



## **AGENDA**

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

**20 MARCH 2023 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES  
COMMITTEE**

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

#### **MEMBERS**

Cr P Jensen (Chairman)  
Mayor G Aldridge (ex officio)  
Cr L Brug  
Cr S Burner  
Cr J Chewparsad  
Cr K Grenfell  
Cr D Hood (Deputy Chairman)  
Cr S McKell

#### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Infrastructure, Mr J Devine  
General Manager Community Development, Mrs A Pokoney Cramey  
General Manager City Development, Ms M English  
Manager Governance, Mr R Deco  
Team Leader Council Governance, Ms J O'Keefe-Craig

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 20 February 2023.

---

## **REPORTS**

### *Administration*

3.0.1 Future Reports for the Governance and Compliance Committee ..... 7

### *For Decision*

3.1.1 Council Assessment Panel - Appointment of Independent Members ..... 11

## **QUESTIONS ON NOTICE**

*There are no Questions on Notice.*

## **MOTIONS ON NOTICE**

*There are no Motions on Notice.*

## **OTHER BUSINESS**

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

## **CLOSE**



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

**20 FEBRUARY 2023**

**MEMBERS PRESENT**

Cr P Jensen (Chairman)  
Cr L Brug  
Cr S Burner  
Cr J Chewparsad  
Cr K Grenfell  
Cr S McKell

**STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Ms M English  
Manager Governance, Mr R Deco  
PA, General Manager Community Development, Ms S Howley

The meeting commenced at 7:26pm.

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

**APOLOGIES**

Apologies were received from Cr D Hood and Mayor G Aldridge.

**LEAVE OF ABSENCE**

Nil.

---

## PRESENTATION OF MINUTES

Moved Cr K Grenfell  
Seconded Cr L Brug

The Minutes of the Governance and Compliance Committee Meeting held on 23 January 2023, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr K Grenfell  
Seconded Cr S McKell

That Council:

1. Notes the report.
2. Notes that Item 3.0.1 Future Reports for the Governance and Compliance Committee, 20 February 2023 MON3 should read 19/12/2022 not 19/12/2023.

**CARRIED**  
UNANIMOUSLY

### *For Decision*

#### **3.1.1 2023 National General Assembly of Local Government, Canberra - Call for Motions**

Moved Cr K Grenfell  
Seconded Cr J Chewparsad

That Council:

1. Notes that motions are being called for submission by 24 March 2023 for the National General Assembly of Local Government being held in Canberra from 13 to 16 June 2023 and that a voting delegate is to be appointed by Council should a motion be submitted.

**CARRIED**  
UNANIMOUSLY

### 3.1.2 Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Moved Cr L Brug  
Seconded Cr K Grenfell

That Council:

1. Notes the information contained in this report.
2. Approves the *Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments* to be lodged with the Environment Protection Authority as contained in Attachment 3 Governance and Compliance Committee, 20 February 2023. Item No 3.1.2)

**CARRIED**  
UNANIMOUSLY

### 3.1.3 Elected Member Training and Development Policy

Moved Cr K Grenfell  
Seconded Cr S McKell

That Council:

1. Adopts the Training and Development Policy, set out in Attachment 1 to this report (Item No. 3.1.3, Governance and Compliance Committee, 20 February 2023).
2. Adopts the Elected Members Training and Development Plan 2022-2023 as included in Attachment 2 (Item No. 3.1.3, Governance and Compliance Committee, 20 February 2023).
3. Revokes the current Elected Member Induction Policy, noting that induction training is now contained within the Elected Member Training and Development Policy.

**CARRIED**  
UNANIMOUSLY

### 3.1.4 Review of Hardship Policy for Residential Salisbury Water Customers

Moved Cr L Brug  
Seconded Cr S McKell

That Council:

1. Adopts the Hardship Policy for Residential Salisbury Water Customers as set out in Attachment 1 to this report (Item 3.1.4, Governance and Compliance Committee, 20 February 2023).

**CARRIED**  
UNANIMOUSLY

---

**QUESTIONS ON NOTICE**

Nil

**MOTIONS ON NOTICE**

Nil

**OTHER BUSINESS**

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

Nil

The meeting closed at 8:14pm.

CHAIRMAN.....

DATE.....

