



## **AGENDA**

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

**19 MAY 2025 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 City Development, Ms M English  
A/ General Manager Community Development, Ms C Giles  
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 22 April 2025.

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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.

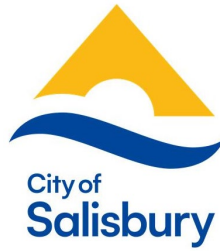
## **MOTIONS ON NOTICE**

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

**22 APRIL 2025**

**MEMBERS PRESENT**

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

**STAFF**

A/ General Manager City Development, Mr C Zafiropoulos  
Manager Community Experience, Ms C Kroepsch  
Governance Officer, Ms M Woods

The meeting commenced at 8.13pm.

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

**APOLOGIES**

An apology has been received from Cr L Brug.

**LEAVE OF ABSENCE**

Nil.

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## PRESENTATION OF MINUTES

Moved Cr J Chewparsad  
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee  
Meeting held on 17 March 2025, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

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

Moved Cr K Grenfell  
Seconded Cr S McKell

That Council:

1. Notes the report.

**CARRIED**

### *For Decision*

#### **3.1.1 Revised Community Consultation Policy**

Moved Cr S McKell  
Seconded Cr K Grenfell

That Council:

1. Adopts the revised Community Consultation Policy as outlined in Attachment 1 of this report (Item 3.1.1, Governance and Compliance Committee, 22 April 2025).

**CARRIED**

## QUESTIONS ON NOTICE

There were no Questions on Notice.



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## MOTIONS ON NOTICE

There were no Motions on Notice.

## OTHER BUSINESS

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

There were no Other Business Items.

The meeting closed at 8.14pm.

CHAIRMAN.....

DATE.....



<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 May 2025
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Monika Prasad, Governance Support Officer, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Our council is recognised for delivering exceptional community experiences and quality outcomes
<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:

26/08/2024	<b>Dog and Cat Management (Cat Management) Amendment Bill 2024</b>	John Darzanos
3.1.2	4. Requests the Administration present a report on the potential merits of a Cat By-Law, should the deficiencies as identified in Council's submission relating to cat management and managing cat nuisances not be rectified through amendments to the Dog and Cat Management (Cat Management) Amendment Bill 2024.	
<b>Due:</b>	September 2025	

#### 4. CONCLUSION / PROPOSAL

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

**ITEM** 3.1.1**GOVERNANCE AND COMPLIANCE COMMITTEE****DATE** 19 May 2025**HEADING** Council Assessment Panel - Appointment of Independent Members**AUTHOR** Chris Carrey, Team Leader Planning, City Development**CITY PLAN LINKS** 4.2 We deliver quality outcomes that meet the needs of our community  
4.4 We plan effectively to address community needs and identify new opportunities**SUMMARY** This report seeks Council's adoption of Terms of Reference and to consider extending the term of existing members, or commencing an expression of interest for the appointment of the Presiding Member and one Independent Member on the Council Assessment Panel.**RECOMMENDATION**That Council:

1. Adopts the *Council Assessment Panel Terms of Reference* as contained in Attachment 1 to this report (Item 3.1.1, Governance and Compliance Committee 19 May 2025).
2. Extend the Terms of Appointment of the current Presiding Member (Terry Mosel) and Independent Member (Ross Bateup) for a two (2) year period.

**ATTACHMENTS**

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

1. Council Assessment Panel Terms of Reference

**1. BACKGROUND**

- 1.1 Council is required to establish a Council Assessment Panel (CAP) to assess and determine development applications assigned to the Panel under the *Planning, Development and Infrastructure Act 2016* (PDI Act).
- 1.2 This report provides Council updated Terms of Reference (ToR) for adoption and proposes to extend the terms of appointment for the current Presiding Member (Terry Mosel) and Independent Member (Ross Bateup) for a two year period.

## 2. REPORT

- 2.1 The CAP is comprised of five members and one of the members may be a member of the Council. The Panel is currently comprised of:

	Term of Appointment
<b>Terry Mosel, Presiding Member</b>	<b>1 September 2023 to 31 August 2025</b>
<b>Ross Bateup, Independent Member</b>	<b>1 September 2024 to 31 August 2025</b>
Cherie Gill, Independent Member	1 September 2024 to 31 August 2026
James Botten, Independent Member	1 September 2024 to 31 August 2026
Cr B Brug, Elected Member	1 December 2024 to 30 November 2026
Cr Grenfell, Deputy Elected Member	1 December 2024 to 30 November 2026

