



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**16 OCTOBER 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 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
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 18 September 2023.

REPORTS

Administration

3.0.1	Future Reports for the Governance and Compliance Committee	7
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For Decision

3.1.1	Voting Advice to Council Delegate for the Local Government Association Annual General Meeting - 26 October 2023	9
3.1.2	Policy Review - Safe Environment for Children and Vulnerable People Policy.....	17
3.1.3	Council Assessment Panel - Increasing Female Candidates	37
3.1.4	Consideration of Adoption of Employee Behavioural Standards	41

QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice.

OTHER BUSINESS

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

CLOSE



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

34 CHURCH STREET, SALISBURY ON

18 SEPTEMBER 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

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

The meeting commenced at 7:26pm.

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

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr L Brug

The Minutes of the Governance and Compliance Committee Meeting held on 21 August 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 D Hood

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY

For Decision

3.1.1 Policy Review - Disposal of Assets other than Land

Moved Mayor G Aldridge
Seconded Cr S McKell

That Council:

1. Adopts the revised Disposal of Assets other than Land Policy as set out in Attachment 1 to this report (Item No. 3.1.1, Governance and Compliance Committee 18 September 2023).

CARRIED
UNANIMOUSLY

3.1.2 Policy Review - Procurement Policy

Moved Cr K Grenfell
 Seconded Cr L Brug

That Council:

1. Adopts the revised Procurement Policy as set out in Attachment 1 to this report (Item No. 3.1.2, Governance and Compliance Committee 18 September 2023).

CARRIED
UNANIMOUSLY

QUESTION 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 7:32pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 October 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. DISCUSSION

- 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
22/05/2023 G&C-MWON1	Pitman Park 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. Due: October 2023 Revised: November 2023 Reason: Investigations are still occurring in relation to whether a declaration of an alcohol-free area under Council By-Laws or an extension of the City of Salisbury Dry Zone would be preferable.	John Darzanos

4. CONCLUSION

- 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	16 October 2023
HEADING	Voting Advice to Council Delegate for the Local Government Association Annual General Meeting - 26 October 2023
AUTHOR	Michelle Woods, Projects Officer 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 items to be considered at the Local Government Association Annual General Meeting (LGA AGM) to be convened on Thursday 26 October 2023 and provides guidance to allow Council to instruct its delegate how to vote in relation to each agenda item.

RECOMMENDATION

That Council:

1. Authorises its Local Government Association (LGA) Annual General Meeting (AGM) voting delegate (Deputy Mayor, Cr Chad Buchanan or Cr Peter Jensen as proxy) to use discretion when voting on the items presented at the upcoming LGA AGM on 26 October 2023, except for those items for which Council would specifically resolve otherwise.

ATTACHMENTS

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

1. LGA AGM - 26 October 2023 Draft Voting Guidance[🔗](#)

1. BACKGROUND

- 1.1 Prior to each LGA Ordinary General Meeting (OGM) and Annual General Meeting (AGM), the items of business being considered are presented to Council for consideration, including a summary and voting guidance for each agenda item, based on advice from the Chief Executive Officer (CEO).

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Voting Guidance contained within this report are as a result of discussions between the CEO and Manager Governance.

2.2 External

- 2.2.1 Not applicable.

3. DISCUSSION

- 3.1 Due to the size of the agenda (233 pages), a hard copy of the full agenda is not distributed to all Elected Members. Deputy Mayor, Cr Chad Buchanan, current voting delegate and Cr Peter Jensen (proxy delegate), have been provided a copy of the agenda.
- 3.2 The full agenda contained within an LGA News Item was circulated by email to Elected Members on 21 September 2023.
- 3.3 Advice was also distributed to Elected Members on 10 October 2023 of the LGA Conference and AGM Program for those Members wishing to attend.
- 3.4 Attachment 1 to this report contains a list of each of the recommendations to be considered at the LGA AGM taking place on Thursday, 26 October 2023.
- 3.5 This list also includes the associated guidance regarding the voting position for the City of Salisbury.

4. CONCLUSION

- 4.1 Council is asked to review the items listed in Attachment 1 and authorise the voting delegate on the voting position.

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING

Thursday 26 October 2023, 10.00am, Adelaide National Wine Centre

Item No	Item Description	Agenda Page No	CEO Guidance
6.	LGA Business		
6.1	LGA Annual Report 2022/2023 <i>That the Annual General Meeting receives and notes the Local Government Association of South Australia's Annual Report for the year 2022-23.</i>	19	Support
6.2	LGA Financial Statements 2022/2023 <i>That the Annual General Meeting receives and adopts the LGA of SA and controlled entities Financial Statements for the year 2022/23.</i>	20	Support
6.3	Annual Reports of LGA Committees <i>That the Annual General Meeting receives and notes the Annual Reports for the year 2022-23 of the following Committees established under the LGA Constitution:</i> a) Greater Adelaide Regional Organisation of Councils (GAROC) b) South Australian Regional Organisation of Councils (SAROC) c) CEO Advisory Group d) Local Government Research and Development Scheme e) Special Local Roads Program	73	Support
6.4	LGASA Mutual Annual Report 2022/2023 <i>That the Annual General Meeting receives and notes the LGASA Mutual Annual Report for the year 2022-2023.</i>	123	Support
6.5	LGA Procurement Annual Report 2022/2023 <i>That the Annual General Meeting receives and notes the LGA Procurement Annual Report for the year 2022-2023.</i>	126	Support
6.6	Local Government Financial Indicators 2023 <i>That the Annual General Meeting receives and notes the report.</i>	142	Support

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING

Thursday 26 October 2023, 10.00am, Adelaide National Wine Centre

6.7	LGA Board and Committee Member Allowances & Expenses <i>That the Annual General Meeting:</i> <ol style="list-style-type: none"> Approves the updated Board and Committee Allowances and Expenses policy Approves the current Board Members receiving: <ul style="list-style-type: none"> an increase in the allowance of 9.0%, noting that the last increase was in 2017, which represents an annual increment of 1.5% compared to an average CPI increment of 3.5% over the same period. the increase to be effective following the 2023 Annual General Meeting resulting in an additional expense of \$5,284 in 2023/24. Notes that an independent review to establish a benchmark for future increments is underway, with recommendations to be presented at the Ordinary General Meeting in 2024 and, subject to member approval, to commence after the October 2024 Annual General Meeting. 	152	Support OR Amendment: Adopt policy but bring forward the independent review and use that to inform subsequent decision?
6.8	SAROC & GAROC Terms of Reference <i>That the Annual General Meeting ratifies the LGA SAROC Terms of Reference and LGA GAROC Terms of Reference.</i>	162	Support in context of an independent consultant being engaged to review the constitution and terms of reference, which will result in subsequent changes for Councils' consideration.

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING

Thursday 26 October 2023, 10.00am, Adelaide National Wine Centre

7.	RECOMMENDATION REPORTS FROM THE SAROC COMMITTEE		
7.1	ESCOSA Fee Structure (District Council Orroroo Carrieton) <i>That the Annual General Meeting request the Local Government Association (LGA) Secretariat to advocate to the Essential Services Commission SA (ESCOSA) for a change to the cost structure being applied to the Strategic Management Plan Advice Scheme, conducted by ESCOSA pursuant to section 122 of the Local Government Act 1999, to an approach that has costs allocated to councils on a proportional basis consistent with the value assigned to votes of delegates of the LGA at an LGA General Meeting (as set out in clause 17 of the LGA Constitution).</i>	190	Support. Whilst a scaled approach may be costlier for larger Councils, it allows for a more equitable approach. Potential amendment to seek LGA to look at alternative models to calculate the cost.
7.2	Youth participation in post-secondary education - Youth Allowance Eligibility criteria (City of Mt Gambier) <i>That the Annual General Meeting request that the Local Government Association:</i> <ol style="list-style-type: none"> <i>Amend its Policy Manual to recognise and advocate on factors that impact regional youth participation in post-secondary education in light of skills shortages and localised social and economic impacts for regional communities; and</i> <i>Advocate for removal of the parental income test as a qualifying criterion for Youth Allowance eligibility for regional students relocating to pursue post-secondary education, and other measures that encourage youth/regional participation in further education.</i> 	198	Support. Can be delivered within existing LGA resources.

