

Due to a number of apologies from Elected Members resulting in a lack of quorum, the Governance and Compliance Committee meeting did not proceed as scheduled.



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**19 JUNE 2023 AT CONCLUSION OF THE POLICY AND PLANNING 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 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 15 May 2023.

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee 9

For Decision

3.1.1 Review of Naming of Roads and Public Places Policy 11
3.1.2 Caretaker Policy 21

MOTIONS ON NOTICE

(THERE ARE NO MOTIONS ON NOTICE)

QUESTIONS ON NOTICE

(There are no Questions on Notice)

OTHER BUSINESS

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

CLOSE



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

15 MAY 2023

MEMBERS PRESENT

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

STAFF

A/Chief Executive Officer, Mr C Mansueto
General Manager City Development, Ms M English
Manager Environmental Health and Community Compliance,
Mr J Darzanos
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 7:05pm.

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

APOLOGIES

Apologies were received from Cr S Burner.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr D Hood
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee Meeting held on 17 April 2023, be taken as read and confirmed.

CARRIED
Unanimously

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr D Hood
Seconded Cr S McKell

That Council:

1. Notes the report.

CARRIED
Unanimously

For Decision

3.1.1 Review of Fraud, Corruption, Misconduct and Maladministration Prevention Policy

Moved Mayor G Aldridge
Seconded Cr L Brug

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).

CARRIED

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

Cr L Brug left the meeting at 07:07 pm.

3.1.2 Council Assessment Panel Terms of Reference and Sitting Fees

Moved Mayor G Aldridge

Seconded Cr D Hood

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

CARRIED

Cr L Brug returned to the meeting at 07:09 pm.

3.1.3 Salisbury Oval and Surrounds

Moved Cr D Hood

Seconded Mayor G Aldridge

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*).

CARRIED
Unanimously

For Information

3.2.1 LGA Ordinary General Meeting

Moved Cr K Grenfell
Seconded Cr L Brug

That 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 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.

CARRIED
Unanimously

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)

G&C-MWON1 – Pitman Park

Moved Cr D Hood
Seconded Cr P Jensen

That Council:

Requests the Administration to present a report to the Governance and Compliance Committee by August 2023 to seek Pitman Park declared as an alcohol free area under Council By-Laws, to reduce antisocial behaviours associated with the consumption of alcohol.

CARRIED
Unanimously

The meeting closed at 7:17pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	19 June 2023
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	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.

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:

Meeting Item	Heading and Resolution	Officer
27/06/2022 3.2.1	<p>Community Compliance Resources</p> <p>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.</p> <p>Due: November 2023</p>	John Darzanos
22/08/2022 MON1	<p>Motion on Notice: Elected Member Communication Process and Protocols</p> <p>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:</p> <p>a. significant Council infrastructure projects and initiatives.</p> <p>b. development our for public consultation within the City of Salisbury.</p> <p>c. Council public consultation initiatives.</p> <p>d. community events within the City of Salisbury.</p> <p>e. City of Salisbury media notifications</p> <p>Due: July 2023</p>	Helen Atkins
22/05/2023 G&C- MWON1	<p>Pitman Park</p> <p>1. Requests the Administration to present a report to the Governance and Compliance Committee by August 2023 to seek Pitman Park declared as an alcohol free area under Council By-Laws, to reduce antisocial behaviours associated with the consumption of alcohol.</p> <p>Due: August 2023</p>	John Darzanos

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	19 June 2023
HEADING	Review of Naming of Roads and Public Places Policy
AUTHOR	Assessment Manager, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents the Naming of Roads and Public Places Policy to Council for consideration and adoption. The Policy has been reviewed and no changes are required.

RECOMMENDATION

That Council:

1. Adopts the *Naming of Roads and Public Places Policy* as set out in Attachment 1 to this report (Governance and Compliance Committee 19 June 2023, Item No. 3.1.1).

ATTACHMENTS

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

1. Naming of Roads and Public Places Policy [↓](#)

1. BACKGROUND

- 1.1 The changing of names for roads and public places occurs infrequently and involves the consultation with affected parties and prescribed stakeholders.
- 1.2 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.3 The Naming of Roads and Public Places Policy was last reviewed in February 2021 and is now due for review.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Consultation with staff as to the continuing relevance of the policy and any changes that may be required.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 The Naming of Roads and Public Places Policy has been reviewed by the Policy Owner. No changes of substance are required at this time in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

- 4.1 The Naming of Roads and Public Places Policy as contained within Attachment 1 is recommended to Council for adoption.