- 2.2 Council appointed Cr B Brug as the Elected Member and Cr Grenfell as Deputy Elected Member on the Panel in October 2024 for a period of two years.
- 2.3 Council has staggered the appointment of the Independent Members. The term of appointment for the Presiding Member and one Independent Member on the Council Assessment Panel expires on 31 August 2025.
- 2.4 The ToR enables Council to extend the terms of existing members, if it considers appropriate to do so. This could be because of the performance of the members. At this time, the Panel is considered to be performing well. In addition, there has been some replacement of members in recent years. On this basis, Council may wish to extend the Term of Appointment for the Presiding Member (Mr Terry Mosel) and Independent Member (Mr Ross Bateup) for an additional two-year period, ending 31 August 2027.
- 2.5 Should Council decide not to extend these Terms of Appointment, an expression of interest process would be required, calling for expressions from interested people to be appointed to the CAP in these roles. Candidates would be asked to provide a curriculum vitae and to outline their experience, skills, qualifications and knowledge and demonstrate accreditation under the PDI Act.
- 2.6 An updated ToR is provided in Attachment 1. The ToR are based on the model terms of reference released by Local Government Association of SA and was last reviewed by Council in July 2023. Some minor edits have been proposed which are shown in tracked changes.
- 2.7 The sitting fee for independent members on the CAP is usually reviewed when independent members' appointments are made. Council set the remuneration per meeting in May 2023 at:
- |                          |       |
|--------------------------|-------|
| 2.7.1 Presiding Member   | \$550 |
| 2.7.2 Independent Member | \$450 |
- 2.8 The Elected Member remuneration was set at \$300 in November 2024 (noting that all members also receive up to \$300 per annum towards training).

**3. CONCLUSION / PROPOSAL**

- 3.1 It is recommended that Council adopt the Council Assessment (CAP) Panel Terms of Reference provided in Attachment 1 for the appointment of the independent members to the CAP and extend the Terms of Appointment of the current Presiding Member (Mr Terry Mosel) and Independent Member (Mr Ross Bateup) for a two (2) year period, ending 31 August 2027.







## COUNCIL ASSESSMENT PANEL

### Terms of Reference

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[June 2023](#) [Draft May 2025](#)

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Field Code Changed

Field Code Changed

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## 1. Background

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

## 2. Membership of CAP

### Appointment of Members

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

### Appointment of Deputy Members

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

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

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

#### **Expression of Interest**

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

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

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

#### **Term of Appointment**

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

- 2.18. Subject to clause 5, the Council Member will be appointed for a term ~~for a term~~ as determined by Council and on such other conditions as determined by the Council.
- 2.19. Deputy Members will be appointed for a term as determined by ~~the~~ Council and on such other conditions as determined by the Council.
- 2.20. A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.21. A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period determined by ~~the~~ Council.
- 2.22. The term of appointment of the Independent Panel Members' shall be staggered so that two positions expire in each two year period, to provide a balance of continuity and refreshment of Panel Members across the term.

### 3. Vacancy in Membership

- 3.1. In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2. The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3. In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8~~8~~ as the case requires.
- 3.4. A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

### 4. Conditions of Appointment

- 4.1. At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2. CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3. Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.

~~4.4. Upon the commencement of Section 83(1)(c) of the Act:~~

~~4.4.1.4.4.~~ CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and

~~4.4.2.4.5.~~ CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

## 5. Removal from Office

5.1. A CAP Member will automatically lose office where:

- 5.1.1. the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
- 5.1.2. the CAP Member has been convicted of an indictable offence punishable by imprisonment;
- 5.1.3. in the case of a Council Member, the Member ceases to be a member of the Council.

5.2. Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:

- 5.2.1. a breach of a condition of his or her appointment as a CAP Member;
- 5.2.2. misconduct;
- 5.2.3. a breach of any legislative obligation or duty of a CAP Member;
- 5.2.4. neglect of duty in attending to ~~the~~ role and responsibilities as a CAP Member;
- 5.2.5. a failure ~~or inability~~ to carry out satisfactorily the duties of his or her office;
- 5.2.6. a breach of fiduciary duty that arises by virtue of his or her office;

~~5.2.7. inability to carry out satisfactorily the duties of his or her office.~~

~~5.2.8.5.2.7.~~ except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or

~~5.2.9.5.2.8.~~ in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or

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~~5.2.10-5.2.9.~~ for any other reason the Council considers appropriate.

5.3. The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.

5.4. Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:

5.4.1. give written notice to the CAP Member of:

5.4.1.1. its intention to remove the CAP Member from office pursuant to clause 5.2; and

5.4.1.2. the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,

not less than 7 days before the meeting of the Council at which the matter is to be considered;

5.4.2. give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and

5.4.3. have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.





<b>ITEM</b>	3.1.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 May 2025
<b>HEADING</b>	Safe Environment for Children and Vulnerable People Policy
<b>AUTHOR</b>	Emily Mortimer, Workforce Advisor Specialist, Business Excellence
<b>CITY PLAN LINKS</b>	1.3 Our city is welcoming to people of all ages, backgrounds and abilities, and recognises First Nations peoples 4.2 Our council is a great place to work
<b>SUMMARY</b>	This report provides the opportunity for the Governance and Compliance Committee to consider the recommended updates to the Safe Environments for Children and Vulnerable People Policy.

