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 1.3 of the Behavioural Standards by failing to act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
6. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 1.4 of the Behavioural Standards by failing to act in a reasonable, just, respectful and non-discriminatory way.
7. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 1.5 of the Behavioural Standards by failing to, when making public comments on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

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8. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 2.2 of the Behavioural Standards by failing to take all reasonable steps to provide accurate information to the community and the Council.
 9. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 2.3 of the Behavioural Standards by failing to take all reasonable steps to ensure that the community and the Council are not knowingly misled.
 10. Notes that the report from Norman Waterhouse as included in attachment 1 (Council, 27 March 2023, Item No. C2) concludes that Cr Severina Burner has breached clause 2.5 of the Behavioural Standards by acting in a manner inconsistent with her role, as defined in section 59 of the Local Government Act 1999 (the Act), in particular, Cr Severina Burner's conduct being inconsistent with section 59(1)(a)(ii) of the Act which requires Cr Severina Burner to ensure positive and constructive working relationships within the Council.
 11. Notes the recommendation in paragraph 7 of the report from Norman Waterhouse (Attachment 1, Council, 27 March 2023, Item No. C2), for Cr Severina Burner to issue a public apology in respect of her conduct.
 12. Notes that Council can – in consideration of the recommendation in paragraph 7 of the report from Norman Waterhouse (Attachment 1, Council, 27 March 2023, Item No. C2), resolve to act pursuant to section 262C of the Local Government Act 1999, noting that for such action the report must be considered at a public meeting of the Council.
 13. Approves that, pursuant to Section 91(7) of the *Local Government Act 1999*, the discussion for this item will remain confidential and not available for public inspection until 30 June 2026.
 14. Approves that, pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.
 15. Authorises the Chief Executive Officer to redact any residential addresses from any public reports or documents relating to this matter.

CARRIED
UNANIMOUSLY
0171/2023

C1 Further Motion – Elected Member Behaviour – Complaints

Moved Mayor G Aldridge

Seconded Cr S Ouk

That Council:

1. Notes the report presented to Council at its meeting on 27 March 2023 including the findings made by Norman Waterhouse Lawyers in relation to the complaint received 23 January 2023, concluding that Cr Grace Bawden has, on the balance of probabilities, breached clauses 1.2, 1.4 and 2.3 of the Behavioural Standards (Attachment 1, Council, 27 March 2023).
2. Requires Cr Grace Bawden to issue an unqualified public apology in respect of her conduct and referencing the complaint received, with such apology to be presented at the April 2023 Council meeting, in writing or in person, and to be included in the Council Minutes.
3. Requires Cr Grace Bawden to publish an unqualified public apology in respect of her conduct and referencing the complaint received, with such apology to be published on her social media page on which Councillor Grace Bawden published the material the subject of the complaint made by 24 April 2023.

With leave of the meeting and consent of the seconder, Mayor Aldridge VARIED the MOTION as follows:

That Council:

1. Notes the report presented to Council at its meeting on 27 March 2023 including the findings made by Norman Waterhouse Lawyers in relation to the complaint received 23 January 2023, concluding that Cr Grace Bawden has, on the balance of probabilities, breached clauses 1.2, 1.4 and 2.3 of the Behavioural Standards (Attachment 1, Council, 27 March 2023).
2. Requires Cr Grace Bawden to reflect on her comments and issue an unqualified public apology in respect of her conduct and referencing the complaint received, with such apology to be presented at the April 2023 Council meeting, in writing or in person, and to be included in the Council Minutes.
3. Requires Cr Grace Bawden to reflect on her comments and to publish an unqualified public apology in respect of her conduct and referencing the complaint received, with such apology to be published on her social media page on which Councillor Grace Bawden published the material the subject of the complaint made by 24 April 2023.

CARRIED
UNANIMOUSLY
0172/2023

C2 Further Motion – Elected Member Behaviour – Complaints

Moved Mayor G Aldridge
Seconded Cr P Jensen

1. Notes the report presented to Council at its meeting on 27 March 2023 including the findings made by Norman Waterhouse Lawyers in relation to the five complaints received, concluding that Cr Severina Burner has, on the balance of probabilities, breached clauses 1.2, 1.3, 1.4, 1.5, 2.2, 2.3 and 2.5 of the Behavioural Standards (Attachment 1, Council, 27 March 2023).
2. Requires Cr Severina Burner to reflect on her comments and issue an unqualified public apology in respect of her conduct referencing each of the five complaint received, with such apologies to be presented at the April 2023 Council meeting, in writing or in person, and to be included in the Council Minutes.
3. Requires Cr Severina Burner to reflect on her comments and publish an unqualified public apology in respect of her conduct, referencing the five complaints received, with such apologies to be published on her social media page on which Councillor Severina Burner published the material the subject of the five complaints made by 24 April 2023.

CARRIED
UNANIMOUSLY
0173/2023

The meeting moved out of confidence at 7:02 pm.

Cr B Brug left the meeting at 07:41 pm.

Cr K Grenfell returned to the meeting at 07:41 pm.

Cr L Brug returned to the meeting at 7:41pm

BREAK

In accordance with the Code of Practice for Meeting Procedures, the Mayor provided a break to all present. The meeting was suspended at 7:42 pm.

The meeting reconvened at 7:53pm.

Cr B Brug returned to the meeting at 7:54 pm.

COMMITTEE REPORTS

1 Policy and Planning Committee Meeting

Moved Cr P Jensen
Seconded Cr S Ouk

That Council:

Adopts the recommendations of the Policy and Planning Committee meeting held on 20 March 2023, listed below.

CARRIED
0174/2023

1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr P Jensen
Seconded Cr S Ouk

That Council:

1. Notes the report.

CARRIED
0174/2023

1.1.1 Recommendations of the Intercultural Strategy and Partnerships Sub Committee meeting held on Monday 13 February 2023

Moved Cr P Jensen
Seconded Cr S Ouk

That Council:

Adopts the recommendations of the Intercultural Strategy and Partnerships Sub Committee meeting held on 13 February 2023, listed below:

CARRIED
0174/2023

1.1.1-ISPS1 Intercultural Strategic Plan

Moved Cr P Jensen
Seconded Cr S Ouk

That Council:

1. Notes the report.
2. Requests the Intercultural Strategy and Partnership Sub Committee conducts a review of the community alliance and the strategic alliance model and that staff bring back a further report by June identifying opportunities for further collaboration between the role of this Sub Committee and the role of the alliances.
3. Request Staff bring back a report to the Intercultural Strategy and Partnerships Sub Committee on relevant training policies and intercultural strategy training for Elected Members on cultural awareness and anti-semitism.

CARRIED
0174/2023

1.1.2 AISP and Support for Autistic Community

Moved Cr P Jensen
Seconded Cr S Ouk

That Council:

1. Notes the report.

**CARRIED
0174/2023**

Confidential Items

Refer to CONFIDENTIAL ITEMS section of Council Minutes

1.4.1 Thematic Heritage Study - Stage 2 Item Identification

Cr P Jensen left the meeting at 7:54 pm.

Cr P Jensen returned to the meeting at 7:55 pm.

2 Finance and Corporate Services Committee Meeting

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

Adopts the recommendations of the Finance and Corporate Services Committee meeting held on 20 March 2023, listed below, with the exception of items:

2.2.1FI Rate Rebate Policy and Endorsement of Discretionary Rebates for 2023/24 and 2024/25

which was withdrawn to be considered separately.

**CARRIED
0175/2023**

2.0.1 Future Reports for the Finance and Corporate Services Committee

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Notes the report.

**CARRIED
0175/2023**

2.1.1 Salisbury Memorial Park Budget 2023/24 Report

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Approves the Salisbury Memorial Park 2023/24 Budget and fees and charges as included in Attachment 1 (Finance and Corporate Services Committee, 20 March 2023, Item No. 2.1.1) for consideration in the 2023/24 Council Budget.
2. Authorises the General Manager Community Development to vary fees up to a maximum of \$300 (+/-) on the approved Salisbury Memorial Park fee schedule for special circumstances at discretion.

**CARRIED
0175/2023**

2.1.2 Building Rules Certification Unit Budget 2023/24 Report

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Approves the Building Rules Certification Unit 2023/24 Budget for consideration in the 2023/24 Council Budget.

**CARRIED
0175/2023**

2.1.3 Salisbury Water Budget 2023/24 Report

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Approves the Salisbury Water 2023/24 budget, including budget bids, fees and charges and the water pricing policy as included in Attachment 1 (Finance and Corporate Services Committee, 20 March 2023, Item No. 2.1.3) for consideration in the 2023/24 Council Budget.

**CARRIED
0175/2023**

2.1.4 Budget Workshops Actions Update

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Notes the actions and responses provided at paragraphs 3.3 and 3.4.
2. Approves that a future report detailing the program of works for 2023/24 and 2024/25 funded through budget bids TRR001053 SAMP Bituminous Footpath Service Continuity Program and TRR001055 SAMP Road Reseal Service Continuity Program be added to the Urban Services Committee with a planned reporting date of July 2023.

**CARRIED
0175/2023**

2.1.5 Financial Reserve Policies Review

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Adopts the Open Space Reserve Fund Policy as set out in attachment 1 to this report (Item No. 2.1.5, Finance and Corporate Services Committee 20/03/2023).
2. Adopts the Business Unit Reserve Policy as set out in attachment 2 to this report (Item No. 2.1.5, Finance and Corporate Services Committee 20/03/2023).
3. Adopts the Business Transformation Future Fund Policy as set out in attachment 3 to this report (Item No. 2.1.5, Finance and Corporate Services Committee 20/03/2023)
4. Adopts the Northern Futures Fund Policy as set out in Attachment 4 to this report (Item No. 2.1.5, Finance and Corporate Services Committee 20/03/2023)

**CARRIED
0175/2023**

2.1.6 Budget Bids 2023/24

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Approves the timing of the budgeted capital expenditure for PSN001017 Time Bound Program: Dog Parks for Small Dogs (Attachment 2):
Option 1: Bring forward capital expenditure budget for Unity Park Pooraka to year 2023/24;
2. Approves the timing of the budgeted capital expenditure for PSR001024 SAMP: Dog Park Continuity Program (Attachment 3):
Option 2: Bring forward capital expenditure budget from 2024/25 to 2023/24 and provide annual renewal expenditure;
3. Approves the retention of Elected Member Bid DWN001132: New Drainage Networks (Attachment 4) in its current form pending Report to Urban Services Committee planned for March or April 2023.
4. Considers the following bids that are above current service levels and/or currently not funded through existing programs, which were discussed by Council at the CEO Briefing and Budget Workshop 2:
 - a. PSN000960 Elected Member Bid: Seniors Outdoor Exercise Equipment (Attachment 5)
Option 1: Remove the bid from further budget considerations;

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- b. PSN001133 Elected Member Bid: Model Yacht Club Terrace Area (Attachment 6)
Option 1: Remove the bid from further budget considerations;
- c. PSN001136 Elected Member Bid: Lighting at Jacaranda Grove (Attachment 7)
Option 3: Additional budget funding be provided.
- d. Defer PSN001137 Elected Member Bid: Playground Shade – Heron Reserve, Parafield Gardens to the Asset Management Sub-Committee for further consideration
- e. Defer PSN001138 Elected Member Bid: New BBQ, Playground Shade and Toilet – Baltimore Reserve to the Asset Management Sub-Committee for further consideration
5. Approves the removal of budget bid OPN001106: Local Heritage Review (Attachment 10) in accordance with item WS2-4 of the Elected Member Second Budget Workshop, and a report listing the potential heritage sites be provided to Council for review and input.
6. Approves the four-year program subject to further information being provided as noted in Item 2.1.4, Budget Workshop Actions Update.
- Infrastructure Bids: net capital \$36,300,000 and operating \$1,301,000
 - Plant Furniture and Equipment Bids: net capital \$2,143,000
 - Operating Bids: operating \$919,000
 - IT Bids: net capital \$784,000 and operating \$135,000
- which will be updated following Council decision in relation to parts 1 to 5 of this recommendation and noting that three (3) bids subject to a confidential report of Council are not included in these expenditure estimates.

**CARRIED
0175/2023**

2.2.2 Draft Sustainability Strategy - Budget considerations

Moved Cr S Reardon
Seconded Cr P Jensen

That Council:

1. Notes the information in this report and that any subsequent changes to the budget will be undertaken as part of the 2023/24 budget considerations.

**CARRIED
0175/2023**

The meeting then proceeded to consider item 2.2.1FI, which was withdrawn to be considered separately.

Pursuant to section 74 of the Local Government Act 1999, Cr Reardon declared a general conflict of interest in relation to part d of this matter on the basis of being a member of the Military Vehicle Preservation Society of SA. Cr Reardon stated that she will deal with the conflict by leaving the meeting.

Cr S Reardon left the meeting at 07:56 pm.

**Rate Rebate Policy and Endorsement of Discretionary Rebates for 2023/24 and 2024/25
Further Information Item 2.2.1FI**

Moved Cr C Buchanan
Seconded Cr K Grenfell

That Council:

1. Approves Discretionary rebates be provided for 2023/24 and 2024/25 as follows:
 - a. Meals on Wheels 25% discretionary rate rebate (noting that total rebate is 100%, given 75% mandatory rate rebate is required)
 - b. John Street Salisbury Pty Ltd (Northern Volunteering SA Inc) 100% discretionary rate rebate
 - c. SA Water (St Kilda Tram Museum Depot) 100% discretionary rate rebate
 - d. Military Vehicle Preservation Society of SA Inc (National Military Vehicle Museum) 100% discretionary rebate
 - e. Australian Migrant Resource Centre 75% discretionary rate rebate and 75% Salisbury City Centre Business Association Separate rate
 - f. Marra Murrangga Kumangka Inc 75% discretionary rate rebate
2. Adopts the Rate Rebate Policy as set out in Attachment 1 to this report (Finance and Corporate Services Committee 20/02/2023, Item No. 2.2.1FI).
3. Notes the further information regarding Wat Khmer Santipheap Association of SA Inc.

**CARRIED
0176/2023**

Confidential

Refer to CONFIDENTIAL ITEMS section of Council Minutes

2.4.1 Budget Bids 2023/24 - Confidential Items

3 Governance and Compliance Committee Meeting

Moved Cr P Jensen
Seconded Cr D Hood

That Council:

Adopts the recommendations of the Governance and Compliance Committee meeting held on 20 March 2023 listed below, with the exception of item:

3.1.1 Council Assessment Panel - Appointment of Independent Members

which was withdrawn to be considered separately.

**CARRIED
0177/2023**

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr P Jensen
Seconded Cr D Hood

That Council:

1. Notes the report.

**CARRIED
0178/2023**

Pursuant to section 75 of the Local Government Act 1999, Cr B Brug declared a Material conflict of interest on the basis of being a member of the Council Assessment Panel. Cr B Brug stated that he will deal with the conflict by leaving the meeting.

Cr B Brug left the meeting at 8:00 pm.

Pursuant to section 74 of the Local Government Act 1999, Cr L Brug declared a general conflict of interest on the basis of her husband, Cr B Brug, being a member of the Council Assessment Panel. Cr L Brug stated that she will deal with the conflict by leaving the meeting.

Cr L Brug left the meeting at 8:00 pm.

Pursuant to section 74 of the Local Government Act 1999, Cr. Reardon declared a general conflict of interest on the basis of being a deputy member of the Council Assessment Panel. Cr Reardon stated that she will deal with the conflict by leaving the meeting.

