



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**15 MAY 2023 AT CONCLUSION OF THE 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

A/Chief Executive Officer, 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 17 April 2023.

REPORTS

Administration

3.0.1	Future Reports for the Governance and Compliance Committee	9
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For Decision

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For Information

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MOTIONS ON NOTICE

There are no Motions on Notice.

QUESTIONS ON NOTICE

There are no Questions on Notice.

OTHER BUSINESS

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

CLOSE



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

17 APRIL 2023

MEMBERS PRESENT

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

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Ms M English
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 7:37pm.

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

APOLOGIES

Apologies were received from Cr L Brug and Cr S Burner.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Mayor G Aldridge

The Minutes of the Governance and Compliance Committee Meeting
held on 20 March 2023, be taken as read and confirmed.

CARRIED
Unanimously

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.

CARRIED
Unanimously

For Decision

3.1.1 Salisbury Water Flow Restriction Policy for Residential Customers Review

Moved Cr D Hood
Seconded Mayor G Aldridge

That Council:

1. Adopts the Salisbury Water Flow Restriction Policy for Residential Customers as set out in Attachment 1 to this report (Governance and Compliance 17 April 2023, Item No. 3.1.1) with a review date of March 2026.

CARRIED

3.1.2 Dog Registration Fees 2023/2024

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

Approves the 2023/2024 registration categories, fees, eligible rebates and exemptions and late fees as shown in the Proposed Dog and Cat Management Act 1995 Fee Schedule 2023/2024 forming Attachment 3 to the Governance and Compliance Committee agenda, 17 April 2023, Item No. 3.1.2. with the following amendments to Attachment 3:

- a) 2023/24 registration dog fees are set at:
 - non standard - \$85.00
 - Standard - \$42.50
 - Non-standard concession - \$42.50
 - Standard concession - \$21.25
- b) Seizure fees - \$85.00
- c) Daily and long term fee - \$55

CARRIED

3.1.3 Review of Food Act 2001 Inspection Fees Policy

Moved Cr D Hood
Seconded Mayor G Aldridge

That Council:

1. Adopts the Food Act 2001 Inspection Fees Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 17/04/2023, Item No. 3.1.3).

CARRIED

3.1.4 Review of Enforcement Policy

Moved Mayor G Aldridge
Seconded Cr D Hood

That Council:

1. Adopts the Enforcement Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 17/04/2023, Item No. 3.1.4).

CARRIED

3.1.5 Review of Private Parking Areas Act 1986 - Private Parking Agreements Policy

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Adopts the Private Parking Areas Act 1986 - Private Parking Agreements Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 17/04/2023, Item No. 3.1.5).

CARRIED

3.1.6 Review Local Government Act 1999 Order Making Policy

Moved Cr K Grenfell
Seconded Cr S McKell

That Council:

1. Adopts the *Local Government Act 1999 Order Making Policy* as set out in Attachment 1 to this report (Governance and Compliance Committee 17/04/2023, Item No. 3.1.6).

CARRIED

3.1.7 Footpath Trading Policy Review

Moved Cr P Jensen
Seconded Cr K Grenfell

That Council:

1. Adopts the Footpath Trading Policy as set out in Attachment 1 to this report (Governance and Compliance Committee 17/04/2023, Item No. 3.1.7).

CARRIED
Unanimously

3.1.8 Review of Prudential Management Policy

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Adopts the revised Prudential Management Policy as set out in Attachment 1 to this report (Governance and Compliance Committee, 17 April 2023, Item No. 3.1.8).

CARRIED
Unanimously

3.1.9 Review of Council Decision Construction of Carpark at Tree Top Court

Moved Cr P Jensen
Seconded Mayor G Aldridge

That Council:

1. Receives the Kelledy Jones internal review as set out in Attachment 1 (Governance and Compliance Committee, 17 April 2023, Item No. 3.1.9).
2. Approves putting the Treetop Court carpark project on hold and undertaking public consultation, on a discretionary basis and in accordance with its Public Consultation Policy, with the applicants, as well as any other impacted resident(s), prior to its re-consideration of the Carpark proposal.

CARRIED
Unanimously

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

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

There were no Other Business items.

The meeting closed at 8:10pm.

CHAIRMAN.....

DATE.....

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ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 May 2023
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

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

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

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

Meeting Item	- Heading and Resolution	Officer
27/06/2022 3.2.1	Community Compliance Resources 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. Due: November 2023	John Darzanos
22/08/2022 MON1	Motion on Notice: Elected Member Communication Process and Protocols That Administration bring back to the Governance and Compliance Committee a report that details the current communication process and protocols to ensure Elected Members are aware of: a. significant Council infrastructure projects and initiatives. b. development our for public consultation within the City of Salisbury. c. Council public consultation initiatives. d. community events within the City of Salisbury. e. City of Salisbury media notifications Due: June 2023	Helen Atkins
31/01/2023 3.1.2	Caretaker Policy 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. Due: June 2023	Joy O'Keefe-Craig

4. CONCLUSION / PROPOSAL

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

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 May 2023
HEADING	Review of Fraud, Corruption, Misconduct and Maladministration Prevention Policy
AUTHOR	Brett Kahland, Team Leader Corporate Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report presents the revised Fraud, Corruption, Misconduct and Maladministration Policy to Council for consideration and adoption.

RECOMMENDATION

That Council:

1. Adopts the revised Fraud, Corruption, Misconduct and Maladministration Policy as set out in Attachment 1 to this report (Item 3.1.1, Review of Fraud, Corruption, Misconduct and Maladministration Prevention Policy, Governance and Compliance Committee, 15 May 2023).

ATTACHMENTS

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

1. Revised Fraud, Corruption, Misconduct and Maladministration Prevention Policy

1. BACKGROUND

- 1.1 Council's Fraud and Corruption policy is a critical tool in communicating the organisation's stance and approach in respect to fraud, corruption, misconduct and maladministration and how it will be dealt with.
- 1.2 Council's Policy Governance Framework provides for Council policies to be reviewed and adopted within 12 months of a Council election.

2. REPORT

- 2.1 The policy was last reviewed and considered by Council in February 2021.
- 2.2 The proposed changes made to the policy include the following:
 - 2.2.1 The name of the policy has been expanded to incorporate misconduct and maladministration in alignment with the LGA model template.
 - 2.2.2 Minor formatting changes have been made consistent with the new policy template.