## RECOMMENDATION

### That Council:

1. Adopts the amended Safe Environments for Children and Vulnerable People Policy as set out in Attachment 1 to this report (Item No 3.1.2, Governance and Compliance Committee, 19 May 2025).

## ATTACHMENTS

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

1. Safe Environment for Children and Vulnerable People Policy

### 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 valid 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 upon adoption of policy from Council.

- 1.4 The Safe Environment for Children and Vulnerable People Policy was last adopted by Council in October 2023.

## 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 authorised 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 vulnerable 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 utilised the prior 2023 adopted policy of same title with the following changes incorporated:
- 3.5.1 The tone of voice has been updated to reflect contemporary language (e.g. prior policy used the word abhorrent which may not be inclusive for those with English as a second language).
- 3.5.2 Scope of the policy reflects the extension of services in digital environments as offered by the City of Salisbury.
- 3.5.3 Legislative Requirements has been updated to reflect contemporary references to related Legislation and Quality Standards.
- 3.5.4 The definitions section has been connected to a revised definition under the *Children and Young People Safety Act 2017*.
- 3.5.5 Statement inclusion demonstrating City of Salisbury ReACH values that all people have a moral responsibility to ensure the safety of children and vulnerable people. People who do not have legal obligation to report are authorised under this policy to make voluntary notifications.
- 3.5.6 Framework of when a mandated notifier is not required to report a suspicion.
- 3.5.7 Removal of requirement for staff to seek support from their supervisor / manager in relation to suspicions as this may present the introduction of bias or delays in notification.

- 3.5.8 Contemporary definition of Prescribed position to include roles which are 'reasonably foreseeable' to work with children or vulnerable people.
- 3.5.9 Introduction of definition of 'Reasonably believes'.
- 3.5.10 Contemporary definition of Vulnerable person.
- 3.5.11 Incorporation of mandatory reporting obligations and workers responsibilities and legal obligations
- 3.5.12 Removal of the term 'relevant workers' demonstrating that the policy is a responsibility for all.
- 3.5.13 Inclusion of statement to align to City of Salisbury commitment to equity, diversity and inclusion.
- 3.5.14 Updated principles to reflect maturing of recruitment and selection processes.
- 3.5.15 Updated policy to reflect role of City of Salisbury internal and contract security staff in monitoring facility use as per conditions of entry.
- 3.5.16 Updates roles and responsibilities to align to Legislation and industry codes of practice.
- 3.5.17 Inclusion of Respectful behaviours Policy and Procedure
- 3.5.18 Inclusion of related resources to support additional knowledge

#### **4. CONCLUSION**

- 4.1 The Safe Environment for Children and Vulnerable People Policy as contained in Attachment 1 to this report is recommended to Council for adoption.





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:	23 October 2023 (Resolution no. 0493/2023)
Next Review Date:	<del>March-May</del> 2025

### 1. Purpose

- 1.1 The City of Salisbury ~~(Cos)~~ regards the interests of children, young, aged and other vulnerable people in our community as of paramount importance and acknowledges that all forms ~~of, of~~ harm or risk of harm or behaviours which place children, young, aged and other vulnerable people at risk are ~~abhorrent-unacceptable~~ 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.

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## 2. Scope

2.1 This policy extends to all children, young, aged and other vulnerable people who use the services, both physically or online, programs and facilities of City of Salisbury.

2.2 Our approach to safe environments is underpinned by the following principles -:

2.2.1 We ensure all workers take responsibility to support and protect children and vulnerable people

2.2.2 We ensure workers have a preventative, proactive and participatory stance on child protection issues

2.2.3 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 2019 (SA)
- ~~3. National Principles for Child Safe Organisations (the National Principles)~~
- ~~4.3~~ Criminal Law Consolidation Act 1935 - Section 64A & 65 (penalties for failure to report child sex abuse)
- ~~5.4~~ Sex Discrimination Act 1992 (Cth)
- ~~6.5~~ Disability Discrimination Act 1992 (Cth)
- ~~7.6~~ 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)~~
- ~~11.7~~ Equal Opportunity Act 1984 (SA)
- ~~12.8~~ Australian Human Rights Commission Act 1986 (cth)
- ~~13.9~~ Aged Care Accountability Principles 2014 and Aged Care Quality Standards
- ~~14.10.~~ Aged Care Legislation Amendment (Incident Management and Reporting) Instrument 2022