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING

Thursday 26 October 2023, 10.00am, Adelaide National Wine Centre

8.	RECOMMENDATION REPORTS FROM THE GAROC COMMITTEE		
8.1	SAPN Dispute Regarding Tree Management (City of Marion) <i>That the Annual General Meeting:</i> <ol style="list-style-type: none"> 1. Requests that the LGA support with coordination and advocacy to reconcile the Electricity Regulations, which suppress canopy coverage, with the state government targets set to increase canopy coverage; and 2. Notes that if the item is approved by members at the 2023 LGA Annual General Meeting, the LGA Secretariat would undertake the following activities: <ol style="list-style-type: none"> a) the LGA writes to the Minister for Energy and Mining and the Minister for Climate, Environment and Water about the barrier imposed by the Electricity (Principles of Vegetation Clearance) Regulations 2021 to the State Government in achieving its urban greening agenda; and b) the LGA continues its current advocacy through existing channels with SAPN and Green Adelaide, and takes advantage of other potential avenues which may arise, to support these changes to the Regulations. 	203	Support. The 30 year plan for Greater Adelaide sets targets for Councils to achieve certain increases in tree canopy cover, but the State Government's Regulations limit Councils' ability to achieve these targets.
8.2	Animal Impounding/Rehoming (Port Adelaide Enfield) <i>That the Annual General Meeting requests that the LGA:</i> <ol style="list-style-type: none"> 1. Investigate the current capacity/rehoming issues for dogs and cats currently faced by South Australian Councils; and 2. Undertake a scoping study into all potential animal pound and rehoming models, including the feasibility of a state-wide impounding and rehoming facility and associated services, considering the costs and risks with each model and how this could be practically implemented to meet the needs of regional and metropolitan Councils. 	211	Support. Recent capacity issues at the AWL and RSPCA highlight the fragility of Council's current practices. If no action is taken by the LGA in this area Councils across the state may struggle to provide animal management services to the community for dogs and cats.

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING

Thursday 26 October 2023, 10.00am, Adelaide National Wine Centre

8.3	Reducing Heat Island impacts on Road Infrastructure (Campbelltown City Council) <i>That the Annual General Meeting:</i> <ol style="list-style-type: none"> 1. Requests the LGA advocate to the Department for Infrastructure and Transport to seek the Department's commitment to reducing the heat island impact on their road assets, including a review of current technical documentation (operational Instructions) to consider greater flexibility to support greening initiatives whilst not compromising vehicle safety, and partnering with Councils to cost share works undertaken (including ongoing maintenance); and 2. Notes that if the Item is approved by members at the 2023 Annual General Meeting, the LGA Secretariat would write to the Minister for Infrastructure and Transport as well as the Minister for Climate, Environment and Water seeking support for ongoing review of the Operational Guideline to consider greater flexibility to encourage greening initiatives while not compromising vehicle safety on roads managed by the Department for Infrastructure and Transport. 	218	Support. This activity is not currently anticipated in the LGA's work program, but can be accommodated within existing resources.
8.4	Conflict of Interest Regional Subsidiary (Town of Gawler Council) <i>That the Annual General Meeting requests the LGA to lobby the State Government to undertake legislative reform to enable Council Member appointees to subsidiaries to remain in a meeting, participate and vote in a matter being considered by council or a committee, where the outcome would result in a benefit or loss for the subsidiary; rather than the current legislative obligation that appointees must declare a material conflict of interest.</i>	224	Support (NAWMA experienced this issue). Or alternatively: if we are happy with more clarity provided in the Guidelines: not support (considering the resources required by the LGA).
9.	RECOMMENDATION REPORTS FROM THE LGA BOARD OF DIRECTORS		
9.1	Nil		

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 October 2023
HEADING	Policy Review - Safe Environment for Children and Vulnerable People Policy
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.5 We engage meaningfully and our community is aware of Council initiatives 1.3 People are valued and they feel safe, included and connected
SUMMARY	This report provides the opportunity for the Governance and Compliance Committee to consider the draft Safe Environment for Children and Vulnerable People Policy.

RECOMMENDATIONThat Council:

1. Adopts the Safe Environments for Children and Vulnerable People Policy as set out in Attachment 2 to this report (Item No. 3.1.2 Governance and Compliance Committee 16 October 2023).

ATTACHMENTS

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

1. Current Safe Environments Policy [1](#)
2. Updated Safe Environments for Children and Vulnerable People Policy [1](#)

1. BACKGROUND

- 1.1 Children, young people and vulnerable adults are frequent and welcome users of City of Salisbury spaces and services and this Policy acknowledges the distinct obligations that apply to the City of Salisbury, staff and partner organisations to ensure that all people can engage in approved activities and spaces safely.
- 1.2 The *Children and Young People (Safety) Act 2017* and *Child Safety (Prohibited Persons) Act 2016* require organisations to provide child safe environments.
- 1.3 To meet the obligations of the *Children and Young People (Safety) Act 2017*, organisations must:
 - 1.3.1 Have a child safe environments Policy in place
 - 1.3.2 Meet the South Australian working with children check obligations and
 - 1.3.3 Lodge a child safe environments compliance statement with the Department of Human Services.

2. EXTERNAL CONSULTATION/COMMUNICATION

- 2.1 Department of Human Services
- 2.2 Local Government Association (LGA).

3. DISCUSSION

- 3.1 The purpose of the Policy is to state Council's commitment to creating and maintaining a safe environment that promotes and enhances the safety and welfare of Children, young and other vulnerable people in the community who access our services or participate in programs developed by or on behalf of Council.
- 3.2 The City of Salisbury has clear statutory obligations where services or activities are being delivered directly to children or young people and must ensure that staff involved have valid working with children checks these obligations and processes are set out in the Policy.
- 3.3 This policy will support all staff at the City of Salisbury to effectively respond and consistency apply legislative and funder requirements in relation to the safety of children and vulnerable people.
- 3.4 The Policy update ensures it aligns with the National Principles that replaced the former South Australian Department of Human Services Principles of Good Practice from 1 July 2021.
- 3.5 The Policy has been updated in the new template and the following changes have been incorporated:
 - 3.5.1 The definitions section has been expanded to provide more clarity.
 - 3.5.2 Risk Management has been included, which aligns to the National Principles and the LGA Model Guidelines.
 - 3.5.3 Updated references from the Child Safe Environments Principles of Good Practice, Government of South Australia 2019 to the National Principles for Child Safe Organisations 2021.
 - 3.5.4 Incorporation of mandatory reporting obligations and workers responsibilities and legal obligations
 - 3.5.5 Key principles included to describe appropriate recruitment, selection, and training and awareness for workers providing services to children
 - 3.5.6 Inclusion of reporting obligations and information sharing responsibilities.

4. CONCLUSION

- 4.1 The Safe Environment for Children and Vulnerable People Policy as contained in Attachment 2 to this report is recommended to Council for adoption.



Safe Environment Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	1169, 2008/1169, 2011/413, 2013/1686, 2015/748, 2018/2538, 2019/0166, 0954/2021
Approval Date:	25 August 2008	Last Reapproval Date:	24 May 2021
Review Date:	May 2023	Internal Reference No.:	
Department:	Community and Organisational Development	Division:	Community Capacity and Learning
Function:	2 - Community Relations	Responsible Officer:	Manager Community Capacity and Learning

A - PREAMBLE

1. The City of Salisbury provides a broad range of facilities and programs throughout the City intended for community access and use. These facilities and programs support the community, providing both resources and access to services. By clearly stating the rights and responsibilities of all users, Council aims to ensure the maximum participation and enjoyment of these facilities by everyone.

B - SCOPE

1. This policy applies to all facilities, services and programs offered by the City of Salisbury, its staff, contractors and volunteers.

C - POLICY PURPOSE/OBJECTIVES

1. This policy confirms the City of Salisbury's commitment to providing safe and supportive community facilities. It outlines the rights and responsibilities of staff and all persons using Council facilities or participating in a community program or event.

D - DEFINITIONS

1. For the purpose of this document, employees, volunteers, contractors and labour hire personnel will be referred to as "those engaged" or "persons engaged".
2. **Authorised Officer** – an employee of the City of Salisbury who has been appointed under s. 260 of the *Local Government Act 1999* as an Authorised Officer.
3. **Facility** - includes, but is not limited to, the Salisbury Community Hub, City of Salisbury libraries, recreation centres and community centres, and includes both the buildings and associated outdoor space such as car parks.