Cr Reardon left the meeting at 8:00 pm

3.1.1 Council Assessment Panel - Appointment of Independent Members

Moved Cr P Jensen
Seconded Cr K Grenfell

That Council:

1. Adopts the *Council Assessment Panel Terms of Reference* as contained in Attachment 1 to this report (Governance and Compliance Committee 20 February 2023, Item 3.1.1) to commence the expression of interest process for the appointment of Independent Members for the next term of the Council Assessment Panel.

CARRIED
UNANIMOUSLY
0179/2023

Cr S Reardon returned to the meeting at 8:05 pm.

Cr B Brug returned to the meeting at 8:06 pm.

Cr L Brug returned to the meeting at 8:06 pm.

4 Urban Services Committee Meeting

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

Adopts the recommendations of the Urban Services Committee meeting held on 20 March 2023, listed below, with the exception of item:

US-OB1 Hausler Reserve Changerooms

which was withdrawn to be considered separately.

**CARRIED
0180/2023**

4.0.1 Future Reports for the Urban Services Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0180/2023**

4.0.2 Recommendations of the Asset Management Sub Committee meeting held on Tuesday 14 March 2023

The information contained in the Asset Management Sub Committee of the meeting held on 14 March 2023 be received and noted with respect to the following recommendations contained therein to be adopted by Council:

4.0.2-AMSC1 Future Reports for the Asset Management Sub Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0180/2023**

4.0.2-AMSC2 Playspaces Survey Results

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Notes that the community consultation with residents living within approximately 300m of nominated play spaces as outlined in paragraph 3.1 of the report (Item AMSC2 – Playspace Survey Results – Asset Management Sub Committee, 14 March 2023) has been completed.
2. Requests Administration bring back a further report to the September 2023 Asset Management Sub Committee on the recommendations identified in the survey results as outlined in paragraph 3.19 of the report (Item AMSC2 – Playspace Survey Results – Asset Management Sub Committee, 14 March 2023), and with specific examples of potential improvements to the playgrounds included in this survey (including costs) with a view to the recommendations being included in Council's Playspace Policy and being incorporated in the Strategic Asset Management Plan for 2024/25.

**CARRIED
0180/2023**

4.0.2-AMSC3 Draft Strategic Asset Management Plan 2023/24

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Notes the report and provides feedback on the Draft Strategic Asset Management Plan 2023/24.
2. Notes that in line with Section 126 (4)(ab) of *the Local Government Act 1999* the Draft Strategic Asset Management Plan 2023/24 will be presented to the Audit and Risk Committee in April 2023 for comment and noting.
3. Notes that comments from the Asset Management Sub Committee and Audit and Risk Committee on the Draft Strategic Asset Management Plan 2023/24 will be incorporated in the report to be presented to the April 2023 Policy and Planning seeking Council's approval of the draft document for the purpose of public consultation in May 2023.

**CARRIED
0180/2023**

4.0.3 Recommendations of the Environmental Sustainability and Trees Sub Committee meeting held on Tuesday 14 March 2023

The information contained in the Environmental Sustainability and Trees Sub Committee of the meeting held on 14 March 2023 be received and noted with respect to the following recommendations contained therein to be adopted by Council:

4.0.3-ESATS1 Future Reports for the Environmental Sustainability and Trees Sub Committee

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0180/2023**

4.0.3-ESATS2 Tree Removal Requests - Monthly Update for January 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Defers consideration of this Item (ESATS2 – Tree Removal Requests – Monthly Update for January 2023) to the March 2023 Urban Services Committee to allow Administration to provide clarification on whether the trees listed as 51 and 58 in Attachment 1 of the report (item ESATS2, Environmental Sustainability and Trees Sub Committee, 14 March 2023) are significant or regulated trees.

**CARRIED
0180/2023**

4.0.3-ESATS3 Significant & Regulated Tree Requests - October, November, December

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves the lodgement of development applications seeking removal of all regulated and significant trees for October, November and December 2022 as listed below:
 - 1.1 58 Oxford Street, Brahma Lodge
 - 1.2 21 Dorset Street, Brahma Lodge
 - 1.3 Shepley Crescent Reserve, Burton
 - 1.4 41 Hopner Avenue, Burton
 - 1.5 33 Condor Avenue, Burton
 - 1.6 2A Pando Avenue, Ingle Farm
 - 1.7 15 Woodfull Street, Parafield Gardens

-
- 1.8 4 Bayonet Drive, Paralowie
 - 1.9 10 Middle Avenue, Paralowie
 - 1.10 181 Whites Road, Paralowie
 - 1.11 16 McQueen Court, Paralowie
 - 1.12 16 McQueen Court , Paralowie
 - 1.13 31 Brooklyn Avenue, Salisbury
 - 1.14 6 Piccadilly Road, Salisbury East
 - 1.15 103 Target Hill Road, Salisbury Heights
 - 1.16 19 Warburton Road, Valley View
 - 1.17 15 The Strand, Brahma Lodge
 - 1.18 1 Swansea Circuit - Wynn Vale Drive, Gulfview Heights
 - 1.19 15 Sleep Road, Para Hills
 - 1.20 49 Shorney Road, Parafield Gardens
 - 1.21 2 x trees at 73-75 Lantana Drive, Parafield Gardens
 - 1.22 63 Chartwell Crescent, Paralowie
 - 1.23 35 Firmin Street, Paralowie
 - 1.24 38 Boyara Crescent - Barassi Street, Paralowie
 - 1.25 45 Vincent Road, Paralowie
 - 1.26 98 Winzor Street, Salisbury
 - 1.27 20A Univeral Road, Salisbury Downs
 - 1.28 13 Prince Street, Salisbury East
 - 1.29 10 Penong Crescent, Salisbury North
 - 1.30 54 Eyre Crescent, Valley View
 - 1.31 9 Gregory Street, Brahma Lodge
 - 1.32 24 Adaleigh Avenue, Salisbury East
 - 1.33 Bristow Reserve rear 14 Jasper Street, Salisbury East
 - 1.34 40 Guernsey Crescent, Salisbury North
2. Notes that should any application be approved, two replacement trees per regulated tree and three replacement trees per significant tree are required to be planted in the near vicinity.

**CARRIED
0180/2023**

4.0.3-ESATS4 Review of Tree Removal Request - Various Locations

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves the lodgement of a development application seeking removal of:
 - a. The regulated *Angophora floribunda* tree at the front of 7 Cooper Place, Paralowie, noting that should the application be approved two replacement trees are required to be planted.
 - b. The regulated *Eucalyptus camaldulensis* tree at the front of 32 Devoncourt Avenue, Ingle Farm, noting that should the application be approved two replacement trees are required to be planted.

-
- c. The three regulated trees to the adjacent 10 Newbury Crescent, Paralowie, being 1 x *Corymbia citriodora* and 2 x *Eucalyptus sideroxylon*. Should the application be approved six replacement trees are required to be planted.
2. Notes Council's resolution number 0125/2023 from its meeting held on Monday, 27 February 2023 in relation to Item ESATS4 - Review of Tree Removal Request – Various Locations, being that Council:

“Request that the Administration provide a further report to the Urban Services Committee providing options and processes for Council to appoint an independent arborist and planner to assess appeals related to regulated or significant trees”

and further requests that this report be brought back to the April 2023 Environmental Sustainability and Trees Sub Committee.

**CARRIED
0180/2023**

4.0.3-ESATS5 Sustainability Strategy 2035 - For Community Engagement

Moved Cr C Buchanan

Seconded Cr B Brug

That Council:

1. Approves the draft Sustainability Strategy as detailed in Attachment 1, of this report (ESATS5 - Sustainability Strategy 2035 - For Community Engagement - Environmental Sustainability and Trees Sub Committee, 14 March 2023).
2. Approves the draft engagement plan and fact sheet as detailed in Attachment 2 and 3 of this report (ESATS5 - Sustainability Strategy 2035 - For Community Engagement - Environmental Sustainability and Trees Sub Committee, 14 March 2023).
3. Notes the draft implementation plan and associated draft budget as outlined in Attachment 4 of this report (ESATS5 - Sustainability Strategy 2035 - For Community Engagement - Environmental Sustainability and Trees Sub Committee, 14 March 2023), will be considered further as part of the 2023/24 budget deliberations.

Further Motion:

That a further report be presented to the March 2023 Finance and Corporate Committee providing detailed clarification of line items CN1, CN6, B1, B7, CR1 and CR2 as listed in Attachment 4 of the report (Item ESATS5 – Sustainability Strategy 2035 – For Community Engagement – Environmental Sustainability and Trees Sub Committee, 14 March 2023).

**CARRIED
0180/2023**

4.0.4 Algae growth in all lakes at Mawson Lakes

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.

**CARRIED
0180/2023**

For Decision

4.1.1 Capital Works - February 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves the non-discretionary 2022/23 Third Quarter Budget Review Bid to the value of \$50k of capital State Government grant funding to cover the installation of three new bus shelters within the City.
2. Approves the non-discretionary 2022/23 Third Quarter Budget Review transfer of \$140k from the completed PR23921 Salisbury Oval Master Plan Program to PR30085 Animal Pound to cover additional expenditure incurred at this site.
3. Approves the demolition of the surplus aged clubroom at the Paddocks and repatriation of the area including construction of a new shade shelter with this work to be funded via PR18097 Building Renewal Program where sufficient funding is available to do so.

**CARRIED
0180/2023**

4.1.2 School Transport Framework Project Listing & Current Priorities

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Requests the administration to undertake further consultation with Ward Councillors to determine further priorities, timing and scope for future budget considerations relating to the School Transport Framework Program.

**CARRIED
0180/2023**

4.1.3 Transfer of Portion of Private Land to Council Road Reserve 56 Fenden Road

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Approves to accept a portion of 56 Fenden Road, Salisbury as delineated in Attachment 2 of the report (Item 4.1.3 – Transfer of Portion of Private Land to Council Road Reserve, 56 Fenden Road – Urban Services Committee, 20 March 2023) for nominal consideration noting that Council will be responsible for the payment of all costs associated with the transfer and land division.
2. Approves that all transfer and land division fees be paid from the existing Minor Land Acquisitions budget allocation for 2022/23.
3. Authorises the Manager Property and Buildings to lodge all necessary documentation with the Land Titles Office to allow for the transfer of this portion of land as privately-owned land measuring approximately 140.63m² to the City of Salisbury as Road.

**CARRIED
0180/2023**

4.2.1 Tree Removal Requests - Monthly Update for January 2023

Moved Cr C Buchanan
Seconded Cr B Brug

That Council:

1. Notes the report.
2. Notes the additional information provided in paragraph 3.3 and 3.4 of the report relating to the trees listed as 51 and 58 in Attachment 1 of the report (Item 4.2.1 - Tree Removal Requests – Monthly Update for January 2023 – Urban Services Committee, 20 March 2023).
3. Approves the removal of the non-regulated, non-significant tree at 7 Sandown Avenue, Paralowie .
4. Approves the lodgement of a Development Application for the removal of the regulated tree at 7 Sandown Avenue, Paralowie.
5. Approves that the removal of the non-regulated, non-significant tree at 6 Bogota Crescent, Paralowie be undertaken as soon as possible.

**CARRIED
0180/2023**

The meeting then proceeded to consider item US-OB1 which was withdrawn to be considered separately.

US-OB1 Hausler Reserve Changerooms

Pursuant to section 74 of the Local Government Act 1999, Cr C Buchanan declared a general conflict of interest on the basis of being the president of the association which has the lease on the oval on which this is proposed. Cr C Buchanan stated that he will deal with the conflict by not participating in the meeting. Cr C Buchanan left the meeting at 8:06pm.

Moved Cr K Grenfell

Seconded Cr S Ouk

That Council:

1. Requests that Administration provides an information report to the March 2023 Council meeting detailing the costs of a modified design to the Hausler Reserve Changerooms to include a small event space/kiosk and necessary carpark improvements.
2. Requests that the report also include the costs of providing a temporary toilet on site until the building is completed.

CARRIED
Unanimously
0181/2023

Cr Buchanan re-entered at 8:07pm.

5 Community Wellbeing and Sport Committee Meeting

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

Adopts the recommendations of the Community Wellbeing and Sport Committee meeting held on 21 March 2023, listed below:

CARRIED
UNANIMOUSLY
0182/2023

5.0.1 Future Reports for the Community Wellbeing and Sport Committee

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY
0182/2023

5.0.2 Youth Collective Council (YCC) - Terms of Reference

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes the report.
2. Approves the establishment of a working party comprising of the respective Chairman and Deputy Chairman of the Community Wellbeing and Sport Committee and the Policy and Planning Committee and the Mayor, to give consideration to a Youth Engagement Model and report back to the Community Wellbeing and Sport Committee in June 2023.

CARRIED
UNANIMOUSLY
0182/2023

5.0.3 Age Friendly Strategy 2022-2027 Implementation Report

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes the report.
2. Requests Staff to provide a CEO briefing session to Council with an overview of the Age Friendly Strategy.

CARRIED
UNANIMOUSLY
0182/2023

5.1.1 Community Grant Program 2022/2023 Budget

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes that the Community Grant Program 2022/23 budget is close to being fully expended.
2. Approves a non-discretionary budget bid of \$40,000 for the Community Grant Program at the 2022/23 Third Quarter Budget Review.

CARRIED
UNANIMOUSLY
0182/2023

CWS-OB1 Review of Community Grants

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Request that staff bring back a report to Community Wellbeing and Sport Committee reviewing the Community Grant category amounts and advising the Committee of other opportunities.

CARRIED
UNANIMOUSLY
0182/2023

CWS-OB2 Little Para Golf Course Logo

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Approves in principle, and subject to minor variation, Option 3 of the Little Para Golf Course logo design (attached).

CARRIED
UNANIMOUSLY
1082/2023

5.2.1 Youth Sponsorship Applications - February 2023

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes the report.
2. Request that staff bring back a report to Community Wellbeing and Sport Committee in April 2023 on a proposed increase of the funding categories and other suggestions by staff.

CARRIED
UNANIMOUSLY
0182/2023

For Noting Only: Decisions Made Under Committee Delegation

**5.1.2 Community Grant Report
Grant No. 25/2022-23: Punya Foundation Incorporated -
Community Grant Application**

That the Community Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the request for funding for the March 2023 round of Community Grants as follows:
 - a. Grant No. 25/2022-23 Punya Foundation Incorporated Community Grant Application: to the value of \$5,000: to assist with costs towards eligible items - hall hire, catering, decorations, PA System and artwork material for their Multi-Cultural Spiritual Program Event.
 - b. The Administration will work with the Punya Foundation Incorporated to address the ineligible items ensuring funds are only provided as per the criteria and guidelines.

**5.1.3 Community Grant Report
Grant No. 26/2022-23: Salisbury Art Society Incorporated -
Community Grant Application**

That the Community Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the request for funding for the March 2023 round of Community Grants as follows:
 - a. Grant No. 26/2022-23 Salisbury Art Society Incorporated Community Grant Application: to the value of \$3,300: to assist with costs towards eligible items - venue hire, catering, art materials, for their John Ford Water Colour Workshop to be held at The City of Salisbury Community Hub.
 - b. The Administration will work with the Salisbury Art Society Incorporated to address the ineligible items ensuring funds are only provided as per the criteria and guidelines.

