Notice of Governance and Policy Committee Meeting

Wednesday 18 October 2017

MEMBERSHIP

Cr Matthew Harbinson (Presiding Member)
Cr Damian Wyld
Cr Stuart Headland
Cr Lucas Jones
Cr Peter Field

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next GOVERNANCE AND POLICY COMMITTEE MEETING will be held in the Civic Centre, 571 Montague Road, Modbury on WEDNESDAY 18 OCTOBER 2017 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 12 October 2017

Naturally Better
AGENDA

1. Opening and Welcome

Acknowledgement of Country Statement

“The City of Tea Tree Gully recognises this City’s considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kaurna people and the more recent contributions from all who live here. We build on this heritage today by respecting and listening to each other, being receptive to new ideas and acting wisely for the current and future well-being of our community”.

2. Attendance Record:

2.1 Present
2.2 Apologies
2.3 Record of Officers in Attendance
2.4 Record of Number of Persons in the Public Gallery
2.5 Record of Media in Attendance

3. Confirmation of Minutes to the Previous Meeting

That the Minutes of the Governance and Policy Committee held on 29 August 2017 be confirmed as a true and accurate record of proceedings.

4. Public Forum

Available to the public to address the Committee on policy, strategic matters or items that are currently before the Committee. Total time 10 mins with maximum of 2 mins per speaker. For more information refer to Council’s website www.teatreegully.sa.gov.au

5. Deputations - Nil

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Presiding Member. For more information refer to Council’s website www.teatreegully.sa.gov.au
6. Presentations

Requests to present to the meeting must be received in writing 5 days prior to the meeting and approved by the Presiding Member. For more information refer to Council’s website www.teatreegully.sa.gov.au

6.1 Presentation - Policy review approach

Ms Ilona Cooper, Manager Governance & Policy to present options on potential approaches for policy review going forward based on feedback received by the Governance & Policy Committee at its last meeting

7. Petitions - Nil

8. Declarations of Conflicts of Interest

Members are invited to declare any material, actual and/or perceived conflicts of interest in matters appearing before the Committee.

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Management Reports

   Office of the Chief Executive Officer - Nil

   Assets & Environment - Nil

   Organisational Services & Excellence - Nil

   Community & Cultural Development - Nil

12. Notice of Motions - Nil

13. Motions without Notice

14. Questions on Notice - Nil

15. Questions without Notice
16. Returned Policies

16.1 Community Wellbeing and Inclusion for All Policy .................................................. 7

17. First Discussion of Policies Prior to Review

17.1 Requests for Services Policy ....................................................................................... 17
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17.5 Property Identification Policy .................................................................................... 49
17.6 Community Wastewater Management System and Recycled Water
    Customer Hardship Policy .......................................................................................... 57
17.7 Enforcement Policy ................................................................................................. 69

18. Status Report on Council and Committee Resolutions

18.1 Status Report on Committee Resolutions .............................................................. 81

19. Other Business

20. Section 90(2) Local Government Act 1999 – Confidential Items - Nil

   A record must be kept on the grounds that this decision is made.

21. Date of Next Meeting
   20 December 2017

22. Closure
At the Governance and Policy Committee on 19 August 2017 the following resolution was made:

“That the “Disability Discrimination Act Policy” as reviewed by the Governance and Policy Committee on 16 August 2017 be deferred until such a time as the Community Inclusion and Wellbeing for All Strategy (or equivalent) be provided to the Governance and Policy Committee Meeting in October 2017.”

As per a previous discussion with the Governance and Policy Committee, Council is not obligated to have a Disability Discrimination Act Policy; however we do have responsibility under the Local Government Act to ensure that all public services, facilities and information are available to all community members, so that they have the opportunity and choice to participate in all aspects of community life. As such we are recommending that, in alignment with the latest Age Care sector and National Disability Insurance Scheme reforms and the National Disability Strategy 2010-2020, we are proposing to develop a single policy and an action plan, which focuses on Community Inclusion and Wellbeing for All. This proposed approach will incorporate and supersede and the following documents and strategies:

- Ageing Strategy 2010-2015
- Disability Discrimination Act Policy

The Disability Discrimination Act Policy has been changed into a high level, aspirational document which links with other Council strategies and plans to give visibility to the actions and to enabling inclusive future planning to occur more holistically across different areas of Council.
The aims of the new policy will be to:

- Reduce barriers to all persons accessing goods, services and facilities in the City.
- Increase the inclusion and participation of all persons in community life.

We are suggesting that we have a whole-of-council, co-ordinated approach to achieving the following objectives:

1. Facilitating civic participation and inclusive consultation practices
2. Improving the accessibility of Council buildings and infrastructure including roads, footpaths, community transport; parks, buildings etc.
3. Inclusive communication and information approaches to improve the customer experience with Council including digital information and communications technologies
4. Ensuring council services, programs and events are accessible and inclusive and promote participation in the community, including social, sporting, recreational and cultural life.
5. Promote diverse and inclusive employment and volunteer opportunities both within Council and externally in our City.
6. Influence community attitudes and perceptions around culturally and linguistically diverse groups, ageing and disability and support changes to practices which discriminate against persons at a local community level
7. Provide leadership by advocating and encouraging the provision of person-centred care and support provided by specialist disability services and mainstream services; informal care and support services in the City
8. Foster partnerships and collaborations with other levels of government to support the accessibility of health services and health promotion.

It is intended that the new policy will be supported by a comprehensive action plan that will also incorporate the soon to be legislatively required Disability Access and Inclusion Plan (DAIP). The action plan will provide actions under each of the strategic objectives above with annual reporting back to Council and the community on the progress of actions within the plan.

In recent years, we have already undertaken a number of community engagement activities as part of an Age Friendly Cities project and other community engagement activities that have highlighted various areas of strength and improvement in terms of making our City more inclusive and accessible. However we are cognisant that further broad community consultation is required with all sectors of our community, particularly with groups and individuals who are vulnerable and are at risk of social isolation such as people from culturally and socially diverse backgrounds and people with a range of disabilities and impairments. It is essential to gain further insight into how our services and/or facilities can become as inclusive as possible and that we seek feedback and reflect on the needs of all members of our community.

In the coming months we will be undertaking a wide range of community engagement activities as part of developing an action plan to implement this policy. We also propose that we commit to continue to engage various key stakeholders during implementation and reporting stages of the plan via a community reference group.

It is intended this group will enable issues and ideas to be raised and responded to in a timely manner. Establishing a community reference group will also support discussions
around competing priorities and resource constraints and help Council identify priority actions to address future community need.