E - POLICY STATEMENT

Rights and Responsibilities of the City of Salisbury

1. The City of Salisbury is committed to providing facilities, services and social and community programs where all people feel respected, valued and encouraged to reach their full potential. It will make every effort to provide a safe and supportive environment within its programs and facilities.
2. The City of Salisbury will provide facilities that are designed to meet community expectations, be fit for purpose and provide an attractive and welcoming environment. Any equipment that is provided is maintained to ensure that it is both fit for purpose and meets appropriate standards.
3. The City of Salisbury endorses the principle that 'environmental' and 'building' design has and can contribute significantly to creating safe environments.
4. In order to ensure all users feel safe and supported, each facility has requirements of appropriate behaviour by the users of the facility and/or equipment provided. These are stated in their Conditions of Entry and/or Code of Conduct which are prominently displayed, or made available, within the facility.
5. Council has the right to refuse entry to persons behaving in a manner that is aggressive and/or, threatening or indicates that a person is under the influence of alcohol or drugs.
6. Where a user or users of a facility or equipment behave(s) in a manner that is contrary to the Conditions of Entry and/or Code of Conduct, an authorised officer of the City of Salisbury has the right to ask that person to leave the facility. Failure to follow this direction will result in further action as outlined in the Individual Facilities Policies – Conditions of Entry Guidelines.

Rights and Responsibility of Users

1. All users of Council facilities and equipment are required to respect the rights of others and to use the facilities and equipment only for the purpose intended. Where facilities or equipment are damaged, users should report the damage to the appropriate persons engaged as soon as possible.
2. Users have the responsibility to follow the reasonable directions of staff and to abide by the facility's Conditions of Entry and/or Codes of Conduct.
3. All users of Council facilities have the right to appeal against a decision that affects their access to facilities and programs and should contact the Community and Organisational Development Department of Council in the first instance.

F - LEGISLATION

1. *Local Government Act 1999*
2. *Children and Young People (Safety) Act 2017*
3. *Young Offenders Act 1994 (SA)*
4. *Adoption Act 1988*
5. *Family Law Act 1975*
6. *Children and Young People (Safety) Regulations 2017*
7. *Family and Community Services Act 1972 (SA)*
8. *By-Law No. 4 - Local Government Land.*
9. *Summary Offences Act 1953*
10. *Work Health and Safety Act 2012 (SA)*

G – REFERENCES

1. Child Safe Environments: Principles of Good Practice, Government of South Australia, Department of Human Services, 2019

H - ASSOCIATED POLICIES/PROCEDURES

1. City of Salisbury Protecting Children and Vulnerable People Policy
2. City of Salisbury Peak Work Health and Safety and Return to Work Policy
3. City of Salisbury Internal Review of Council Decisions Policy
4. City of Salisbury Volunteer Management Policy
5. City of Salisbury Occupational Violence Policy

Document Control

Document ID	Safe Environment Policy
Prepared by	Jo Cooper
Release	8
Document Status	Endorsed
Date Printed	



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

Safe Environment for Children and Vulnerable People Policy

Adopted by:	Council
Responsible Division:	Business Excellence – People & Culture
First Issued/Adopted:	2008
Last Reviewed:	March 2023
Next Review Date:	March 2025

1. Purpose

- 1.1 The City of Salisbury regards the interests of children, young, aged and other vulnerable people in our community as of paramount importance and acknowledges that all forms of, harm or risk of harm or behaviours which place children, young, aged and other vulnerable people at risk are abhorrent and must not be tolerated or ignored.
- 1.2 The actions and commitments outlined below recognises that the City of Salisbury has a role to play in fostering a safe environment and contributing to a whole of community effort to protect children, young, aged and other vulnerable people from harm, risk of harm, unprofessional behaviour or any form of illegal treatment.

2. Scope

- 2.1 This policy extends to all children, young, aged and other vulnerable people who use the services, programs and facilities of the City of Salisbury.
- 2.2 Responsibility for ensuring that the requirements set out in this policy are met will rest with all workers who provide services to children, young, aged and other vulnerable people and those who manage workers providing these services.

3. Legislative Requirements and Corporate Policy Context

- 1. Children and Young People (Safety) Act 2017 (SA) and Young People (Safety) Regulations 2017 (SA)
- 2. Child Safety (Prohibited Persons) Act 2016 (SA) and Child Safety (Prohibited Persons) Regulations 209 (SA)
- 3. National Principles for Child Safe Organisations (the National Principles)
- 4. Criminal Law Consolidation Act 1935 – Section 64A & 65 (penalties for failure to report child sex abuse)
- 5. Sex Discrimination Act 1992 (Cth)
- 6. Disability Discrimination Act 1992 (Cth)
- 7. Disability Inclusion Act 2018 (SA)
- 8. Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014 (SA)
- 9. National Disability Insurance Scheme Act 2013, National Disability Insurance Scheme (Practice Standards-Worker Screening) Rules 2018, National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018, and National Disability Insurance Scheme (Code of Conduct) Rules 2018.
- 10. Racial Discrimination Act 1975 (cth)
- 11. Equal Opportunity Act 1984 (SA)
- 12. Australian Human Rights Commission Act 1986 (cth)
- 13. Aged Care Accountability Principles 2014 and Aged Care Quality Standards
- 14. Aged Care Legislation Amendment (Incident Management and Reporting) Instrument 2022
- 15. Ageing and Adult Safeguarding Act 1995 (SA) and Ageing and Adult Safeguarding Regulations 2019 (SA)
- 16. Aged Care Act 1997
- 17. South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults.

4. Interpretation/Definitions

4.2. "At Risk" includes where:

- a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected); or
- c) there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of:
 - i. being subjected to a medical or other procedure that would be unlawful if performed in South Australia (including, female genital mutilation); or
 - ii. taking part in a marriage ceremony that would be a void marriage, or would otherwise be an invalid marriage, under the *Marriage Act 1961 (cth)*; or
 - iii. enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in South Australia, constitute an offence against the *Criminal Law Consolidation Act 1935 (SA)* or the *Criminal Code (cth)*; or
- d) the parents or guardians of the child or young person:
 - i. are unable or unwilling to care for the child or young person; or
 - ii. have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or
 - iii. are dead, or
- e) the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- f) the child or young person is of no fixed address; or
- g) any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.

4.3. "Child or young person" refers to a person under 18 years of age.

4.4. **"Worker"** refers to all Council employees, volunteers, contractors, labour hire personnel and consultants, apprentices, trainees or work experience students. In this context the term "contractors" or "consultants" refers only to those persons who are specifically notified within the terms of their engagement of an obligation to be bound by the terms of this and other Council policies.

4.5. **"Screening"** involves obtaining information about relevant existing or potential workers for the purposes of assessing the initial and ongoing suitability of a person to work or volunteer with children, young, aged and other vulnerable people.

Information gathered may include details concerning previous employment and relevant experience verification of qualifications and professional registration, criminal history information, reference checks and work history reports.

4.6. **"Harm"** – means physical harm or psychological harm (whether caused by act or omission) and includes such harm caused by sexual, physical, mental or emotional harm.

4.7. **"Mandated Notifier"** means a person who comes within one of the categories set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017, and so has an obligation to report a suspicion of a type described in Section 31 of the Act and any person subject to a Mandatory Reporting Obligation.

Mandated Notifiers are all workers who hold a designated position as identified in the City of Salisbury Prescribed Positions list (Schedule 2 of the Safe Environment for Children and Vulnerable People Procedures).

4.8. **"Mandatory Reporting Obligation"** means the requirement for workers to report a suspicion that a child or young person is, or may be, at risk of harm where that suspicion was formed in the course of their employment (paid or voluntary); or

- in carrying out official duties as set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017; or
- holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people.

Note: Staff are encouraged to seek advice and support from their supervisor and manager in relation to suspicions of child or young person harm, risk of harm.

4.9 "NDIS Reporting Obligation" means the requirement to report:

- the death of a person with disability;
- serious injury of a person with disability;
- abuse, neglect or harm of a person with disability;
- unlawful sexual or physical contact with, or assault of, a person with disability;
- sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- the use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the person, or
- an allegation of such conduct, where such conduct occurs, or is alleged to occur in connection with the provision of NDIS supports or services by the Council Workers must notify their supervisor of every incident as soon as possible to ensure reportable incidents are identified and reported to the NDIS Quality and Safeguarding Commission within the required timeframes.