5.1.4 Parafield Gardens Mens Shed Proposal

That the Community Wellbeing and Sport Committee, in accordance with its delegated powers set out in the adopted Terms of Reference:

1. Approves the request for a one-off funding payment as follows:
 - a. The Mens Shed Parafield Incorporated to the value of \$20,000 and to assist with costs towards construction of a new shed on their site at 171 Anderson Road, Parafield Airport SA 5106;
 - b. Upon the receipt of the relevant documentation and permissions as requested by the Administration.
2. Notes the funds will come out of the existing Community Development Budget 2022/2023.

6 Innovation and Business Development Committee Meeting

Moved Cr S McKell
Seconded Cr K Grenfell

That Council:

Adopts the recommendations of the Innovation and Business Development Committee meeting held on 21 March 2023, listed below:

CARRIED
0183/2023

6.0.1 Future Reports for the Innovation and Business Development Committee

Moved Cr S McKell
Seconded Cr K Grenfell

That Council:

1. Notes the report.

CARRIED
0183/2023

For Decision

6.1.1 Shopfront Improvement Grant Application Review

Moved Cr S McKell
Seconded Cr K Grenfell

That Council:

1. Notes the Shopfront Improvement Grant Guidelines presented in Attachment 1 (21 March 2023 Innovation and Business Development Committee, Item 6.1.1), as approved by Council on 22 August 2022.
2. Approves the allocation of funding from the Shopfront Improvement Grant to the Salisbury Optometrist to the value of \$10,000 following its successful application to assist with the building and landscape repairs as detailed in the report (21 March 2023 Innovation and Business Development Committee, Item 6.1.1).
3. Authorises the Chief Executive Officer to allocate a Shopfront Improvement Grant and enter into an agreement with the eligible successful grant applicant.
4. Authorises the Chief Executive Officer or delegate to approve the allocation of the remaining funds to applicants that are successful after their application is reviewed against the criteria and accepted by the Evaluation Panel, until all the available budget is allocated.

CARRIED
0183/2023

Recommendations of the Salisbury Living Sub Committee meeting held on Tuesday 14 March 2023

The information contained in the Salisbury Living Sub Committee of the meeting held on 14 March 2023 be received and noted with respect to the following recommendations contained therein to be adopted by Council:

6.1.2-SLSCC1 Future Reports for the Salisbury Living Sub Committee

Moved Cr S McKell
Seconded Cr K Grenfell

That Council:

1. Notes the report.

**CARRIED
0183/2023**

Confidential

Refer to CONFIDENTIAL ITEMS section of Council Minutes

6.4.1 Recommendations of the Confidential Salisbury Living Sub Committee Meeting held on Tuesday 14 March 2023

Audit and Risk Committee

No Audit and Risk Committee meeting was held in March 2023.

CEO Review Committee

No CEO Review Committee meeting was held in March 2023.

Council Assessment Panel Meeting

Minutes of the Council Assessment Panel Meeting held on 28 February 2023 were noted by Council.

GENERAL BUSINESS

GB1 Code of Practice - Access to Council and Committee Meetings and Documents

Moved Cr K Grenfell
Seconded Cr A Graham

That Council:

1. Approves the draft Code of Practice – Access to Council and Committee Meetings and Documents as set out in attachment 1 to this report (Item No GB1; Council meeting 27 March 2023) to go out to public consultation for 21 days in accordance with section 92(5) of the *Local Government Act 1999*.

CARRIED
0184/2023

GB2 Local Government (Casual Vacancies) Amendment Act 2023

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

1. Notes this report
2. Welcomes back Cr Reardon to her position on Council.

CARRIED
UNANIMOUSLY
0185/2023

Pursuant to section 74 of the Local Government Act 1999, Cr Reardon declared a general conflict of interest on the basis of being a long standing relationship with the Para Hills Uniting Church. Cr Reardon stated that she will deal with the conflict by leaving the meeting.

Cr S Reardon left the meeting at 8:11 pm.

GB3 Community Events Sponsorship Grant Application

Moved Cr C Buchanan

Seconded Cr P Jensen

That Council:

1. Approves the following application through Round eleven (11) of the Community Events Sponsorship Program as follows:
 - a. Grant No. 1/2023: Para Hills Uniting Church, application for \$5,000.00 for their Spirit of Ramadan: Bringing together our diverse community for peace dinner.

**CARRIED
0186/2023**

Cr S Reardon returned to the meeting at 08:18 pm.

Pursuant to section 74 of the Local Government Act 1999, Cr K Grenfell declared a general conflict of interest on the basis of being a member of the NAWMA Board and also the NAWMA Audit Committee, noting the exemption provided in section 75D(3). Cr Grenfell managed the conflict by remaining in the meeting and voting in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr C Buchanan declared a general conflict of interest on the basis of being a member of the NAWMA Board, noting the exemption provided in section 75D(3). Cr Buchanan managed the conflict by remaining in the meeting and voting in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr S Reardon declared a general conflict of interest on the basis of being a member of the NAWMA Board, noting the exemption provided in section 75D(3). Cr Reardon managed the conflict by remaining in the meeting and voting in the best interest of the community.

Cr S Ouk left the meeting at 8:27 pm.

GB4 Northern Adelaide Waste Management Authority Charter Review 2023

Moved Cr C Buchanan
Seconded Cr S McKell

That Council:

1. Notes the Northern Adelaide Waste Management Authority Charter as included in Attachment 1 of the report (Item GB2 – Northern Adelaide Waste Management Authority Charter Review 2023 – Council, 27 March 2023)
2. Approves the proposed amendments listed in paragraph 3.6 of the report (Item GB4 – Northern Adelaide Waste Management Authority Charter Review 2023 – Council, 27 March 2023) for consideration as part of the Charter Review Consultation Process by the NAWMA Board.

**CARRIED
0187/2023**

*The majority of members voted IN FAVOUR of the MOTION.
Cr K Grenfell voted IN FAVOUR of the MOTION.
Cr C Buchanan voted IN FAVOUR of the MOTION.
Cr S Reardon voted IN FAVOUR of the MOTION.*

Cr S Ouk returned to the meeting at 8:31 pm.

GB5 Voting Advice to Council Delegate for the Local Government Association Ordinary General Meeting - 14 April 2023

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

1. Authorises its Local Government Association (LGA) Ordinary General Meeting (OGM) voting delegate (Deputy Mayor Cr Chad Buchanan or Cr Peter Jensen as proxy) to use discretion when voting on the items presented at the upcoming LGA OGM 14 April 2023, except for those items for which Council would specifically resolve otherwise.

**CARRIED
0188/2023**

*Cr P Jensen left the meeting at 8:32 pm.
Cr P Jensen returned to the meeting at 8:36 pm.*

GB6 Elected Member Training and Development Policy

Moved Cr C Buchanan
Seconded Cr M Mazzeo

That Council:

1. Adopts an amendment to the Elected Member Training and Development Policy, set out in Attachment 1 to this report (Item No. GB 6 Council meeting, 27 March 2023), to provide an annual individual training allocation of \$3,500 per newly elected Member who starts a first Council term in the first financial year of the new term or as adopted otherwise by Council as part of future budget processes.
2. Notes that any budget implications for the 2022/23 financial year allocation will be absorbed within the existing budget provisions.

**CARRIED
0189/2023**

Pursuant to section 74 of the Local Government Act 1999, Cr C Buchanan declared a general conflict of interest on the basis of being an office holder of the Club. Cr C Buchanan will deal with the conflict by leaving the meeting.

Cr C Buchanan left the meeting at 8:39 pm.

GB7 Hausler Reserve Upgrade, Stage Two: New Change Facility

Moved Cr B Brug
Seconded Cr S Ouk

That Council:

1. Notes the report.

**CARRIED
0190/2023**

Cr C Buchanan returned to the meeting at 08:39 pm.

GB8 Response to January 2023 Deputations

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

1. Notes the information provided in this report following Council's resolution requesting such information in response to the Deputations at the Council meeting on 31 January 2023.
2. That the Mayor provide a copy of the response to the Deputee, Mr Warren.

**CARRIED
0191/2023**

MAYOR'S DIARY

MD1 Mayor's Diary

Moved Cr S Reardon
Seconded Cr S Ouk

That Council:

1. Notes this information.

CARRIED
0192/2023

REPORTS FROM COUNCIL REPRESENTATIVES

Nil.

QUESTIONS ON NOTICE

QON1 Questions on Notice: Infrastructure (Tregoning Green Salisbury Park and Playspaces)

The following Questions were asked by Mr Adam Duncan at the 27 February 2023 Council Meeting and taken on notice:

1. *Can the General Manager provide an update on the Expression of Interest process for the Tregoning Green Salisbury Park rebound wall mural. It commenced in October 2022 and I understood it was to be referred to the Community Wellbeing and Sport Committee for review but this has not happened.*

The following response is provided by the General Manager Community Development:

Expressions of Interest have been received in relation to the Tregoning Green Salisbury Park Rebound Wall Mural and is currently being considered under the "Create a Place" public art project. The Public Art and Event's Panel are meeting on Monday, 27 March 2023 and this matter is included on that Agenda.

2. *Can the General Manager provide an update on construction timeframes on the St Albans, Salisbury Heights, Carney Close, Salisbury Plain and Hedgerow Reserve, Gulfview Heights Playspaces.*

The following response is provided by the General Manager City Infrastructure:

Carney Close, Salisbury Plains and Hedgerow Reserve, Gulfview Heights (Barker Gully Reserve) are currently under construction with completion of the works expected by the end of May 2023.

St Albans Salisbury Heights playspace renewal is currently in the design finalisation phase. Once all elements are resolved, including the requirements of the detention basin, advice will be provided to the surrounding residents of the works, noting that public consultation was undertaken in early 2022. It is expected that this will occur in May 2023 followed by the construction later in 2023.

QON2 Question on Notice: Golding Oval Dog Park Works

Cr Lauren Brug has submitted the following Question on Notice:

1. When will Golding Oval Dog Park works in the South Ward be undertaken and what is the expected completion date?

The following response is provided by the General Manager City Infrastructure:

Works on the Golding Oval Dog Park commenced on Thursday, 16 March 2023 and it is expected that the works will be completed by the end of May 2023.

QON3 Questions on Notice: Dog Parks in West Ward

Cr Beau Brug has submitted the following Questions on Notice:

1. When is the Mawson Lakes regular dog park scheduled for renewal?
2. Has it been budgeted for?

The following response is provided by the General Manager City Infrastructure:

Council developed a Dog Park Improvement Program in 2020 identifying required improvements to existing dog parks. The Audit of the dog parks, completed in 2021, showed that the Mawson Lakes Dog Park was in good condition.

In line with the current budget bids, an indicative timeframe of future renewal and upgrade works would be within the next 6 to 8 years and consequently there are no works currently budgeted for this dog park in the 2023/24 budget process.

3. When is the Mawson Lakes small dog park scheduled for creation?
4. Has it been budgeted for?

The following response is provided by the General Manager City Infrastructure:

The creation of a new small dog part at Dry Creek Linear Park (Mawson Lakes) is scheduled for delivery this financial year. The works have commenced with completion by the end of April 2023.

5. When is the Pooraka regular dog park scheduled for renewal?
6. Has it been budgeted for?

The following response is provided by the General Manager City Infrastructure:

Council's Dog Park Improvement Program approved in 2020 did not include the Pooraka Dog Park as it was upgraded in 2014. Future works at this site are not currently budgeted.

7. When is the Pooraka small dog park scheduled for creation?
8. Has it been budgeted for?

The following response is provided by the General Manager City Infrastructure:

There is a regular dog park at Unity Park, Pooraka. The creation of a small dog park at this location is the last small dog park left to be delivered. These works are currently budgeted for delivery in 2024/25, however at the Finance and Corporate Services Committee meeting held on 20 March 2023 discussion occurred on the bids relating to Dog Parks and it was requested that it be included in the 2023/24 budget process and this will be addressed as part of this meeting.

Council should note that there are two small dog parks within close proximity, these being Golding Reserve, Ingle Farm and the recently completed small dog park at The Paddocks, Para Hills.

QON4 Question on Notice: St Kilda Mangroves

Cr Beau Brug has submitted the following Question on Notice:

1. What is the current health and status of the St Kilda Mangroves?

General Manager City Infrastructure, has provided the following response:

The St Kilda mangroves have not seen any further significant loss at this point in time.

The St Kilda mangroves furthest away from the salt pans suffered only minor or no impact due to the increased salinity levels experienced last summer, and these appear to be stable in health with most showing signs of flowering.

The area closest to the salt pans was impacted more by high salinity water from the salt pan with areas of the forest dying and showing no signs of regeneration. However, investigation on site has noted that there are a good number of juvenile trees occurring within this site as well as the summer providing a good number of propagules which also have been observed on site. However, the impact on the established mangrove trees has increased erosion of sediment from the root zones of the dead trees, which may impact on the capability for reforestation.

It is still too early to be confident of a full recovery of the mangrove forest, as it is unclear at this stage whether suitable environmental conditions (surface water, sediments, groundwater etc) have been established with the draining of the salt pan.

Monitoring of water depth and salinity has commenced of the ground water within the investigation wells that Department for Energy and Mines established in partnership with Council and this will continue to be monitored, particularly as winter approaches to see if the natural filling of the salt pan has any further impact on the mangrove forest.

QON5 Question on Notice: Cascade Lake, Mawson Lakes

Cr Beau Brug has submitted the following Question on Notice:

1. What is the current health and status of the Cascades Lake in Mawson Lakes?

General Manager City Infrastructure, has provided the following response:

There are currently no concerns with the quality of the water in the lake, which stabilised within approximately 14 days of the black water inversion event being diagnosed in early January 2023.

The Cascade Lake water quality continues to be monitored regularly, including monthly water samples for laboratory analysis and fortnightly spot checks using hand held water quality instruments.

There are now two new permanent water aerators in the lake providing increased oxygenation of the water. The recirculation systems circulating water to the southern small lake, the northern lake and swale loop, and the cube cascade aerators, are all fully operational.

QON6 Question on Notice: Mawson Lakes Pedestrian Bridge

Cr Beau Brug has submitted the following Question on Notice:

1. What is the current status and timeline for the full construction and public opening of the Mawson Lakes pedestrian bridge?

General Manager City Infrastructure, has provided the following response:

We have made significant progress with the installation of the Mawson Lakes School Bridge in partnership with our contractor Civil Tech Pty Ltd.

The installation of abutments, piers and piles will be completed by the end of this week.

Unfortunately, we received advice last week that the subcontractor undertaking the steel fabrication for the bridge, a Port Adelaide based shipbuilding and defence contractor, Smart Fabrication Pty Ltd, has been placed into liquidation.

Since receiving this advice we have been working closely with our contractor, Civil Tech and the Liquidator to work towards a positive solution.

We have been successful in engaging another company to complete the fabrication works required.

We are now working to the following expected timelines:

- *The steel will be transported to the new contractor by Friday, 24 March 2023*
- *Steel fabrication and welding is expected to take two weeks to complete*
- *Completed fabricated steel will be transferred for painting by 3 April 2023 and will be completed that week.*
- *Transfer of bridge to site*
- *Installation of the bridge is expected to commence the week of 10 April 2023*

Once these details have been confirmed we will provide a further update, along with the proposed completion and opening event timelines.

QON7 Question on Notice: Chinese Cameras

1. Can the administration advise if the City of Salisbury has any Hikvision or Dahua cameras in any Council building or in the public realm?

General Manager City Infrastructure, has provided the following response:

Council does not have any Hikvision or Dahua cameras in any Council building or in the public realm.

QUESTIONS WITHOUT NOTICE

No Questions without Notice.