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<p>15. Ageing and Adult Safeguarding Act 1995 (SA) and Ageing and Adult Safeguarding Regulations 2019 (SA)</p> <p>16. Aged Care Act 1997</p> <p>17.11. South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults.</p>	
<p>4. Interpretation/Definitions</p>	<p>Formatted: Font: 11 pt</p>
<p>4.2. "At Risk" as defined under Section 18 of the Children and Young People Safety Act 2017 includes where:</p>	<p>Formatted: Font: 12 pt</p>
<p>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</p> <p>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</p> <p>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:</p> <p>i. being subjected to a medical or other procedure that would be unlawful if performed in South Australia (including, female genital mutilation); or</p> <p>ii. taking part in a marriage ceremony that would be a void marriage, or would otherwise be an invalid marriage, under the <i>Marriage Act 1961 (cth)</i>; or</p>	<p>Formatted: Font: 12 pt</p>
<p>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 <i>Criminal Law Consolidation Act 1935 (SA)</i> or the <i>Criminal Code (cth)</i>; or</p>	<p>Formatted: Font: 12 pt</p>
<p>d) the parents or guardians of the child or young person:</p> <p>i. are unable or unwilling to care for the child or young person; or</p> <p>ii. have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or</p> <p>iii. are dead, or</p>	<p>Formatted: Font: 12 pt</p>
<p>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</p>	<p>Formatted: Font: 12 pt</p>
<p>f) the child or young person is of no fixed address; or</p>	
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- 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 and/or psychological harm (whether caused by act or omission) and may include such harm caused by sexual, physical, mental or emotional harm or neglect.
- 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).
- All people have a moral responsibility to ensure the safety of children and vulnerable people. People who do not have a legal obligation can still make voluntary notifications with a genuine concern that a child or vulnerable person is at risk.
- 4.8. "Mandatory Reporting Obligation" means the timely requirement for workers to report a suspicion that on reasonable grounds 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

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- 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.

A mandated notifier does not need to report a suspicion if:

- the mandated notifier believes on reasonable grounds that another mandated notifier has reported the matter;
- the suspicion was solely due to being informed of the circumstances that give rise to the suspicion by a policy officer or child protection officer acting in the course of their official duties; or
- if they believe on reasonable grounds that the Department for Child Protection is already aware of the information that forms the basis for suspicion.

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" as defined by the NDIS Quality and Safeguards commission 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.

4.9 "Prescribed Position" is a position in which a person works, or is likely to

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~~workposition which it is reasonably foreseeable that the position will work with children, 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

~~4.10 "Reasonably believes" means that believes on grounds that are reasonable in the circumstances.~~

~~4.104.11~~ "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.

~~4.11 "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.~~

~~A vulnerable person is a person who may be at risk of exploitation due to their dependency on others. This may potentially include-;~~

- ~~• People with a disability (physical, intellectual or a mental illness); or~~
- ~~• The frail aged; or~~
- ~~• People living with a history of disadvantage (e.g. Indigenous Australians or refugees/refugees); or~~
- ~~• Any other persons who may be at risk of exploitation due to their dependency on others.~~

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- 4.12 "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 of Salisbury~~ complies with all of the key legal obligations and procedural requirements as outlined within documentation referred to under section 3 of this policy.

5.3 City of Salisbury is committed to the principles of equity, diversity and inclusion and to the belief that all children, young and vulnerable people, belong regardless of their abilities, sex, gender identity, socioeconomic or cultural background. CoS will not tolerate abuse or any form of exploitation or harm to children or vulnerable people.

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## 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

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

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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.

6.13 Workers will:

- 6.13.1 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.
- 6.13.2 Act as a positive role model at all times.
- 6.13.3 Set clear boundaries about appropriate behaviour between themselves and all people accessing programs and services in our organisation.
- 6.13.4 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.
- 6.13.5 Ensure another adult is always present or in sight when conducting one to one coaching, instruction or other activity with children and young people.
- 6.13.6 Respond quickly, fairly and transparently to any serious complaints.

6.14 Workers must not:

- 6.14.1 Develop any 'special' relationships that could be seen as favouritism such as the offering of gifts or special treatment.
- 6.14.2 Engage in rough physical games.
- 6.14.3 Do things of a personal nature that a person can do for themselves, such as toileting or changing clothes.
- 6.14.4 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.
- 6.14.5 Limit the opportunity for one on one, close and unsupervised contact between workers and children, young,

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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.

#### 6.15 Recruitment and Selection

~~6.15.1 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. Council has statutory obligations where services or activities being delivered directly to children, young, aged or other vulnerable people classified these positions as Prescribed positions.~~

~~6.15.2 Our recruitment and selection process includes various requirements for Prescribed positions, including, but not limited to, WWCC, interview, qualification verification, reference reports with specific questions about the applicants previous experience and suitability to work with children and/or vulnerable persons, and other relevant checks.~~

~~6.15.3 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. Other non-prescribed roles may also require additional checks to be undertaken.~~

~~6.15.4 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".~~

~~6.15.5 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~~

~~6.15.6 All workers must immediately are required to inform the City of Salisbury if they become subject to criminal charges~~

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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

#### 6.16 Training/Awareness

- 6.16.1 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.
- 6.16.2 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.
- 6.16.3 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.