- 2.2.3 In alignment with the LGA model policy, the responsibilities and accountability for fraud, corruption, misconduct and maladministration prevention actions is set out as a table and included as Appendix 1 to the policy.
- 2.2.4 Updates to the policy have been made to reflect changes to the *Independent Commission Against Corruption Act 2012* (ICAC Act) and *Ombudsman Act 1972*. Key policy updates include making provisions for the below:
- Under the legislative changes, ICAC’s powers pertaining to “maladministration” and “misconduct” have been removed. The power to deal with maladministration and misconduct is now conferred on the Ombudsman via amendments to the *Ombudsman Act 1972 (SA)*. Public officers are strongly encouraged to report matters involving misconduct and maladministration to the Ombudsman.
 - Misconduct is now defined in the *Ombudsman Act 1972* and involves a serious and intentional breach of a code of conduct by a public officer, while acting in their capacity as a public officer.
 - ICAC can now only inquire into “corruption in public administration”, however it is important to note that the definition of this term has also changed, with the effect of restricting ICAC’s reach in this context. The definition of corruption in public administration is now limited to specific offences under the *Criminal Law Consolidation Act 1935* which relate to public officers, together with offences against the *Public Sector (Honesty and Accountability) Act 1995* and the *Public Corporations Act 1993*. Previously the term Corruption in public administration extended to any criminal offence committed by a public officer while acting in their capacity as a public officer. This included theft and other dishonesty offences, and offences against the person, such as assault.

3. CONCLUSION / PROPOSAL

- 3.1 The Fraud, Corruption, Misconduct and Maladministration Prevention Policy as contained in Attachment 1 is recommended to Council for adoption.



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

Fraud, Corruption, Misconduct and Maladministration Prevention Policy

Adopted by:	Council
Responsible Division:	Governance
First Issued/Adopted:	September 2005
Last Reviewed:	May 2023

1. Purpose

- 1.1. The purpose of this policy is to ensure that City of Salisbury:
- properly fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012* (ICAC Act);
 - takes appropriate steps towards compliance with relevant legislation, policies and instruments;
 - provides a clear statement to all Council Members, Employees, Contractors, Consultants, and Volunteers through practices, policies and procedures that fraudulent conduct, Misconduct and/or Maladministration is not acceptable and will not be tolerated;
 - protects Council assets, interests and reputation from the risks associated with fraudulent conduct, Misconduct and/or Maladministration;
 - outlines the Council's approach to the prevention, detection and management of Fraud, Corruption, Misconduct and Maladministration;
 - fosters an ethical environment and culture which is conscious of, actively discourages, does not tolerate and appropriately deals with Fraud, Corruption, Misconduct and Maladministration;
 - identifies the relevant responsibilities of Council Members, the Audit and Risk Committee, the Chief Executive Officer, and Employees, Volunteers and Contractors;
 - educates Employees, Volunteers and Contractors and Council Members about their obligations to report conduct reasonably suspected of being Fraud, Corruption, Misconduct and/or Maladministration;

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- evaluates practices, policies and procedures it has in place in order to further advance Council systems for preventing or minimising Fraud, Corruption, Misconduct and Maladministration; and
- develops a consistent approach to the management of relevant conduct across the organisation through the establishment and maintenance of effective systems and internal controls to guard against Fraud, Corruption, Misconduct and Maladministration.

1.2. This Policy applies to all Council Members, Employees, Contractors, Consultants and Volunteers of the Council. It is intended to complement and be implemented in conjunction with other relevant Council policies and procedures including:

- 1.2.1. Public Interest Disclosure Policy
- 1.2.2. Public Interest Disclosure Procedure
- 1.2.3. Enterprise Risk Management Policy
- 1.2.4. Code of Conduct for Council Employees
- 1.2.5. Code of Conduct for Council Members
- 1.2.6. Council Members Allowances and Benefits Policy
- 1.2.7. Employee Conduct Policy

2. Scope

This policy applies to all Council Members, Employees, Contractors, Consultants and Volunteers of the City of Salisbury.

3. Legislative Requirements

- 3.1. *Local Government Act 1999*
- 3.2. *Public Interest Disclosure Act 2018*
- 3.3. *Public Interest Disclosure Regulations 2019*
- 3.4. *Criminal Law Consolidation Act 1935*
- 3.5. *Ombudsman Act 1972*
- 3.6. *Independent Commissioner Against Corruption Act 2012*
- 3.7. *Criminal Law Consolidation Act 1935*
- 3.8. *Public Sector (Honesty and Accountability) Act 1995*
- 3.9. *Public Corporations Act 1993*
- 3.10. *Lobbyist Act 2015*

4. Interpretation/Definitions

For the purposes of this Policy the following definitions apply:

- 4.1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption per section 4 of the ICAC Act.
- 4.2. **Corruption in public administration**, as provided for in section 5(1) of the ICAC Act, means conduct that constitutes:

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- 4.2.1. an offence against Part 7 Division 4 (offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
- i) bribery or corruption of public officers;
 - ii) threats or reprisals against public officers;
 - iii) abuse of public office;
 - iv) demanding or requiring benefit on basis of public office;
 - v) offences relating to appointment to public office; or
- 4.2.2. an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
- 4.2.3. an offence against the *Lobbyist Act 2015*, or an attempt to commit such an offence; or
- 4.2.4. any of the following in relation to an offence referred to in a preceding paragraph:
- i) aiding, abetting, counselling or procuring the commission of the offence;
 - ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
 - iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - iv) conspiring with others to affect the commission of the offence.
- 4.3. **Council** means the City of Salisbury.
- 4.4. **Directions and Guidelines** means the Directions and Guidelines issued by the Director OPI governing the reporting of corruption and the Directions and Guidelines issued by the Ombudsman governing the reporting of misconduct and maladministration in public administration.
- 4.5. **Employee** refers to all the Council's employees whether they are working in a full-time, part-time or casual capacity.
- 4.6. **False disclosure** is a disclosure of information relating to Fraud or Corruption, Maladministration or Misconduct that is made by a person who knows the information to be false.
- 4.7. **Fraud** includes an intentional dishonest act or omission done with the purpose of deceiving.

Note: There is no statutory or agreed common law definition of Fraud. Offences addressed under Part 5 and Part 6 of the *Criminal Law Consolidation Act 1935* are considered to constitute Fraud

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offences. An ordinary or lay meaning of Fraud is 'to obtain dishonestly that which the person is not entitled to'. Fraud is a broad label applicable to conduct / practices that involve knowingly dishonest or deceitful behaviour meant to obtain an unjust benefit. Dishonesty is the key element in fraudulent behaviour, as provided for under section 131 of the *Criminal Law Consolidation Act 1935*.

4.8. **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012*.

4.9. **Maladministration in public administration** is defined in section 4(2) of the *Ombudsman Act 1972* and

4.9.1. means:

- i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
- ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and

4.9.2. includes conduct resulting from impropriety, incompetence or negligence; and

4.9.3. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

4.10. **Misconduct in public administration** is defined in section 4(1) of the *Ombudsman Act 1972* and means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.