MOTIONS ON NOTICE

MON1 Motion on Notice: Cool Seal Road Surfacing in Mawson Lakes

Moved Cr B Brug

Seconded Cr S McKell

That Council:

1. Notes that CoolSeal road surfacing was applied to the residential area of Bridges Estate of Mawson Lakes in 2018.
2. Requests Administration to assess the performance of the CoolSeal product in the Bridges Estate and bring back a report by September 2023, which includes:
 - a. evaluation of the product against the supplier's specifications and anticipated performance;
 - b. cost of the initial application;
 - c. cost of maintenance, and comparison against alternate treatments;
 - d. information on the product's heat reduction capability and performance, and the economic savings (if any) achieved from heat reduction;
 - e. the estimated cost to remove the CoolSeal and replace with an alternate treatment(s);
 - f. local community consultation outcomes from a hardcopy survey to be undertaken before report completion in July 2023, to receive and evaluate the community's feedback and level of satisfaction with the CoolSeal product;
 - g. any other relevant information for Council's consideration of this matter.

CARRIED
0193/2023
UNANIMOUSLY

Cr K Grenfell left the meeting at 8:59 pm.
Cr K Grenfell returned to the meeting at 9:02 pm.

MON2 Motion on Notice: Improved Public Transport Connectivity to Tea Tree Plaza

Moved Cr L Brug
Seconded Cr A Graham

That Council:

1. Requests that the Mayor writes to the Minister for Transport
 - a. advising of our community's concerns relating to the poor public transport connections from various areas within the City of Salisbury to the Tea Tree Plaza Interchange, and
 - b. seeking information on any planned improvements to the existing public transport services between Tea Tree Plaza and Salisbury.

CARRIED
UNANIMOUSLY
0194/2023

Pursuant to section 75 of the Local Government Act 1999, Cr B Brug declared a material conflict of interest on the basis of being a member of the Lions Club of Salisbury. Cr B Brug stated he will deal with the conflict by leaving the meeting. Cr B Brug left the meeting at 09:09 pm.

Pursuant to section 75 of the Local Government Act 1999, Cr L Brug declared a material conflict of interest on the basis of being a member of the Lions Club of Salisbury. Cr L Brug stated she will deal with the conflict by leaving the meeting. Cr L Brug left the meeting at 09:09 pm.

MON3 Motion on Notice: Christmas Carols 2023

Moved Cr C Buchanan
Seconded Cr K Grenfell

That Council:

1. Thanks the Lions Club of Salisbury for delivering the 2022 Christmas Carols event at Carisbrooke Park in partnership with Council.
2. Provides in principle support to deliver or support an ongoing Christmas Carols event in the City of Salisbury.
3. Brings back a report reviewing the 2022 Christmas Carols event, including opportunities to improve the event, funding options and partnerships or grant opportunities.
4. Notes the existing budget of \$30,000.

CARRIED
0195/2023

Cr B Brug returned to the meeting at 9:16 pm.
Cr L Brug returned to the meeting at 9:16 pm.

MON4 Motion on Notice: Condolences - former Councillor Rod Wright

Moved Cr P Jensen
Seconded Cr B Brug

That Council:

1. Expresses its condolences on the passing of former Councillor Rod Wright, elected 4 July 1967 for the then Salisbury West Ward.
2. Formally expresses and conveys our sympathies to the family and friends of former Councillor Rod Wright.

**CARRIED
0196/2023**

MON5 Motion on Notice: Mawson Lakes Pedestrian Bridge Event

Cr B Brug withdrew the Motion on Notice.

MON6 Motion on Notice: Strategic Property Development Lake Windemere Amenities

Moved Cr D Hood
Seconded Cr C Buchanan

That Council:

1. Noting the proposed Lake Windemere residential development will deliver 35 additional houses in proximity to the Lake Windemere reserve, requests that Administration bring back a report on the level of investment required to provide the following upgrades for the benefits of the local community:
 1. sealing of the path around the lake
 2. installation of exercise equipment around the lake
 3. installation of barbeque facilities
 4. investigation of the installation of a water fountain in the ornamental lake for the purpose of preventing stagnant water and improving water quality
 5. investigation of a dog park option.
2. Considers a budget bid to deliver the above amenities as part of the 2024/25 budget considerations.

**CARRIED
Unanimously
0197/2023**

MON7 Motion on Notice: Formal Meeting Schedule - Standing Committees

Moved Cr B Brug
Seconded Cr C Buchanan

That Council:

1. Amends its meeting schedule as adopted at its meeting on 19 December 2022, only to change the order of the Standing Committees as follows, monthly or as required:
 - First: Innovation and Business Development Committee
 - Second: Community Wellbeing and Sport Committee

**CARRIED
0198/2023**

MON8 Motion on Notice: Formal Meeting Schedule - Sub Committees

Moved Cr B Brug
Seconded Cr K Grenfell

That Council:

1. Amends its Sub Committee Meeting Schedule as adopted at its meeting on 19 December 2022, to the extent of changing the order of the Sub Committees as follows:
 - First: Salisbury Living Sub Committee (monthly or as required)
 - Second: Environmental Sustainability and Trees Sub Committee (monthly or as required)
 - Third: Asset Management Sub Committee (monthly or as required)
 - Fourth: Intercultural Strategy and Partnerships Sub Committee (bi-monthly or as required)

**CARRIED
0199/2023**

BREAK

In accordance with the Code of Practice for Meeting Procedures, the Mayor provided a break to all present. The meeting was suspended at 9:32 pm.

The meeting reconvened at 9:45 pm.

Cr S Ouk left the meeting at 10:20 pm.

Cr S Ouk returned to the meeting at 10:23 pm.

MOTIONS WITHOUT NOTICE

MWON1 Motion Without Notice: Online Meeting Participation

Moved Cr K Grenfell

Seconded Cr L Brug

That Council

1. Notes the current Code of Practice for Meeting Procedures as listed below.

S.RP - REMOTE PARTICIPATION IN COMMITTEE MEETINGS AND CEO BRIEFING SESSIONS/WORKSHOPS (1) A Member may attend Committee meetings or CEO Briefing Sessions/Workshops online by video conferencing via the connection link provided by the Council Administration, subject to the following conditions:

(a) All Members and the Minute Taker being able to hear other Members whilst a Member is participating online, and;

(b) Members participating online shall have their video camera switched on to be able to be seen at all times and be located within a quiet environment to ensure they are able to hear and be heard clearly. Members participating online shall be located in a confidential environment with no other persons present when confidential items are considered, and;

(c) Members participating online are encouraged to use a microphone and headset or combination of the two together, and;

(d) When attending online, Members are encouraged to use a blurred digital background for open public meetings, and no digital background for confidential meetings and should only be participating with Council supplied technology, and;

(e) Members participating online shall express their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present online), and;

(f) The Presiding Member (or Acting Presiding Member) is authorised to disconnect the Member in the event that the technology causes any disruption or nuisance to the meeting, and;

(g) Should the online connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

(h) Whilst participating in a Meeting in accordance with this clause, a Member shall be considered as being present at the meeting for all purposes.

2. Adopts an amendment to its Code of Practice for Meeting Procedures as follows:

A. 1(b) Members participating online shall have their video camera switched on to be able to be seen at all times and must be able to hear and be heard clearly. Members participating online shall be located in a confidential and quiet environment with no other persons (including no other Elected Members) present.

-
- B. 1(d) When attending online, Members are encouraged to use a blurred digital background for open public meetings, and use Council supplied technology
 - C. New addition: online participation by Elected Members is disallowed for Confidential Agenda items for Committee and Sub-Committee meetings and online participation is disallowed for all CEO Briefing sessions and council workshops
 - D. 1(f) The Presiding Member (or Acting/Deputy Presiding Member if presiding over the meeting) is authorised to disconnect the Member in the event that the technology causes any disruption or nuisance to the meeting, or in the event of non-compliance with the provisions in this section
 - E. New addition: the Elected Member presiding over the meeting must be in attendance in person. If the Council appointed Presiding Member participates online, then the Deputy Presiding Member present in person will preside over the meeting

With all other provisions under existing section S.RP as listed in part 1 to remain unchanged.

CARRIED
0200/2023

Cr B Brug left the meeting at 10:26 pm and did not return.

MWON2 Motion Without Notice: Recording on public website

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

Reintroduces the publication of the Teams recording for the public part of the Council and Standing Committee meetings, starting 1 March 2023, with this publication to be on the Council website for one month.

**CARRIED
0201/2023**

MWON3 Motion Without Notice: Public Art

Moved Cr C Buchanan
Seconded Cr K Grenfell
That Council:

1. Notes that the Public Art Panel met on 27 March 2023 and the process that the Public Art Panel undertakes to inform its decision on deciding on public art.
2. Requests staff to undertake limited consultation with the local student school body regarding Tregoning Green on the proposed art murals as presented to the Public Art Panel 27 March 2023 to aid consultation to conclude prior to the 13 April 2023.
3. Requests staff provide a report on the results of the consultation to the Community Wellbeing and Sport Committee.
4. Requests staff also include public consultation mechanisms for the Public Art Panel.

**CARRIED
0202/2023**

During the debate, Mayor Aldridge vacated the Chair and left the meeting at 10:29 pm.

Deputy Mayor, Cr Buchanan assumed the Chair at 10:29pm.

OTHER BUSINESS

OB1 **Harmony Day**

Moved Cr L Brug
Seconded Cr S Ouk

That Council:

1. Notes the success of the City of Salisbury Harmony Day Event.
2. Thanks staff for organising a successful Harmony Day Event.

CARRIED
Unanimously
0203/2023

Mayor G Aldridge returned to the meeting and reassumed the Chair at 10:35 pm.

ORDERS TO EXCLUDE THE PUBLIC

1.4.1 Thematic Heritage Study - Stage 2 Item Identification

Moved Cr P Jensen
Seconded Cr S Reardon

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) and (d)(i) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - *information the disclosure of which would, on balance, be contrary to the public interest; and*
 - *commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non disclosure of this report at this time will protect Council's commercial position as public disclosure may provide third parties with a commercial advantage.*

*On that basis the public's interest is best served by not disclosing the **Thematic Heritage Study - Stage 2 Item Identification** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CARRIED
0204/2023

2.4.1 Budget Bids 2023/24 - Confidential Items

Moved Cr P Jensen
Seconded Cr S Reardon

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. Pursuant to Section 90(2) and (3)(b)(i) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

- it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

2. In weighing up the factors related to disclosure,
 - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations

*On that basis the public's interest is best served by not disclosing the **Budget Bids 2023/24 - Confidential Items** item and discussion at this point in time.*

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance be excluded from attendance at the meeting for this Agenda Item.

CARRIED
0205/2023

6.4.1 Recommendations of the Confidential Salisbury Living Sub Committee Meeting held on Tuesday 14 March 2023

Moved Cr P Jensen

Seconded Cr S Reardon

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

- information the disclosure of which would, on balance, be contrary to the public interest.

2. *In weighing up the factors related to disclosure,*

- disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations

- Non disclosure of this report at this time will protect Council's commercial position as public disclosure may provide third parties with a commercial advantage.

*On that basis the public's interest is best served by not disclosing the **Recommendations of the Confidential Salisbury Living Sub Committee Meeting held on Tuesday 14 March 2023** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, General Manager Business Excellence, General Manager City Infrastructure, General Manager Community Development, General Manager City Development, Manager Governance, Team Leader Council Governance be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED
0206/2023**

The meeting moved into confidence at 10:36 pm.

The meeting moved out of confidence and closed at 10:50 pm.

CHAIRMAN.....

DATE.....

**Final Report prepared by
Norman Waterhouse Lawyers
for City of Salisbury**

**In accordance with the Local Government Association of
South Australia Model Behavioural Management Policy**

**Regarding a complaint made against CR GRACE BAWDEN
under the Behavioural Standards for Council Members**

1. BACKGROUND

- 1.1 The Council has received a complaint on 23 January 2023 (**the Complaint**) alleging breaches of the Behavioural Standards for Council Members (**the Behavioural Standards**) by Councillor Grace Bawden.
- 1.2 The Complaint concerns the Cr Bawden's alleged conduct as follows:
 - 1.2.1 Cr Bawden's publication of an image as her Facebook cover photo on 20 January 2023 (**the Photo**). The Photo is an image of four cartoon-like men in suits handing documents and money to each other behind their backs, with each man depicted as 'LGA', 'Lawyer', 'WEF/UN' and 'Councillor'. The words *'WE HAVE INVESTIGATED OURSELVES AND HAVE FOUND OURSELVES TO BE INNOCENT ***Future SMART City Councils***'* are published above the image of the cartoon men.'
- 1.3 The Complaint is being managed in accordance with the Local Government Association of South Australia Model Behavioural Management Policy (**the Policy**).
- 1.4 The complainant has requested that their identity be kept confidential. The Mayor, being the person responsible for managing the Complaint under the Policy, has determined that the identity of the complainant shall remain confidential.

2. PROCESS

- 2.1 The process with respect to the management of the Complaint is set out in the Policy. The Complaint is being managed in accordance with the 'Formal action' section in Clause 4.5 of the Policy.
- 2.2 The person responsible for managing the Complaint under the Policy is the Mayor.
- 2.3 A summary of the process to date is as follows.
- 2.4 The Mayor conducted an initial assessment of the Complaint after receipt and considered that the matter warranted further consideration.

- 2.5 On 8 February 2023, the Mayor advised Cr Bawden by email of the fact that the Complaint had been made against her. A copy of the Complaint was provided to Cr Bawden with the identity of the complainant redacted. The Mayor requested Cr Bawden to provide a response by 15 February 2023 to inform her initial assessment of the Complaint.
- 2.6 It does not appear that Cr Bawden specifically responded to the Mayor's 8 February 2023 email.
- 2.7 The Mayor determined to proceed to formal consideration of the Complaint. The Mayor determined, in accordance with clause 4.5.3 of the Policy, to engage Norman Waterhouse Lawyers, a third party, to formally consider the Complaint.
- 2.8 On 16 February 2023, we wrote to Cr Bawden:
- 2.8.1 advising that the Mayor has decided to proceed to formal consideration of the Complaint in accordance with the Policy, and that the Mayor has determined to appoint Norman Waterhouse Lawyers to formally consider and investigate the Complaint;
 - 2.8.2 providing her with a copy of the Policy;
 - 2.8.3 providing her with the Mayor's contact details, being the person responsible for managing the Complaint;
 - 2.8.4 advising that in due course, we would provide her with a summary document setting out the specific provisions of the Behavioural Standards alleged to have been breached and the circumstances in which those breaches are alleged to have occurred; and
 - 2.8.5 reminding her of her obligations to maintain confidentiality in accordance with the Policy.
- 2.9 On 16 February 2023, we also wrote to the complainant:
- 2.9.1 advising that the Mayor has decided to proceed to formal consideration of their Complaint in accordance with the Policy, and that the Mayor has determined to appoint Norman Waterhouse Lawyers to formally consider and investigate the Complaint;

- 2.9.2 providing them with a copy of the Policy;
- 2.9.3 inviting them to provide us with any further information or documentation in support of their Complaint, or to further elaborate on any matters set out in their Complaint.
- 2.10 The complainant did not respond.
- 2.11 On 27 February 2023, we wrote to Cr Bawden:
 - 2.11.1 providing her with a summary document in respect of the Complaint;
 - 2.11.2 inviting her to provide us with any further information in relation to the subject matter set out in the summary document by 2 March 2023;
 - 2.11.3 providing her with copies of the Policy and Behavioural Standards.
- 2.12 A copy of the summary document is **enclosed** at **Annexure A**.
- 2.13 Cr Bawden responded to our 27 February 2023 letter by email on 3 March 2023. The response stated, among other things, that she would not respond to anonymous allegations or allegations about her social media posts.
- 2.14 In her response Cr Bawden also requested that we provide evidence that we are 'officially appointed as a subsidiary to the City of Salisbury under the Local Government Act.'
- 2.15 A copy of that email is **enclosed** at **Annexure B**.
- 2.16 We provided a response to that email on 7 March 2023, which is **enclosed** at **Annexure C**.
- 2.17 In accordance with clause 4.5.4 of the Policy, on 9 March 2023 we provided our provisional report to Cr Bawden and the complainant who were invited to make submissions in relation to that provisional report.
- 2.18 No submissions or responses were received by either party.
- 2.19 This report is prepared in accordance with clause 4.5.4 of the Policy. We have had regard to the following information in preparing this report:
 - 2.19.1 the Policy;

- 2.19.2 the Behavioural Standards;
- 2.19.3 the Complaint;
- 2.19.4 all communications between the Mayor and Cr Bawden in relation to the Complaint;
- 2.19.5 all communications between Norman Waterhouse and Cr Bawden in relation to the Complaint;
- 2.19.6 all communications between Norman Waterhouse and the complainant in relation to the Complaint;
- 2.19.7 any other information referred to or enclosed with this report.