4.10 "Prescribed Position" is a position in which a person works, or is likely to work, with children, or any other position prescribed by the Child Safety (Prohibited Persons) Regulations 2019 in accordance with Section 5 (1) of the Child Safety (Prohibited Persons) Act 2016

4.11 "other History Screening" involves obtaining information about existing or potential workers for the purposes of assessing the initial and ongoing suitability of a person to work or volunteer with children, young, aged and other vulnerable people and to assess whether the worker poses an unacceptable risk to children or vulnerable people. Such screenings are undertaken by an authorised screening unit in accordance with the Child Safety (Prohibited Persons) Act 2016 (SA), Aged Care Act 1997 (cth), Disability Services Act 1993 (SA) and the National Disability Insurance Scheme Act 2013 (cth) and National Disability Insurance Scheme (Practice Standards - Worker Screening) Rule 2018.

4.12 "Vulnerable Person" refers to a people aged 18 years and above who may be unable to take care of themselves, or is unable to protect themselves against harm, violence, abuse, neglect, exploitation or discrimination; including age, illness, trauma or disability, culturally and linguistically diverse backgrounds or any other reason.

- 4.13 "Working with Children Check" (WWCC) means a working with children check under the
Child Safety (Prohibited Persons) Act 2016

5. Policy Statements

- 5.1 This policy aims to provide a safe environment for children, young, aged and other vulnerable people who receive services from the City of Salisbury, and to ensure that any suspected harm, or risk of harm to children, young, aged and other vulnerable people is reported.
- 5.2 To ensure that all relevant workers are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young, aged and other vulnerable people.
- 5.3 To ensure that the City complies with all of the key legal obligations and procedural requirements as outlined within documentation referred to under section 3 of this policy.

6. Risk Management Strategy

- 6.1 All people who use the Council's services and facilities have a right to do so in a safe environment.
- 6.1.1 Risk Management
The City of Salisbury will identify and assess potential sources of harm and take reasonable steps to decrease the likelihood that harm will occur to children, young, aged and other vulnerable people who use council services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, facilities and organisational culture.
- 6.1.2 Code of Conduct - Additional Expectations for Employees and Volunteers
In addition to City of Salisbury's Code of Conduct for Employees, and the Code of Conduct for Volunteers, the following expectations are applicable to all workers who have responsibilities relating to children and young people.

6.1.3 Workers will:

- 6.1.3.1 Comply with this Policy and relevant procedures including the Standards of Professional Conduct and Ethics (as per Schedule 1 of the Safe Environment for Children and Vulnerable People Procedure), and take all reasonable steps to ensure the safety and protection of children young, aged and other vulnerable people.
- 6.1.3.2 Act as a positive role model at all times.
- 6.1.3.3 Set clear boundaries about appropriate behaviour between themselves and all people accessing programs and services in our organisation.
- 6.1.3.4 Listen and respond appropriately to the views and concerns of children young, aged and other vulnerable people, as well as encouraging their say on issues important to them.
- 6.1.3.5 Ensure another adult is always present or in sight when conducting one to one coaching, instruction or other activity with children and young people.
- 6.1.3.6 Respond quickly, fairly and transparently to any serious complaints.

6.1.4 Workers must not:

- 6.1.4.1 Develop any 'special' relationships that could be seen as favouritism such as the offering of gifts or special treatment.
- 6.1.4.2 Engage in rough physical games.
- 6.1.4.3 Do things of a personal nature that a person can do for themselves, such as toileting or changing clothes.
- 6.1.4.4 Engage in out of program contact between workers and participants, except with the express permission of the person and/or their parents or carers/ representative.
- 6.1.4.5 Limit the opportunity for one on one, close and unsupervised contact between workers and children, young, aged, or other vulnerable people.

Any breach of this code or the behaviours outlined above will be managed in accordance with the Procedures for Managing Unacceptable Performance.

6.1.5 Recruitment and Selection

- 6.1.5.1 Council will meet legislative requirements and take all reasonable steps to ensure that it engages suitable workers to provide services to children, young, aged and other vulnerable people.
- 6.1.5.2 All workers who hold a Prescribed Position must have and maintain a current suitable Criminal History Clearance and/or a current suitable Department of Human Services Relevant History Screening/s that meets legislative and/or funding requirements.
- 6.1.5.3 The specific requirements for Criminal History Clearance and/or a current suitable Department of Human Services Relevant History Screening/s are outlined in the "Criminal History Screening Procedures".
- 6.1.5.4 The requirement to provide and maintain suitable screening documentation will be communicated to applicants as a part of the processes for advertising the vacancy and included in the Position Description for all Prescribed Positions
- 6.1.5.5 Workers must immediately inform the City of Salisbury if they become subject to criminal charges or other investigations that has the potential to impact their ability to maintain the relevant screening requirements, or if they lose their clearance status for Prescribed Positions

6.1.6 Training/Awareness

- 6.1.6.1 All workers in contact with, or providing services to children, young, aged and/or other vulnerable people, and those who manage workers who deal with such people, will be provided with training/awareness in relation to their responsibilities including Mandatory Reporting Obligations, NDIS Reporting Obligations and Aged Care Serious Incident Reporting Obligations and this Policy.
- 6.1.6.2 For Prescribed Positions, which are required by the *Child Safety (Prohibited Persons) Act 2016* (SA), to possess a Working with Children clearance, additional training will be provided relating to child safe environments and specific mandatory reporting obligations.

6.1.6.3 Workers will be required to complete this training on engagement and at intervals as determined by Council with a minimum refresher period of 12-24 months.

6.1.7 Contractors and Others

6.1.7.1 Leases or hire agreements for buildings used by the community will reflect the requirement to observe responsibilities set out in this policy.

6.1.8 Management of Physical Environment

The City of Salisbury will manage the physical environment of programs as much as practicable to reduce the risks of harm. The City of Salisbury will:

6.1.8.1 consider safety and security in areas where children, young, aged and other vulnerable people gather, in relation to visual surveillance and lighting,

6.1.8.2 consider access control, lighting, and design of shower and toilet facilities when selecting locations for programs for children, young, aged and other vulnerable people,

6.1.8.3 where practicable, monitor people entering and leaving its programs,

6.1.8.4 secure rooms and closets not in use to ensure children, young, aged and other vulnerable people are not isolated.

6.1.9 Information Sharing

6.1.9.1 All workers who, by virtue of their position, are privy to personal information of a child, young, aged or other vulnerable person shall ensure that the information is kept strictly confidential other than in the circumstances where mandatory reporting is required.

6.1.9.2 In the event a mandatory report is made or a serious matter or care concern is identified, the City of Salisbury will share information with other stakeholders in accordance with the Information Sharing Guidelines at: <https://www.dpc.sa.gov.au/responsibilities/information-sharing-guidelines>

6.1.10 Reporting of Harm or Risk of Harm

- 6.1.10.1 Council will not tolerate any incidents of harm or risk of harm as defined by this policy.
- 6.1.10.2 Council will comply with all applicable reporting obligations, including those under the Children and Young People (Safety) Act 2017 (SA), the Child Safety (Prohibited Persons) Act 2016 (SA), the National Disability Insurance Scheme Act 2013 (cth) and the Aged Care Legislation Amendment (Incident Management and Reporting) Instrument 2022.
- 6.1.10.3 The Safe Environment for Children and Vulnerable People Procedures provide workers with the processes to assist in the practical application of the Policy.
- 6.1.10.4 In the case of a vulnerable person, workers must contact the South Australian Police if they suspect on reasonable grounds that a vulnerable person has or is being harmed.
- 6.1.10.5 Workers will report to their supervisor, and to the Child Abuse Report Line (CARL), 13 14 78, any behaviour by fellow workers, which is not in accordance with the Employee Conduct Policy, or this Policy.

7. Responsibilities

6.1.11 Council

- 6.1.1 promoting the protection of children, young, aged or other vulnerable people from harm or risk of harm.
- 6.1.2 responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations.
- 6.1.3 council members have individual responsibility for appropriate behaviour towards children, young, aged or other vulnerable people, and for compliance with this policy.