4.11. **Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:

- 4.11.1. receive and assess complaints about public administration from members of the public;
- 4.11.2. receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and public officers;
- 4.11.3. refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;

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- 4.12. **PID Act** means the *Public Interest Disclosure Act 2018*.
- 4.13. **Public administration** is defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration. For the purposes of this Policy, references to Corruption, Misconduct and Maladministration are taken to mean references to such conduct in public administration.
- 4.14. **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
- a council member; and
 - an employee or officer of the Council;
- 4.15. **Publish** is defined in section 4 of the ICAC Act, and means publish by:
- 4.15.1. newspaper, radio or television;
 - 4.15.2. internet or other electronic means of creating and sharing content with the public or participating social networking with the public; or
 - 4.15.3. any similar means of communication with the public.
- 4.16. **Relevant Authority** for the purposes of the PID Act means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act.
- 4.17. **Responsible Officer** is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as a responsible officer under section 12 of the PID Act.

5. Prevention

- 5.1. The Council recognises that the occurrence of Fraud, Corruption, Misconduct and Maladministration will be more likely to prevail in an administrative environment where opportunities exist for waste and abuse.
- 5.2. The Council also recognises that the most effective way to prevent the occurrence of Fraud, Corruption, Misconduct and Maladministration is to instil and continually reinforce a culture across the Council of acting lawfully, ethically and in a socially responsible manner, and to support this culture with the implementation of appropriate internal control mechanisms.

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- 5.3. The Council expects Employees and Council Members will assist in facilitating a sound ethical culture and preventing Fraud, Corruption, Misconduct and Maladministration by:
- 5.3.1. understanding the responsibilities of their positions;
 - 5.3.2. familiarising themselves with Council policies and procedures and adhering to them;
 - 5.3.3. understanding what behaviour constitutes Fraudulent or Corrupt conduct, Misconduct and/or Maladministration;
 - 5.3.4. maintaining an awareness of the strategies that have been implemented by Council to minimise Fraud, Corruption, Misconduct and Maladministration;
 - 5.3.5. being continuously vigilant to the potential for Fraud, Corruption, Misconduct and Maladministration to occur in the Council environment; and
 - 5.3.6. reporting suspected or actual occurrences of Fraud, Corruption, Misconduct and Maladministration in accordance with Part 6 and 7 of this Policy.

6. Roles and responsibilities

- 6.1. The table in Appendix 1 to this Policy outlines the roles and responsibilities of key individuals and groups with respect to Fraud, Corruption, Misconduct and Maladministration prevention within Council.

7. Educating for Awareness

- 7.1. The Council recognises that the success and credibility of this Policy will largely depend upon how effectively it is communicated throughout the organisation and beyond.
- 7.2. The Council will, therefore, from time to time take proactive steps towards ensuring that the wider community is aware of the Council's zero-tolerance stance towards Fraud, Corruption, Misconduct and Maladministration, including by:
- 7.2.1. promoting the Council's initiatives and policies regarding the control and prevention of Fraud, Corruption, Misconduct and Maladministration on the Council website and at Council offices; and
 - 7.2.2. facilitating public access to all of the documents that constitute the Council's Fraud, Corruption, Misconduct and Maladministration framework.

8. Reporting Corruption, Misconduct and Maladministration

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- 8.1. A public officer must report to the OPI any matter that they reasonably suspect involves corruption in public administration unless the public officer knows that the conduct has already been reported to the OPI.
- 8.2. The Ombudsman expects that public officers will report to Ombudsman SA any matter that the public officer or public authority reasonably suspects involves misconduct in public administration.
- 8.3. The Ombudsman expects that public officers and public authorities will report to Ombudsman SA any matter that the public officer or public authority reasonably suspects involves maladministration in public administration
- 8.4. Nothing in this section is intended to prevent a Public Officer from reporting suspected Corruption in the Council or in other public administration to a Relevant Authority, like a Council's Responsible Officer, for the purposes of the PID Act. Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Policy and Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.

9. Confidentiality and Publication Prohibitions

- 9.1. A person who receives information knowing that the information is connected with a matter that forms or is the subject of a complaint, report, assessment, investigation, referral or evaluation under the ICAC Act must not disclose that information, other than in the limited circumstances set out in section 54(3) of the ICAC Act.

10. False Disclosure

- 10.1. A person who knowingly makes a false disclosure or a false or misleading statement in a complaint or report will be guilty of an offence under the ICAC Act, *Ombudsman Act 1972* and the PID Act.

11. Approval and Change History

Version	Approval Date	Approval By	Change
1	May 2023	Council	Policy reviewed and updated to expand the name of the policy to incorporate misconduct and maladministration.

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Alignment with LGA
model policy

Updates to reflect
changes to the
*Independent
Commission
Against Corruption
Act 2012 (ICAC Act)*
and *Ombudsman
Act 1972*

12. Availability

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

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

13. Review

This Policy will be reviewed within 12 months of a Council election and thereafter as necessary.

Further Information

For further information on this Policy please contact:
Responsible Officer: Team Leader Corporate Governance
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

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Appendix 1 —

Responsibilities and accountability for Fraud, Corruption, Misconduct and Maladministration prevention actions

Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
Governance and ethics							
1	Comply with this policy and any related legislation, policy, protocol or procedure.	✓	✓	✓	✓	✓	✓
2	At all times in the performance of duties or in association with their role with Council, act in an ethical manner.	✓	✓	✓	✓	✓	✓
3	Promote a culture and environment in which Fraud, Corruption, Misconduct and Maladministration is discouraged and not tolerated	✓	✓	✓	✓		✓

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Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
4	Remain scrupulous in the use of Council information, assets, funds, property, goods or services	✓	✓	✓	✓	✓	✓
Awareness and training							
1	Promote community awareness of the Council's commitment to the prevention of Fraud, Corruption, Misconduct and Maladministration.	✓	✓		✓ (as appropriate)		
2	Undertake awareness training or education regarding Fraud, Corruption, Maladministration and Misconduct.	✓	✓	✓	✓	✓	✓ (as appropriate)
3	Develop and deliver training to employees and other public officers to promote ethical conduct and an ethical culture.		✓	✓			
4	Act in an ethical manner at all times in the performance of duties, and comply with ethical obligations in accordance with any relevant code or policy regarding conduct and behaviour	✓	✓	✓	✓	✓	✓
5	Adopt and model constructive behaviours and approaches to work which promote ethical behaviours in Council employees	✓	✓	✓		✓	
Fraud prevention							