3. THE COMPLAINT

- 3.1 It is relevant to provide a brief summary of smart cities in the context of the Complaint. We have had regard to the minutes of the Council meeting on 30 January 2023. At that meeting, the following motion on notice was carried and provides an overview of smart city technology:

That Council:

- 1. Re-affirms its commitment to providing appropriate smart city technology in the delivery of the Council adopted City Plan and Digital Salisbury, in particular noting the cost saving opportunities and practical application merits for the City, such as smart lighting, parking, city navigation, bin collection etc, and that Council does not support the usage of real time facial recognition software technology.
- 2. Requests the Administration to develop a community communication plan for Council consideration to explain the extent and application of Smart City Technology across the City of Salisbury council area, in recognition that recent material posted on social media and has been letterboxed to residents' homes, may be regarded as misleading or incorrect.

The Complaint

- 3.2 Cr Bawden published the Photo as her Facebook cover photo. The Photo is an image of four cartoon-like men in suits handing documents and money to each other behind their backs, with each man depicted as 'LGA', 'Lawyer', 'WEF/UN' and 'Councillor'. The words *WE HAVE INVESTIGATED*

OURSELVES AND HAVE FOUND OURSELVES TO BE INNOCENT ***Future SMART City Councils***' are published above the image of the cartoon men.'

- 3.3 The Photo is included in the summary document at Annexure A to the report.
- 3.4 The complainant alleges in the Complaint that the Photo published by Cr Bawden *'insinuates that Councillors, Council, LGA, Lawyers and UN are all doing deals behind backs and has what looks like money and bribes passing between them'*.
- 3.5 The complainant alleges that Cr Bawden has breached clauses 1.2, 1.4, 2.3, 3.1 and 4.1 of the Behavioural Standards.

Relevant Provisions of Behavioural Standards

- 3.6 The Behavioural Standards referred to above which Cr Bawden has allegedly breached in respect of the Complaint are set out below:

'Council members must:

1. General behaviour

...

- 1.2 *Act in a way that generates community trust and confidence in the Council.*

...

- 1.4 *Act in a reasonable, just, respectful and non-discriminatory way.*

...

2. Responsibilities as a member of Council

...

- 2.3 *Take all reasonable steps to ensure that the community and the Council are not knowingly misled.*

...

3. Relationship with fellow Council Members

- 3.1 *Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.*

...

4. Relationship with Council employees

- 4.1 *Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.*

...'

4. FINDINGS

- 4.1 Findings have been made, on the balance of probabilities, in respect of the Complaint.

Preliminary observations

Social media activities are subject to the Behavioural Standards

- 4.2 The subject matter of the Complaint relates to online social media activity of Cr Bawden. Those activities related to a Council matter, namely the issue of smart cities, and were carried out in a publicly visible manner. In light of this, we consider it salient to make the following observations.
- 4.3 The Behavioural Standards apply to all Council members, at all relevant times. They also apply to activities on social media just as much as they apply to activities in other forums. Neither the Behavioural Standards themselves, nor section 75E of the *Local Government Act 1999* (SA) (**the LG Act**) (pursuant to which the Behavioural Standards are made), limit the application of the Behavioural Standards only to certain times or restrict the way the Behavioural Standards apply in the context of social media specifically.

Distinction between holding a political view, and the *manner* of expressing the view

- 4.4 When considered together with, and in the context of, the Council's support of smart cities and Cr Bawden's stated opposition to smart cities at the December 2022 Council meeting, it is clear that the Photo is an effort by Cr Bawden to further express her opposition to smart cities.
- 4.5 Cr Bawden is entitled to oppose the Council's smart cities policy. Cr Bawden is also entitled to express that opposition in public forums. Indeed, it is an expected and fundamental part of any democratic governing body that individual members will have and will express political views, including views which conflict with the majority position, to each other and to the electorate at large.

- 4.6 However, the *manner* in which political views can be expressed by a Council member is regulated by the Behavioural Standards, and by the Policy. That is, a Council member can express any political view they like, but must do so within the behavioural parameters set out in the Behavioural Standards. It is the South Australian Parliament which decided that these Behavioural Standards should exist, by virtue of section 75E of the LG Act. It is the South Australian Minister for Local Government who has published the Behavioural Standards. It is also the South Australian Parliament which has decided that the Council should investigate alleged breaches of the Behavioural Standards, by virtue of section 262B of the LG Act. The Council has not presently set any additional behavioural parameters of its own, pursuant to Section 75F of the LG Act.
- 4.7 Our role, having been appointed by the Council under the Policy (which is the Council's policy for the purpose of section 262B of the LG Act), is to examine whether or not Cr Bawden has expressed political views in a *manner* which is not compatible with the Behavioural Standards imposed by the South Australian Minister for Local Government.
- 4.8 Nothing in this report is intended to criticise or endorse any particular political view, or to suggest any particular political view can or cannot validly be held by an elected representative. It is the electorate which judges the wisdom or otherwise of the political views held by their representatives, through the mechanism of elections. It is the Council which judges (because it is required to under the LG Act) whether or not the *manner* in which views are expressed contravenes the Behavioural Standards.
- 4.9 When taken in isolation, the (unsupported) insinuation that Councillors, the Local Government Association, Lawyers, the World Economic Forum and the United Nations are engaged in corruption and bribery is not an expression of a political view.
- 4.10 However, even if the insinuation is taken in context as simply being as an exaggerated way of making a political point, it is our view that Cr Bawden's choice to express her opposition to smart cities in this way was a *manner* of expression of a political view which contravened certain provisions of the Behavioural Standards.

- 4.11 This is now dealt with in more detail, by reference to the Complaint.

The Complaint

- 4.12 On the balance of probabilities, we have found that by publishing the Photo, Cr Grace Bawden was insinuating that the Local Government Association, lawyers, World Economic Forum, United Nations and Councillors are engaged in bribery and corruption, especially in the context of smart cities. Further, the text above the Photo seems to suggest that those parties engage in biased and partial investigations into themselves.
- 4.13 Cr Bawden has breached clause 1.2 of the Behavioural Standards by failing to act in a way that generates community trust and confidence in the Council. The Photo was made in a manner visible to the public. The Photo clearly suggests that Councillors of the Council (and potentially other councils who support smart cities) are corrupt and engage in bribery with other organisations, and also that councils engage in biased investigations of themselves in order to absolve themselves of some unspecified alleged wrongdoing. These suggestions are clearly intended to diminish community trust and confidence in the Council. Despite the absence of any apparent basis for the suggestions in the Photo, we consider it appropriate to proceed on the basis that some persons will believe the suggestions. This is because it is in our view necessary to assume that there will be at least some small group of individuals with '*a lack of interest or naivety*'¹ who may view the Photo and believe the suggestion of bribery and corruption and/or biased investigations. Given that the suggestions in the Photo are of criminal or otherwise unlawful behaviour by Councillors and others, and given that some persons will believe these suggestions, the publishing of the Photo constitutes acting in a way which does not generate community trust and confidence in the Council. Further, many persons who do not believe the suggestions in the Photo will undoubtedly be disappointed to see a Councill member making such unsupported allegations against fellow Council members, in a public forum. This in our view further

¹ See *Garbett v Liu* [2019] FCAFC 241 [148], in which the Full Court of the Federal Court of Australia considered it necessary to proceed on this basis when considering Commonwealth legislative provisions regarding misleading electoral material. Although that case concerns a different statutory context, we consider that it is similarly appropriate in the context of the Behavioural Standards to consider the full breadth of the 'community' in whom Council members must seek to promote trust and confidence in the Council. This includes gullible members of the community.

supports the conclusions that the publishing of the Photo constitutes acting in a way which does not generate community trust and confidence in the Council.

- 4.14 Cr Bawden has breached clause 1.4 of the Behavioural Standards by failing to act in a reasonable, just, respectful and non-discriminatory way. Cr Bawden's conduct in publishing the Photo is unreasonable and disrespectful towards members of the Council as it is an attack on their integrity and insinuates that they are corrupt and engage in bribery by supporting smart cities, despite there being no supporting evidence for these suggestions.
- 4.15 Cr Bawden has breached clause 2.3 of the Behavioural Standards by failing to take all reasonable steps to ensure that the community and the Council are not knowingly misled. Based on the evidence available to us, there is no basis to assert that the members of the Council are corrupt or have engaged in bribery in respect of their support of smart cities. We observe that despite this serious suggestion, a handful of persons may believe that the Council members are indeed engaged in corruption or bribery. Accordingly, by publishing the Photo, Cr Bawden has, on the balance of probabilities, failed to ensure that the community are not knowingly misled in that regard. Indeed, it has the opposite effect of further misleading the community.
- 4.16 Cr Bawden has not breached clause 3.1 of the Behavioural Standards by failing to establish and maintain relationships of respect, trust, collaboration and cooperation with all Council members. The substantiation of any breach of clause 3.1 of the Behavioural Standards would require evidence of actual failure to establish and maintain relationships of respect, trust, collaboration, and cooperation with Council members. Given that the establishment of relationships takes time, and the Photo occurred very early in Cr Bawden's term as a Councillor, we consider it unlikely that the Photo could be found to be responsible for any such failure.
- 4.17 Cr Bawden has not breached clause 4.1 of the Behavioural Standards because the Photo does not relate to Council employees.

5. CONCLUSION

- 5.1 Based on the findings made in relation to the Complaint, Cr Bawden has, in our view, on the balance of probabilities, breached clauses 1.2, 1.4 and 2.3 of the Behavioural Standards by publishing the Photo.

6. **RECOMMENDATION**

6.1 It is our recommendation in accordance with clause 4.5.5 of the Policy that the Council:

6.1.1 require Cr Bawden to issue a public apology in respect of her conduct in a manner determined by the Council and in a timeframe determined by the Council.

6.2 In formulating this recommendation, we have had regard to the fact that Cr Bawden is a first-term councillor, and that the relevant conduct has occurred early in her term of office. While conduct of the kind engaged in by Cr Bawden may be commonplace within certain social media communities, this does not take such conduct outside the purview of the Behavioural Standards when that conduct is engaged in by a Council member.

Norman Waterhouse Lawyers
21 March 2023

ANNEXURES

**CITY OF SALISBURY – ALLEGED BREACHES OF THE BEHAVIOURAL STANDARDS FOR
COUNCIL MEMBERS BY CR GRACE BAWDEN**

SUMMARY DOCUMENT DATED 27 FEBRUARY 2023

FIRST PART OF INVESTIGATION

First Alleged Breach

The circumstances in which the first breach is alleged to have occurred is your publication of the following photo as your Facebook cover photo on 20 January 2023.



The specific provisions of the Behavioural Standards for Council Members alleged to have been breached are clauses 1.2, 1.4, 2.3, 3.1 and 4.1.

From: Grace Bawden <gracebawden@gmail.com>
Sent: Friday, March 3, 2023 2:49 AM
To: Chris Alexandrides <CAlexandrides@normans.com.au>
Subject: Alleged breaches of the Behavioural Standards - First Part of Investigation

Dear Mr Alexandrides

I refer to your letter dated 27th February 2023 "Alleged breaches of the Behavioural Standards for Council Members Provision of Summary Documents - First Part of Investigation".

Please be advised that I will not respond to any:

- a) Anonymous allegations
- b) Allegations about my social media posts.

On a related note, can you please provide evidence that you are officially appointed as a subsidiary to the City of Salisbury under the Local Government Act?

It concerns me that Norman Waterhouse is representing the Council and it is, therefore, not in a position to independently "investigate" anything in relation to this conflict.

With thanks

Grace Bawden

--

Grace Bawden
Office Manager/ Accounts
NDIS Support Worker
Founding Member of Community Linkages, Inclusion & Innovation Centre (CLIIC)
ABN: 53384632020
MOBILE: 0481 715 258

CONFIDENTIALYour Ref:
Our Ref: FXD/SXP/14409-511434/2276331

7 March 2023

Cr G Bawden
By Email: gbawden@salisbury.sa.gov.au

And by post

Dear Cr Bawden

Alleged Breaches of Behavioural Standards

We refer to your email of 3 March 2023.

Norman Waterhouse is not a subsidiary of the Council but has been engaged in accordance with paragraph 4.5.3 of the Behavioural Management Policy which provides that:

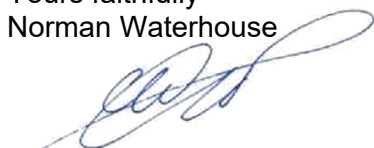
The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:

- *An investigator who will report to the person responsible for managing the complaint; or*
- *An external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.*

Please also note that the complaints are not anonymous. Rather the complainants have requested their identity not be disclosed.

Whilst we note you have stated that you will not be responding to allegations about your social media posts I ask that you reconsider.

We have sent this correspondence to your Council email address and a hard copy will also be posted.

Yours faithfully
Norman Waterhouse

Chris Alexandrides
Senior Associate
Direct Line: + 61 8210 2299
Email: calexandrides@normans.com.au

cc: Mayor Gillian Aldridge

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**Final Report prepared by
Norman Waterhouse Lawyers
for City of Salisbury**

**In accordance with the Local Government Association of
South Australia Model Behavioural Management Policy**

**Regarding complaints made against CR SEVERINA
BURNER under the Behavioural Standards for Council
Members**

1. BACKGROUND

- 1.1 The Council has received complaints from different complainants alleging breaches of the Behavioural Standards for Council Members (**the Behavioural Standards**) by Councillor Severina Burner.
- 1.2 This report relates to Cr Burner's alleged conduct as follows:
 - 1.2.1 Cr Burner's sharing on 1 January 2023 of a Facebook post made by Ms Matilda Bawden relating to 'Smart City' (**the Shared Post**), and Cr Burner's making of the associated caption which stated '*A concentration camp with pretty interactive lights and music coming to a place near you. Oh what fun.*' (**the Caption**); and
 - 1.2.2 Cr Burner's making of a comment on or around 21 January 2023 which stated '**SAY IT LOUD!**' on a Facebook post published by Ms Grace Bawden (**the Comment**).
- 1.3 The Shared Post and the Caption were the subject of the following complaints:
 - 1.3.1 Complaint made by Complainant A on 14 January 2023 (**the First Complaint**);
 - 1.3.2 Complaint made by Complainant B on 18 January 2023 (**the Second Complaint**);
 - 1.3.3 Complaint made by Complainant C on 20 January 2023 (**the Third Complaint**);
 - 1.3.4 Complaint made by Mr David Waylen on 2 February 2023 (**the Fourth Complaint**).
- 1.4 The Comment was the subject of the following complaint:
 - 1.4.1 Complaint made by Complainant D on 23 January 2023 (**the Fifth Complaint**).
- 1.5 The First, Second, Third, Fourth and Fifth Complaints are referred to collectively in this report as **the Complaints**. The Complaints are being managed in accordance with the Local Government Association of South Australia Model Behavioural Management Policy (**the Policy**).