6.1.12 Chief Executive Officer

- 6.1.4 ensure this policy is implemented, monitored and evaluated on a regular basis;
- 6.1.5 ensure that the Safe Environments Compliance Statement is lodged with the Department of Human Services when the policy is reviewed and updated; and
- 6.1.6 ensure significant changes in legislation are drawn to the attention of Council and Workers in a timely manner.

6.2 Managers and Supervisors (Paid and Voluntary)

- 6.2.1 review the service environment and where necessary, develop strategies to minimise the risk of harm to children and people;
- 6.2.2 review existing agreements with service providers to ensure requirements within this policy are communicated and observed;
- 6.2.3 ensure relevant history and criminal screening procedures have been undertaken for persons filling Prescribed Positions;
- 6.2.4 comply with the Standards of Professional Conduct and Ethics (as per Schedule 1 of the Safe Environment for Children and Vulnerable People Procedure);
- 6.2.5 ensure that only volunteers and contractors who have provided a current suitable background/employment screening assist with the delivery of Council programs;
- 6.2.6 ensure workers have appropriate training and supervision to understand and fulfil their obligations as mandated notifiers and provide a child safe environment for children and young people
- 6.2.7 provide appropriate induction and training to persons occupying Prescribed Positions; and
- 6.2.8 ensure any reasonable suspicion of harm or risk of harm affecting a child, young, aged or other vulnerable person is reported to the appropriate authority and where appropriate, shared under the requirements set.

6.3 Mandated Notifiers

Mandated Notifiers have obligations under the South Australian Children and Young People (Safety) Act 2017 to:

- 6.3.1 maintain confidentiality of personal information of children and young people;
- 6.3.2 notify the Department for Child Protection on the Child Abuse Report Line (13 14 78) if, in the course of their work, they suspect, on reasonable grounds, that a child or young person is, or may be, at risk of harm. In the event of imminent risk of harm to a child or young person, Mandated Notifiers should contact SA Police on 000.
- 6.3.3 paid workers are to advise their Manager/Supervisor of any notification made to the Department for Child Protection or where contact is made with the South Australian Police or seek guidance if they believe any child or vulnerable person is suffering from harm; and
- 6.3.4 after a report to the appropriate external agency, volunteer workers are to advise their Manager/Coordinator and the Volunteer Development Officer of any notifications made.

6.4 Other Council Staff, Volunteers, Contractors and Consultants who are Non- Mandated

- 6.4.1 Observe the provisions contained within this policy, including the Standards of Professional Conduct and Ethics, and protect children, young, aged and other vulnerable people from harm or risk of harm or any form of illegal treatment that may cause them harm; and
- 6.4.2 Comply with NDIS Reporting Obligations and Aged Care Serious Incident Reporting Obligations; and
- 6.4.3 Notify Council of any instances of non-compliance with the policy.

6.5 Community Members using Council Services or Facilities

- 6.5.1 provide the Council with feedback in relation to any areas where improvements to this policy can be made in accordance with the Compliments, Comments and Complaints Handling Procedure.

8. Related Policies and Procedures

1. Safe Environment for Children and Vulnerable People Procedures
2. Employee Conduct Policy
3. Code of Conduct for Volunteers
4. Criminal History Screening Procedures
5. Compliments, Comments and Complaints Handling Procedure
6. Procedures for Managing Unacceptable Performance
7. Information Sharing Guidelines
8. Criminal History Risk Assessment Form
9. Volunteer Management Policy
10. Volunteer Management Procedure

9. Approval and History

Version	Approval Date	Approval By	Change
1	2008	Council (2008/1169)	
2	2011	Council (2011/413)	
3	2013	Council (2013/1686)	
4	2015	Council (2015/748)	
5	2018	Council (2018/2538)	
6	2019	Council (2019/0166)	
7	2023		Updated in new template. Policy updated to ensure processes are in place to ensure City of Salisbury statutory obligations and ensure they align with the National Principles.

10. Availability

- 10.1 The Policy is available for employees and volunteers on the Intranet
- 10.2 The Policy is available from Council's website - www.salisbury.sa.qov.au
- 10.3 The Policy will be available for inspection at the Civic Centre during ordinary business hours.

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

11. Review

- 11.1 This Policy will be reviewed:
 - At least once in every 5-year period.
 - A new compliance statement will be lodged with the Department of Human Services each time the policy is reviewed or updated.

12. Further Information

- 12.1 For further information on this Policy please contact

Responsible Officer: Manager People and Culture

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: city@salisbury.sa.gov.au

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 October 2023
HEADING	Council Assessment Panel - Increasing Female Candidates
AUTHOR	Chris Zafiropoulos, Assessment Manager, City Development
CITY PLAN LINKS	4.3 The City of Salisbury is recognised as a great place to work
SUMMARY	This report provides Council information on a marketing strategy and other options to attract more female applications on the Council Assessment Panel.

RECOMMENDATION

That Council:

1. Approves to commence a new Expression of Interest for the independent members on the Council Assessment Panel (the Panel) in May 2024, and consider candidates at the Council Meeting July 2024, with the following Initiatives (*Options to be selected by Council*):
 - a. Increased remuneration for the independent member sitting fee to \$..... per session (*to be determined by Council*).
 - b. Targeted Outreach and Marketing campaign that will include:
 - i. Direct contact to all accredited and eligible candidates on the Accreditation Scheme when the Expression of Interest is released.
 - ii. Explicit / stronger messaging in the public notice that Council wishes to increase female participation on the Panel and promote equal opportunities.
 - iii. Promote flexible participation options (following the adoption of recommendation part c)
 - c. Request the Council Assessment Panel consider adopting flexible meeting participation options for its members.
 - d. Write to the Accreditation Authority to highlight the relatively small pool of eligible women in the scheme and support the Authority's initiatives to increase participation of women in the Accreditation Scheme from a range of professions.
 - e. Consider appointing a female Elected Member on the Panel in the next term of appointment of the Panel.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Council appointed independent members to the Council Assessment Panel at its meeting held in July 2023. The resolution also included the following:

Requests that Administration bring back a further report within 3 months with a proposed marketing strategy and other options to attract more female applications.

- 1.2 This report provides Council information on a marketing strategy and other options to attract more female applications on the Council Assessment Panel for Council's consideration.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Community Experience and Relations

2.2 External

2.2.1 Accreditation Authority, Accredited Professionals Scheme

2.2.2 Planning Institute of Australia, SA Division

3. DISCUSSION

Expression of Interest – Recent Outcome

- 3.1 The recent Expressions of Interest (EOI) for the Independent Members on the Salisbury Council Assessment Panel were sought in June 2023. The EOI was advertised on seek.com, Council's website and social media, and by direct messaging to 46 eligible candidates on the accredited professional register that have published email contact details, including 19 female eligible candidates.

- 3.2 The EOI elicited 13 eligible applications. Three (3) female applicants were received of which one (1) was currently on the Panel.

- 3.3 The independent members are required to hold an Accreditation Class of Planning Level 2 under the Act. The qualifications and experience considered most appropriate for the Panel and number of candidates by these candidates in the last EOI was:

3.3.1	Planning	(13 candidates – 3 female)
3.3.2	Architecture / Urban design	(2 candidates)
3.3.3	Planning Law	(1 candidate)
3.3.4	Economics / Construction	(1 candidate)
3.3.5	Environmental Planning.	(2 candidates – 1 female)

Accredited Professionals Register

- 3.4 A review of the Accredited Professionals Register of Planning Level 2 professionals that are eligible has revealed a relatively small pool of female candidates.

- 3.4.1 The are 27 female and 95 male (122 total) candidates have indicated that they are available for panels.
- 3.4.2 Across the State, there are approximately 184 panel positions for accredited professionals (39 CAPs and 7 RAPs that have 4 accredited professionals).
- 3.4.3 To have 50% female representation across all panels, each female eligible candidate who is currently registered would have to join 3.4 panels.
- 3.5 The relatively small pool of eligible female candidates on the Accredited Professionals Register is a significant factor affecting participation. The register also appears to have fewer planning allied professionals, which is reflected in the pool of candidates that where elicited in Council's EOI.
- 3.6 This issue has been raised with the Accreditation Authority and the Planning Institute of Australia (SA Division), who are understood to be looking at initiatives to increase participation.