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Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
1	Provide adequate security, including the provision of secure facilities for storage of assets, to assist in the prevention of Fraud, Corruption, Misconduct and Maladministration		✓	✓			
2	Develop procedures to deter fraudulent or corrupt activity from occurring	✓	✓	✓	✓		
3	Where relevant, comply with the <i>Public Interest Disclosure Act 2019</i>	✓	✓	✓	✓	✓	✓
4	Ensure appropriate internal controls are in place and operating effectively to minimise the risks of incidents	✓	✓	✓		✓	
5	Ensure effective screening (e.g. criminal history) of employees (as relevant), prospective employees (as relevant) and volunteers (as relevant) is undertaken, including by use of appropriate and effective contractual arrangements		✓	✓			
6	Ensure all powers and authorities are appropriately delegated in order to minimise the risk of Fraud, Corruption, Misconduct or Maladministration	✓	✓	✓			

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Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
Detection and investigation							
1	Ensure that where appropriate, proper investigations are conducted into allegations of Fraud, Corruption, Misconduct or Maladministration.	✓	✓				
2	Facilitate cooperation with any investigations undertaken by an external authority		✓				
4	Provides mechanisms for receiving allegations of Fraud, Corruption, Misconduct and Maladministration	✓	✓				
5	Investigates matters of Fraud, Corruption, Misconduct and Maladministration	✓	✓				
6	Cooperate as required with any investigations undertaken whether internally or by an external authority	✓	✓	✓	✓		✓
Monitoring and reporting							

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Responsibility		Council Members	Chief Executive Officer	Managers	Employees	Audit and Risk Committees	Other (e.g. certain contractors and volunteers)
1	Report all instances of conduct known or reasonably suspected to be Fraud, Corruption, Maladministration or Misconduct in accordance with Council's policies	✓	✓	✓	✓	✓	✓ (report to Responsible Officer)
2	Develop mechanisms for receiving allegations of Fraud, Corruption, Misconduct or Maladministration including appointing a responsible officer	✓	✓				
3	Work jointly with other areas of Council to co-ordinate activities relating to the control, prevention, detection and management of Fraud, Corruption, Misconduct or Maladministration	✓	✓	✓		✓	
4	Review the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate	✓	✓			✓	

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ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 May 2023
PREV REFS	Governance and Compliance Committee 3.1.1 20/03/2023
HEADING	Council Assessment Panel Terms of Reference and Sitting Fees
AUTHOR	Chris Zafiropoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report provides Council additional information in relation to queries raised by Elected Members about the Terms of Reference (adopted in March 2023) and the sitting fees for the next term of the Council Assessment Panel.

RECOMMENDATION

That Council:

1. Notes the information contained in this report (Item 3.1.2, Council Assessment Panel Terms of Reference and Sitting Fees, Governance and Compliance Committee, 15 May 2023).
2. Adopts the sitting fees for the next term of the Council Assessment Panel at:
 - a. Presiding Member \$575
 - b. Independent Member \$450
 - c. Elected Member \$350

ATTACHMENTS

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

1. Council Assessment Panel Terms of Reference

1. BACKGROUND

- 1.1 Council adopted the Council Assessment Panel Terms of Reference (ToR) at the meeting held in March 2023 so that the Expression of Interest (EOI) process for the appointment of Independent Members for the next term of the Panel could commence.
- 1.2 In the discussion, Elected Members raised queries and requested further information in relation to:
 - 1.2.1 Council's ability to vary the ToR for outside of the formal EOI process.

- 1.2.2 Remuneration of members, with the view of setting a competitive sitting fee.
- 1.2.3 How the EOI could assist in having a better representation of women on Panel.
- 1.3 This report provides Council with the additional information, ahead of starting the EOI process. A report providing a list of suitable candidates for the next term of the CAP will be provided to Council in July 2023, subject to Council's further deliberations.

2. CONSULTATION / COMMUNICATION

2.1 External

- 2.1.1 Selected councils to provide comparable sitting fees.

3. REPORT

Council's Ability to changes ToR

- 3.1 Council is able to determine the procedures for appointment of members, their term of office and conditions of appointment (contained in the ToR), subject to guiding requirements under the *Planning Development and Infrastructure Act 2016*. Council is able to review the ToR at any time.
- 3.2 Ordinarily Council reviews and adopts its ToR when commencing a new EOI process. The ToR is made available to all candidates as part of the EOI and provided to CAP members on their appointment. If Council was to change the ToR during the term of an existing Panel, there would be a need to communicate the changes and potential implications, if any, to the existing members of the Panel.

Sitting Fees

- 3.3 The current sitting fee for members on the CAP is set per meeting. The current sitting fee and the date this was last changed is below:
 - 3.3.1 Presiding Member \$500 (May 2021)
 - 3.3.2 Independent Member \$400 (May 2021)
 - 3.3.3 Elected Member \$320 (January 2019)
 (Noting that all CAP members also receive up to \$300 per annum towards training).
- 3.4 A review of remuneration for other CAPs has been undertaken and is provided in the table below.

	Presiding Member (\$)	Independent Member (\$)	Elected Member (\$)	Meeting Total (\$)
Gawler	425	325	300	1,700
Adelaide Plains	450	400	0	1,650
Barossa	500	300	300	1,700
Adelaide Hills	500	380	190	1,830
Charles Sturt	500	350	350	1,900

Playford	563	450	0	1,913
Prospect	550	475	0	1,975
Salisbury	500	400	320	2,020
Marion	550	450	200	2,100
Light	550	400	400	2,150
Burnside	625	425	250	2,150
Tea Tree Gully	550	450	250	2,150
Mt Barker	498	419	419	2,174
Unley	530	430	400	2,220
Holdfast	568	437	437	2,316
NPSP	550	450	450	2,350
Onkaparinga	650	450	400	2,400
Mitcham	650	500	350	2,500
Adelaide	650	550	550	2,850
Port Adelaide Enfield	690	580	580	3,010
West Torrens	1000	550	570	3,220
Average	574	437	320	2,204

3.5 Council may wish to consider increasing remuneration for the CAP as:

3.5.1 It is appropriate to set a remuneration to retain and attract suitably qualified people.

3.5.2 The independent members are required to be accredited and incur costs for new training and registration.

3.6 It is recommended that the sitting fees for the next term of the Council Assessment Panel at:

- Presiding Member \$575
- Independent Member \$450
- Elected Member \$350

3.7 The operating budget will be adjusted to reflect any proposed changes.

Equal Representation

3.8 In relation to achieving an equal representation of men and women on the Panel, Council has previously included an explicit clause in the ToR that provides “*That insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of women and men...*” (clause 2.3.5).

4. CONCLUSION / PROPOSAL

4.1 Council considers the additional information in relation to queries raised by Elected Members about the Council Assessment Panel Terms of Reference and determine the sitting fees for the next term of the Panel.