#### 6.17 Contractors and Others

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

#### 6.18 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:

- 6.18.1 consider safety and security in areas where children, young, aged and other vulnerable people gather, in relation to visual surveillance and lighting,
- 6.18.2 consider access control, lighting, and design of shower and toilet facilities when selecting locations for programs for children, young, aged and other vulnerable people,
- 6.18.3 where practicable, monitor people entering and leaving its

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programs,

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

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6.1.8.4 6.1.8.5 Monitor City of Salisbury facilities as per conditions of entry to risk manage misuse.

#### 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>

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#### 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,

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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.

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## 6.1.2 Chief Executive Officer

6.14 ~~ensure this policy is implemented, monitored and evaluated on a regular basis~~ accountable for ensuring that this Policy is reviewed at a minimum once every 5 years or as required by the *Children and Young People (Safety) Act 2017*;

6.15 ensure that the Safe Environments Compliance Statement is lodged with the Department of Human Services when the policy is reviewed and updated; and

6.16 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)~~

6.21 ~~Accountable for providing an environment where children and vulnerable persons are safe and protected from harm.~~

6.22 ~~Ensuring this policy is implemented within their areas of control~~

~~6.2.6.2.3~~ review the service environment and where necessary, develop strategies to minimise the risk of harm to children and people;

~~6.2.6.2.4~~ review existing agreements with service providers to ensure requirements within this policy are communicated and observed;

~~6.2.6.2.5~~ ensure relevant history and criminal screening procedures have been undertaken for persons filling Prescribed Positions;

~~6.2.6.2.6~~ comply with the Standards of Professional Conduct and Ethics (as per Schedule 1 of the Safe Environment for Children and Vulnerable People Procedure);

~~6.2.6.2.7~~ ensure that only volunteers and contractors who have provided a current suitable background/employment screening assist with the delivery of Council programs;

~~6.2.6.2.8~~ 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

~~6.2.6.2.9~~ provide appropriate induction and training to persons occupying Prescribed Positions; and

~~6.2.6.2.10~~ 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.

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6.2.11 Reporting to the Manager People & Performance any reports of suspected harm or risk they become aware of

Mandated Notifiers

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

~~6.2.9~~6.2.11 maintain confidentiality of personal information of children and young people;

~~6.2.10~~6.2.12 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.

~~6.2.11~~6.2.13 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

~~6.2.12~~6.2.14 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.

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

6.3.1 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

6.3.2 Comply with NDIS Reporting Obligations and Aged Care Serious Incident Reporting Obligations; and

6.3.3 Notify Council of any instances of non-compliance with the policy.

~~6.3.3~~6.3.4 Meet the obligations of the IT Acceptable Use Policy to ensure suspicions of online child exploitation activity should also be reported to the Australian Federal Police.

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#### 6.4 Community Members using Council Services or Facilities

- 6.4.1 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.

#### 6.5 People and Performance

##### 6.5.1 Owner of this and related Policies

##### 6.5.2 Audit prescribed positions to ensure that WWCC is valid and that the person is not a prohibited person.

##### 6.5.3 Maintain a Prescribed position register

6.5.4 Provide all reasonable steps to ensure that appropriate supervision, prescribed access to training and resources to ensure Prescribed position holders understand their legal obligations to protect children and vulnerable people from harm.

##### 6.5.5 Responsible for reporting breaches to the Chief Executive Officer

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## 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
- ~~8.9.~~ Respectful Behaviours Policy and Procedure
- ~~9.10.~~ Volunteer Management Policy
- ~~10.11.~~ Volunteer Management Procedure

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## 9. Related resources

- The Safety Act sets out responsibilities for both government and non-government organisations including local government councils and subsidiaries, sporting clubs, and volunteer organisations.
- More detailed information and resources information sheets about child protection legislation and child safe environment can be accessed via: <https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments>

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~~9.10.~~ 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)	

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7	2023	Council (0493/2023)	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.
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**40-11. Availability**

**40-111.1** The Policy is available for workers and volunteers on the Intranet

**40-211.2** The Policy is available from Council's website - [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)

**40-311.3** 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.gov.au](mailto:city@salisbury.sa.gov.au)

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**41-12. Review**

**41-12.1** 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.

**42-13. Further Information**

**42-13.1** 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](mailto:city@salisbury.sa.gov.au)

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<b>ITEM</b>	3.1.3
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 May 2025
<b>HEADING</b>	Review of Hardship Policy for Residential Salisbury Water Customers
<b>AUTHOR</b>	Roseanne Irvine, Salisbury Water Administration Coordinator, Business Excellence
<b>CITY PLAN LINKS</b>	4.3 Our council is recognised for delivering exceptional community experiences and quality outcomes
<b>SUMMARY</b>	Pursuant to Section 37 of the <i>Water Industry Act 2012</i> , Council is required to have a Hardship Policy for Residential Salisbury Water customers. This policy has been reviewed and no changes are required.

