



## **AGENDA**

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

**19 FEBRUARY 2024 AT THE 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  
Deputy Chief Executive Officer, Mr C Mansueto  
General Manager City Infrastructure, Mr J Devine  
General Manager Community Development, Mrs A Pokoney Cramey  
General Manager City Development, Ms M English  
Manager Governance, Mr R Deco

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 11 December 2023.

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## **REPORTS**

### *Administration*

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### *For Decision*

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## **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  
THE WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY ON**

**11 DECEMBER 2023**

**MEMBERS PRESENT**

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

**OBSERVERS**

Cr A Graham

**STAFF**

Chief Executive Officer, Mr J Harry  
Deputy Chief Executive Officer, Mr C Mansueto  
General Manager City Infrastructure, Mr J Devine  
General Manager Community Development, Mrs A Pokoney Cramey  
General Manager City Development, Ms M English  
A/Manager Governance, Ms J O'Keefe-Craig  
Governance Support Officer, Ms K Boyd

The meeting commenced at 6.45 pm.

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

**APOLOGIES**

Apologies were received from Cr J Chewparsad and Cr K Grenfell.

**LEAVE OF ABSENCE**

Nil

## PRESENTATION OF MINUTES

Moved Mayor G Aldridge  
Seconded Cr D Hood

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

**CARRIED**  
UNANIMOUSLY

## REPORTS

### *Administration*

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

Moved Cr L Brug  
Seconded Cr S McKell

That Council:

1. Notes the report.

**CARRIED**  
UNANIMOUSLY

### *For Decision*

#### **3.1.1 Draft Annual Report 2022/2023**

Moved Mayor G Aldridge  
Seconded Cr P Jensen

That Council:

1. Approves the Draft 2022/2023 Annual Report as contained in attachment 1 to this report (Item No. 3.1.1, Governance and Compliance Committee, 11 December 2023), subject to any changes requested and authorises the Chief Executive Officer or delegate to include further edits to finalise the 2022/2023 Annual Report.

**CARRIED**  
UNANIMOUSLY

## QUESTIONS ON NOTICE

*There were no Questions on Notice.*

## MOTIONS ON NOTICE

*There were no Motions on Notice.*

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**OTHER BUSINESS**

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

*There were no Other Business Items.*

The meeting closed at 6.47 pm.

CHAIRMAN.....

DATE.....



<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 February 2024
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**That Council:

1. Notes the report.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 A list of resolutions requiring a future report to Council are presented to each committee for noting.

**2. EXTERNAL CONSULTATION / COMMUNICATION**

- 2.1 No external consultation was required in the development of this report.

### 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	<b>Community Compliance Resources</b> 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. <b>Due:</b> February 2024 <b>Deferred:</b> March 2024 <b>Reason:</b> Staff are undertaking a review of resource impacts across the Community Compliance team resulting from recent legislative changes and operational changes associated with Local Nuisance and Litter Control Act 2016, the operational requirements at the Pooraka Pound and intend to provide a report addressing these combined impacts and potential resource requirements affecting the Community Compliance service area.	John Darzanos
23/10/2023 3.1.3	<b>Council Assessment Panel – Increasing Female Candidates</b> 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: a. 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, subject to consideration by the Council Assessment Panel. b. 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. <b>Due:</b> July 2024	Chris Zafiropoulos



23/10/2023	<b>Consideration of Adoption of Employee Behavioural Standards</b>	Joy O’Keefe-Craig
3.1.4	2. Gives further consideration to the adoption of additional behavioural standards in 12 months time.	
<b>Due:</b>	October 2024	
23/10/2023	<b>Motion on Notice: Salisbury Business Centre</b>	Charles Mansueto
MON2	2. Requests the Administration to present a report to the relevant subcommittee within six months, including consultation with the Salisbury Business Association. 2.1. On the current geographical boundaries of the Salisbury City Centre planning zone and the boundary application of the Salisbury Business Association separate rate levy; and 2.2. On the merits and process of modifying the boundaries of the Salisbury Business Association separate rate levy to align with the Salisbury City Centre planning zone.	
<b>Due:</b>	April 2024	

#### 4. CONCLUSION / PROPOSAL

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



<b>ITEM</b>	3.1.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 February 2024
<b>PREV REFS</b>	Resources and Governance Committee      3.2.1      16/11/2020
<b>HEADING</b>	Building Fire Safety Committee Appointments
<b>AUTHOR</b>	Chris Zafiropoulos, Assessment Manager, City Development
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
<b>SUMMARY</b>	This report seeks a Council decision on the appointment of members to the Building Fire Safety Committee.