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COUNCIL ASSESSMENT PANEL

Terms of Reference

October 2022

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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.

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ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	15 May 2023
PREV REFS	Urban Services Committee 4.1.1 20/06/2022
HEADING	Salisbury Oval and Surrounds
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	1.1 Our City is attractive and well maintained 1.2 The health and wellbeing of our community is a priority 1.3 People are valued and they feel safe, included and connected
SUMMARY	Council and the South Australian Police have received a number of concerns and complaints regarding the behaviour of persons using the facilities and open spaces at the Salisbury Oval Precinct, including Salisbury Oval, the Grandstand, War Memorial Park and previously Brown Terrace Reserve. Concerns predominately relate to public nuisance and noise associated with gatherings and consumption of alcohol. By-Law measures to close land at certain hours and restrict alcohol were implemented in the adjacent Brown Terrace Reserve in 2022. This report presents options to address the nuisance and alcohol related behaviours by implementing similar controls in the Salisbury Oval and Grandstand, and adjacent local government land.

RECOMMENDATION

That Council:

1. Approves that the local government land as shown in the attached plan (Attachment 1 Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club Item 3.1.3, Salisbury Oval and Surrounds, Governance and Compliance Committee, 15 May 2023) is closed to public access and use for any activity, between 10pm and 6am inclusive other than for permitted or authorised activities or commuting and travelling across open land and will be an alcohol-free area under the provisions of City of Salisbury *By-Law 4 of 2022, Local Government Land By-Law 2022*, from 1 June 2023, as follows:
 - a. Pursuant to clause 4.15 of City of Salisbury *By-Law 4 of 2022, Local Government Land By-Law 2022*, the local government land known as:
 - Salisbury Oval and Grandstand;
 - Neales Green;
 - War Memorial Park; and
 - Salisbury Bowling Club.

as shown in the attached plan (Attachment 1 Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club, Item 3.1.3, Salisbury Oval and Surrounds - Public Safety, Governance and Compliance Committee,

15 May 2023) is closed to public access and use for any activity, between 10pm and 6am inclusive other than for permitted or authorised activities or commuting and travelling across open land. (penalties may apply). The period of restricted access shall begin on 1 June 2023 and remain in force until further notice.

- b. Pursuant to clause 4.32 of City of Salisbury *By-Law 4 of 2022, Local Government Land By-Law 2022*, a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on local government land comprising parks or reserves to which the Council has determined this paragraph applies, namely the local government land known as:

- Salisbury Oval and inclusive of the Grandstand area;
- Neales Green;
- War Memorial Park; and
- Salisbury Bowling Club.

as shown in the attached plan (Attachment 1 Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club, Item 3.1.3, Salisbury Oval and Surrounds, Governance and Compliance Committee, 15 May 2023) and excluding any buildings and or areas on this land covered by Liquor License issued to the lessees or any liquor licenses issued for events, and or permitted or authorised activities, and this restriction shall begin on 1 June 2023 and remain in force until further notice.

2. Pursuant to Section 238 of the *Local Government Act 1999*, a sign or signs shall be erected in a prominent position(s) in the immediate vicinity of the local government land known as:

- Salisbury Oval and inclusive of the Grandstand area;
- Neales Green;
- War Memorial Park; and
- Salisbury Bowling Club.

and shown in the attached plan Attachment 1 Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club, to notify all attendees and members of the community that the land is closed to public access and use for any activity, between 10pm and 6am inclusive other than for permitted or authorised activities or commuting and travelling across open land and will be an alcohol-free area under the provisions of City of Salisbury *By-Law 4 of 2022, Local Government Land By-Law 2022*, and these conditions shall begin on 1 June 2023 and remain in force until further notice (*penalties apply*).

ATTACHMENTS

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

1. Attachment 1 - Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club

1. BACKGROUND

- 1.1 The City of Salisbury is aware of ongoing issues and is continuing to receive complaints regarding the behaviour of persons using the facilities and open spaces at the Salisbury Oval Precinct, including Salisbury Oval, the Grandstand and reserve surrounds in and nearby the War Memorial Park. These complaints are similar to those previously received in relation to Brown Terrace Reserve in 2022.
- 1.2 Key issues relate to antisocial behaviour, noise generation and associated public nuisances including littering, broken glass and property damage associated with gatherings of groups of persons and the consumption of alcohol.
- 1.3 In response to similar recurrent concerns at the adjacent Brown Terrace Reserve Council resolved to declare that location as alcohol-free area and to be closed lands between 10pm and 6am. (Urban Services Committee, Item 4.1.1 Salisbury Oval Security, 20 June 2022).
- 1.4 After consultation with affected parties in the area including representatives from the Salisbury Football and Cricket Club, the Salisbury RSL and the 1st Salisbury Scout Group, it is proposed that similar controls be considered for both the Salisbury Oval and the nearby War Memorial Park in order to address the recurrent public nuisances.

2. CITY PLAN CRITICAL ACTION

- 2.1 Improve our playgrounds and sporting facilities and cycle paths
- 2.2 Ensure public spaces are accessible and sporting facilities are maintained

3. CONSULTATION / COMMUNICATION

- 3.1 External
 - 3.1.1 Salisbury Sportsman's Association
 - 3.1.2 Northern Districts Cricket Club
 - 3.1.3 Salisbury Football Club
 - 3.1.4 Salisbury RSL
 - 3.1.5 1st Salisbury Scouts Group
 - 3.1.6 Salisbury Croquet Club
 - 3.1.7 Salisbury Bowling Club

4. REPORT

- 4.1 The provision of public spaces and reserves for use by our community has overall great public health benefits to the community and helps provide spaces that support a welcoming and liveable City.
- 4.2 These spaces can be used by all our community, however there is an expectation that everyone can use them equally and the actions of others using these spaces should not unreasonably interfere with the other users or persons residing in nearby premises.

- 4.3 Recent recurrent complaints made to Council and the South Australian Police (SAPOL) and feedback from consultation with key stakeholders in the area has identified that behaviours, activities and the conduct of some persons using the facilities and open spaces at the Salisbury Oval Precinct and the War Memorial Park are causing significant nuisance and are impacting on the enjoyment of these lands and surrounding land by the community. The Salisbury Oval Precinct includes the Salisbury Oval, Brown Terrace Reserve, the Croquet Club and the War Memorial Park.
- 4.4 These issues are directly related to the almost daily (day and night) gathering of small (3-4 persons) to comparatively large (approximately 20 persons) groups of people and their consumption of alcohol in the Salisbury Oval Precinct and its immediate locality. Associated anti-social behaviour has included noise, littering, property damage, public urination and vomiting, fighting and foul language. It is clear from our discussions with stakeholders in the Precinct that the behaviour is having a significant impact on existing users.