**RECOMMENDATION**That Council:

1. Adopts the Hardship Policy for Residential Salisbury Water Customers as set out in Attachment 1 to this report (Item 3.1.3, Governance and Compliance, 19 May 2025) noting no changes are proposed.

**ATTACHMENTS**

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

1. Hardship Policy for Residential Salisbury Water Customers

**1. BACKGROUND**

- 1.1 Council has been issued a Water Retail Licence by the Essential Services Commission of South Australia (ESCOSA) which allows Council to provide a recycled water retail service to its customers.
- 1.2 In accordance with Section 37 of the *Water Industry Act 2012*, it is a condition of Council's Licence that it has a customer hardship policy for its residential customers that sets out:
  - 1.2.1 processes to identify residential customers experiencing payment difficulties due to hardship, including identification by Council and self-identification by residential customers.
  - 1.2.2 a range of processes or programs that Council should use, or apply, to assist customers identified as per paragraph 1.2.1.
- 1.3 The Hardship Policy for Residential Salisbury Water Customers was last reviewed in February 2023 and no changes were required in the context of the original policy as approved by ESCOSA in 2014.

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

- 2.1 ESCOSA – approval was received from the Commission on 27 August 2014 endorsing Council's Hardship Policy for Residential Salisbury Water Customers.

## **3. DISCUSSION**

- 3.1 The Hardship Policy for Residential Salisbury Water Customers is based on the customer hardship policy for minor and intermediate retailers, as published by the Minister for Communities and Social Inclusion, pursuant to Section 37 of the *Water Industry Act 2012*, under delegation by the Minister for Water and the River Murray, with modification. Any modification from the Minister's template, as contained in Council's policy, has previously been approved by ESCOSA.
- 3.2 The Hardship Policy for Residential Salisbury Water Customers has been reviewed.
- 3.3 No changes are required to the policy, nor have any changes been proposed or directed by ESCOSA or the Minister.

## **4. CONCLUSION**

- 4.1 Council is committed to assisting residential customers who are experiencing financial hardship to better manage their payments and ensure their recycled water service is not restricted.
- 4.2 This policy assists staff to identify Salisbury Water residential customers experiencing payment difficulties due to hardship to comply with the provisions of the *Water Industry Act 2012*.
- 4.3 The Hardship Policy for Residential Salisbury Water Customers as contained within Attachment 1 is recommended to Council for adoption, noting no changes are proposed.





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

## **Hardship Policy for Residential Salisbury Water Customers**

Adopted by:	Council
Responsible Division:	Salisbury Water – Business Excellence
First Issued/Adopted:	23 February 2015
Last Reviewed:	07 May 2025
Next Review Date:	May 2027

### **1. Purpose**

- 1.1 The City of Salisbury is committed to assisting residential customers with a recycled water service, who are experiencing financial hardship, to manage their payments in a manner that best suits the customer, and ensuring they remain connected to a retail service.
- 1.2 The purpose of this policy is to identify residential customers who are experiencing payment difficulties due to hardship and assist those customers to better manage their bills on an ongoing basis.
- 1.3 This policy sets out:
  - a) processes to identify residential customers experiencing payment difficulties due to hardship, including identification by us, self-identification by a residential customer, identification by an accredited financial counsellor, or welfare agency, and
  - b) an outline of a range of processes or programs that we will use, or apply, to assist our customers who have been identified as experiencing payment difficulties.

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- 1.4 This policy is based on the customer hardship policy for minor and intermediate retailers, made by the Minister for Communities and Social Inclusion, pursuant to section 37 of the *Water Industry Act 2012*, under a delegation by the Minister for Water and the River Murray, with modification. The modifications contained in this policy have been approved by the Essential Services Commission of South Australia.

## 2. Scope

- 2.1 This policy applies to residential customers with a recycled water retail service.

## 3. Legislative Requirements

- 3.1 City of Salisbury Water Industry Retail Licence (Intermediate Retailer)
- 3.2 *Water Industry Act 2012 (SA)*
- 3.3 *Essential Services Commission Act 2002 (SA)*
- 3.4 *Local Government Act 1999*

## 4. Interpretation/Definitions

In this policy:

**Accredited financial counsellor**, in South Australia, means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association.

**Connection** means an agreed point of supply at which a customer receives a retail service from a supplier.

**Consumer** means a person supplied with retail services as a consumer or user of those services, as defined in the *Water Industry Act 2012*. *Note: you may be a consumer by virtue of being a Council ratepayer.*

**Council** means the City of Salisbury

**Customer** means a person who owns land in relation to which a retail service is provided and includes:

- a) where the context requires, a person seeking the provision of a retail service, and
- b) in prescribed circumstances, a person supplied with retail services as a consumer or user of those services, without limiting the application of this definition to the owners of land, and

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- c) a person of a class declared by the regulations to be customers, as defined in the Water Industry Act 2012. *Note: you may be a customer by virtue of being a Council ratepayer.*

**Customer Hardship Policy** means this policy for minor and intermediate retailers, that has been adopted by the City of Salisbury, in accordance with section 37 of the *Water Industry Act 2012*.