## RECOMMENDATION

### That Council:

1. Adopts the City of Salisbury *Building Fire Safety Committee Terms of Reference* contained in Attachment 1 to this report, noting no changes are suggested (Item No 3.1.1 Governance and Compliance Committee, 19 February 2024).
2. Appoints the following persons to the City of Salisbury Building Fire Safety Committee for a period of three (3) years:
  - Mr Jeff Shillabeer (City of Salisbury staff), Presiding Member being a person appointed by the Council and who holds prescribed qualifications in building surveying.
  - Mr Paul Peters (City of Salisbury staff), Member being a person appointed by the Council and who holds prescribed qualifications in building surveying.
  - Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.

## ATTACHMENTS

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

1. Building Fire Safety Committee Terms of Reference

### 1. BACKGROUND

- 1.2 This report seeks Council's decision to appoint members to the Building Fire Safety Committee (the BFSC).
- 1.3 A copy of the BSFC Terms of Reference is provided in Attachment 1.

## 2. REPORT

- 2.1 The BFSC is charged with the responsibility for all matters arising under Section 157 (17) of the *Planning Development and Infrastructure Act 2016* (the Act) including associated regulations which are of a building fire safety nature.
- 2.2 The primary role of the BFSC is to ensure the fire safety of all buildings in the City of Salisbury with particular attention to those which have been identified as a high risk (e.g. aged care facilities, accommodation buildings including boarding houses, public assembly buildings and the like) and also those that have inadequate fire safety provisions.
- 2.1 The Act provides that the BFSC be constituted of:
- (i) *a person who holds prescribed qualifications in building surveying appointed by the council or councils; and*
  - (ii) *an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005 who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and*
  - (iii) *a person with expertise in the area of fire safety appointed by the council or councils; and*
  - (iv) *if so determined by the council or councils—a person selected by the council or councils.*
- 2.2 The current members of the BFSC were appointed by Council in November 2020 and their terms are due to expire on 19 March 2024. It is recommended that Council re-appoint the current members.
- Mr Jeff Shillabeer (City of Salisbury staff) [Presiding Member] - qualifications in building surveying.
  - Mr Paul Peters (City of Salisbury staff) – an accredited Building Surveyor.
  - Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.
- 2.3 The PDI Act also provides that the Chief Officer of the relevant fire authority appoints an authorised officer as fire authority members on the BFSC (pursuant to section 157(17)(a)(ii)). It may be that these representatives may change in the future and Council does not need to endorse these representatives. At this time, these members are:
- Mr Peter Hilhorst – Member nominated by the Chief Officer, South Australian Metropolitan Fire Service (SAMFS).
  - Mr Andrew Sharrad - Deputy Member nominated by the Chief Officer, South Australian Metropolitan Fire Service (SAMFS).
- 2.4 No changes are proposed to the Terms of Reference.

## 3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that the Council re-adopt the Terms of Reference and appoint the recommended persons to the Building Fire Safety Committee.



## BUILDING FIRE SAFETY COMMITTEE

### Terms of Reference

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Endorsed ~~August 2021~~ February 2024

### **Establishment and Status of the Building Fire Safety Committee**

Pursuant to Section 157 (17) of the *Planning Development and Infrastructure Act 2016* (“PDI Act”), the City of Salisbury (“the Council”) establishes a body to be known as the Salisbury Building Fire Safety Committee (“the Building Fire Safety Committee”).

The Building Fire Safety Committee is established for the purpose of acting as the “*appropriate authority*” (as that term is defined in the *Planning Development and Infrastructure Act 2016*) in respect of all fire safety matters arising under the PDI Act.

### **Membership**

1. Membership of the Building Fire Safety Committee shall consist of –

#### *Members*

- Mr Jeff Shillabeer (City of Salisbury staff), being a person appointed by the Council and who holds prescribed qualifications in building surveying.
  - Mr Paul Peters (City of Salisbury staff), being a person appointed by the Council and who holds prescribed qualifications in building surveying.
  - Mr James Sunjaya, Director J Squared Engineering Pty Ltd, being a person appointed by the Council as a person with expertise in the area of fire safety.
  - an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005 who, depending on the location of the Council area, has been approved by the Chief Officer of the relevant fire authority to participate as a BFSC Member of the Appropriate Authority (SAMFS Representative)
2. The Council appoints Jeffrey Shillabeer as the Presiding Member of the Building Fire Safety Committee.
  3. Other than the SAMFS Representative, all members of the BFSC are appointed for a term of 3 years.
  4. A BFSC Member is eligible for reappointment for a further term, upon the expiry of his or her current term.
  5. A BFSC Member whose term of office has expired may nevertheless continue to act as a BFSC Member until the vacancy is filled or for a period of six (6) months from the expiry of the BFSC Member’s term of office, whichever occurs first.
  6. The office of a member of the Building Fire Safety Committee (other than a SAMFS Representative) will become vacant if the member –
    - dies; or
    - completes a term of office and is not reappointed; or

- resigns by written notice addressed to the Council; or
- removed from office by the Council for any reasonable cause.