<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	20 March 2023
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**

That Council:

1. Notes the report.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

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

**2. CONSULTATION / COMMUNICATION**

2.1 Internal

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

### 3. REPORT

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

<b>Meeting Item</b>	<b>- Heading and Resolution</b>	<b>Officer</b>
27/06/2022 3.2.1	<b>Community Compliance Resources</b> 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. <b>Due:</b> November 2023	John Darzanos
22/08/2022 MON1	<b>Motion on Notice: Elected Member Communication Process and Protocols</b> That Administration bring back to the Governance and Compliance Committee a report that details the current communication process and protocols to ensure Elected Members are aware of: a. significant Council infrastructure projects and initiatives. b. development our for public consultation within the City of Salisbury. c. Council public consultation initiatives. d. community events within the City of Salisbury. e. City of Salisbury media notifications <b>Due:</b> March 2023 <b>Deferred to:</b> June 2023 <b>Reason:</b> Administration is currently reviewing the Elected Member communication protocols and relevant policies and will report the status of this in June 2023.	Helen Atkins
19/12/2022 GB8	<b>Revocation of Community Land Classification Costa Court Reserve, Salisbury Plain</b> 3. Notes that a further report will be presented to Council for consideration of any objections. <b>Due:</b> April 2023	Emma Robinson
31/01/2023 GB2	<b>Local Government Association Ordinary General Meeting April 2023</b> 3. Requests for the Manager Governance to provide a report to the Governance and Compliance Committee on the motions put forward <b>Due:</b> May 2023 following OGM meeting in April	Rudi Deco



31/01/2023 3.1.2	<b>Caretaker Policy</b> 1. Defer this item to allow for the creation of a working party which includes the Chair of Governance and Compliance Committee, the Mayor, Cr Grenfell and appropriate administration staff to give further consideration to this policy.	Joy O’Keefe-Craig
<b>Due:</b>	March 2023	
<b>Deferred to:</b>	June 2023	
<b>Reason:</b>	Establishment of the working party underway with meetings to be confirmed.	

**4. CONCLUSION / PROPOSAL**

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

THIS PAGE INTENTIONALLY LEFT BLANK

<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	20 March 2023
<b>HEADING</b>	Council Assessment Panel - Appointment of Independent Members
<b>AUTHOR</b>	Chris Zafiroopoulos, Assessment Manager, City Development
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
<b>SUMMARY</b>	This report seeks Council’s adoption of Terms of Reference to commence the expression of interest for the appointment of Independent Members for the next term of the Council Assessment Panel.

## RECOMMENDATION

### 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.

## ATTACHMENTS

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

1. Attachment 1 - Council Assessment Panel Terms of Reference

### 1. BACKGROUND

- 1.1 Council is required to establish a Council Assessment Panel (CAP) to assess and determine development applications assigned to the Panel under the *Planning, Development and Infrastructure Act 2016* (PDI Act).
- 1.2 This report provides Council updated Terms of Reference (ToR) for adoption to commence a process to appoint Independent Members for the next term of membership.

### 2. REPORT

- 2.1 The CAP is comprised of five members and one of the members may be a member of the Council. The Panel is currently comprised of:
  - Terry Mosel, Presiding Member.
  - Cherie Gill, Independent Member.
  - Ross Bateup, Independent Member.
  - Matthew Atkinson, Independent Member.
  - Cr Brug, Elected Member.
  - Cr Shiralee Reardon, Deputy Elected Member.

- 2.2 Council appointed Cr Brug as the Elected Member and Cr Reardon as Deputy Elected Member on the Panel in November 2022 for a period of two years.
- 2.3 The term of appointment for the Independent Members on the Council Assessment Panel expires on 31 August 2023.
- 2.4 A ToR is provided in Attachment 1 for the expression on interest to appoint the independent members. The ToR are based on the model terms of reference released by Local Government Association of SA and was last reviewed by Council in November 2022 when appointing the Elected Members to the Panel. No further changes are proposed to the ToR.
- 2.5 The ToR proposes that Council calls for expressions of interest from interested people to be appointed to the CAP. Candidates will be asked to provide a curriculum vitae outlining their experience, skills, qualifications and knowledge. Importantly, the Independent Members will need to be accredited under the PDI Act.
- 2.6 It is proposed to place an advertisement inviting submissions in The Advertiser together with information on Council's social media and website for a period of four weeks. It is also proposed to directly message accredited professionals who agree to be directly contacted via a new register that is being developed by the Accreditation Authority. The Expression of interest will highlight Council's objective of equal representation of women and men on the Panel.
- 2.7 A report providing a list of suitable candidates for the next term of the CAP will be provided to Council in June 2023.
- 2.8 The sitting fee for independent members on the CAP is usually reviewed when independent members' appointments are made. Council set the remuneration per meeting in 2021 at:
- |       |                    |       |
|-------|--------------------|-------|
| 2.8.1 | Presiding Member   | \$500 |
| 2.8.2 | Independent Member | \$400 |
| 2.8.3 | Elected Member     | \$320 |
- (noting that all members also receive up to \$300 per annum towards training)
- 2.9 A comparison of the remuneration for a sample of other CAPs will be provided for Council's consideration in June 2023.