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

Naming of Roads and Public Places Policy

Adopted by:	Council
Responsible Division:	Development Services
First Issued/Adopted:	24 May 2010
Last Reviewed:	22 February 2021 4
Next Review Date:	February 2025 3

1. Purpose

Council *must* assign a name to each public road created by land division.

It is Council's policy that all sealed public roads and all formed public roads within the Council area that are regularly accessed will be assigned a name. This does not include 'unmade' road reserves.

All formed private roads that are accessible to the public (with the exception below) will also be assigned a name. This includes roads within complexes such as universities, hospitals, retirement villages, and roads in forests or parks etc. Private roads with five or less property addresses do not need to be named. In these cases address numbers will be assigned off the road that the private road connects to.

All roads that can be used as part of an address for an address site will be assigned a name.

Road name signs that identify each public road will, as far as practicable, be placed at every road intersection and will clearly indicate the road to which it applies.

2. Scope

This policy applies to all sealed public roads, all formed public roads within the Council area that are regularly accessed, all formed private roads that are accessible to the public (subject to specified criteria) and public places within the City of Salisbury.

3. Legislative Requirements and Corporate Policy Context

Local Government Act 1999 (Section 219)

4. Interpretation/Definitions

Nil

5. Policy Statements

5.1 Initiating the Road and Public Place Naming Process

A road naming or public place naming process may be initiated if:

- a request is received by the Council from a Government agency (such as DIT);
- a request is received by the Council from an affected land owner or their agent;
- Council resolves that a name change be investigated;
- Council staff determine it is in the public interest to investigate a change in road name;
- Council opens or forms a road or public place; or
- Council receives an application for a land division.

5.2 Names of Roads and Public Places

In the naming and renaming of public roads or public places, the following principles will be observed.

5.2.1 Uniqueness

- a) A road or public place will have only one name.
- b) A road name will be unique within an official suburb, postcode or rural locality. Duplicate road names within a suburb/locality will be resolved in order to avoid confusion (eg emergency services response).
- c) Roads that are maintained by the Department for Infrastructure and Transport (DIT) will be named by DIT. Council will consult with DIT in relation to naming these roads.
- d) Duplicate names and similar sounding names (e.g. Paice, Payce or Pace Roads) within a suburb or locality will be avoided where possible.
- e) If possible, duplication of names in proximity to adjacent suburb or locality will also be avoided. However, roads crossing Council boundaries should

have a single and unique name.

- f) Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

5.2.2 Name Sources

Sources for road names or public places may include:

- Aboriginal names taken from the local Aboriginal language;
- early explorers, pioneers, and settlers;
- eminent persons;
- local history;
- thematic names such as flora, fauna, ships etc;
- war/casualty lists; and
- commemorative names.

Names will be selected so as to be appropriate to the physical, historical or cultural character of the area concerned.

The local Aboriginal community will be consulted when choosing Aboriginal names or using words from relevant Aboriginal languages.

5.2.3 Propriety

Names of living persons will be avoided.

Names, which are characterised as follows, will not be used.

- Offensive or likely to give offence;
- Incongruous - out of place; or
- Commercial or company.

5.2.4 Communication

Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.

Unduly long names and names composed of two or more words should be avoided:

- a given name will only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names will generally be avoided;
- whilst street and cul-de-sac names should have only one word, it is recognised that some roads require a two word name because of their geographic relationship e.g. Proof Range Road;
- roads with double destination names will be avoided.

5.2.5 Spelling

Where it is intended that a road have the same name as a place or feature with an approved geographical name, particular care will be taken to ensure that the correct spelling of the official place name is adopted as shown in the State Gazetteer.

Where the spelling of names has been changed by long established local usage, unless there is a particular request by the local community to retain the original name, the spelling that is sanctioned by general usage will be adopted.