**RECOMMENDATION**

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)

That the Governance and Policy Committee recommends to Council:

1. That the “Community Wellbeing and Inclusion for All Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

2. That the following documents be revoked:
   - Ageing Strategy 2010-2015
   - Disability Discrimination Act Policy

OR

(Use this recommendation when the policy/code needs to be returned to the Committee - eg to incorporate discussion points from the meeting)

That the “Community Wellbeing and Inclusion for All Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

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<th>Page No.</th>
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<tr>
<td>1</td>
<td>Policy name</td>
<td>Policy name has been changed to reflect broader more inclusive population groups.</td>
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<td>2</td>
<td>Purpose</td>
<td>Purpose of policy now included broader focus toward achievement of council’s strategic vision.</td>
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<tr>
<td>3 &amp; 4</td>
<td>Strategic Plan</td>
<td>References to all strategic objectives that apply to this plan have now been included in this policy. Rationale for broader focus also included from strategic plan.</td>
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<td>4</td>
<td>Organisational plan</td>
<td>Inclusion of relevance of this policy to organisational plan</td>
</tr>
<tr>
<td>4</td>
<td>Policy</td>
<td>Policy now includes 8 strategic objectives and further includes introduction of action plan and reporting arrangements</td>
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Changes during or after GPC Meeting for Council Meeting [date]

**Supporting Information**

**Attachments**
1. Community Wellbeing and Inclusion for All Policy - New Policy............................ 11
## Community Wellbeing & Inclusion for All Policy

<table>
<thead>
<tr>
<th>Record Number</th>
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<tr>
<td>Responsible Manager</td>
<td>Manager Community Development &amp; Engagement</td>
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<td>Director Assets &amp; Environment</td>
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<td>Director Organisational Services &amp; Excellence</td>
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<td>Other Key Internal Stakeholders</td>
<td>Director Community &amp; Cultural Development</td>
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<td>Manager Buildings Assets &amp; Environment</td>
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<td>Manager Organisational Development</td>
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<td>Previous review dates</td>
<td>(Previously Disability Discrimination Act Policy)</td>
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<td>15/01/14, 21/09/11, 22/01/08, 25/02/03, 13/03/01</td>
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<td>Legal requirement</td>
<td>NA</td>
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<tr>
<td>Due Date of next review</td>
<td>2020</td>
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Purpose

The purpose of this Policy is to provide a framework and set of guiding principles for the City of Tea Tree Gully to support the achievement of Council’s strategic plan vision of a thriving community with a quality lifestyle that values its people and natural environment for all members of our community.

The purpose of this Policy is also to state Council’s position in regards to the Disability Discrimination Act 1992 (Cth). This Policy will also provide guidance on how the City of Tea Tree Gully will meet the requirements of the Disability Discrimination Act.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

Disability Discrimination Act 1992 (Cth)

This Act makes it unlawful to discriminate in the provision of goods, services or facilities, against people on the basis that they have, or may have, a disability. It also makes it unlawful to discriminate against a person on the basis that one of their associates has, or may have a disability. This Act has primacy over other Commonwealth and State legislation unless exempted in writing by the Australian Attorney-General. It is a legal requirement of Council to respond to issues and complaints relating to access to services under the control of Council, pursuant to the Act.

The objects of the Act are:

- To eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
  - Work, accommodation, education, access to premises, clubs and sport
  - The provision of goods, facilities, services and land
  - Existing laws
  - The administration of Commonwealth laws and programs
- To ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The Act reinforces Council’s general obligation not to treat a person with a disability less favourably than they would treat a person without a disability in similar circumstances. The Act recognises that people with disabilities constitute a significant proportion of the local community and that they have a right to participate as fully as possible in the life of the community.
This Act has important relevance to a number of Council operations, namely:

- Access to Council owned and/or operated facilities used by the community
- Provision of Council services and access to those services
- Purchase, sale and use of Council land
- Council employment (including volunteers)
- Council contract management
- Provision of Council information to the community
- Development of Council policies and procedures.

**Equal Opportunity Act 1984**

An Act to:

- Promote equality
- Prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds
- Facilitate the participation in the economic and social life of the community.

**Local Government Act 1999**

Section 8(b) and (h) emphasises the requirement to be responsive to the needs, interests and aspirations of individuals and groups within its community and to ensure that council resources are used fairly, effectively and efficiently.

**Strategic Plan / Policy**

**Strategic Plan**

The following strategic objectives in Council's Strategic Plan 2020 are the most relevant to this report:

**Theme:** Healthy and Safe
**Aspiration:** Our community is healthy and safe

**Objective 1:** A community where people are safe in our public places and spaces.

**Objective 2:** A community where people are safe during emergencies, natural disasters and during extreme climatic events, such as storms or heatwaves.

**Objective 3:** A community where people have easy access to places, spaces and services that support good health

**Theme:** Prosperous and Connected
**Aspiration:** Our local economy prospers and people feel a sense of purpose and belonging

**Objective 1:** A community that has a say in decisions that affect them.

**Objective 2:** A community that participates in meaningful community and economic activities

**Objective 3:** A community with a resilient local economy

**Objective 4:** A community where people have the resources and capacity to achieve their goals

**Theme:** Vibrant and Liveable
**Aspiration:** Our city is a desirable and sustainable place to live

**Objective 1:** A city that is made up of places and spaces that are appealing and easy to access

**Objective 2:** A community with a diverse range of housing to suit a variety of needs, life stages and lifestyles
Objective 3: A sustainable city that has a healthy natural environment and is resilient to climate change.

Objective 4: A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting.

Our strategic plan is focused on promoting the wellbeing of our community; that is, to ensure we have a healthy community that enjoys a quality lifestyle. Extensive research into individual and community wellbeing tells us that there are a number of factors that contribute to community wellbeing.

The goal of community wellbeing is linked to effective government at all levels. While Council cannot control all of the factors associated with our residents’ wellbeing, we can contribute positively in a number of ways. These include the provision of infrastructure, services and facilities that support public health and wellbeing. For example, we design public places and spaces that support health and safety and we continually strive to create an environment that supports a quality lifestyle for all residents.

In addition to directly providing services we also partner with others to deliver services, programs, facilities and infrastructure to support wellbeing. We also act as an advocate about issues that could impact on the wellbeing of all members of our community.

Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance, Continuous improvement.

Other references

Council’s documents including:

- Code of Conduct for Employees and Volunteers
- Fees and Charges Register
- General Complaints Policy

Definitions

For the purposes of this Policy the following definitions apply:


CEO - Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Policy

Council is committed to ensuring, as far as practicable, that the community is accessible for all people including vulnerable groups or those at risk of social isolation such as people from culturally and socially diverse background, frail and aged people and people with disabilities, their families and carers.