Customer Service Requests

- 4.5 Customer request records from the City of Salisbury for the current financial year (1 July 2022 to 1 May 2023), show there were 41 requests for services at the Salisbury Oval relating to antisocial behaviours, graffiti litter and damage, and four relating to the War Memorial Park.

July 2022 to Present (1 May 2023)	Count
<i>Salisbury Oval, Brown Terrace, Salisbury SA 5108</i>	<i>41</i>
Anti-Social Behaviour	17
Damaged Equipment	3
Dumped Rubbish	2
Graffiti	10
Security - Buildings	8
Vandalism	1
<i>War Memorial Park - Scouts</i>	
<i>1-3 Orange Avenue, Salisbury SA 5108</i>	<i>4</i>
Anti-Social Behaviour	3
Dumped Rubbish	1
Total	45

Stakeholder Feedback

- 4.6 In addition to the above requests for service, the lessees of the Salisbury Oval have advised that the anti-social behaviours have raised safety concerns from multiple members, parents and club members attending training, including children.
- 4.7 The concerns relate to the presence of persons with no affiliation to the club or club members or participants in sporting activities, during training and other club activities. Specifically, the lessees have identified anti-social behaviours, noise, improper language, alcohol consumption, littering, broken glass and public urination. These occurrences have been noticed and observed at all times of the day and night, and at times late at night.

- 4.8 Representatives from the Salisbury RSL have identified concerns raised by their members with groups of people congregating at the War Memorial Park and displaying behaviours that are of concern and disrespectful to the intent of the Memorial Park.
- 4.9 The concerns relate to the presence of persons at all times of the day and night (including early mornings) displaying anti-social behaviours, generating noise, using improper language, alcohol consumption, littering, broken glass and public urination.
- 4.10 Representatives from the 1st Salisbury Scout Group have also advised that anti-social behaviours occurring at the War Memorial Park are occurring on a daily basis, and more frequently than they have reported to Council.
- 4.11 As the War Memorial Park is directly adjacent the Scout Group club room car park it has impacted members with many expressing concerns with the anti-social behaviours. The members, including children, have expressed their fear regarding the presence of the groups due to the behaviours demonstrated. As a result, some activities at the Scouts have been impacted (e.g. overnight camping) due to late night public nuisances and safety concerns associated with the War Memorial Park.
- 4.12 The representatives from the 1st Salisbury Scout Group are now reporting incidents to SAPOL daily, and advised that they observe people in the War Memorial Park almost every night of the week, with groups of between 5-20 adults consuming alcohol. This leads to fighting, urinating in public, vomiting, and the use of foul language which is witnessed by the attending youth (as young as five), parents and leaders attending Scouts.
- 4.13 Complaints have been referred directly to SAPOL and raised through the SAPOL Community Safety Committee where it has been confirmed that the concerns have been actioned targeting the groups gathering at these facilities.
- 4.14 Data relating to the number of incidents and responses from SAPOL was not available for this report, however it has been noted that during City of Salisbury security patrols, SAPOL support has been requested and provided to move people on and respond to requests to leave the site.
- 4.15 SAPOL have responded to the concerns, and will continue to do so, based on risks and other competing concerns and reports at the same time.
- 4.16 It is considered that City of Salisbury should implement measures, such as enacting By-Laws, to reduce the likelihood of these behaviours as soon as possible.

Legislative Options - Local By-Laws

- 4.17 The legislative options available to address and manage behaviours such as loitering, unruly and anti-social behaviour or nuisances and/or consumption of alcohol on local government land can include the Local By-Law controls and restrictions similar to those that were enacted on Brown Terrace Reserve in 2022.
- 4.18 Council *By-Law 4 Local Government Land* has a range of provisions that can be used to address nuisance behaviours on local government land, including the closed lands and prohibiting the consumption of alcohol and can be used to control, restrict or prohibit activities on local government land.

Closed Lands

- 4.19 Under Clause 4 of *By-Law 4 Local Government Land By-Law 2022* Council can restrict access to land by declaring the area closed, or restricting access to any part of the land for specified times and days.
- 4.20 These options were utilised for Brown Terrace and require a sign or signs to be erected in a prominent position(s) in the immediate vicinity of the local government land to notify all attendees and members of the community that the land is closed to public access.
- 4.21 Council may apply this to any land or facility, however it is best utilised where the area can be effectively locked and secured rather than open spaces. Where there is unrestricted access to the local government land such as a reserve, and the restrictions are overnight, enforcement can be difficult and relies on a level of community education and compliance with other strategies to monitor compliance levels, such as monitored CCTV to undertake targeted enforcement that can be supported by security services and SAPOL.
- 4.22 Permanently restricting access to local government land can assist in limiting nuisances from these sites if no one is allowed at certain times, however this option can detrimentally impact other members of the community wishing to access the sites for exercise or other legitimate uses, including walking through for access and exercise.
- 4.23 If the closed land is implemented permanently and the subject land is an open space similar to Brown Terrace and environs, there is the likelihood that people will commute and walk through and across the land for exercise or to reduce travel time to other locations. As a result, any declaration, must allow for these activities and not restrict the desired uses of the sites.
- 4.24 It is proposed that the areas shown in Attachment 1 Salisbury Oval and Grandstand, Neales Green, War Memorial Park, and Salisbury Bowling Club (in addition to Brown Terrace) be declared closed to the public between the hours of 10pm and 6am other than for permitted or authorised activities or commuting and travelling across open land.
- 4.25 Permitted activities would include permits, leases and licenses granted by the City of Salisbury and other suitable uses, such as individual exercise and dog walking.
- 4.26 Any land that is enclosed with fences and closed with locked or closed gates is deemed to be closed lands and the By-Law provision can be applied and enforced by Authorised officers.
- 4.27 It is proposed that this restriction shall come into force on 1 June 2023 and remain in force until further notice, subject to the installation of suitable signage as required by legislation.

No Liquor - Alcohol Free

- 4.28 Under Clause 4.32 of *By-Law 4 Local Government Land By-Law 2022* Council can declare that a person must not without the permission of the Council, consume, carry or be in possession or in charge of any liquor on local government land comprising parks or reserves to which the Council has determined this paragraph applies.