- 1.6 Complainants A, B, C and D have requested that their identity be kept confidential. The Mayor, being the person responsible for managing the complaints under the Policy, has determined that the identity of Complainants A, B, C and D shall remain confidential.

2. **PROCESS**

- 2.1 The process with respect to the management of the Complaints is set out in the Policy. The Complaints are being managed in accordance with the 'Formal action' section in Clause 4.5 of the Policy.
- 2.2 The person responsible for managing the Complaints under the Policy is the Mayor.
- 2.3 A summary of the process to date is as follows.
- 2.4 The Mayor conducted an initial assessment of the Complaints after receipt and considered that the matters warranted further consideration.
- 2.5 On 1 February 2023, the Mayor advised Cr Burner by email of the fact that the First Complaint, Second Complaint and Third Complaint had been made against her. Copies of those complaints were provided to Cr Burner with the identities of Complainants A, B and C redacted. The Mayor requested Cr Burner to provide a response by 8 February 2023 to inform her initial assessment of the complaints.
- 2.6 On 3 February 2023, the Mayor advised Cr Burner by email of the fact that the Fourth Complaint had been made against her. A copy of that complaint was provided to Cr Burner. The Mayor requested Cr Burner to provide a response by 9 February 2023 to inform her initial assessment of the complaint.
- 2.7 On 8 February 2023, the Mayor advised Cr Burner by email of the fact that the Fifth Complaint had been made against her. A copy of that complaint was provided to Cr Burner with the identity of Complainant D redacted. The Mayor requested Cr Burner to provide a response by 15 February 2023 to inform her initial assessment of the complaint.
- 2.8 Cr Burner responded to each of the Mayor's emails on 8 February 2023.

- 2.9 Following receipt of Cr Burner's responses to the Complaints, the Mayor determined to proceed to formal consideration of the Complaints. The Mayor determined, in accordance with clause 4.5.3 of the Policy, to engage Norman Waterhouse Lawyers, a third party, to formally consider the complaints.
- 2.10 On 16 February 2023, we wrote to Cr Burner:
- 2.10.1 advising that the Mayor has decided to proceed to formal consideration of the Complaints in accordance with the Policy, and that the Mayor has determined to appoint Norman Waterhouse Lawyers to formally consider and investigate the complaints;
 - 2.10.2 providing her with a copy of the Policy;
 - 2.10.3 providing her with the Mayor's contact details, being the person responsible for managing the complaints;
 - 2.10.4 advising that in due course, we would provide her with a summary document setting out the specific provisions of the Behavioural Standards alleged to have been breached and the circumstances in which those breaches are alleged to have occurred; and
 - 2.10.5 reminding her of her obligations to maintain confidentiality in accordance with the Policy.
- 2.11 On 16 February 2023, we also wrote to Complainants A, B, C, D and Mr Waylen:
- 2.11.1 advising that the Mayor has decided to proceed to formal consideration of their complaints in accordance with the Policy, and that the Mayor has determined to appoint Norman Waterhouse Lawyers to formally consider and investigate the complaints;
 - 2.11.2 providing them with a copy of the Policy;
 - 2.11.3 inviting them to provide us with any further information or documentation in support of their complaints, or to further elaborate on any matters set out in their complaints, and, in some cases, requesting that they provide us with specific provisions of the Behavioural

Standards which they allege Cr Burner has breached in respect of the conduct which is the subject of their complaints.

- 2.12 On 27 February 2023, we wrote to Cr Burner:
 - 2.12.1 providing her with a summary document in respect of the Complaints;
 - 2.12.2 inviting her to provide us with any further information in relation to the subject matters set out in the summary document by 2 March 2023;
 - 2.12.3 providing her with copies of the Policy and Behavioural Standards.
- 2.13 A copy of the summary document is **enclosed at Annexure A**.
- 2.14 Cr Burner responded to our 27 February 2023 letter by email on 3 March 2023. The response stated, among other things, that:
 - 2.14.1 She would *'not dignify such allegations with a response'*;
 - 2.14.2 She finds it *'perplexing that [we] would make claims about [her] purported social media posts, which are completely unrelated to the current matter, and not council business.'*
- 2.15 In her response Cr Burner also requested that we retract any unfounded allegations against her and provide evidence that we are 'officially appointed as a subsidiary to the City of Salisbury under the Local Government Act.'
- 2.16 A copy of that email is **enclosed at Annexure B**.
- 2.17 We provided a response to that email on 7 March 2023, which is **enclosed at Annexure C**.
- 2.18 In accordance with clause 4.5.4 of the Policy, on 9 March 2023 we provided our provisional report to Cr Burner and Complainants A, B, C D and Mr Waylen who were invited to make submissions in relation to that provisional report.
- 2.19 Only one complainant, and Cr Burner, provided substantive submissions in response to the provisional report, which are discussed in detail below.
- 2.20 This report is prepared in accordance with clause 4.5.4 of the Policy. We have had regard to the following information in preparing this report:

- 2.20.1 the Policy;
- 2.20.2 the Behavioural Standards;
- 2.20.3 the Complaints;
- 2.20.4 all communications between the Mayor and Cr Burner in relation to the Complaints;
- 2.20.5 all communications between Norman Waterhouse and Cr Burner in relation to the Complaints (including submissions in response to our provisional report);
- 2.20.6 all communications between Norman Waterhouse and the relevant complainants (including submissions in response to our provisional report) in relation to the Complaints;
- 2.20.7 any other information referred to or enclosed with this report.

3. THE COMPLAINTS

- 3.1 It is relevant to provide a brief summary of smart cities in the context of the Complaints. We have had regard to the minutes of the Council meeting on 30 January 2023. At that meeting, the following motion on notice was carried and provides an overview of smart city technology:

That Council:

- 1. Re-affirms its commitment to providing appropriate smart city technology in the delivery of the Council adopted City Plan and Digital Salisbury, in particular noting the cost saving opportunities and practical application merits for the City, such as smart lighting, parking, city navigation, bin collection etc, and that Council does not support the usage of real time facial recognition software technology.
- 2. Requests the Administration to develop a community communication plan for Council consideration to explain the extent and application of Smart City Technology across the City of Salisbury council area, in recognition that recent material posted on social media and has been letterboxed to residents' homes, may be regarded as misleading or incorrect.

Shared Post and Caption

- 3.2 The Shared Post comprises two images. The first image depicts a smart city. The words *'IT'S CALLED A SMART CITY'* are published over the smart city picture. The second image depicts what appears to be a concentration camp. The words *'BECAUSE IF THEY CALLED IT A CONCENTRATION CAMP, YOU MIGHT NOT WANT TO LIVE THERE'* are published over the concentration camp image.
- 3.3 When Cr Burner published the Shared Post, she also published the Caption: *'A concentration camp with pretty interactive lights and music coming to a place near you. Oh what fun.'*
- 3.4 The Shared Post and Caption are included in the summary document at Annexure A to the report.

First Complaint

- 3.5 The First Complaint relates to the Shared Post and the Caption.
- 3.6 Complainant A alleges in the First Complaint that:
- 3.6.1 the Shared Post compares a 'SMART' city to a Nazi Germany concentration camp;
 - 3.6.2 Cr Burner 'laugh reacted' to Matilda Bawden's original post which is *'deeply concerning'*;
 - 3.6.3 at the prior Council meeting, Cr Burner had attempted to move an amendment to an item at the Council meeting in late December 2022, to try and stop the Council from funding SMART city technology. The amendment was ruled out of order as a direct negative, and the Council endorsed the decision to fund the technology;
 - 3.6.4 the Shared Post and the Caption are anti-semitic, highly offensive and inappropriate given that many in the community have family connections that served in or have fled the World War conflicts and concentration camps.
- 3.7 Complainant A alleges that Cr Burner has breached clauses 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.5 and 3.1 of the Behavioural Standards.

Second Complaint

- 3.8 The Second Complaint relates to the Shared Post and the Caption.
- 3.9 Complainant B alleges in the Second Complaint that:
- 3.9.1 the Shared Post compares the Council as a smart city to a Nazi concentration camp claiming the only difference is what we call it;
 - 3.9.2 at the prior Council meeting, Cr Burner was very vocal about her opinions on smart cities and had attempted to move an amendment to an item at the Council meeting in late December 2022, to try and stop the Council from funding SMART city technology. The amendment was ruled out of order as a direct negative, and the Council endorsed the decision to fund the technology;
 - 3.9.3 the Shared Post and the Caption are highly offensive and inappropriate, especially given the Complainant has family who were forced to flee the World War conflict in Germany;
 - 3.9.4 the war should not be used for Cr Burner's amusement or gain.
- 3.10 Complainant B alleges that Cr Burner has breached clauses 1.2, 1.4, 1.5, 2.2, 3.1, 3.2, 4.1 and 4.2 of the Behavioural Standards.

Third Complaint

- 3.11 The Third Complaint relates to the Shared Post and the Caption.
- 3.12 Complainant C alleges in the Third Complaint that:
- 3.12.1 Cr Burner has compared smart cities to abhorrent and inhumane death camps;
 - 3.12.2 Cr Burner's conduct is offensive, ignorant and irresponsible of someone elected to serve the public.
- 3.13 Complainant C alleges that Cr Burner has breached clauses 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7 of the Behavioural Standards

Fourth Complaint

- 3.14 The Fourth Complaint relates to the Shared Post and the Caption.
- 3.15 Mr Waylen alleges in the Fourth Complaint that Cr Burner has breached clauses 2.2 and 2.3 of the Behavioural Standards by offensively comparing the Council to a concentration camp and outraged so many local residents with no retraction or apology.

The Comment

- 3.16 The Comment was published by Cr Burner on a photo published by Cr Grace Bawden as her Facebook cover photo. The photo is an image of four cartoon-like men in suits handing documents and money to each other behind their backs, with each man depicted as 'LGA', 'Lawyer', 'WEF/UN' and 'Councillor'. The words *'WE HAVE INVESTIGATED OURSELVES AND HAVE FOUND OURSELVES TO BE INNOCENT ***Future SMART City Councils****'* are published above the image of the cartoon men.
- 3.17 The Comment is a comment which reads *'SAY IT LOUD!'*.

Fifth Complaint

- 3.18 The Fifth Complaint relates to the Comment.
- 3.19 Complainant D alleges in the Fifth Complaint that:
- 3.19.1 the photo published by Cr Bawden *'insinuates that Councillors, Council, LGA, Lawyers and UN are all doing deals behind backs and has what looks like money and bribes passing between them'*;
- 3.19.2 Cr Burner has commented publicly on the photo.
- 3.20 Complainant D alleges that Cr Burner has breached clauses 1.2, 1.4, 2.3, 3.1 and 4.1 of the Behavioural Standards.

Relevant Provisions of Behavioural Standards

- 3.21 The Behavioural Standards referred to above which Cr Burner has allegedly breached in respect of the Complaints are set out below:

'Council members must:

1. General behaviour

- 1.1 *Show commitment and discharge duties conscientiously.*
- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.*
- 1.4 *Act in a reasonable, just, respectful and non-discriminatory way.*
- 1.5 *When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.*

2. Responsibilities as a member of Council

- 2.1 *Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.*
- 2.2 *Take all reasonable steps to provide accurate information to the community and the Council.*
- 2.3 *Take all reasonable steps to ensure that the community and the Council are not knowingly misled.*
- ...
- 2.5 *Act in a manner consistent with their roles, as defined in section 59 of the Act.*
- 2.6 *In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.*
- 2.7 *Use the processes and resources of Council appropriately and in the public interest.*

3. Relationship with fellow Council Members

- 3.1 *Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.*
- 3.2 *Not bully other Council members.*
- ...

4. Relationship with Council employees

- 4.1 *Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.*
- 4.2 *Not bully Council employees.'*

4. PROCEDURAL FAIRNESS – RESPONSES TO PROVISIONAL REPORT

- 4.1 The provisional report included some provisional findings which were adverse to Cr Burner.
- 4.2 As set out earlier in this report, Cr Burner and the Complainants were each provided a provisional report and were granted an opportunity to respond to our provisional findings, conclusions and recommendations in accordance with the Policy.
- 4.3 One complainant and Cr Burner were the only parties to the Complaints that provided substantive submissions in response to our provisional report. We have taken those submissions into account in the preparation of this final report.
- 4.4 The one complainant's submissions focused upon what ought to be the appropriate penalty for the breaches of the Behavioural Standards which we had provisionally found to have been substantiated. A summary of the complainant's submissions in that regard are as follows:
 - 4.4.1 our provisional report incorrectly treats the short time Cr Burner had been on Council at the time of her conduct as a mitigating factor; the complainant argues that given Cr Burner will have recently had Behavioural Standards mandatory training at the time of the relevant conduct, and given that any 'reasonable person' would be aware of the inappropriateness of the conduct, Cr Burner's status as a new councillor does not mitigate the severity of the breach;
 - 4.4.2 a fair recommendation would be in accordance with section 262C of the LG Act to:
 - 4.4.2.1 pass a censure motion in respect of the member;
 - 4.4.2.2 require the member to issue a public apology (in a manner determined by the Council); and
 - 4.4.2.3 require the member to undertake a specified course of training or instruction.

- 4.5 The one complainant also referred to other alleged conduct of Cr Burner which is outside the specific subject matters of this report. The appropriateness or otherwise of that alleged conduct has not presently been substantiated and so it is not taken into account for the purposes of assessing the gravity of the conduct of this present investigation.
- 4.6 Cr Burner's complete submission in response to the provisional report is **enclosed at Annexure D.**
- 4.7 A summary of Cr Burner's submissions, and, where those submissions are directed at us, our brief reply, are as follows:
- 4.7.1 Cr Burner states that we *'have exercised a level of extreme bias which no reasonable "investigator" ought to have demonstrated...'* While Cr Burner has made such an allegation, Cr Burner did not provide any factual basis to support that allegation. The allegation seems to be based only on the fact that we made provisional findings adverse to Cr Burner. We reject the allegation of bias. In any event, we are not the decision-maker in this case. It ultimately falls to the Council to make a decision, free from bias or apprehended bias, as to whether and to what extent to adopt the findings and recommendation set out in this report. If the Council considers that there is any bias apparent in our findings or recommendation, it may adjust its decision accordingly.
- 4.7.2 Cr Burner suggests that in preparing our report we have exonerated *'the disgraceful misconduct by the Mayor, Deputy Mayor and Council at large.'* This report does not concern any conduct of the Mayor, Deputy Mayor or the Council, rather the sole focus is the conduct of Cr Burner in respect of her publishing of the Shared Post, the Caption and the Comment. We have not in this report made any comments or findings about any other person – adverse or otherwise.
- 4.7.3 Cr Burner submits that the photo which is the subject of the Post is not a Nazi concentration camp but a *'detention camp, a modern one, with lots of cameras, and modern facilities...'* This submission is addressed below.

- 4.7.4 Cr Burner submits that the Comment relates to one of the other comments that were published in relation to the photo. This submission is addressed below.