Council interprets an inclusive and accessible community as one in which all Council functions, facilities, services, programs, activities and events are open and available to all people. This is achieved by providing the same opportunities, rights and responsibilities enjoyed by all other people in the community, where it is relevant and fair to do so.
Council recognises that all people including vulnerable groups or those at risk of social isolation such as people from culturally and socially diverse background, frail and aged people and people with disabilities, their families and carers are valued members of the community who make a variety of contributions to the social, economic and cultural life within the City. Council believes that a community that recognises its diversity and supports the participation of all its members makes for a richer community.

Council is required to work towards providing inclusive and equitable access to services and facilities to all sections of the community, including people with disabilities. Council also recognises that full compliance with the intent of the Act comes at a financial cost that cannot be easily achieved in the short term.

The intent is to have a whole-of-council, co-ordinated approach to achieving the following strategic objectives:

1. Facilitate civic participation and inclusive consultation practices
2. Improve the accessibility of council buildings and infrastructure including roads, footpaths, community transport; parks, buildings etc.
3. Inclusive communication and information approaches to improve the customer experience with Council including digital information and communications technologies
4. Ensure council services, programs and events are accessible and inclusive and promote participation in the community, including social, sporting, recreational and cultural life
5. Promote diverse and inclusive employment and volunteer opportunities both within Council and externally in the city
6. Influence community attitudes and perceptions around culturally and linguistically diverse groups, ageing and disability and support changes to practices which discriminate against persons at a local community level
7. Provide leadership by advocating and encouraging the provision of person-centred care and support provided by specialist disability services and mainstream services; informal care and support services in the city
8. Foster partnerships and collaborations with other levels of Governments’ to support the accessibility of health services and health promotion.

The above objectives will be supported by a Community Wellbeing and Inclusion for All Action Plan, which will provide specific and measurable actions under each of the strategic objectives. The Action Plan will be established and maintained under the direction of the CEO and will be reviewed and revised in line with Council’s Strategic Plan. At least once every year, a report will be provided to Council and the community about the achievements of the Action Plan.

Council will commitment to the spirit and intent of the legislation by:

- Promoting a positive image of people with disabilities
- Ensuring the needs of people with disabilities are recognised in the development, planning and delivery of Council services and facilities
- Providing facilities, services and assets that, as far as practicable, comply with Australian Standards and Codes and the objectives of the Act
- Ensuring that all Elected Members, employees and volunteers are aware of and understand the needs of people with disabilities.
Feedback and/or Complaints

A member of the public can make a complaint or provide Council with feedback in relation to its compliance with the Act (i.e. complaints are managed in accordance with Council’s General Complaints Policy).

General complaints or concerns may be lodged with the Council in the following ways:

- In writing including by letter, email (cttg@cttg.sa.gov.au), facsimile, or via the Internet via Council’s website www.teatreegully.sa.gov.au
- In person
- By telephoning Council on 8397 7444.

If a person considers that a complaint has not been satisfactorily handled by the Council, it is open to the person to lodge a formal complaint with the Australian Human Rights Commission - www.humanrights.gov.au.

Policy implementation

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

Accessibility

This Policy and Council’s Fees and Charges register are available on Council’s website: www.teatreegully.sa.gov.au

Hard copies can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
REQUESTS FOR SERVICES POLICY

Responsible Manager: Manager Customer & Communications

This policy is reviewed as part of the policy review cycle.

This policy is to be discussed/reviewed about suggested changes as identified in the table below.

This policy has been discussed with all key internal stakeholders listed on the cover sheet for this policy.

RECOMMENDATION

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)

That the Governance and Policy Committee recommends to Council:

That the “Requests for Services Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)

That the “Requests for Services Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR
That the “Requests for Services Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

Summary of changes

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<tr>
<td>2</td>
<td>Strategic Plan / Policy</td>
<td>Added relevant strategic objective.</td>
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<td>3</td>
<td>Definitions</td>
<td>Definition for ‘Requests for services’ has been included</td>
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<td>4</td>
<td>Reasonable Request for Service</td>
<td>Removed “the community need in light of” and replaced with “the following”</td>
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<td>Added dot points:</td>
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<td>• External funding service agreements</td>
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<td>• Unusual or extenuating circumstances (these may be physical, environmental, demographic or cultural)</td>
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<td>• The overall need for consistency and fairness in the level of services provided to the community.</td>
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<td>4</td>
<td>Processing a Request for Service</td>
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<td>“In cases where it is not the responsibility of Council to deliver, the customer will be referred onto a suitable service provider or the responsible authority where appropriate. If the service cannot be provided by a third party, Council will assess its role in advocating on behalf of the customer.”</td>
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<td>Public consultation removed from the end of the second paragraph and replaced with community engagement</td>
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<tr>
<td>4</td>
<td>Timeframes for Response</td>
<td>Public consultation has been replaced with community engagement</td>
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Changes during or after GPC Meeting for Council Meeting [date]

Supporting Information

This policy will provide direction for the development of Customer Experience training to be delivered to all staff commencing February 2018.

Attachments

1. Requests for Services Policy - Reviewed version ......................................................... 19
Requests for Services Policy

Record Number: D17/48877

Responsible Manager: Manager Customer & Communications
Director Assets & Environment
Director Community & Cultural Development
Manager Building Assets & Environment
Manager Civil Assets
Manager Civil & Water Operations

Other Key Internal Stakeholders:
Manager Parks
Manager Community Safety
Manager City Development
Manager Community Development & Engagement
Manager Library Services, Arts & Culture

Last reviewed

Adoption reference

Resolution number

Previous review dates: 10/03/15

Legal requirement: There is a legal requirement under section 270 of the Local Government Act 1999 for Council to develop and maintain policies, practices and procedures for requests for services.

Due Date of next review: 2020
Purpose

The City of Tea Tree Gully delivers an extensive range of services and infrastructure to communities and discharges obligations under many pieces of legislation. Providing services to the community is a key component of Council’s operations and requests for work to be undertaken or a service provided are a daily occurrence.

Council is committed to the provision of quality service to customers and aims to provide services fairly and efficiently. It also monitors requests to identify ways in which it can proactively improve its services.

This policy aims to:

- Provide guidance on what may constitute a reasonable request for a service or an improvement to a service
- Distinguish between requests, General Complaints and Feedback to Council and give direction on management of requests
- Establish a standardised process for assessing and processing requests including the collation of information which can be used to directly inform service improvements.

Legislative framework and other references

The following legislation applies to this Policy:

**Local Government Act 1999**

Section 270(a1) and (b) states that council must develop and maintain policies, practices and procedures for dealing with:

- Any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council
- Complaints about the actions of the council, employees of the council or other persons acting on behalf of the council.