- 4.29 Council may apply this control only to local government land comprising parks or reserves and this includes the Grandstand area of the Salisbury Oval. The control can then be administered and enforced by Council authorised staff.
- 4.30 Due to possible displacement concerns and feedback from the Salisbury Football and Cricket Club, the Salisbury RSL and the 1st Salisbury Scouts Group, it is recommended that this control be applied to the same areas as recommended for closed lands and includes the Salisbury Oval and Grandstand, Neales Green and the War Memorial Park.
- 4.31 Applying this control at the Salisbury Oval or other clubs is not designed to conflict with the approved Liquor license areas and is restricted by Section 238(2) of the *Local Government Act 1999* to land comprising parks or reserves, and by resolution will not be applicable to any areas covered by the Liquor Licence issued to the organisation or group and or any liquor licences issued for events.
- 4.32 As a result, it is proposed that a person must not without the permission of Council consume, carry or be in possession or in charge of any liquor on local government land comprising parks or reserves to which the Council has determined this paragraph applies, namely the local government land known Salisbury Oval and Grandstand, Neales Green, War Memorial Park, and Salisbury Bowling Club and excluding any buildings and or areas on this land covered by Liquor Licence issued to the lessees or any liquor licenses issued for events, and or permitted or authorised activities.
- 4.33 Permitted or authorised activities would also extend to commemorative days at War Memorial Park.
- 4.34 The Administration has consulted with the affected groups as listed in ***external consultation*** in relation to the proposed hours, and these groups have advised that they support the declaration of the land as closed to the public between the hours of 10pm and 6am with the relevant exemptions that allow for their licensed, authorised and permitted activities to occur.
- 4.35 Any resolution under By-Laws must include a requirement for a sign(s) to be erected in a prominent position(s) in the immediate vicinity the local government land to notify all attendees and members of the community that the land is closed and alcohol is prohibited on the land.

Brown Terrace

- 4.36 The above controls are similar to those implemented at Brown Terrace and given that the majority of the Brown Terrace Reserve falls under the same title as Salisbury Oval, it is considered appropriate this area is incorporated in this new resolution as depicted in Attachment 1 Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club. This will provide a precinct approach and identify that all these locations have the same controls and will be reflected in consistent signage to be developed by the Administration.

Salisbury Bowling Club

- 4.37 Consultation with the Salisbury Bowling Club has identified there haven't been any current concerns, however with the amendments affecting local government land around their site there are some concerns with potential displacement of activities. To prevent groups of people finding their site as an alternative in the area it is proposed that it is included in the resolutions.

Additional By-Law provisions

- 4.38 Under Clause 4.4 of By-Law 4 – Amplification, a person must not on any local government land, without the permission of Council use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public. This provides a control that prevent persons from using amplified music to create a disturbance.
- 4.39 Under Clause 4.6 of By-Law 4 – Annoyance, a person must not do anything that is likely to offend or unreasonably interfere with any other person using that land; or occupying nearby premises, by making a noise or creating a disturbance
- 4.40 The above provision can be applied to address a range of concerns and in particular noise nuisances being created by person's using local government land and or any other activity that is likely to offend. The provision can be relied upon by authorised persons who can direct someone to cease the activity likely to offend and also ask people to leave the area.
- 4.41 Under Clause 5.5 of By-Law 4 – Interference with Permitted Use, a person must not interrupt, disrupt or interfere with any other persons' use of local government land which is permitted or for which permission has been granted. This allows Authorised officers to respond to anyone that is interfering with an approved activity and or permitted use.
- 4.42 These provisions provide Authorised officers with a range of tools to address persons present and undertaking activities that may not be alcohol related but are creating a nuisance and or interfering with the permitted uses. These provisions can also be added to signage in strategic locations as required to reiterate standards and expectations of the community on the use of local government land.

Enforcement

- 4.43 The consumption of alcohol in situations involving groups and potentially inebriated persons provide an identified Work Health and Safety risk to Council authorised staff and attendance and engagement with these individuals or groups will require SAPOL intervention.
- 4.44 SAPOL officers are best placed to enforce the restrictions and intervene when the activities associated with alcohol consumption result in other public nuisances which can include noise, and anti-social behaviours. The action of consuming alcohol alone may not necessarily cause a concern, however it is likely that it can lead to other nuisances such as anti-social behaviours.
- 4.45 Enforcement of these restrictions would also rely on a level of community education and compliance with other forms of support to monitor compliance levels such as CCTV. This would then enable targeted enforcement that can be supported by security services and SAPOL. However, as it is a Council By-Law, SAPOL may not respond to concerns without other anti-social incidents occurring.
- 4.46 Options for enforcement under the *Local Government Act 1999* include directions to cease activities and verbal orders to leave the local government land. If a person refuses however, they cannot be detained by Council staff or security patrols, and if they refuse to provide identification then legislated penalties such as fines or orders cannot be issued. This may then require support and intervention by SAPOL to assist in identifying individuals liable for any order or penalty.

- 4.47 The inclusion of local By-Law restrictions such as closed lands and the no liquor clauses, creates a legislative offence that enables SAPOL to address offences under the *Summary Offences Act 1953* and intervene when these offences occur late at night or involve a high-risk situation, such as people or groups consuming alcohol. However, the responses to any of these reports are at SAPOL discretion based on risk and other competing priorities.

Displacement

- 4.48 Legislative controls could result in displacement of groups or individuals contributing to anti-social behaviour. Consequently, it is important that as part of any control measures adequate consideration is given to addressing these concerns. Administration will monitor the impact of the controls and respond accordingly.
- 4.49 This not only includes addressing the anti-social behaviour, but the consumption of alcohol and other drugs in the community, along with identifying any cultural differences.
- 4.50 The Administration will continue to work with and advocate to other agencies and relevant social support services and community leaders to assist in addressing the underlying social and health issues.
- 4.51 Expanding the legislative controls available under Council By-Laws to Neales Green, the War Memorial Park and Salisbury Bowling Club aims to prevent the displacement of concerns from the Salisbury Oval to these locations.

CCTV

- 4.52 CCTV has been utilised as a complementary measure to deter incidents and provide supportive evidence to review behaviours and activities.
- 4.53 An upgrade scheduled in May 2023, to three existing cameras at Salisbury Oval to provide a wider surveillance area, Infrared detection for low and night time environment. There is an existing CCTV camera at War Memorial Park, however there is nothing planned at Neales Green.
- 4.54 From July 2023 there is expected to be installation of additional CCTV to complement Salisbury Oval Complex at Brown Terrace Playground precinct only.
- 4.55 CCTV footage can be used to investigate incidents and inform security and/or SAPOL patrols to align resourcing to the timing of incidents.

5. CONCLUSION / PROPOSAL

- 5.1 Council implemented a range of measures to address concerns and complaints regarding public nuisances associated with gatherings and the consumption of alcohol at Brown Terrace Reserve. These measures have resulted in improvements in this area, however the concerns have continued at the adjacent locations at the Salisbury Oval and War Memorial Park.