Council Initiatives

- 3.1 Noting that candidates need to be accredited before Council can consider their appointment on the Panel, additional initiatives that Council could consider include:
 - 3.1.1 Increase remuneration. Council increased the remuneration of the Panel from September 2023 but could consider a further increase to be comparatively more competitive with other Panels. Noting that Council also provides the CAP members \$300 per annum towards training.

The comparative sitting fees for the recently sampled Panels is provided 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
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
Salisbury	550	450	370	2,270
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	576	439	322	2,216

- 3.1.2 Targeted Outreach and Marketing campaign that specifically focuses on engaging female candidates. This could include:
- Direct contact to all accredited and eligible candidates on the Accreditation Scheme when the Expression of Interest is released.
 - Explicit / stronger messaging in the public notice that Council wishes to increase female participation on the Panel and promote equal opportunities.
- 3.1.3 Encourage the accreditation authority to promote the accreditation scheme to allied professions to encourage membership. Noting that this has been provided as feedback, Council could formally request the authority take a more active role.
- 3.1.4 Appoint a female Council Member on the Panel. The current (female) Deputy Elected Member on the Panel could be appointed in place of the (male) Elected Member. The current Elected Member appointments expire 30 November 2024.
- 3.1.5 Promote flexible participation options that recognise that some potential candidates, particularly female candidates who may have other commitments, might be hesitant due to time constraints. Flexible meeting participation options could include remote participation through video conferencing or adjusted meeting schedules. Noting that the operations of the Panel are not matters that the Council can direct, but Council could encourage the Panel to consider such initiatives.

4. CONCLUSION

- 4.1 The strategies Council may consider for the new EOI include:
- 4.1.1 Increased remuneration
 - 4.1.2 Targeted Outreach and Marketing campaign
 - 4.1.3 Encourage the Panel to adopted flexible participation options
 - 4.1.4 Write to the Accreditation Authority to have initiatives to increase participation from a range of professions.
 - 4.1.5 Consider appointing a women Elected Member on the Panel.
- 4.2 The term of the independent members will expire on 24 August 2023. Should Council wish to commence a new EOI, it would want to ideally have a greater pool of candidates on the Accreditation Register. The EOI could therefore be released in May 2024, potentially after the Accreditation Authority has promoted the scheme with allied professions, providing Council July 2024 to make appointments.

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	16 October 2023
HEADING	Consideration of Adoption of Employee Behavioural Standards
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report provides the Governance and Compliance Committee with information in relation to the requirements of section 120A of the <i>Local Government Act 1999</i> and for Council to consider the adoption of employee behavioural standards.

RECOMMENDATION

That Council:

1. Notes the information relating to section 120A of the *Local Government Act 1999*, provided in this report (Item 3.1.4, Governance and Compliance Committee 16 October 2023).
2. Does not adopt additional behavioural standards at this time, having considered the requirements of section 120A of the *Local Government Act 1999*, noting that existing City of Salisbury Employee Conduct Policy is already in place that specifies standards of behaviour for Council employees.

ATTACHMENTS

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

1. Employee Behavioural Standards, LGA Model Standard[↓](#)
2. City of Salisbury Employee Conduct Policy[↓](#)

1. BACKGROUND

- 1.1 Prior to the commencement of the Local Government reforms in November 2022, section 110 of the *Local Government Act* (the Act) provided that the Governor, by regulation, could prescribe a code of conduct to be observed by the employees of all councils.
- 1.2 Changes to the Act were made as part of local government reform. A key change of this reform was a new approach to behavioural management for both employees and elected members. Section 120A of the Act commenced operation on 17 November 2022. This section provides discretionary power which allows councils to adopt additional behavioural standards for council employees, if the elected body chooses.

- 1.3 The key policy intent of the conduct management reforms to the Act was to separate conduct into behavior, integrity and criminal matters covering council employees to reflect similar changes made to conduct matters that apply to council members. The intent was also to capture conduct matters that must be observed by all council employees directly within the Act—these are ‘integrity matters’, such as conflict of interest and gifts and benefits.
- 1.4 Employee behavioural standards may specify standards of behaviour to be observed by employees of councils.
- 1.5 An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- 1.6 There was a delay in the release of the Local Government guidelines and supporting materials to the sector due to legal advice that was sought by the Local Government Association and clarification from the Office of Local Government (OLG).
- 1.7 Before adopting employee behavioural standards under section 120A, councils must consult with registered industrial organisations that represent the interests of council employees.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Local Government Association, Office of Local Government

3. DISCUSSION

- 3.1 Whilst Council is not obligated to prepare and adopt employee behavioural standards, the obligation is for Council to consider whether employee behavioural standards will be adopted.
- 3.2 The *Local Government Act 1999* (the Act) directly empowers the Chief Executive Officer (CEO) in relation to human resource management matters and the management of council employees within the workplace.
- 3.3 Council administration currently has in place a comprehensive suite of policies that direct and mandate employee behaviour. There is an existing Employee Conduct Policy (attachment 2) to ensure there are clear expectations in place regarding the conduct and behaviour of council employees.
- 3.4 The City of Salisbury Employee Conduct Policy is based on the *Local Government (General) (Employee Code of Conduct) Variation Regulations 2018*. The policy was amended to provide requirements for council employees in relation to Gifts and Benefits only. It is recommended that this is reviewed in conjunction with the changes to the Act and the LGA Model Policy and updated by Council administration to specify standards of behaviour.
- 3.5 It is not the policy intent of section 120A that the council elected body would need to adopt policies that direct procedures to manage council employees within the workplace. The policy intent and effect of section 120A is to enable councils to adopt additional behavioural standards, if decided, to capture additional standards that should be observed by employees.
- 3.6 The CEO is responsible for legal obligations in relation to human resource management principles under section 107 of the Act, and is responsible for the

appointment, management, suspension and dismissal of employees on behalf of Council.

- 3.7 Documents relating to employee behaviour and conduct that were introduced by the CEO remain in operation following the commencement of reforms in November 2022.
- 3.8 The City of Salisbury have a suite of existing Human Resource policies and procedures relating to employee behaviour and conduct that have been introduced by the CEO.
- 3.9 This report recommends that Council, as an elected body, does not establish Employee Behavioural Standards for the following reasons:
 - 3.9.1 The CEO has responsibility for the day-to-day operations, implementing the strategic vision of Council and leading the employees as the head of the Administration
 - 3.9.2 A member of Council has no direct authority over an employee of the council with respect to the way in which the employee performs their duties¹
 - 3.9.3 The City of Salisbury Employee Conduct Policy and supporting procedures set out required standards of behaviour for employees to comply in addition to their individual employment contracts during the course of their employment
 - 3.9.4 A comparison of the LGA Model Employee Standards with the City of Salisbury Employee Conduct Policy, determined that the standards are closely aligned.
 - 3.9.5 The *Fairwork Act 1994* (SA), *Work Health and Safety Act 2012* (SA) and Enterprise Agreements also provide further legislative framework identifying duties, responsibilities and standards of behaviour expected of employees.

4. CONCLUSION

- 4.1 Council is asked to consider whether to adopt additional Employee Behaviour Standards, noting that existing City of Salisbury policies are already in place that specify standards of behaviour for Council employees.

¹ S59 – Local Government Act 1999, Roles of members of Council



Employee Behavioural Standards

Guideline and
Model Standard
May 2023

Item 3.1.4 - Attachment 1 - Employee Behavioural Standards, LGA Model Standard



This model standard was developed to support the commencement of the conduct management reforms as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms for the guidance of and use by member councils.

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Model employee behavioural standards

A Model Employee Behavioural Standards is set out on the following pages. The document contains standards consistent with those set out in existing employee codes of conduct and is not dissimilar to the Behavioural Standards for Council Members. It is provided as a guide only and, where a council determines to adopt Employee Behavioural Standards, the document should be customised as appropriate, including making relevant changes to the substance of the document and applying council branding.

To clarify, the preparation of Model Employee Behavioural Standards by the LGA does not mean that the LGA recommends that a council make a choice to adopt employee behavioural standards. The Model is merely provided as a resource to support councils consideration of the section 120A requirement.

If a council determines to adopt employee behavioural standards, based on the LGA Model, the employee behavioural standards cease to be the LGA Model and become the Employee Behavioural Standards of the relevant council.

Where relevant, examples/drafting notes are included in the document to assist with customisation. These should be deleted prior to finalisation. Example text and drafting notes are formatted with a border, like this:

DRAFTING NOTE: Consider what additional detail should be included at this point in relation to the lodgement of a complaint.