5. FINDINGS

- 5.1 Findings have been made, on the balance of probabilities, in respect of the Complaints insofar as those Complaints relate to the Shared Post and Caption, or the Comment. When finalising these findings, we have taken into account the submissions received in response to our provisional report.

Observations common to all Complaints

Social media activities are subject to the Behavioural Standards

- 5.2 The subject matter of the Complaints relates to online social media activities of Cr Burner. Those activities related to a Council matter, namely the issue of smart cities, and were carried out in a publicly visible manner. In light of this, we consider it salient to make the following observations.
- 5.3 The Behavioural Standards apply to all Council members, at all relevant times. They also apply to activities on social media just as much as they apply to activities in other forums. Neither the Behavioural Standards themselves, nor section 75E of the *Local Government Act 1999* (SA) (**the LG Act**) (pursuant to which the Behavioural Standards are made), limit the application of the Behavioural Standards only to certain times or restrict the way the Behavioural Standards apply in the context of social media specifically.

Distinction between holding a political view, and the *manner* of expressing the view

- 5.4 When considered together with, and in the context of, the Council's support of smart cities and Cr Burner's stated opposition to smart cities at the December 2022 Council meeting, it is clear that the Shared Post and Caption, and the Comment, are an effort by Cr Burner to further express her opposition to smart cities.
- 5.5 Cr Burner is entitled to oppose the Council's smart cities policy. Cr Burner is also entitled to express that opposition in public forums. Indeed, it is an expected and fundamental part of any democratic governing body that

individual members will have and will express political views, including views which conflict with the majority position, to each other and to the electorate at large.

- 5.6 However, the *manner* in which political views can be expressed by a Council member is regulated by the Behavioural Standards, and by the Policy. That is, a Council member can express any political view they like, but must do so within the behavioural parameters set out in the Behavioural Standards. It is the South Australian Parliament which decided that these Behavioural Standards should exist, by virtue of section 75E of the LG Act. It is the South Australian Minister for Local Government who has published the Behavioural Standards. It is also the South Australian Parliament which has decided that the Council should investigate alleged breaches of the Behavioural Standards, by virtue of section 262B of the LG Act. The Council has not presently set any additional behavioural parameters of its own, pursuant to Section 75F of the LG Act.
- 5.7 Our role, having been appointed by the Council under the Policy (which is the Council's policy for the purpose of section 262B of the LG Act), is to examine whether or not Cr Burner has expressed political views in a *manner* which is not compatible with the Behavioural Standards imposed by the South Australian Minister for Local Government.
- 5.8 Nothing in this report is intended to criticise or endorse any particular political view, or to suggest any particular political view can or cannot validly be held by an elected representative. It is the electorate which judges the wisdom or otherwise of the political views held by their representatives, through the mechanism of elections. It is the Council which judges (because it is required to under the LG Act) whether or not the *manner* in which views are expressed contravenes the Behavioural Standards.
- 5.9 With the above in mind, it is our view that Cr Burner's choice to express her opposition to smart cities by effectively agreeing with a comparison to a concentration camp (in the Shared Post) and invoking her own comparison to a concentration camp (by way of the Caption) was a *manner* of expression of a political view which we consider contravened certain provisions of the Behavioural Standards.

- 5.10 This is now dealt with in more detail, by reference to each of the relevant Complaints.
- 5.11 We note that Cr Burner indicates in her response to our provisional report that '*council regulations*' in this case (possibly referring to the Behavioural Standards) '*infringe on [Cr Burner's] constitutional rights*'. We therefore consider it prudent to indicate the following. It is not our role under the Policy to make any assessment about the constitutional validity of the Behavioural Standards, which are not a Council document but rather something published by the Minister, pursuant to a power conferred on the Minister by South Australian Parliament.
- 5.12 We note also that Cr Burner indicates that a member of another tier of Government has also shared the Shared Post. We note that the Behavioural Standards do not apply to that other person. Further, that other person's conduct is not relevant to examining the conduct of Cr Burner, which is what this report is concerned with.

Shared Post, and Caption

- 5.13 Having regard to the matters discussed at above paragraphs 5.2 to 5.9, we make the following findings in respect of the Shared Post and the Caption, on the balance of probabilities.

First Complaint

- 5.14 Cr Burner has not breached clause 1.1 of the Behavioural Standards which requires her to show commitment and discharge duties conscientiously. We are not of the view that the Shared Post and Caption relates to Cr Burner's commitment and ability to discharge her duties conscientiously.
- 5.15 Cr Burner has breached clause 1.2 of the Behavioural Standards by failing to act in a way that generates community trust and confidence in the Council. This is discussed in paragraphs which follow.
- 5.16 The Shared Post and the Caption were made in a manner visible to the public at large. The Shared Post and the Caption have the potential to diminish the community's trust and confidence in the Council by suggesting that the Council's conduct in supporting smart cities is somehow comparable to running a concentration camp. .

- 5.17 Although Cr Burner indicates that the post is in opposition to smart cities generally and therefore *'the post was not aimed at the City of Salisbury'*, clearly the post may still have an impact on person's trust and confidence in the Council specifically. Given the Council's support for smart cities, Cr Burner's status as a member of the Council, and Cr Burner's stated opposition to the Council's policy in this regard, we consider that any reasonably informed reader will consider this post to be directed at the Council (whether or not it is also directed at other government or entities).
- 5.18 Further, we consider that, from the perspective of most persons, there is inherent in any reference to 'concentration camps' an allusion to Nazi concentration camps specifically. Cr Burner disagrees, submitting that no *'person of sound mind'* would interpret the Shared Post and Caption as an allusion to Nazi concentration camps.
- 5.19 We acknowledge that Cr Burner does not mention the term Nazi, and that the image in the Shared Post is more modernised than an *actual* Nazi concentration camp (with cameras, for example). We note also that the concept of a concentration camp is not unique to Nazi Germany.
- 5.20 Nevertheless, we are of the view that plainly the Nazi concentration camps are the most notorious examples—and the only examples which most persons will think of—whenever reference is made to 'concentration camps'. This is particularly evident when regard is had to the Complaints, many of which interpret the reference to concentration camps to be a reference to Nazi concentration camps specifically. We consider that Cr Burner ought to have been aware of this. Further, and in any event, even without any Nazi connotation, the suggestion that the Council's support of smart cities is comparable to *any* concentration camp is a suggestion which does not generate community trust and confidence.
- 5.21 We note that in her response to our provision report, Cr Burner prefers to describe the image as a 'detention camp' rather than a concentration camp. However, the Shared Post has the text *'BECAUSE IF THEY CALLED IT A CONCENTRATION CAMP, YOU MIGHT NOT WANT TO LIVE THERE'* superimposed over it, and the Caption makes reference to a concentration camp.

- 5.22 Although the vast majority of persons (whether supportive, opposed, or indifferent to the Council's position on smart cities) would not genuinely consider smart cities to be comparable to Nazi concentration camps (or any other concentration camps), and would simply view the comparison as mere hyperbole, it is in our view necessary to assume that there will be at least some small group of individuals with '*a lack of interest or naivety*'¹ who may read the Shared Post and Caption and take the comparison more literally. Given the extreme nature of the comparison, in our view even having a mere handful of persons in the community wrongly believing that Council policy is somehow comparable to the running of a concentration camp (which in the most well-known cases involves genocide) will damage community trust and confidence in the Council.
- 5.23 Further, many persons who do not believe the comparison will be upset by the trivialisation of concentration camps (and the murders which have occurred in such camps) in order to make a point about a local political matter. While the mere causing of offence will not, in every case, damage community trust and confidence in the Council, in this case the offence is so obviously grave and inflammatory that it does in our view rise to the level of damaging community trust and confidence in the Council.
- 5.24 Cr Burner has breached clause 1.3 of the Behavioural Standards by failing to act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community. We consider that Cr Burner was aware or ought to have been aware at the time she shared the Shared Post and published the Caption that a handful of persons may take the comparison to concentration camps literally, and many other persons will find the comparison gravely upsetting. We accordingly consider that it was irresponsible of Cr Burner to have shared the Shared Post and published the Caption. Cr Burner's behaviour in this regard was therefore not consistent with the Council's role as a representative, informed and responsible decision maker.

¹ See *Garbett v Liu* [2019] FCAFC 241 [148], in which the Full Court of the Federal Court of Australia considered it necessary to proceed on this basis when considering Commonwealth legislative provisions regarding misleading electoral material. Although that case concerns a different statutory context, we consider that it is similarly appropriate in the context of the Behavioural Standards to consider the full breadth of the 'community' in whom Council members must seek to promote trust and confidence in the Council. This includes gullible members of the community.

- 5.25 Cr Burner has breached clause 1.4 of the Behavioural Standards by failing to act in a reasonable, just, respectful and non-discriminatory way. In particular, the suggestion that Council's conduct is comparable to the running of a concentration camp is not reasonable and is not respectful towards Cr Burner's fellow Council members. The trivialisation of these matters is also plainly not respectful towards Holocaust victims, survivors, and their relatives, as well as victims, survivors and relatives of atrocities in other non-Nazi concentration camps.
- 5.26 Cr Burner has breached clause 1.5 of the Behavioural Standards by failing to, when making public comments on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council. The Shared Post and the Caption were public comments in relation to 'Council matters' – i.e. smart cities. In publishing the Shared Post and the Caption, Cr Burner failed to show respect for others by likening the smart cities concept supported by Council to a concentration camp. There was also nothing at the time of publishing the Shared Post and the Caption which indicates that they were views of Cr Burner and not the Council.
- 5.27 Cr Burner has not breached clause 2.1 of the Behavioural Standards which requires Cr Burner to comply with all applicable Council policies, codes, procedures, guidelines and resolutions. The only instrument which Cr Burner is specifically alleged to have breached is the Behavioural Standards, which is not a Council document.
- 5.28 Cr Burner has breached clause 2.2 of the Behavioural Standards by failing to take all reasonable steps to provide accurate information to the community and the Council. We again observe that despite the exaggerated nature of the comparison of smart cities to concentration camps, a handful of persons may take the comparison to literally, and Cr Burner would have known or ought to have known this. Cr Burner, on the balance of probabilities, has in our view intentionally provided inaccurate information to the community.
- 5.29 Cr Burner has breached clause 2.3 of the Behavioural Standards by failing to take all reasonable steps to ensure that the community and the Council are not knowingly misled. We again observe that any suggestion that the Council's policy is truly comparable to the running of a concentration camp is misleading. We again observe that despite the exaggerated nature of the comparison, a

handful of persons may take the comparison to concentration camps literally, and that Cr Burner would have known or ought to have known this.

- 5.30 Cr Burner has breached clause 2.5 of the Behavioural Standards which states that a council member must act in a manner consistent with their role, as defined in section 59 of the LG Act. In particular, Cr Burner's conduct is inconsistent with section 59(1)(a)(ii) of the LG Act which requires Cr Burner to ensure positive and constructive working relationships within the Council. Cr Burner's suggestion that her fellow Council members support a policy which is comparable to concentration camps is not consistent with ensuring positive and constructive working relationships.
- 5.31 Cr Burner has not breached clause 3.1 of the Behavioural Standards which requires her to establish and maintain relationships of respect, trust, collaboration and cooperation with all Council Members. Unlike the abovementioned breach of clause 2.5 of the Behavioural Standards (which merely requires behaviour 'inconsistent' with ensuring positive and constructive working relationships), the substantiation of any breach of clause 3.1 of the Behavioural Standards would require evidence of actual failure to establish and maintain relationships of respect, trust, collaboration, and cooperation with Council members. Given that the establishment of relationships takes time, and the Shared Post and Caption occurred very early in Cr Burner's term as a councillor, we consider it unlikely that the Shared Post and Caption could be found to be responsible for any such failure. We note also that the Shared Post and the Caption themselves are not directed towards any Council Member or Members in particular but rather towards the Council as a whole.

Second Complaint

- 5.32 In respect of the alleged breaches of clauses 1.2, 1.4, 1.5, 2.2 and 3.1 of the Behavioural Standards set out in the Second Complaint, we refer to our findings set out in above in relation to the First Complaint.
- 5.33 In respect of Cr Burner's alleged breaches of clauses 3.2, 4.1 and 4.2 of the Behavioural Standards in respect of the Shared Post and the Caption, we make the following findings, on the balance of probabilities:
- 5.33.1 Cr Burner has not breached clause 3.2 of the Behavioural Standards because she has not bullied other Council members in respect of the

Shared Post or the Caption. The Behavioural Standards provide as follows:

*'An elected member will be considered to **bully** other Council members or Council employees if:*

the Council member either, as an individual Council member or as a member of a group:

a) repeatedly behaves unreasonably towards another Council member, or employee; and

b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.'

The Shared Post and the Caption do not meet the definition of bullying as set out in the Behavioural Standards, particularly given that the publications are not directed towards an individual Council member or employee.

5.33.2 Cr Burner has not breached clause 4.1 of the Behavioural Standards because the Shared Post and the Caption do not relate to Council employees.

5.33.3 Cr Burner has not breached clause 4.2 of the Behavioural Standards because the Shared Post and the Caption do not relate to Council employees.

Third Complaint

5.34 In respect of the alleged breaches of clauses 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3 and 2.5 of the Behavioural Standards set out in the Second Complaint, we refer to our findings set out above in relation to the First Complaint.

5.35 In respect of Cr Burner's alleged breaches of clauses 2.4, 2.6 and 2.7 of the Behavioural Standards in respect of the Shared Post and the Caption, we make the following findings, on the balance of probabilities:

5.35.1 Cr Burner has not breached clause 2.4 of the Behavioural Standards which requires her to take all reasonable and appropriate steps to correct the public record in circumstances where the member became

aware that they have unintentionally misled the community or the Council. We make this finding as it appears, on the balance of probabilities, that the Shared Post and the Caption were *intentional* rather than *unintentional*. Further, it does not appear that any attempt has been made to correct the public record.

5.35.2 Cr Burner has not breached clause 2.6 of the Behavioural Standards because Cr Burner is not the Principal Member of the Council.

5.35.3 Cr Burner has not breached clause 2.7 of the Behavioural Standards because there is no evidence that, by publishing the Shared Post and the Caption, she has used the processes and resources of the Council.

Fourth Complaint

5.36 In respect of the alleged breaches of clauses 2.2 and 2.3 of the Behavioural Standards set out in the Fifth Complaint, we refer to our findings set out above in relation to the First Complaint.

The Comment

5.37 Having regard to the matters discussed at above paragraphs 5.2 to 5.9, we make the following findings in respect of the Comment, on the balance of probabilities.

Fifth Complaint

5.38 Cr Burner has breached clause 1.2 of the Behavioural Standards by failing to act in a way that generates community trust and confidence in the Council. This is discussed in the paragraphs which follow.

5.39 The Comment was made in a manner visible to the public at large. By publishing the Comment, Cr Burner clearly indicates her agreement with and support for the suggestions that the Local Government Association, lawyers, World Economic Forum, United Nations and councillors (presumably excluding herself and Cr Bawden) are engaged in bribery and corruption, especially in the context of smart cities, and also that councils engage in biased investigations of themselves in order to absolve themselves of some unspecified alleged wrongdoing.