**Financial Counsellor** means accredited financial counsellor.

**Financial Hardship** means a circumstance of experiencing a lack of financial means that may be either ongoing or temporary but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

**Hardship** means financial hardship.

**Hardship customer** means a residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program.

**Hardship Program** means an agreement between us and a hardship customer for payment of outstanding sums due for retail services.

**Intermediate retailer** means a retailer that provides services to more than 500 but less than 5000 connections.

**Minor retailer** means a retailer that provides retail services to less than 500 connections.

**Our, us, we** mean the City of Salisbury.

**Policy** means this Customer Hardship Policy.

**Regulations** means regulations under the *Water Industry Act 2012*.

**Residential customer** means a customer or consumer who is supplied with retail services for use at residential premises, as defined in the *Water Industry Act 2012*. *Note: you may be a residential customer by virtue of being a Council ratepayer.*

**Retail service** means a service constituted by the sale and supply of water to a person for use (and not for resale) where the water is to be conveyed by a reticulated system (even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit of this definition by the regulations, as defined in the *Water Industry Act 2012*.

**Retailer** means the holder of a licence issued by the Essential Services Commission of South Australia under the *Water Industry Act 2012*.

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**Water** means rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities but does not include sewerage, as defined in the *Water Industry Act 2012*.

**Water Service** means:

- a) a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or
- b) any other service, or any service of a class, brought within the ambit of this definition by the regulations, as defined in the *Water Industry Act 2012*.

## 5. Policy Statements

### **IDENTIFYING RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP**

- 5.1 A residential customer experiencing financial hardship is someone who is identified by themselves, by us, by an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with our payment terms.
- 5.2 There are two types of financial hardship: ongoing and temporary. Depending on the type of hardship being experienced, hardship customers will have different needs and will require different solutions.
- 5.3 Residential customers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
- 5.4 Residential customers who may be identified as experiencing temporary hardship are those who have experienced a short-term change in circumstances, such as serious illness, disability or death in the family, loss or change in income, separation, divorce or other family crisis, a loss arising from an accident, or some other temporary financial difficulty. These customers generally require flexibility and temporary assistance, such as an extension in time to pay or an alternative payment arrangement.
- 5.5 The extent of hardship will be determined by either our assessment process or by an external body, such as an accredited financial counsellor.
- 5.6 Where we assess a residential customer's eligibility for hardship assistance, we will consider indicators including (but not limited to) whether:

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- a) the customer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card;
- b) the Customer is eligible for a South Australian Government Concession;
- c) the customer has been referred by an accredited financial counsellor or welfare agency;
- d) the customer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful);
- e) the customers payment history indicates that they have had difficulty meeting their retail services bills in the past;
- f) the customer, through self-assessment, has identified their position regarding their ability to pay.

**ASSISTING RESIDENTIAL CUSTOMERS WHO ARE EXPERIENCING FINANCIAL HARDSHIP**

5.7 We will inform a residential customer of this customer hardship policy where:

- a) it appears to us that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
- b) we are proposing to install a flow restriction device.

5.8 Where a residential customer has been identified as experiencing financial hardship, we will offer the customer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship customer's usage, capacity to pay and current financial situation. These options will include the following:

- a) an interest and fee free payment plan that complies with clause 5.23 to 5.27,
- b) reoccurring BPay Payment Plan, or
- c) other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges),

recognising that some residential customers have a short-term financial hardship issue that may be resolved in the near to medium term, where others may require a different type of assistance for ongoing financial issues.

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- 5.9 We will not charge a residential customer a reconnection charge where the customer is experiencing financial hardship and should have been identified as eligible for this customer hardship policy, as long as the customer agrees to participate in our hardship program, upon reconnection.
- 5.10 We will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.
- 5.11 We will work with a hardship customer's financial counsellor to determine the payment arrangement and instalment amount that best suits the customer and their individual circumstances.
- 5.12 Where a hardship customer's circumstances change, we will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.
- 5.13 We will not require a hardship customer to provide a security deposit.
- 5.14 We will not restrict a customer's retail service if:
- a) the customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
  - b) we have failed to comply with the requirements of this customer hardship policy.
- 5.15 We will also offer the hardship customer:
- a) where appropriate, information about the right to have a bill redirected to a third person, as long as that third person consents in writing to that redirection
  - b) information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
  - c) information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a customer is experiencing ongoing financial hardship.
- 5.16 Where a hardship customer requests information or a redirection of their bills, we will provide that information or redirection free of charge.
- 5.17 We will provide information to the hardship customer on how to reduce usage and improve water efficiency, which may include referral to relevant government water efficiency programs. This will be provided at no charge to the customer.