Where specific customisation of text is required within the Employee Behavioural Standards this has been highlighted in yellow, **like this**, for ease of identification.

Before adopting (or altering) employee behavioural standards, councils **must** consult with any registered industrial association that represents the interests of employees of councils.

Appendix 2 to this document provides a template council report, to support councils with meeting the obligation to consider adoption of employee behavioural standards.

Employee Behavioural Standards

These Employee Behavioural Standards have been adopted by [insert council name] in accordance with section 120A of the *Local Government Act 1999* (the Local Government Act).

These Employee Behavioural Standards form part of the conduct management framework for council employees under the Local Government Act. They set out minimum standards of behaviour that are expected of all council employees in the performance of their official duties. The Employee Behavioural Standards are mandatory rules, with which council employees must comply.

Adherence to the Employee Behavioural Standards is essential to upholding the principles of good governance in councils.

These Employee Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council employees under the Local Government Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Local Government Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

Part 1—Principles

Council employees must comply with these Employee Behavioural Standards in carrying out their functions as public officers. It is the personal responsibility of council employees to ensure that they are familiar with, and comply with, the Employee Behavioural Standards at all times.

Council employees have a responsibility to serve the best interests of the people within the community their Council represents and to discharge their duties conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and comply with all relevant legal obligations and resolutions of council.

Part 2—Behaviour standards

Employees of [insert council name] must:

1. General behaviour

- 1.1 Act honestly in the performance of official duties at all times.
- 1.2 Act with reasonable care and diligence in the performance of official duties.
- 1.3 Discharge duties in a professional manner.
- 1.4 Act in a way that generates community trust and confidence in council.
- 1.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 1.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

2. *Responsibilities as an employee of council*

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Deal with information received in their capacity as a council employee in a responsible manner.
- 2.3 Take all reasonable steps to provide accurate information to the council and to the public at all times.
- 2.4 Take all reasonable steps to ensure that their decisions or actions are based on information which is factually correct and they have obtained and considered all relevant information.
- 2.5 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 2.6 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 2.7 Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 2.8 Only make public comment in relation to their duties where specifically authorised to do so and restrict such comment to factual information and professional advice.
- 2.9 Use council resources effectively and prudently when undertaking council work.
- 2.10 Not use council resources, including the services of council staff, for private purposes, unless legally or properly authorised to do so in accordance with Council policy and payments are made where appropriate.

3. *Relationships within Council*

- 3.1 Not make any public criticism of a personal nature of fellow council employees or council members.
- 3.2 Take reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons, as required by the *Work Health and Safety Act 2012*.
- 3.3 Report any reasonable suspicion of a breach of these Employee Behavioural Standards to the chief executive officer or nominee.

Part 3—Procedures

4. *Complaints*

- 4.1 Complaints about an employee's behaviour that is alleged to have breached these behavioural standards are to be brought to the attention of the chief executive officer of the council, or nominee.

DRAFTING NOTE: Consider what additional information should be provided in relation to the lodgement of complaints. This could include reference to an existing policy or procedure that sets out how and where complaints may be lodged.

- 4.2 Complaints about a chief executive officer's behaviour should be brought to the attention of the council's principal member (unless the complaint has been made by the principal member or involves the principal member, and in such case the complaint should be brought to the attention of the deputy principal member or other person appointed by the council).

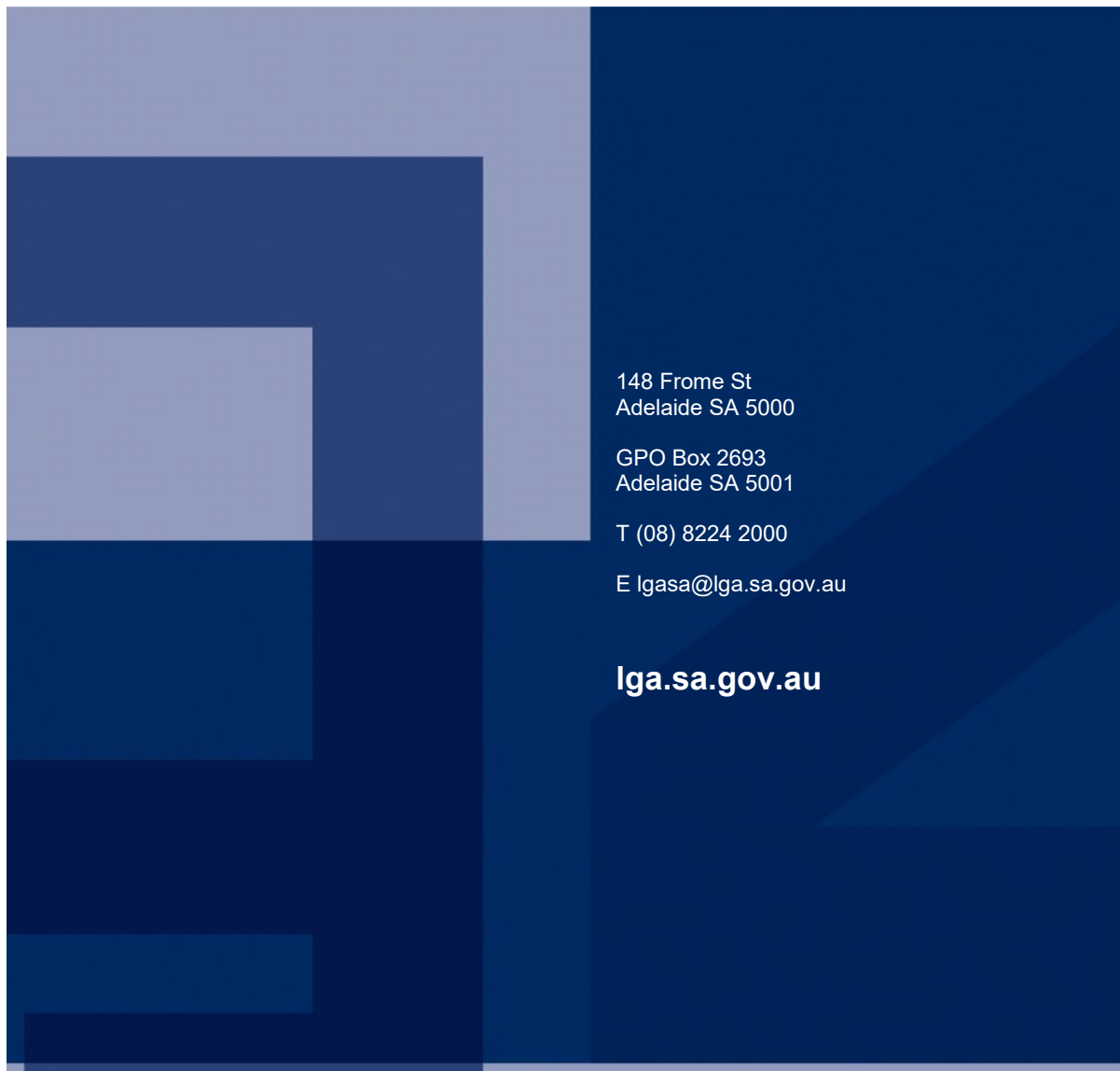
DRAFTING NOTE: Noting the information relating to delegation and authorisation in the accompanying Guideline, clause 4.2 must have regard to and reflect the arrangements in place relating to behavioural standards for the CEO.

Also consider what additional information should be provided in relation to the lodgement of complaints. This could include reference to an existing policy or procedure that sets out how and where complaints may be lodged.

- 4.3 A complaint may be investigated and resolved according to the disciplinary processes of the council relating to employees.

DRAFTING NOTE: This item may be modified to include details of how complaints will be actioned. This could be addressed by way of reference to a Complaint Handling Procedure, or information on the council website (or available elsewhere) which explains the process.

- 4.4 Nothing in these employee behavioural standards in any way derogates from the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or a contract of employment.





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

Employee Conduct Policy

Approved by:	Executive
Responsible Division:	Business Excellence - People and Culture
First Issued/Approved:	6 April 2018
Last Reviewed:	6 April 2023
Next Review Date:	6 April 2028

1. Purpose

- 1.1 City of Salisbury employees must comply with the provisions of this Policy in carrying out their functions as public officials. It is the personal responsibility of employees to ensure that they are familiar with, and comply with, the standards in the Policy at all times. All employees will complete training and education to assist them meet their responsibilities under the Employee Conduct Policy.
- 1.2 This Policy does not exclude the operation of the *Fair Work Act 1994* (SA), the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994* (SA). This Policy does not affect the jurisdiction of the South Australian Employment Tribunal (SAET).