Section 270(a2) states that the policies, practices and procedures required under subsection (a1) must be directed towards:

- Dealing with the relevant requests or complaints in a timely, effective and fair way
- Using information gained from the council’s community to improve its services and operations.

**Strategic Plan / Policy**

The following strategic objective in the Council’s Strategic Plan 2020 are the most relevant to this report:

- **Theme:** Customer and community relations
- **Indicator:** Overall community satisfaction with Council
- **Key Area:** We value and proactively foster good customer relationships
Other references

Council’s documents including:

- Fees and Charges Register
- General Complaints Policy
- Internal Review of Council Decisions Policy

This Policy is based on a model policy developed by the Local Government Association.

Definitions

For the purposes of this Policy the following definitions apply:


**Council** - Refers to the City of Tea Tree Gully, the organisation.

**Customer** - Ratepayer, resident, visitor or business

**Employee** - Any person who is employed by Council but also includes any trainee, work experience student, temporary labour hire staff, volunteer and consultants undertaking work for, or on behalf of Council, regardless if they are full time, part time or casual.

**Feedback** - Can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of service or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

**General Complaint** - Is an expression of dissatisfaction with:

- Council’s actions, policies, procedures, processes, charges, employees, agents or services
- The quality of services provided or works carried out
- The lack of action on a request for service
- Delays associated with the provision of a service
- The conduct of Council’s employees or nominated agents/representatives.

**The Council** - Refers to the Elected Member body.

**Requests for services** - requests made by external customers.

Policy

A request for service is an application to have Council or its delegates or representatives take some form of action to provide or vary a Council service. Council also receives General Complaints and Feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this policy (complaints or requests for services).

Where Council has not met the normal standards for a service which has been, or should have been delivered, the General Complaints Policy and the associated procedures apply. Requests for review of Council decisions will be in accordance with the Internal Review of Council Decisions Policy.
Reasonable Request for Service

A person can make an application for a service either verbally or in writing. In determining how to respond to a Request for Service Council will consider the following:

- An assessment of risk
- Statutory responsibilities
- Current available budget
- The content of Council’s Strategic Management Plans, Annual Business Plans, annual works program and Annual Budget
- Relevant Council policies and codes
- External funding service agreements
- Unusual or extenuating circumstances (these may be physical, environmental, demographic or cultural)
- The overall need for consistency and fairness in the level of services provided to the community
- Established service standards and response times for regular Council activities.

Processing a Request for Service

In Council’s experience, most requests fit within well established guidelines which will be explained to a customer at the outset. Council aims to manage requests efficiently and effectively. Employees are provided with a level of authority to advise customers of the likely timeframe to complete the action required.

Other requests may be best suited to scheduling to coincide with work in a particular suburb or season. Reasonable requests for additional major works or new services will be referred to Council for consideration as part of the next annual budget cycle of review and community engagement.

If a request cannot be fulfilled in a reasonable timeframe or is a service that is not the responsibility of the Council to deliver, the customer will be advised, including an explanation of why this decision was taken. In cases where it is not the responsibility of Council to deliver, the customer will be referred onto a suitable service provider or the responsible authority where appropriate. If the service cannot be provided by a third party, Council will assess its role in advocating on behalf of the customer.

Council will use the information gained by the community to improve its services and operations. Where a customer is not satisfied with the Council’s decision they may lodge a complaint against the decision under Council’s General Complaints Policy, Internal Review of Council Decisions Policy or contact the Ombudsman. As a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

Timeframes for Response

The circumstances of any individual Request for Service will vary greatly. Routine requests are often subject to established service response standards. As noted previously, requests for additional major works or new services will need to be referred to Council for consideration as part of the next annual budget cycle and community engagement.

Policy implementation

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations (refer to Policy Delegation No. 70A).
Accessibility

This Policy and Council's Fees and Charges register are available on Council's website:
www.teatreegully.sa.gov.au

Hard copies can be provided in accordance with Council's Fees and Charges Register at
Council's Civic Centre at 571 Montague Road, Modbury SA 5092.
SPONSORSHIP POLICY

Responsible Manager: Manager Customer and Communications

This policy is being reviewed earlier than scheduled for the following reasons:
- Concerns being identified
- To manage or mitigate risk

Staff wish to discuss with the Governance and Policy Committee suggested changes as identified in the table below. Discussion points are included in the table.

This policy has been discussed with Other Key Internal Stakeholders.

RECOMMENDATION

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)

That the Governance and Policy Committee recommends to Council:

That the “Sponsorship Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)

That the “Sponsorship Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR
That the “Sponsorship Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>3</td>
<td>General Principles</td>
<td>Adding the ability for Council to negotiate future sponsorship opportunities with existing sponsors prior to going to market. This will enable longer term sponsorship agreements with increased value to Council</td>
</tr>
<tr>
<td>4</td>
<td>Partnerships sought by Council</td>
<td>Clarifies Council’s position to local sponsors and the process for calling for sponsorship.</td>
</tr>
<tr>
<td>5</td>
<td>Part 2 - Principles</td>
<td>Clarifies Council’s action when the budget for providing sponsorship has been exhausted.</td>
</tr>
<tr>
<td>6</td>
<td>Part 2 - Principles</td>
<td>Readdresses the sponsorship sliding scale percentages. The new suggested percentages will offer better support while encouraging events to become self-sustaining</td>
</tr>
<tr>
<td>6</td>
<td>Categories</td>
<td>Refined category threshold in line with the applications we receive</td>
</tr>
<tr>
<td>6-7</td>
<td>Criteria – Eligible &amp; Ineligible</td>
<td>Updated the criteria to ensure applications meet appropriate governance and is in line with Council’s intentions for the program</td>
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<tr>
<td>7</td>
<td>Assessment</td>
<td>Updated to include additional information from the applicant to enable appropriate evaluation of applications</td>
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Changes during or after GPC Meeting for Council Meeting [date]

| Supporting Information |

Attachments

1. Sponsorship Policy - Reviewed version............................................................... 27
# Sponsorship Policy

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
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<tbody>
<tr>
<td>Record Number</td>
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<td>Responsible Manager</td>
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<td>Director Organisational Services &amp; Excellence</td>
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<tr>
<td>Legal requirement</td>
<td>NA</td>
</tr>
<tr>
<td>Due Date of next review</td>
<td>2020</td>
</tr>
</tbody>
</table>
Purpose

The purpose of this policy is to state Council’s position in regards to:

- Council receiving sponsorship from a third party for a Council activity, program or event
- Council providing sponsorship to another organisation for an event.

This policy establishes a clear set of guidelines for Council and its staff that must be applied when negotiating sponsorships.

The existence of this policy will assist to ensure that sponsorship is managed in an open and transparent manner.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area. It is recommended that this policy be implemented for the purpose of applying best practice principles in the area of sponsorship.