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- 5.18 We will explain to the hardship customer how and when the customer will be returned to regular billing cycles (and collection), after they have successfully completed their hardship program.
- 5.19 We will also explain to the hardship customer that they will be removed from our hardship program, and be returned to our standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact us for a period of greater than 90 days.
- 5.20 We will not take any action to remove a customer from our hardship program until we have sent the customer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their re-entry into the program.

#### **RETAIL SERVICES PROVIDED BY COUNCILS**

- 5.21 Typically, Council rates are made up of retail services (as defined in this policy) and non-retail services, for example refuse collection, parks and playgrounds, road maintenance.
- 5.22 The City of Salisbury's water retail service is billed separately to its Council rates, therefore if you are a residential customer in receipt of a water retail service provided by Council and you are experiencing financial hardship, then only the water retail element will be subject to the terms of this hardship policy.

#### **PAYMENT PLANS**

- 5.23 Our payment plan for a hardship customer will be established having regard to:
- a) The customer's capacity to pay and current financial situation
  - b) Any arrears owing by the customer, and
  - c) The customer's expected usage needs over the following 12 month period.
- 5.24 The payment plan will also include an offer for the hardship customer to pay their retail services in advance or in arrears by instalment payments at a frequency agreed with the customer (eg weekly, fortnightly, monthly or as otherwise agreed with the customer).
- 5.25 Where a payment plan is offered to a hardship customer, we will inform the customer in writing, within 10 business days of an agreement being reached, of:
- a) The duration of the plan

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- b) The amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
- c) The customer is in arrears – the number of instalments to pay the arrears, and
- d) If the customer is to pay in advance – the basis on which the instalments are calculated.

5.26 We will waive any fees for late payment of a bill for a hardship customer.

5.27 Where a hardship customer is seeking assistance in accordance with this policy but has failed to fulfil their obligations under an existing hardship arrangement, we will require them to sign up for reoccurring BPay payments.

#### **DEBT RECOVERY**

5.28 We will suspend debt recover processes while negotiating a suitable payment arrangement with a hardship customer.

5.29 We will not engage in legal action or commence proceedings for the recovery of a debt relating to a retail service for a hardship customer if:

- a) The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- b) We have failed to comply with the requirements of this customer hardship policy.

#### **RIGHTS OF RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP**

5.30 Every residential customer experiencing financial hardship has the right to:

- a) Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential.
- b) Receive information about alternative payment arrangements, this customer hardship policy, and government concessions, rebates, grants and assistance programs.
- c) Negotiate any amount they can afford to pay on a payment plan or other payment arrangement.
- d) Consider various payment methods and receive written confirmation of the agreed payment arrangement within 10 business days.
- e) Renegotiate their payment arrangement if there is a change in their circumstances.

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- f) Receive information about free and independent, accredited financial counselling services.
- g) Receive a language interpreter service at no cost to the customer.
- h) Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.
- i) Not have retail services restricted or disconnected as long as they have an agreed payment arrangement and continue to make payments according to an agreed plan.

#### **GENERAL PROVISIONS**

- 5.31 We will ensure residential customers have equitable access to this customer hardship policy, and that this policy is applied consistently.
- 5.32 We will ensure appropriate training of staff dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist staff in the early identification of hardship customers, with establishing payment plans based on a hardship customer's capacity to pay, and include processes for referral to an accredited financial counsellor or welfare agency for assistance.
- 5.33 This customer hardship policy is available on our website:  
[www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- 5.34 We will also make a copy of this policy available, upon request, and at no charge to the customer, as soon as practicable following a request to do so.
- 5.35 This customer hardship policy does not limit or prevent us from waiving any fee, charge or amount of arrears for the provisions of retail services to customers who are experiencing financial hardship.

#### **CONFIDENTIALITY**

- 5.36 Any information disclosed by a customer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

#### **COMPLAINTS HANDLING**

- 5.37 Details of our customer complaints and dispute resolution process are available on our website: [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au). We will also make a copy of this process available to a residential customer, upon request, and at no charge to the customer.

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5.38 A residential customer experiencing hardship has the right to have any complaint heard and addressed by us, and in the event that their complaint cannot be resolved, the right to escalate the complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

## 6. Related Policies and Procedures

6.1 Water Retail Code – Minor & Intermediate Retailers, WRC-MIR/02, Essential Services Commission of South Australia.

## 7. Approval and History

Version	Approval Date	Approval By	Change
6	May 2025	Council	Reviewed for currency, no changes required.

## 8. Availability

8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)

8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours, and upon request, a copy will be provided at no charge to the customer.

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

## 9. Review

This Policy will be reviewed:

- within 12 months of a Council election and thereafter as necessary; or
- earlier in the event of changes to legislation or related Policies and Procedures; or
- if deemed necessary by Council.

## Further Information

For further information on this Policy please contact:

Responsible Officer: Manager, Salisbury Water  
Address: 34 Church Street, Salisbury SA 5108  
Telephone: 8406 8222  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

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