- 5.2 The measures which included Local By-Law restrictions including closed lands and declaring the area alcohol free has resulted in improved behaviours and it is considered that these similar legislative controls can be applied to the adjoining precinct covering Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club in order to provide a legislative tool that can be used to educate the community, and if required provide a tool that can be enforced and supported by SAPOL.
- 5.3 These measures are complementary to a range of ongoing strategies such as community education, and improved surveillance via CCTV and security patrols.
- 5.4 Any long-term restrictions that are implemented to address concerns will have a non-target impact and restrictions to the general community. These impacts must be weighed up against the benefits, such as enabling community facilities to be used as intended, maintaining public safety, reducing litter and property damage, and minimising nuisances affecting other users and neighbouring residents.
- 5.5 Complementary ongoing measures include:
 - 5.5.1 Continued work with and advocating to SAPOL and other agencies to address the anti-social behaviours and alcohol consumption, as well as underlying social and health challenges.
 - 5.5.2 Continuing to monitor the area through CCTV and security patrols on an as need basis as issues arise.
 - 5.5.3 Monitoring the effectiveness of the By-Law measures relating to closed lands and alcohol-free areas to maintain a level of compliance, with opportunity to review should there be any community impacts or concerns raised.
- 5.6 The proposed By-Law resolutions are provided to Council for its consideration and approval.

Attachment 1 - Salisbury Oval, Neales Green, War Memorial Park, and Salisbury Bowling Club



1. War Memorial Park, 1 – 3 Orange Avenue Salisbury SA 5018 Lot 302 DP55257 CT Volume 5827 Folio 378
2. Salisbury Bowls, 5-9 Orange Avenue Salisbury SA 5108 Lot 101 DP 119965 CT Volume 6218 Folio 508
3. Salisbury Oval, Brown Terrace Salisbury SA 5018 and 23 Brown Terrace Lot 100 DP 119965 CT Volume 6218 Folio 507
4. Neales Green, Margaret Avenue Salisbury SA 5108 Lot 123 DP 6430 CT Volume 6001 Folio 623

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**INFORMATION
ONLY
ITEM**

3.2.1

GOVERNANCE AND COMPLIANCE COMMITTEE**DATE**

15 May 2023

HEADING

LGA Ordinary General Meeting

AUTHOR

Rudi Deco, Manager Governance, CEO and Governance

CITY PLAN LINKS

4.4 We plan effectively to address community needs and identify new opportunities

SUMMARY

Council resolved for a report to be presented on the Motions put forward at the 14 April 2023 Local Government Association (LGA) Ordinary General Meeting (OGM). This report executes this resolution. In addition, this report seeks a working group to be formed to prepare a draft submission for Council's consideration of a proposed item of business for the October LGA Annual General Meeting (AGM) on further Local Government Reform.

RECOMMENDATIONThat Council:

1. Notes the information relating to the 14 April 2023 Local Government Association Ordinary General Meeting as included in this report (Governance and Compliance Committee, 15 May 2023, Item No. 3.2.1).
2. Requests for a working group to be formed by the Mayor, the LGA voting delegates (Deputy Mayor Cr C Buchanan and proxy Cr P Jensen), the CEO and the Manager Governance, to prepare a draft submission for Council's consideration, on a proposed item of business on Local Government Reform for the October Local Government Association Annual General Meeting.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

1.1 Council resolved at its 31 January 2023 meeting to:

- 1.1.1 *Authorise the Mayor and the LGA voting delegate to put forward motions for the LGA OGM;*
- 1.1.2 *Delegate the Mayor, the LGA voting delegate and the CEO to prepare motions to be put forward to the LGA on behalf of the City of Salisbury noting that submissions need to be submitted by 3 February 2023; and*
- 1.1.3 *Request for the Manager Governance to provide a report to the Governance and Compliance Committee on the motions put forward.*

- 1.2 On behalf of the City of Salisbury, the Local Government Association (LGA) Ordinary General Meeting (OGM) voting delegate (Cr Peter Jensen as a proxy) voted on the motions listed on the agenda as put forward at the 14 April 2023 LGA OGM, in accordance with the voting guidance presented to Council at its 27 March 2023 meeting. Cr Jensen reported back on this as part of his Council Representative Update report at the 24 April 2023 Council meeting (agenda item GB 5).

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Mayor and CEO

2.2 External

2.2.1 LGA Secretariat

2.2.2 City of Onkaparinga Mayor and CEO

3. REPORT

- 3.1 On 3 February 2023, City of Salisbury submitted with the LGA secretariat proposed motions seeking further Local Government Reform:

3.1.1 Item 1

That the Ordinary General Meeting requests the LGA to work with the Office of Local Government to seek an amendment to further clarify the Conflict of Interest Provisions in the *Local Government Act 1999*, (the Act) by:

- resolving the confusing situation in relation to the Conflict of Interest Provisions for Elected Members appointed to external Boards by Council resolution and the exemption which currently only applies for General Conflicts of Interest (section 75A of the Act - General Conflict of Interest exemption if nominated for appointment by Council) and not for section 75 of the Act (Material Conflict of Interest when on governing body); and
- incorporating a specific qualified exemption or provision to accommodate being a patron of a community or sporting group (without being on the governing body).

3.1.2 Item 2

That the Ordinary General Meeting requests the LGA to form an LGA working group:

- to examine opportunities for councils to develop a collective approach to respond to the management of disruption at council meetings
- to review the Behavioural Standard for Council Members and associated Model Behavioural Management Policy to seek clarity and potential improved processes, incorporating the learnings of its first application.

- 3.2 LGA informed that due to its “*failed security protocol*”, the e-mail submitting the City of Salisbury proposed item of business was blocked by LGA and not received timely for assessment.

- 3.3 Since then, the Mayor and Acting CEO of City of Onkaparinga have been in communication with the City of Salisbury Mayor and CEO, on the potential of developing a joint submission of a proposed item of business seeking further local government reform, in particular in context of both councils' recent shared experiences with meeting disruptions and behaviours.
- 3.4 The City of Onkaparinga resolved at its 18 April 2023 Council meeting for a workshop to be convened on the topic "*next stage of reform*" *preserving a democratic local government sector in South Australia*".
- 3.5 At this point it is unclear what the City of Onkaparinga's position will be. In the interim, the City of Salisbury can form a working group to consider its own position. For these parts in common, the City of Salisbury and the City of Onkaparinga could then potentially collectively put the submission forward or be a seconder for the motion.

4. CONCLUSION / PROPOSAL

- 4.1 Council resolved for a report to be presented on the Motions put forward at the 14 April 2023 LGA OGM. This report executes this resolution. In addition, this report seeks a working group to be formed to prepare a draft submission for Council's consideration of a proposed item of business for the October LGA AGM on further items for Local Government Reform.