Strategic Plan / Policy

Strategic Plan

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this policy:

<table>
<thead>
<tr>
<th>Theme:</th>
<th>Prosperous and Connected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspiration:</td>
<td>Our local economy prospers and people feel a sense of purpose and belonging</td>
</tr>
<tr>
<td>Objective 2:</td>
<td>A community that participates in meaningful community and economic activities</td>
</tr>
<tr>
<td>Objective 3:</td>
<td>A community with a resilient local economy</td>
</tr>
<tr>
<td>Objective 4:</td>
<td>A community where people have the resources and capacity to achieve their goals</td>
</tr>
</tbody>
</table>

This policy enables community generated economic development by way of providing support (financial/non-financial) to aspiring events and businesses within the local area.

By providing incremental support council is enabling a resilient local economy.

Other references

Council’s documents including:

- Fees and Charges Register

External documents including:

- Independent Commissioner Against Corruption
Definitions

For the purposes of this policy the following definitions apply.

CEO - refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully, or an Acting Chief Executive Officer.

Sponsor - an organisation or individual providing resources in return for specific benefits.

Sponsorship - a contract where Council provides or is provided with financial and/or in kind support for an activity. Sponsorship is usually for a defined period and does not include the selling of advertising space, joint ventures, consultancies, grants and unconditional gifts, bequests, endowments or donations.

Sponsorship Agreement - a contract that outlines the terms of the Sponsorship.

Policy

Part 1 – Event Partnership Program
(Council receiving Sponsorship for Council events)

The City of Tea Tree Gully has a range of responsibilities to deliver services and programs under relevant legislation and policies. To enhance, vary or reduce the cost of current activities, Council may enter into sponsorship agreements. Sponsorship can be advantageous for all parties, however Council must ensure all sponsorship agreements do not compromise or question the integrity of Council operations.

General Principles

Council, in endorsing sponsorships for individual activities, programs and/or events will support the following principles:

- Sponsorship agreements are contracts and will be in written form, and comply with the principles outlined in this policy
- A sponsorship agreement must not impose or imply conditions that would limit, or appear to limit, Council’s ability to carry out its functions fully and impartially
- There must be no real or perceived conflict between the objectives and mission of Council and those of the sponsor
- New sponsorships may be sought either through advertising or by direct contact with potential sponsors
- Council reserves the right to approach current event partners based on previous year’s partnership prior to engaging new partners
- It is inappropriate and potentially unlawful for any employee or Elected Member to receive any personal benefit from a sponsorship
- Any other condition deemed appropriate by Council.

Assessment of Sponsorship Proposals

The CEO or delegate will assess sponsorship proposals against the following criteria:

- The amount of money offered
- The length of time (tenure) of the sponsorship being offered
- The conditions (if any) of the sponsorship being offered
- Whether the sponsor being considered is in direct competition (same market) with an existing sponsor of a Council event, activity or program
• That the sponsor’s aims and objectives do not conflict with the aims and objectives of the City of Tea Tree Gully
• That the sponsorship arrangement presented does not commit Council to endorsing the goods and services from the sponsor outside of the specific sponsored event
• Where the sponsorship includes goods and services to Council, the goods and services will be effectively evaluated by employees to ensure their compliance with Council policy and identified need
• Whether there is a possibility of a conflict of interest
• Proposals will be assessed in the order they are received.

Details of the criteria will be provided to organisations that may wish to offer sponsorship.

Conflict of Interest

Every sponsorship proposal will be assessed against the possibility of a conflict of interest. A proposal may be refused or terminated in any case where, during the life of the sponsorship, the sponsor:

• Has a current development application or planning matter before Council, or Council is aware of the possibility of an application or matter coming before Council in the near future
• Is, or is likely to be, subject to regulation or inspection by Council which may impose or imply conditions, and where the sponsorship may limit Council’s ability to carry out its functions fully and impartially.

If sponsorship is accepted under these circumstances, the reasons for acceptance must be clearly recorded by the approving officer.

It is expected that any individual or organisation with a sponsorship agreement with Council will disclose the agreement if lodging development applications or tender proposals with Council. Failure to adhere to these conditions may result in termination of the sponsorship agreement.

The fact sponsorship has been provided to the Council by a sponsor is an irrelevant consideration that will not be taken into account outside the terms of the sponsorship arrangement, including when the Council is required to exercise its regulatory or other decision-making functions in respect of a current or former sponsor.

Elected Members or employees of Council will not accept any gifts or benefits from sponsors from the time the sponsor agreements are negotiated until the end of the sponsorship term.

Partnerships sought by Council

• Council reserves the right to either publicly call for expressions of interest to ensure equal opportunity for all interested parties or to approach individual sponsors directly if required
• A partnership proposal is developed to clearly outline the opportunities available as well as the benefits of the partnership to both the proposed partner and to Council
• Where possible Council will actively seek partnership opportunities from local traders and businesses.
Recognition of Sponsors

Sponsors may be recognised for their contribution in a number of ways, including but not limited to:

- Opportunity to display signage and promotional material at selected Council events associated with the sponsorship
- Media release acknowledging the role and contribution of the sponsor
- Erect displays in the foyer of Council’s Civic Centre or Library
- Acknowledgment of sponsor in promotional material associated with the asset/event/promotion being sponsored.

The extent of such recognition will be determined in relation to the level and nature of the sponsorship. The cost of providing recognition for sponsors must not exceed the value of the sponsorship package being offered to Council.

Reporting

Details regarding key sponsorships of Council activities, program and/or events will be included in Council’s Annual Report.

Part 2 – Event Sponsorship Program
(Council providing sponsorship for external events)

Principles

The City of Tea Tree Gully, through this Event Sponsorship Program, seeks to attract events to the council area and will provide both financial and in-kind support to successful applicants.

Applications will be invited through promotion of the Event Sponsorship Program.

Applications requesting sponsorship is open all year. As applications are received, and funds are available, a panel will convene within four (4) weeks to undertake an assessment against the criteria and provide the applicant with the outcome.

As well as providing financial support, Council will look for ways to provide in-kind support to events it decides to sponsor. This may include promotion, assistance with permits and event site specific requirements.

Council has a budget for providing financial sponsorship each year. As the funds are exhausted, only in-kind support will be offered, at which time a notice will be placed on our website to notify interested parties.

A list of successful and unsuccessful applications will be reported to Council on a regular basis.