- 5.40 Despite the absence of any apparent basis for this suggestion we consider it appropriate (consistent with the approach taken earlier in this report) to proceed on the basis that some persons will believe the suggestion. The suggestion of bribery and corruption is less fanciful than the comparison to concentration camps (although equally unsupported), and so in our view a greater proportion of persons might believe the suggestion. Given that suggestion is one of criminal behaviour by Councillors and others, and given that some persons will believe this suggestion, the making of the Comment constitutes acting in a way which does not generate community trust and confidence in the Council.
- 5.41 We acknowledge that Cr Burner has submitted, in repose to our provisional report, that the Comment is a 'reply' to another comment, not a comment on the actual post under which the Comment appears. However, the Comment does not appear to be a 'reply' to another comment on the photo. Even if it was, all other comments on that photo are supportive of what the photo is suggesting. Hence, it is reasonably open to conclude on the balance of probabilities that the Comment is a sign of support, whether direct or indirect, to the message depicted in the photo. Cr Burner has not, in any event, provided us with the comment she submits the Comment was in response to.
- 5.42 Cr Burner has breached clause 1.4 of the Behavioural Standards by failing to act in a reasonable, just, respectful and non-discriminatory way. The unsupported suggestion that fellow Councillors are engaged in bribery and corruption is clearly neither reasonable nor respectful towards those fellow Councillors.
- 5.43 Cr Burner has breached clause 2.3 of the Behavioural Standards by failing to take all reasonable steps to ensure that the community and the Council are not knowingly misled. Based on the evidence available to us, there is no basis to assert that the Council's Councillors are corrupt or have engaged in bribery in respect of their support of smart cities. Accordingly, by publishing the Comment on the Facebook photo, Cr Burner has, on the balance of probabilities, failed to ensure that the community are not knowingly misled in that regard. Indeed, it has the opposite effect of further misleading the community.

5.44 Cr Burner has not breached clause 3.1 of the Behavioural Standards, which requires Cr Burner to establish and maintain relationships of respect, trust, collaboration and cooperation with all Council Members. Although the comments are not reflective of respect, trust, collaboration and cooperation, the establishment of relationships takes time and the Comment occurred very early in Cr Burner's term as a councillor. We consider it unlikely that the Comment could be found to be responsible for any failure to establish the requisite kind of relationship. We note also that the Comment is not directed towards any Council Member or Members in particular.

5.45 Cr Burner has not breached clause 4.1 of the Behavioural Standards because the Comment does not relate to Council employees.

6. CONCLUSION

6.1 Based on the findings made in relation to the Complaints, Cr Burner has in our view, on the balance of probabilities, breached clauses 1.2, 1.3, 1.4, 1.5, 2.2, 2.3 and 2.5 of the Behavioural Standards by publishing the Shared Post, the Caption and the Comment.

7. RECOMMENDATION

7.1 It is our recommendation in accordance with clause 4.5.5 of the Policy that the Council:

7.1.1 require Cr Burner to issue a public apology in respect of her conduct, in a manner determined by the Council and in a timeframe determined by the Council.

7.2 In formulating this recommendation, we have had regard to the fact that Cr Burner is a first-term councillor, and that the relevant conduct occurred early in her term of office. While conduct of the kind engaged in by Cr Burner may be commonplace within certain social media communities, this does not take such conduct outside the purview of the Behavioural Standards when that conduct is engaged in by a Council member.

Norman Waterhouse Lawyers
21 March 2023

ANNEXURES

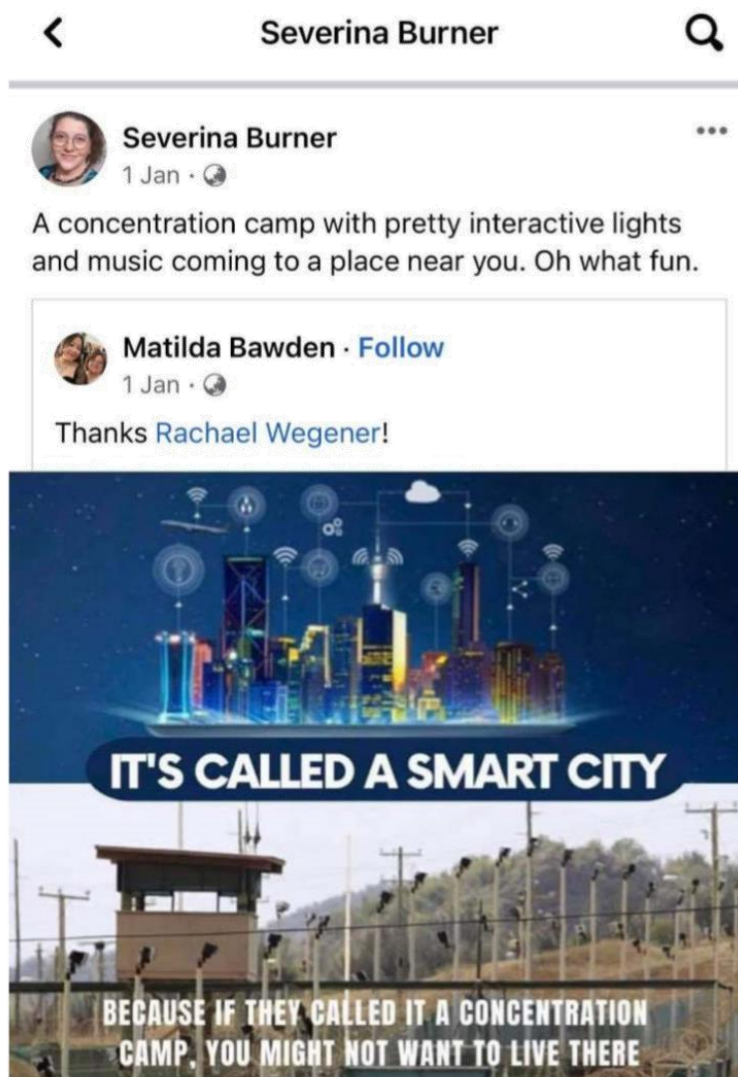
CITY OF SALISBURY – ALLEGED BREACHES OF THE BEHAVIOURAL STANDARDS FOR
COUNCIL MEMBERS BY CR SEVERINA BURNER

SUMMARY DOCUMENT DATED 27 FEBRUARY 2023

FIRST PART OF INVESTIGATION

First Alleged Breach

The circumstances in which the first breach is alleged to have occurred is your sharing of the following Facebook post and your making of the associated caption, on 1 January 2023.



Second Alleged Breach

← Search

Grace Bawden updated her cover photo. 3d · 🌐

WE HAVE INVESTIGATED OURSELVES AND HAVE FOUND OURSELVES TO BE INNOCENT
Future SMART City Councils



👍 54 7 comments • 15 shares

👍 Like 💬 Comment ➦ Share

54 >



just like their terrorist trainer planes gifted Royalities in each others hands while paying residents suffering extreme quality of life/ mental/physical health issues, death in our pets death in wild life, death in tree's environment, brain damage in children from lack of sleep/concentration, heart failure/issues from constant stress/anxiety mode, the stench/illness's from avgas LEAD based poison fu... See more

2d Like Reply

3 

2d Like Reply

3



<https://fb.watch/icTpcYxl9p/>

8h Like Reply

The specific provisions of the Behavioural Standards alleged to have been breached are clauses 1.2, 1.4, 2.3, 3.1 and 4.1.

From: Severina Burner <SBurner@salisbury.sa.gov.au>
Sent: Friday, March 3, 2023 4:02 PM
To: Chris Alexandrides <CAlexandrides@normans.com.au>
Subject: Your Ref: CZA/AYG/14409-511323/2266563 and CZA/AYG/14409-511323/2252416

Mr Chris Alexandrides

Norman Waterhouse Lawyers

Email: calexandrides@normans.com.au

RE: Alleged Breaches of Behavioural Standards for Council Members Provision of Summary Documents - First Part of Investigation

Dear Mr Alexandrides

I am writing in response to your letters dated 16th and 27th February 2023 regarding the alleged breaches of Behavioural Standards for Council Members Provision of Summary Documents. Let me be clear: I will not tolerate baseless accusations against my character, and I will fight for my reputation with the utmost determination and conviction.

Your letter seems to be littered with insinuations and allegations that have no basis in fact. I will not dignify such allegations with a response. Moreover, I find it perplexing that you would make claims about my purported social media posts, which are completely unrelated to the current matter, and not council business.

Furthermore, I must request that you provide evidence that you are officially appointed as a subsidiary to the City of Salisbury under the Local Government Act. I cannot trust the validity of any investigation conducted by a firm that is not in a position to independently investigate this conflict.

I expect transparency and professionalism from your firm, and I will not accept anything less.

I hope that this letter makes it clear that I will not be intimidated or bullied. I will not rest until my name is cleared of these unfounded allegations, and I will pursue every legal avenue to protect my reputation. I expect to hear back from you promptly with evidence of your official appointment and a retraction of any unfounded allegations against me.

Kind Regards

Cr Severina Burner

Ph: 0433 393 298

IMPORTANT:

This e-mail message and any attached files are confidential and may contain copyright material of the sender or belonging to third parties. It is intended only for the use of the individual or entity named and may only be used, distributed, reproduced or disclosed with the sender's permission. If you are not the intended recipient, any reproduction, disclosure, distribution, copying or any other use of this information is strictly prohibited.

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No assured value. No liability. Errors & Omissions Excepted. All Rights Reserved. Without Recourse.
Non-Assumpsit.

Cr Severina Burner

Elected Member

M: 0433 393 298 | WK: 08 8406 8222

E: SBurner@salisbury.sa.gov.au

</style="font-style:>

CONFIDENTIAL

Your Ref:
Our Ref: CZA/SXP/14409-511434/2276357

6 March 2023

Cr S Burner
By Email: sburner@salisbury.sa.gov.au

Dear Cr Burner

Alleged Breaches of Behavioural Standards

We refer to your email of 3 March 2023.

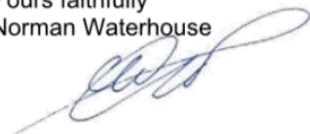
Norman Waterhouse is not a subsidiary of the Council but has been engaged in accordance with paragraph 4.5.3 of the Behavioural Management Policy which provides that:

The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:

- *An investigator who will report to the person responsible for managing the complaint; or*
- *An external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.*

Please note that no person at Norman Waterhouse is making or has made any allegations about you. Rather we have been engaged to investigate complaints made by other persons and report to the Mayor as the person responsible for managing these complaints.

Yours faithfully
Norman Waterhouse



Chris Alexandrides
Senior Associate
Direct Line: +61 8 8210 1299
Email: calexandrides@normans.com.au

cc: Mayor Gillian Aldridge

Norman Waterhouse Lawyers Pty Ltd ACN 621 909 395

Level 11, 431 King William Street, Adelaide SA 5000
GPO Box 639, Adelaide SA 5001
www.normans.com.au

T +61 8 8210 1200

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From: Severina Akeroyd <swallowsnestsanctuary@gmail.com>
Sent: Tuesday, March 14, 2023 11:38 PM
To: Chris Alexandrides <CAlexandrides@normans.com.au>
Subject: Your Ref: CZA/AYG/14409-511323/2252416 and CZA/AYG/14409-511323/2278722

In response to your provisional findings, I see that you have exercised a level of extreme bias which no reasonable "investigator" ought to have demonstrated, hence, your "interim" findings are hardly surprising and show that your task in this "mock trial", "investigation" has been to skew things towards a particular, desirable and inevitable outcome that will find me guilty of something whilst exonerating the disgraceful misconduct by the Mayor, Deputy Mayor and Council at large.

I have much to say about this process, but it will be an exercise in futility here so I will take it to a more appropriate, more neutral forum in due course.

Notwithstanding the above, I see you have made many assumptions with the words "might" and "may", used extensively.

These assumptions include, the validity of council regulations that:

- a) Infringe on my constitutional rights,
- b) What an average person might take from a social media post,
- c) The meaning of a comment I made on a post,
- d) To whom that comment was directed, and even worst of all,
- e) You assume a photo of a supposed concentration camp with extensive cameras, modern power poles etc, and Nazi inference relates to an accusation of particular person/s within this Council, but you don't say who, by name and title, is accused of anything and what that specific accusation is,
- f) You continue to also assume that any criticism or mention of safe cities is directed at Salisbury council, even though you also know that it is a global trend and being implemented nationally across Australia.

For instance, a current Australian Senator has shared the exact same post I shared, a Senator I follow and support. He is an elected representative, it's hard to imagine that my rights to share even his posts would result in a similar attack on my fundamental political rights.

I am sure Norman Waterhouse Lawyers would be well aware of my Constitutional protections.

When judging what an average person might take from a post, one might also lawfully interpret their state of mind and the motives behind their position. The attacks on me started well before the election was conducted and possibly by the same people.

The same test might best be applied to a comment made on social media, including:

- 1) To whom a comment was made,
- 2) The topic in which the comment was made,
- 3) The specific intent of the comment and sentiment behind it, and
- 4) Whether the comment was a personal view or aimed at the council.

I argue the post found in attachment A, where I have shared a post of another, indeed relates to SMART Cities, because SMART Cities are a global issue, and an issue those that elected me have brought up with me as their voice in council. The post was not aimed at the City of Salisbury, but in any event, nothing in that shared post or the photos, relates to Nazis, to any person of sound mind.

It's a photo containing a detention camp, a modern one, with lots of cameras, and modern facilities, **it is NOT a picture of a Nazi concentration camp at all**, and I would never have entertained such a vision, because my family have been victim of the Nazis, the mere association is offensive to me, and I suggest such that I deserve an apology.

I am deeply and emotionally insulted that from such a post terms like "Nazi" and "genocide" are being assumed and then attributed to me and it is clear that those making such assumptions are doing so deliberately to undermine me, rather than possibly holding the belief they have submitted.

I also am offended that, relating to Attachment A, a comment I posted has once again been **assumed** to mean something it did not as it was a comment to a comment made. The comment to which I was replying does not show up on the screen shot which you have attached and as such is neither in context nor demonstrates my specific intent.

People can remove comments, and some comments cannot be seen by all viewers, so again you have assumed who the comment was aimed at, and what I meant in making it. I say you have done this specifically to create a narrative that can result in injury and harm to my position on Council and capacity to serve as a representative of my constituents.

There were various comments made on that post, my comment "Say it out loud" related to one of those comments, not the post as has been suggested. Again, this is another deliberate attempt to mislead this "investigation" into a conclusion that will be damaging to my ability to serve on Council.

I do not support or accept the provisional report and will appeal the final outcome should it make similar assumptions to those I have just read. This disgraceful, subjective and biased report reflects more poorly on the investigator and the complainants seeking to encroach on my Constitutional right to political free speech than it does on my character, morals or ethics or my capacity to represent my electorate effectively.

The fact that I am a new Councillor, ought to have resulted in support from the Council, rather than constant bullying and anonymous complaints, that seem politically motivated to undermine my ability to serve those who elected me. Instead, the Mayor, Deputy Mayor & Councillors have deliberately set out to taunt and provoke me at every turn, with hostilities directed at me, both verbally and physically. This is easily provable as there were a myriad of very deliberate failings, oversights and mis-steps by Council to address the ever-escalating dispute between us, not the least of which could have been an attempt at mediation or conciliation. I say this has not been facilitated as the sole objective is my constructed removal off Council.

Accordingly, it may be the case that these accusations ought to be adjudicated by a court of competent jurisdiction, however, I suggest the rate payers might not wish to fund such a case after already funding this preliminary enquiry.

Once I am enabled, just maybe they should decide.

Kind Regards

Cr Severina Burner
Elected Member

M: 0433 393 298 | WK: 08 8406 8222
E: swallowsnestsanctuary@salisbury.sa.gov.au