Generally road names proposed or approved will not contain abbreviations e.g. the "Creek" in "Wallaby Creek Road" must not be abbreviated. There are, however, two exceptions, "St" will always be used in place of "Saint" and it is acceptable to use "Mt" for "Mount".

5.2.6 Form

The apostrophe mark ' will be omitted in the possessive case e.g. "Smith's Road" will be "Smiths Road".

Names will avoid the use of the possessive "s" unless the euphony becomes harsh e.g. "Devil Elbow".

The use of hyphens will be avoided. However, hyphens may be used when naming a road after a person with a hyphenated name.

5.2.7 Type of Road

Road names will include an appropriate road type suffix conforming to the following guidelines:

- The suffix chosen will be compatible with the class and type of road. Assistance to both the motorists and pedestrians is a major consideration in choosing the suffix.
- When a suffix with a geometric or geographic connotation is chosen it will generally reflect the form of the road, eg,
 - Crescent - a crescent or half-moon, re-joining the road from which it starts;
 - Esplanade - open, level and often along the seaside or a river.
- For a cul-de-sac use Place, Close, Court or a suffix of similar connotation.
- Highway (HWY) will be specifically reserved for roads associated with the state arterial road network. Its use will be restricted to roads of strategic importance constructed to a high standard.

The following list of suitable road type suffixes is included as examples. [The list has been sourced from Australian Standards AS 1742.5 - 1986 and AS4212 - 1994. An expanded road type list and acceptable abbreviations can be sourced from AS 4590:2006. In most instances the connotations are clear but where necessary a definition can be checked in a dictionary.] Only road types shown in the standards documents will be used.

Alley	Avenue	Boulevard	Bypass
Circle	Circuit	Circus	Close
Court	Crescent	Drive	Arcade
Grove	Lane	Mews	Parade
Parkway	Place	Plaza	Promenade
Road	Row	Square	Street
Terrace	Walk	Way	

5.2.8 No Prefix or Additional Suffix

The use of a compass point prefix/suffix or an additional suffix such as “north” or “extension” will be avoided, particularly where new roads are to be named. Where an existing road is subsequently bisected as a result of traffic management planning or some other reason, it may be appropriate to delineate each half of the road by the addition of a compass point suffix for the purposes of assisting the community and the emergency services to locate the appropriate part of the road.

5.3 Naming of Private Roads

This policy covers all formed roads that are regularly accessed and therefore includes private roads. Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name. Where Council proposes to assign a name to a private road it will consult with the owner of the land over the proposed name and the signage requirements for the road.

5.4 Consultation with Adjoining Councils

If a Council decides to change the name of a public road that runs into the area of an adjoining Council, the Council will give the adjoining Council at least two months’ notice of the proposed change and consider any representations made by the adjoining Council in response to the notice. [See section 219(2) of the Local Government Act 1999]

5.5 Public Notice of Name Assignment or Change

Council will give public notice of the assigning or changing of a road name or public place. This will be by publication in the Government Gazette and by notice in a newspaper circulating generally throughout the State, as required under the Local Government Act 1999. Public notice will include the date that the new name takes effect and notice will also be published on the Council's website www.salisbury.sa.gov.au.

Public consultation is not required where a name is being assigned to a new road created via a land division. When Council is approving names proposed by applicants for land division, consideration will be given to the provisions of this policy.

5.6 Advise Relevant Parties of New Name or Name Change

Council will provide written notice (e.g. by email) of Council's decision on a new road name or name change to all relevant parties, including:

- Registrar-General;
- Surveyor-General;
- Valuer-General [see section 219(3)(a) of the *Local Government Act 1999*];
- the owner of the road (if a private road);
- owners of abutting properties;
- Australia Post;
- Telstra;
- SA Water;
- SA Power Networks;
- SA Police;
- SA Ambulance Service; and
- SA Metropolitan Fire Service and/or Country Fire Service.

5.7 Date of Effect for New Names or Name Changes

The date of effect of the new or changed road name or public place will be determined at the time the decision to assign the name is made so as to allow sufficient time for all stakeholders to make arrangements to ensure a smooth transition.

The date of effect will be determined after considering:

- In respect of renaming an existing road, the impact on existing property owners, residents, tenants and occupiers. For example the time required to advise relevant parties to change letterhead stationery and advertising references;

- Potential confusion for people using maps and street directories that effectively become out of date; and
- The desire of some developers to sell property 'off the plan' and the opportunity for new owners to know their future address at an early stage.