Events supported by the Event Sponsorship Program should have a direct and positive impact on the City, the community and businesses operating within the council area by:

- Increasing activity and tourism in the City
- Raising the profile of the City as a destination for business, entertainment and recreation.
A financial sponsorship sliding scale will apply to any successful applications. The sliding scale will be applied to the applicant’s application date and will reset where the applicant did not receive financial sponsorship in the previous financial year:

- Applicants who did not receive sponsorship in the previous financial year will be eligible for 100% of the requested sponsorship amount
- Applicants who were successful for financial sponsorship in the previous financial year will be eligible for 80% of the requested sponsorship amount
- Applicants who were successful for financial sponsorship in the previous two financial years will be eligible for 60% of the requested sponsorship amount
- Applicants who were successful for financial sponsorship in the previous three financial years will be eligible for 40% of the requested sponsorship amount
- Applicants who were successful for financial sponsorship in the previous four financial years will be ineligible for financial sponsorship.

Categories

Two levels of sponsorship exist in Council’s Sponsorship Program:

- Category One – Sponsorship under $5,000
- Category Two – Sponsorship of $5,000 and above. Additional assessment criteria apply.

Criteria

The following criteria ensure applications are assessed in a clear and transparent manner for sponsorship under this program.

Eligible

To be eligible, the event must demonstrate that:

- The whole event takes place in the City of Tea Tree Gully
- The event aligns with Council’s Strategic Plan
- The total value of the event exceeds the value of sponsorship requested
- The event must add to the diversity of Council’s Major Events Calendar
- The applicant is a legal entity or authorised by a legal entity
- The proposed event is covered by a current Public Liability Insurance Policy to the value of $2 million
- The event has not been considered in any other grant or sponsorship program/program managed by Council. Submissions of the same event through multiple grants or sponsorship programs will not be considered
- Successful applicants need to provide to Council an Event Evaluation Report within two months after the event date
- Entry to the event is free and not conditional on membership, affiliation or alignment with a club, group or other organisation
- The financial support provided via this program will not be used for fees associated with Council’s facilities.
**Ineligible**

Council will not support:

- Individuals or City of Tea Tree Gully employees
- Events that have a political purpose, or applications made by political organisations
- Events that degrade or offend parts of the community
- Funding requests for interstate or overseas travel expenditure
- Where the financial sponsorship is for costs associated with running an organisation (salaries, rent, etc)
- Retrospective funding proposals
- Events hosted outside the council area
- Events that are of general fundraising nature (The City of Tea Tree Gully may however consider applications for events where they meet the assessment criteria)
- Applicants who have not fulfilled previous sponsorship obligations
- Events previously funded in the same financial year from the same applicant.

**Assessment**

In addition to the eligibility criteria above, all applications need to include the following as part of its application:

- Event Management Plan, Running Schedule and Site Map (template available from Council’s website)
- Demonstrated capacity of the event organisers to successfully manage the event
- Risk Management Plan (template available from Council’s website)
- Event Budget (template available from Council’s website)
- Benefits to Council of being a sponsor, how will Council be recognised as a sponsor?

In addition, Category Two applications must also include:

- Event sustainability plan (how does the event continue after Council's funding?)
- Any other appropriate plans the event, e.g. traffic and pedestrian management, fireworks management, crowd control, etc.

**Selection panel**

The selection panel will consist of a group of at least five staff members from different parts of Council’s administration, as determined by the CEO.

If the selection panel is unable to make a decision due to conflict of interest, the application will be sent to the next available Council or Committee of Council meeting.
**In-kind sponsorship**

In addition to financial sponsorship, Council will offer in-kind sponsorship to successful applicants. This can include:

- Assistance with the hire of Council managed public open space
- Assistance with promoting the event through Council’s marketing channels
- Meetings to provide support and advice as part of the event management process.

**Policy implementation**

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

**Accessibility**

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: [www.teatrenegullly.sa.gov.au](http://www.teatrenegullly.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 671 Montague Road, Modbury SA 5092.
MAJOR EVENTS POLICY

Responsible Manager: Manager Customer & Communications

This policy has been reviewed as part of the policy review cycle.

RECOMMENDATION

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)
That the Governance and Policy Committee recommends to Council:

That the “Major Events Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)
That the “Major Events Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when the policy/code needs to be returned to the Committee - eg to incorporate discussion points from the meeting)
That the “Major Events Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.
### Summary of changes

<table>
<thead>
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<tbody>
<tr>
<td>2</td>
<td>Strategic Plan</td>
<td>Included objectives relating to Council’s Strategic Plan</td>
</tr>
<tr>
<td>5</td>
<td>Traders and stall holders</td>
<td>Added criteria for the types of trader and stall holder applications we receive</td>
</tr>
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</table>

### Changes during or after GPC Meeting for Council Meeting [date]

#### Supporting Information

#### Attachments

1. Major Events Policy - Reviewed version

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## Major Events Policy

<table>
<thead>
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<td>22/09/15, 11/09/13 (Major Event Management Policy), 9/02/10 (Event Management Policy), 19/01/10</td>
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<td>Legal requirement</td>
<td>NA</td>
</tr>
<tr>
<td>Due Date of next review</td>
<td>2020</td>
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The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
Purpose

The purpose of this policy is to provide operational direction for Council's major events.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

Depending on the event(s) held, the legislation below may need to be considered:

**Development Act 1993**

This Act may regulate the use and management of land and buildings where events will be held. The use of land for a particular event and/or the installation of stages, advertising, tents etc. may require approval under this Act.

**Food Act 2001**

This Act provides for the safety and suitability of food and will therefore be considered for events where food is to be supplied or sold.

**Liquor Licensing Act 1997**

This Act regulates sale, supply and consumption of liquor at events.

**Road Traffic Act 1961**

Division 2 (Traffic Control Devices) and Division 3 (Road Closing Provisions) of this Act will be considered for events where road closures are required.

**Explosives Act 1936**

Consideration needs to be given to the Regulations associated with this Act when considering the inclusion of fireworks at any Council event.

**Strategic Plan / Policy**

**Strategic Plan**

The following strategic objectives in Council's Strategic Plan 2020 are the most relevant to this report:

- **Theme:** Healthy and Safe
- **Aspiration:** Our community is healthy and safe
- **Objective 1:** A community where people are safe in our public places and spaces.

Council's Major Events showcase the use of public places and spaces in a safe and friendly manner.
Theme: Prosperous and Connected
Aspiration: Our local economy prospers and people feel a sense of purpose and belonging
Objective 2: A community that participates in meaningful community and economic activities

Council’s Major Events appeal to and involve a significant portion of the community in events that build relationships with friends, family and neighbours while creating a sense of pride for our City.

Theme: Vibrant and Liveable
Aspiration: Our city is a desirable and sustainable place to live
Objective 4: A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting

Council’s Major Events appeal to and involve a significant portion of the community in events that build relationships with friends, family and neighbours while creating a sense of pride for our City.