#### **Terms of Reference**

7. The terms of reference and condition for the Building Fire Safety Committee are as follows –
  - a. The Building Fire Safety Committee is charged with the responsibility for all matters arising under Section 157 of the *Planning Development and Infrastructure Act 2016* including associated regulations which are of a building fire safety nature.
  - b. A member of the Building Fire Safety Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter.
  - c. All committee appointees must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to members.

#### **Meeting procedures**

8. A quorum for a meeting of the Building Fire Safety Committee shall be three (3) persons.
9. All decisions of the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present
10. The Building Fire Safety Committee shall meet at the main office of the City of Salisbury at 34 Church Street, Salisbury or at such other places as the Building Fire Safety Committee may, from time to time, determine.
11. The Building Fire Safety Committee shall meet at a day and at a time determined by the Presiding Member with a minimum three (3) ordinary meetings in each calendar year and may hold a special meeting at any other time at the direction of the Presiding Member.
12. The following provisions apply to the calling of meetings –
  - a. in the case of an ordinary meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of a meeting at least five (5) clear business days before the date of the meeting.
  - b. in the case of a special meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of the meeting at least four (24) hours before the commencement of the meeting.

c. notice may be given to a member of the Building Fire Safety Committee –

- personally;
- by delivering it to any place authorised in writing by the member; or
- by an email known to be used by the person.

13. All decisions shall be made on the basis of majority decision of the members present and made by majority consensus.

14. The Presiding Member of the Building Fire Safety Committee must keep, or arrange to be kept, minutes of every meeting of the Building Fire Safety Committee. The minutes of the proceedings and meetings of the Building Fire Safety Committee must include –

- the names of the members present;
- any disclosure of interest made by a member, and
- all decisions.

15. The City of Salisbury will be responsible for all record holding as required under the *State Records Act 1997*.

16. All committee proceedings shall be treated as confidential.

17. The procedure to be observed at a meeting of the Building Fire Safety Committee insofar as the procedure is not prescribed by these terms of reference may be determined by the Committee.



<b>ITEM</b>	3.1.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 February 2024
<b>HEADING</b>	Committee and Sub Committee Terms of Reference Review: Quorum Provision
<b>AUTHOR</b>	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	This report provides the opportunity for Council to consider changes to the Committee and Sub-Committee Terms of Reference relating to Quorum.

## **RECOMMENDATION**

### That Council:

1. Adopts the new Quorum Provision within the Terms of Reference for the Committees and Sub Committees aligned with paragraph 3.6 to this report (Item No. 3.1.2 Governance and Compliance Committee, 19 February 2024), which allows the Mayor, if in an ex officio membership position to be excluded from the total number of Members, but included in the count towards achieving the required quorum number if present at the meeting.

## **ATTACHMENTS**

There are no attachments to this report.

## **1. BACKGROUND**

- 1.1 At its meeting on 28 November 2022, Council adopted the Committee and Sub Committee Terms of Reference (ToR).

*Adopts the Terms of Reference for the Committees and Sub Committees incorporated in the Council and Committee Governance Structure as included in Attachments 3 up to 16.*

- 1.2 Recent experiences have highlighted instances where achieving the established quorum has proven difficult, impeding the ability to hold the respective meetings.
- 1.3 Incorporating the Mayor in her capacity as an ex officio member in the count towards achieving the quorum will alleviate this challenge.

## **2. EXTERNAL CONSULTATION / COMMUNICATION**

- 2.1 No external consultation was required in the development of this report.

### 3. DISCUSSION

- 3.1 Council reviews and adopts the Committee and Sub Committee ToR when commencing a new Council Term. Any subsequent updates to the ToR need to be adopted by Council.
- 3.2 The quorum for the Committee and Sub Committee meetings are in accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Regulation 26.
- 3.3 The review recommends that when the Mayor is an ex officio member in attendance, the Mayor will be counted as a member that constitutes part of the quorum.
- 3.4 The proposed changes aim to enhance the efficiency and effectiveness and the ability of (Sub) Committees to conduct business and reduce the risk that a meeting cannot proceed due to lack of quorum.
- 3.5 The ToR of all Committees and Sub Committees have been reviewed, providing suggested changes to the Quorum section in each Committee and Sub Committee to support the quorum.
- 3.6 The proposed amendment in the relevant ToR section is included below:

#### **Quorum:**

The quorum shall be determined by dividing the total number of Members of the Committee (excluding the Mayor if ex officio) by two (ignoring any fractions) and adding one. For example, a Committee comprising of seven (7) members (excluding the Mayor in the count if ex officio), the quorum is four (4).

When the Mayor as an ex officio member is in attendance, the Mayor will be included in the count towards achieving the required quorum number.

Elected Members who are granted a leave of absence under Section 55A of the *Local Government Act 1999* and Elected Members who are suspended or removed from office, are not counted in the total number of Members of the Committee when calculating the number of members that constitutes a quorum.

### 4. CONCLUSION

- 4.1 Council is asked to consider the updated Quorum Provision within the ToR to ensure quorum numbers can be achieved for Committee and Sub Committee meetings.