Council will update the Register of Public Roads as required by section 231 of the *Local Government Act 1999*.

5.8 Road Name Signage

Council will ensure road naming signage in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected. (Signage may be erected during construction of a sub-division).

Note: Signage for State road names is the responsibility of DIT.

5.9 Monitor and Review of Policy

This policy will be regularly monitored and reviewed every 2 years, or more frequently as required. Public notice will be given of adopting or altering this policy. [See section 219(7) of the Local Government Act 1999]

6. Related Policies and Procedures

City of Salisbury Delegations Manual

7. Approval and Change History

Version	Approval Date	Approval By	Change
5	22/02/2021	Council	Nil

8. Availability

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

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

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

9. Review

This Policy will be reviewed in February 202~~3~~⁵.

Further Information

For further information on this Policy please contact:

Responsible Officer: Assessment Manager

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: city@salisbury.sa.gov.au

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	19 June 2023
HEADING	Caretaker Policy
AUTHOR	Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY Council resolved at its meeting held on 31 January 2023 to create a working group including the Chair of Governance and Compliance Committee, the Mayor, Cr Grenfell and appropriate administration staff to give further consideration to the Caretaker Policy. This report provides the opportunity for Council to consider the Caretaker Policy following input from the working group. The policy implements the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999*.

RECOMMENDATION

That Council:

1. Adopts the Caretaker Policy, set out in Attachment 1 to this report (Item No. 3.1.2 Governance and Compliance meeting, 19 June 2023).

ATTACHMENTS

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

1. Caretaker Policy [↓](#)

1. BACKGROUND

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

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Working Group consisting of Mayor, Deputy Mayor, Chair of the Governance and Compliance Committee, Cr Grenfell, Chief Executive Officer and Manager Governance.

3. REPORT

3.1 The current policy is based on the LGA Model Policy which was developed in December 2021 to reflect the changes under the *Statutes Amendment (Local Government Review) Act 2021*.

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

3.3 Caretaker policies must at a minimum:

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

3.4 Following a Motion on Notice, Council resolved at its meeting held on 28 November 2022:

That the Caretaker Policy be brought to the January 2023 Governance and Compliance Committee Meeting for consideration.

3.5 Council resolved at its meeting held on 31 January 2023 to:

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.

3.6 The Caretaker policy has been updated to include all recommendations from the working party.

3.7 For ease of review, the track changes highlight the proposed amendments in the Caretaker Policy, Attachment 1 to this report.

3.8 All councils are required to update their Caretaker Policy in early 2026, prior to the 2026 Local Government periodic elections.

4. CONCLUSION / PROPOSAL

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



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

Caretaker Policy

Adopted by:	Council
Responsible Division:	CEO and Governance
First Issued/Adopted:	2011
Last Reviewed:	28 February June 2022 2023
Next Review Date:	To align with upcoming election January 2026

1. ~~Introduction~~ Purpose

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

2. Scope

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

2.21 This Policy applies to:

2.21.1 The Council; Elected Members and

2.2.2 Council staff.

2.3 This Policy does not apply to Supplementary elections.

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

Election Period:

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

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: Indent: Left: 0 cm, First line: 0 cm

3. Legislative Requirements

3.1 *Local Government Act 1999*

3.2 *Local Government (Elections) Act 1999*

4. Interpretation/Definitions

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

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

Council resources may include:

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

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

Designated decision means a decision:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer

- or to suspend the Chief Executive Officer for serious and wilful misconduct;
- (b) to terminate the appointment of the Chief Executive Officer;
 - (c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:
 - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004* (SA), or under section 298 of the *Local Government Act 1999* (SA);
 - (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;
 - (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);
 - (iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or
 - (v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or

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

General election means a general election of council members held:

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

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

5. Policy Statements

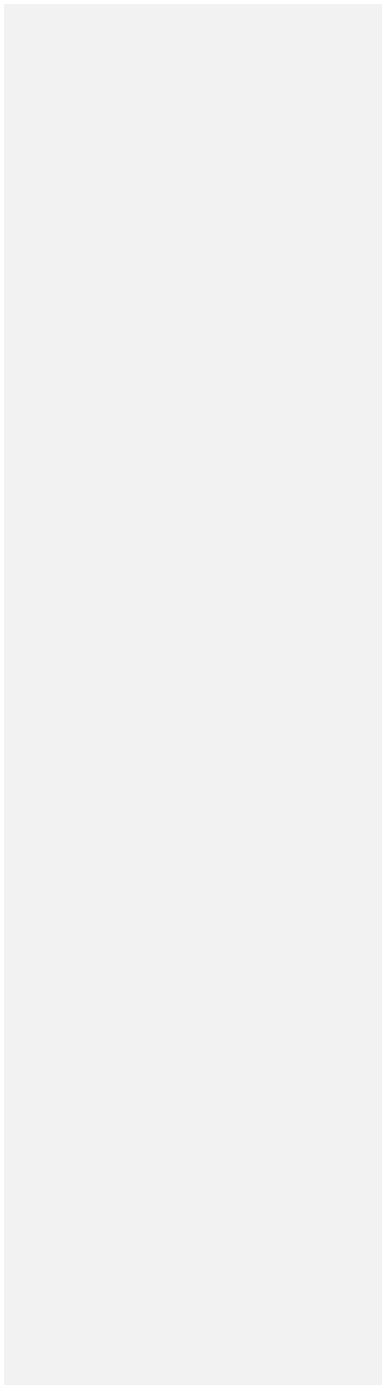
5.1 PROHIBITION ON DESIGNATED DECISIONS

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

5.1.2 A decision of the Council includes a decision of:

- A Committee of Council; and
- A delegate of Council.

|



5.2 PROHIBITION ON THE USE OF COUNCIL RESOURCES

Formatted: Indent: Left: 0 cm, First line: 0 cm

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

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

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

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

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

5.2.5 The use of existing Councillor position title is allowed however, Elected Members will not use their position as an elected representative to gain media attention or support of their election campaign.

5.3 APPLICATION FOR EXEMPTION

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

to enable the making of a designated decision that would otherwise be invalid under section 91A of the *Local Government (Elections) Act 1999* and this policy.

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

5.4 TREATMENT OF OTHER SIGNIFICANT DECISIONS

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

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

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

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

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

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

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

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

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

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

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

5.5 CONTINUING THE FUNCTIONS OF THE COUNCIL DURING THE CARETAKER PERIOD

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

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

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

5.6 CONSEQUENCES OF CONTRAVENING THIS POLICY

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

5.6.2 Pursuant to section 91(A)(6) of the *Local Government Elections Act 1999*, any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this Policy is entitled to compensation from the Council for that loss or damage.

~~5.6.3 Disciplinary consequences or prosecutions may result for a breach of this Policy or the *Local Government Elections Act 1999*.~~

Formatted: Font: Italic

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

6. Complaint handling during Caretaker period

~~Any breach of this policy in relation to staff conduct will be referred to the Chief Executive Officer.~~

~~Any complaints against an Elected Member who is also a candidate for re-election in relation to Behavioural Standards for Council Members will not be determined by Council during the Caretaker period.~~

~~The Chief Executive Officer, upon receiving a complaint against an Elected Member who is also a candidate for re-election in relation to their conduct in relation to this Policy, will assess and investigate in accordance with the process outlined in the Behavioural Management Policy.~~

~~Complaints in relation to Behavioural Standards during the Caretaker period will be referred to the relevant agency depending on the nature of the complaint.~~

~~The Electoral Commissioner investigates any breach of the *Local Government (Election) Act 1999*.~~

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: Font: Italic

7. Related Policies and Procedures

6.1 ~~Behavioural Management Policy~~

6.2 ~~Code of Conduct for Council Employees~~~~Caretaker Guidelines, December 2021-~~~~Local Government Association (included as an attachment to this Policy)~~~~LGA Guidelines removed.~~

Formatted: Font: Italic

8. Approval and Change History

Version	Approval Date	Approval By	Change
4	28 February 2022	Council	Various changes as a result of LG reform

5 June 2023 Council Legislative review
and updated to
reflect changes

8. Availability

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

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

9. Review

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

Further Information

For further information on this Policy please contact:

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