**Organisation Plan**

Council’s Major Events focuses on delivering high quality, free entertainment for the whole City. The decision informing the design of the events come from residents in an effort to create events that are appealing to all who live here.

**Other references**

Council’s documents including:
- Asset Capitalisation Policy
- By-law No.2 - Roads
- By-law No.3 - Local Government Land
- Fees and Charges Register
- Events Framework
- Media Policy
- Risk Management Policy

**Definitions**

For the purposes of this policy the following definitions apply.

**CEO** - refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully, or an Acting Chief Executive Officer.

**Council operated event** - an event that Council initiates, manages and has the full responsibility and risk management.

**Elected Members** - used when referring to the members of Council elected by the community and includes the Mayor.

**Major events** - events endorsed by Council as part of the major events calendar.

**Official Events** - events that meet the criteria as outlined in this policy.

**Guests by Invitation** - those people that are determined to be very important or influential with respect to Council and the major events calendar.
Trader - any person, organisation, or other who establishes a site or stall at an event for the purposes of distributing goods and/or services for free or otherwise.

Policy

Major events

Each year Council hosts a number of events as part of its major events calendar. The life cycle of the annual major events calendar is outlined below.

Step 1: A report recommending the Major Events Calendar will be submitted to Council for endorsement
Step 2: It is the responsibility of the CEO to administer the planning and management of the major events
Step 3: Elected Members will receive an annual briefing detailing the major events prior to the events being delivered
Step 4: At the conclusion of the major events calendar, a post-events report will be submitted to Council or a committee of Council that will include, by event, a budget summary, attendance summary, lessons learnt and feedback received. Feedback will be sought from Elected Members, the community and event partners after each event in a timely manner.

Traders and Stall Holders

Council will call and assess expressions of interest from traders or stall holders to host a stall at a major event in accordance with the following general principles:

- Preference will be given to those whose activities will be most consistent with the theme and nature of the event
- Preference will be given to those who meet the terms and conditions of the expression of interest
- A diversity of traders and stall holders will be encouraged unless the event is based on a particular theme
- All traders and stall holders are required to hold appropriate public liability insurance
- Where required, traders and stall holders may be required to submit a risk assessment which will be assessed in accordance with Council's Risk Management Policy
- Preference will be given to local traders and stall holders where they comply with the general principles mentioned above
- Where Council approves traders and stall holders for an event, a permit will be issued that may be subject to terms and conditions
- In order for Council to continue to be politically neutral, particularly during an election campaign period, traders and stall holders are not to be utilised for political purposes.

Deleted: traders
Deleted: traders
Deleted: to each trader
Deleted:
Guests by Invitation

Subject to funding scope and nature of the event, the major events plan may include a Guests by Invitation area. Where the Guests by Invitation area is funded and managed from outside the major events calendar, this policy does not apply. Where the major event owns and funds the Guests by Invitation area, invitations will be sent to the following people:

- Elected Members
- Guests invited by the Mayor, up to a maximum of eight (8), in addition to the nominated partner invitation
- Guests invited by each Councillor, up to a maximum of four (4), in addition to their nominated partner’s invitation. Vacancies occurring as a result of Elected Members not attending, or not utilising their full entitlement, will be able to be reallocated to another Elected Member at the discretion of the Member
- Sponsors (as determined within the sponsorship packages)
- Members of State and Federal Parliament, and their respective partners, whose electorates form part of or fall within the City of Tea Tree Gully

At the discretion of the Mayor, in addition to the above:

- Members of Parliament who hold the relevant portfolio for Local Government, and their respective partner
- Other Members of Parliament
- Mayors of other Councils (with or without their respective partners).
- Members of Council’s senior executive (with or without their respective partners)

At the discretion of the CEO:

- Employees and volunteers who have contributed significantly to the event
- Potential sponsors for future events
- Persons of influence

Official Events

Capital works projects associated with open space, playground works and cycleways with a project budget in excess of $200,000 need to have an official event to mark the completion of the project. This Official Event will become a Major Event under the guidelines of this policy. A budget allocation of up to $5,000 will be allocated from the project fund for the event and where possible, Council will attempt to align this event with an existing Council event.

Policy implementation

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

Accessibility

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: www.teatreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
CITIZENSHIP CEREMONY POLICY

Responsible Manager: Manager Customer & Communications

This policy is reviewed as part of the policy review cycle.

Information that was duplicated from the Citizenship Ceremonies Code has been removed from the content of the policy. The content of this policy remains to involve Elected Members with Citizenship Ceremonies.

RECOMMENDATION

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)

That the Governance and Policy Committee recommends to Council:

That the “Citizenship Ceremony Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)

That the “Citizenship Ceremony Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR
That the “Citizenship Ceremony Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

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<tr>
<td>2</td>
<td>Other references</td>
<td>Added comments about the correlation to the Citizenship Ceremonies Code, produced by the Federal Government</td>
</tr>
<tr>
<td>3</td>
<td>Legal requirements, Conduct of Citizenship Ceremonies</td>
<td>Removed content – this is covered in the federal code</td>
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<tr>
<td>3</td>
<td>Involvement of Elected Members</td>
<td>Clarified the process to better reflect operational pressures</td>
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<tr>
<td>3</td>
<td>Responsibilities to be Undertaken, Structure of Ceremonies</td>
<td>Removed content – this is covered in the federal code</td>
</tr>
<tr>
<td>3</td>
<td>Involvement of Elected Members in Special Citizenship Ceremonies</td>
<td>Added reference to the federal code and provided clarity on how a decision will be made to host a special ceremony.</td>
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Supporting Information

Attachments

1. Citizenship Ceremony Policy - Reviewed version

Attachments
## Citizenship Ceremony Policy

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<td>NA</td>
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<tr>
<td>Due Date of next review</td>
<td>2020</td>
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</table>
Purpose

The purpose of this Policy is to provide overall direction for Council’s management of Citizenship Ceremonies.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

**Australian Citizenship Act 2007 (Cth) and Regulations**

This Act and Regulations set out the legal requirements for the granting of Australian citizenship and the conduct of Citizenship Ceremonies.

**Strategic Plan / Policy**

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this policy:

- **Theme:** Prosperous and Connected
- **Aspiration:** Our local economy prospers and people feel a sense of purpose and belonging
- **Objective 2:** A community that participates in meaningful community and economic activities

**Organisational Plan**

Our Strategic Plan is supported by an Organisational Plan which focuses on five key themes of organisational excellence. One of these themes is Governance, which deals with how Council defines roles, powers and responsibilities within the organisation with the aim of modelling best practice in local government.