2. Scope

- 2.1 This Policy applies to all employees of the City of Salisbury.

3. Legislative Requirements and Corporate Policy Context

- Work Health and Safety Act 2012 (SA)
- Work Health and Safety Regulations 2012 (SA)
- Local Government Act 1999
- Criminal Law Consolidation Act 1935

4 Principles – Overarching Statement

- 4.1 City of Salisbury employees have a commitment to serve the best interests of the people within the community and to discharge their duties conscientiously and to the best of their ability.
- 4.2 Employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the Council.
- 4.3 Employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of the Council is strong.
- 4.4 Employees will respect the law, and the resolutions made by the elected member body of the Council.
- 4.5 The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.
- 4.6 Employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by the City of Salisbury.
- 4.7 Employees will demonstrate the City of Salisbury ReACH values (Respectful, Accountable, Collaborative, Helpful) in line with our Vision to deliver exceptional community experiences, quality outcomes and create a great place to work.

5 Policy Statements

5.1 Conduct required of City of Salisbury employees

- 5.1.1 In line with the principles above, the following behaviour is considered essential to upholding the principles of good governance in the City of Salisbury.
- 5.1.2 Contravention of, or a failure to, comply with an integrity provision and/or behaviour within this policy can constitute a ground for disciplinary action against the employee, including dismissal, under the Procedures for Managing Unacceptable Performance.
- 5.1.3 Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act (SA) 2012* and other Acts. A failure to comply with these statutes, as identified within this section, can also constitute a ground for disciplinary action against the employee, including dismissal, under the Procedures for Managing Unacceptable Performance.
- 5.1.4 The City of Salisbury acknowledges that staff members and contractors may be related to one another or may develop consensual intimate relationships with each other. Whilst respecting a worker's right to privacy, the potential for conflict, or perceived conflict of interest

Page 2 of 8

between personal/family responsibilities and work responsibilities may arise. Whilst there is no requirement to disclose personal relationships; individuals must disclose to their manager or to People & Culture if the person declaring the potential conflict of interest reports to the person that the conflict may be related to.

Examples of potential conflict or perceived conflict of interest may include:

- 5.1.4.1 Nepotism in recruitment or favourable treatment to family members;
- 5.1.4.2 Relationships between managers and employees;
- 5.1.4.3 Competing business interests;
- 5.1.4.4 External employment;
- 5.1.4.5 Gifts and benefits (refer to the Gifts and Benefits Policy);
- 5.1.4.6 Related to clients.

Note: the examples above are not all inclusive.

5.2 Employees will:

5.2.1 Employee Integrity and Behaviour

- 5.2.1.1 Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 5.2.1.2 Act with reasonable care, diligence and integrity in the performance of official duties, as required by Section 109(2) of the *Local Government Act 1999*.
- 5.2.1.3 Discharge duties in a professional manner.
- 5.2.1.4 Act in a way that generates community trust and confidence in the City of Salisbury.
- 5.2.1.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 5.2.1.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.
- 5.2.1.7 An employee of Council must comply with the integrity provisions of the *Local Government Act 1999*, relating to employees.

5.2.2 Responsibilities as a City of Salisbury Employee

- 5.2.2.1 Comply with all relevant policies, codes and resolutions of which they have been made aware, relevant to their particular role.

Page 3 of 8

- 5.2.2.2 Deal with information received in their capacity as an employee in a responsible manner.
- 5.2.2.3 Endeavour to provide accurate information to the Council and to the public at all times.
- 5.2.2.4 Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct, and that all relevant information has been obtained and is considered.
- 5.2.2.5 Not release or divulge information that the City of Salisbury Council or Chief Executive Officer has ordered be kept confidential, or that the employee should reasonably know is information that is confidential, including information that is considered by the City of Salisbury or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 5.2.2.6 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 5.2.2.7 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 5.2.3 Relationships within the City of Salisbury
 - 5.2.3.1 Not make any public criticism of a personal nature of fellow City of Salisbury employees or Council members.
 - 5.2.3.2 Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act (SA) 2012*.
 - 5.2.3.3 Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.
- 5.2.4 Use of City of Salisbury Resources
 - 5.2.4.1 Employees using City of Salisbury resources must do so effectively and prudently when undertaking their work.
 - 5.2.4.2 Employees must not use City of Salisbury resources, including the services of City of Salisbury staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

5.2.4.3 Employees must not use public funds or resources in a manner that is irregular or unauthorised.

5.3 Register of Interests

5.3.1 An employee of the City of Salisbury must adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the *Local Government Act 1999* if they have been declared by the City of Salisbury to be subject to these provisions.

5.4 Chief Executive Officer

5.4.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

5.5 Complaints

5.5.1 Any person may make a complaint about a City of Salisbury employee under this Policy.

5.5.2 Complaints about an employee's behaviour that is alleged to have breached this Policy should be brought to the attention of the Chief Executive Officer, or a delegated person.

5.5.3 Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Policy should be brought to the attention of the Council's Principal Member.

5.5.4 A complaint may be investigated and resolved according to the City of Salisbury's Managing Unacceptable Performance Procedure.

5.5.5 In considering the lodgement of a complaint against an employee for a breach of the Policy, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption - Directions and Guidelines.

5.5.6 Nothing in this Policy in any way derogates from the rights of an employee or duties of an employer under the *Fair Work Act 1994* (SA), other legislation, an award, an industrial agreement or contract of employment.

5.6 Criminal Matters

5.6.1 The matters within this section are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Employee Conduct Policy.

5.6.2 Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct, and they are

Page 5 of 8

included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of employees.

5.6.3 Alleged breaches of matters outlined in this policy should be reported to the Office for Public Integrity in the first instance.

5.7 Breaches of the *Local Government Act 1999*

5.7.1 Provision of false information

Where an employee submits a return under Chapter 7 Part 4 Subdivision 2 (Register of Interests) and knowingly provides false or misleading information on a material particular (whether by reason of information included in or omitted from the return) will be guilty of an offence (Section 117).

5.7.2 Restrictions on Disclosure

An employee must not disclose to any other person any information furnished pursuant to Chapter 7 Part 4 Subdivision 2 (Register of Interests), unless the disclosure is necessary for the purposes of the preparation or use of the Register by the Chief Executive Officer or is made at a meeting of the Council, a Council committee or a subsidiary of the Council (Section 119(1)).

5.7.3 Conflict of Interest

The Chief Executive Officer who has an interest in a matter in relation to which they are required or authorised to act in the course of official duties must disclose the interest to the Council and must not, unless the Council otherwise determines during a Council meeting that is open to the public, act in relation to the matter (Section 120(1)).

An employee of the City of Salisbury (other than the Chief Executive Officer) who has an interest in a matter in relation to which they are required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter (Section 120(2)).

If an employee is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the City of Salisbury or a Council committee on the matter, the employee must also disclose the relevant interest to the City of Salisbury or Council committee (Section 120(4)).

5.7.4 Breaches of other Acts

Acting in their capacity as a Public Officer, a City of Salisbury employee shall not engage in conduct, whether within, or outside the state, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences Relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- bribery or corruption of Public Officers;
- threats or reprisals against Public Officers;
- abuse of Public Office;
- demanding or requiring benefit on basis of Public Office; and
- offences relating to appointment to Public Office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a Public Officer while acting in their capacity as a Public Officer, or by a former Public Officer and related to their former capacity as a Public Officer, or by a person before becoming a Public Officer and related to their capacity as a Public Officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; and
- conspiring with others to affect the commission of the offence.

6. Related Policies and Procedures

- Procedures for Managing Unacceptable Performance
- Fair Treatment Procedures
- Employee Gifts and Benefits Policy

7. Approval and Change History

Version	Approval Date	Approval By
3	6 April 2023	Executive

8. Availability

The Procedure is available to be downloaded from the City of Salisbury intranet at:
[Employee Conduct Policy](#)

9. Review

This procedure will be reviewed within five (5) years or as deemed necessary.

10. Further Information

For further information on this Procedure, please contact People & Culture.