### 3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that Council adopt the Council Assessment (CAP) Panel Terms of Reference provided in Attachment 1 for the appointment of the independent members to the CAP. A report will be provided to Council in June 2023 for the appointment of the Independent Members on the CAP, following the closure of the expression of interest.



# COUNCIL ASSESSMENT PANEL

## Terms of Reference

---

October 2022

## Contents

1. Background .....	3
2. Membership of CAP .....	3
3. Vacancy in Membership.....	5
4. Conditions of Appointment .....	5
5. Removal from Office .....	6

## 1. Background

- 1.1. The Salisbury Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Salisbury (**the Council**) on 21 August 2017.

## 2. Membership of CAP

### Appointment of Members

- 2.1. The CAP will be constituted of five (5) Members (CAP Members), to be appointed by the Council, comprising:
- 2.1.1. One (1) Member of the Council (Council Member); and
  - 2.1.2. Four (4) Independent Members (Independent Members), not being Members of the Council or State Parliament.
- 2.2. The Council may determine that the CAP will be constituted by a different number of members for different clauses of development, in which case the relevant details will be specified by the Council.
- 2.3. When appointing CAP Members, the Council may have regard to the following:
- 2.3.1. The candidate's knowledge of the operation and requirements of the Act;
  - 2.3.2. In relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
  - 2.3.3. In relation to the Council Member, the candidate's experience in local government;
  - 2.3.4. That a balance of qualifications and experience among CAP Members is desirable;
  - 2.3.5. That insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men; and
  - 2.3.6. Such other matters as the Council considers relevant.

### Appointment of Deputy Members

- 2.4. The Council may appoint Deputy Members to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5. Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.
- 2.6. Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a

Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).

- 2.7. Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8. In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9. Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

#### **Expression of Interest**

- 2.10. The Council will call for expressions of interest for appointment of CAP Members.
- 2.11. The Council may reappoint an existing member for a subsequent term without calling for expressions of interest.

#### **Presiding Member and Acting Presiding Member**

- 2.12. The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.13. The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.14. That the CAP appoint an Acting Presiding Member for the remainder of the CAP term. If both the Presiding Member and Acting Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member will be appointed from those CAP Members present by means of resolution, and will preside over the meeting.
- 2.15. A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.16. In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

#### **Term of Appointment**

- 2.17. Subject to clause 5, Independent Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.18. Subject to clause 5, the Council Member will be appointed for a term of up to two years and on such other conditions as determined by the Council.



- 2.19. Deputy Members will be appointed for a term of up to two years and on such other conditions as determined by the Council.
- 2.20. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.21. A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period determined by Council.
- 2.22. The term of appointment of the Independent Panel Members' shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term.

### **3. Vacancy in Membership**

- 3.1. In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2. The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3. In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.88 as the case requires.
- 3.4. A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

### **4. Conditions of Appointment**

- 4.1. At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2. CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3. Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4. Upon the commencement of Section 83(1)(c) of the Act:
  - 4.4.1. CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and

- 4.4.2. CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

## **5. Removal from Office**

- 5.1. A CAP Member will automatically lose office where:
  - 5.1.1. the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
  - 5.1.2. the CAP Member has been convicted of an indictable offence punishable by imprisonment;
  - 5.1.3. in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2. Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
  - 5.2.1. a breach of a condition of his or her appointment as a CAP Member;
  - 5.2.2. misconduct;
  - 5.2.3. a breach of any legislative obligation or duty of a CAP Member;
  - 5.2.4. neglect of duty in attending to role and responsibilities as a CAP Member;
  - 5.2.5. a failure to carry out satisfactorily the duties of his or her office;
  - 5.2.6. a breach of fiduciary duty that arises by virtue of his or her office;
  - 5.2.7. inability to carry out satisfactorily the duties of his or her office.
  - 5.2.8. except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
  - 5.2.9. in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
  - 5.2.10. for any other reason the Council considers appropriate.

- 5.3. The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4. Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
  - 5.4.1. give written notice to the CAP Member of:
    - 5.4.1.1. its intention to remove the CAP Member from office pursuant to clause 5.2; and
    - 5.4.1.2. the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,  
not less than 7 days before the meeting of the Council at which the matter is to be considered;
  - 5.4.2. give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
  - 5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.