**Other references**

Internal documents including:

- Fees and Charges Register
- **Volunteer Management Policy**

External documents including:

**Australian Citizenship Ceremonies Code** - This code is issued by the Department of Immigration and Border Protection and provides guidance for organisations conducting Citizenship Ceremonies. It sets out the legal and other requirements for conducting Citizenship Ceremonies. As the code is out of Council’s control and is subject to change at any time, this Policy seeks to only deal with the parameters of Citizenship Ceremonies that are within Council’s control.

Deleted: In addition to defining legal requirements for Citizenship Ceremonies, the Code also states a number of operational suggestions aimed at promoting the smooth and efficient conduct of ceremonies.

Deleted: as well as the roles and responsibilities of those conducting the ceremonies.

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled.

Before using a printed copy, verify that it is the current version.
Definitions

For the purposes of this Policy, definitions need to be sought from the Citizenship Ceremonies Code, which is subject to change by the Department of Immigration and Border Protection.

Policy

Involvement of Elected Members in Ordinary Citizenship Ceremonies

Council’s Elected Members will be given the opportunity to participate in Citizenship Ceremonies based on their availability and the number of ceremonies held.

1. Two months prior to an upcoming Ceremony an email will be distributed to all Elected Members with details of the Ceremony including a link to submit an Expression of Interest (EOI) to perform a role during the Ceremony.

2. Elected Members will be provided two weeks to complete their EOI.

3. At the conclusion of the two weeks the Events Team will prepare an information document outlining the EOI’s and preferred roles which will be submitted to the Mayor (cc: Director Organisational Services and Excellence) for review.

4. The Mayor will have two weeks to review the EOI’s and allocate the Elected Members to specific roles.

5. Elected Member roles will be communicated at least one month prior to an upcoming Ceremony.

6. A representative from the Events Team will be in contact with all Elected Members who have been allocated roles to discuss logistics including run sheets, scripts and other requirements.

Involvement of Elected Members in Special Citizenship Ceremonies

Circumstances may arise where an applicant seeks a special purpose ceremony. These circumstances may be various, but usually involve a single individual or family. An example of this is where persons have a disability and are unable to attend an ordinary ceremony.

Special Purpose Ceremonies will be conducted by the President’s Officer, as outlined in the Citizenship Ceremonies Code, with the assistance of council employees as required. The decision to conduct a special purpose ceremony will be determined by staff in consultation with the Mayor and on the merits of each specific situation.

Policy implementation

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.
Accessibility

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: www.tea-tree-gully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
PROPERTY IDENTIFICATION POLICY

Responsible Manager: Director Organisational Services & Excellence

This policy is reviewed as part of the policy review cycle.

RECOMMENDATION

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)

That the “Property Identification Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when the policy/code needs to be returned to the Committee - eg to incorporate discussion points from the meeting)

That the “Property Identification Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

Summary of changes

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Heading</th>
<th>Comments</th>
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<tbody>
<tr>
<td>2</td>
<td>Strategic Plan / Policy</td>
<td>Information referencing the current strategic plan has been included.</td>
</tr>
<tr>
<td>3</td>
<td>Other references</td>
<td>Updated old policy title to current title</td>
</tr>
<tr>
<td>6</td>
<td>Property numbers on kerbs</td>
<td>Reference to a revoked policy has been removed and guideline statement has been updated.</td>
</tr>
<tr>
<td>Changes during or after GPC Meeting for Council Meeting [date]</td>
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**Supporting Information**

**Attachments**

1. Property Identification Policy - Reviewed version .......................... 51
# Property Identification Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D17/48660</th>
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<tbody>
<tr>
<td>Responsible Manager</td>
<td>Manager Finance &amp; Rating Operations</td>
</tr>
<tr>
<td>Other Key Internal Stakeholders</td>
<td>Director Organisational Services and Excellence Director Assets and Environment Manager Civil and Water Operations</td>
</tr>
<tr>
<td>Last reviewed</td>
<td></td>
</tr>
<tr>
<td>Adoption reference</td>
<td></td>
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<tr>
<td>Resolution number</td>
<td></td>
</tr>
<tr>
<td>Previous review dates</td>
<td>12/08/14, (Merges Property Numbers on Kerbs Policy into this Policy), 17/09/13, 08/06/10, 09/10/07, 25/07/06, 25/02/03, 13/03/01</td>
</tr>
<tr>
<td>Legal requirement</td>
<td>Section 219 of the Local Government Act 1999 requires Council to have a policy relating to the assigning of road names. Section 219(7) of the Act requires a public notice to be given at the adoption or alteration of the above section within this Policy.</td>
</tr>
<tr>
<td>Due Date of next review</td>
<td>2020</td>
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</table>
Purpose

The purpose of this Policy is to state Council’s position in regard to the naming of roads and the system of numbering of properties along roads within the City of Tea Tree Gully area. The existence of this Policy will assist in establishing guidelines for naming new roads, changing road names, numbering of properties along roads and the naming of Council reserves.

Legislative framework and other references

The following legislation applies to this Policy:

Local Government Act 1999

Section 219 of this Act grants Council the power to assign a name or change the name of a road or public place, while section 220 of this Act provides for the numbering of adjacent premises and allotments.

Under section 219(5) of this Act, Council is required to adopt a policy relating to the assigning of road names.

Section 219(7) of the Act requires a public notice to be given at the adoption or alteration of this Policy.

In accordance with section 220(6) of this Act, property owners must ensure that the number of their building or allotment is displayed in a form directed or approved by Council.

Strategic Plan / Policy

Strategic Plan

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

Theme: Vibrant and Liveable
Aspiration: Our city is a desirable and sustainable place to live
Objective 1: A city that is made up of places and spaces that are appealing and easy to access
Objective 2: A community with a diverse range of housing to suit a variety of needs, life stages and lifestyles
Objective 3: A sustainable city that has a healthy natural environment and is resilient to climate change
Objective 4: A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting

Street naming and numbering is important to ensure that the community and businesses have the ability to know their location and find other locations.

Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The theme most relevant to this report is Finance and systems to ensure street naming and numbering is appropriate.
Other references

Council’s documents including:

- Fees and Charges Register
- Property Numbers on Kerbs Guidelines
- Signage and Entrance Statement Policy

External documents including:


This Policy is based on a model policy developed by the Local Government Association.

Definitions

For the purposes of this Policy the following definitions apply:

Emergency Services and Local Authorities - Includes the local branches of the South Australian Country Fire Service, State Emergency Service, SA Ambulance Service and South Australian Police.

Private road - As defined under the Local Government Act 1999, means a road in private ownership.

Public Place - A place (including a place on private land) to which the public has access, but does not include any part of a community parcel divided by a plan of community division under the CommunityTitles Act 1996.

Public Road - Under the Local Government Act 1999 this means:

(a) any road or land that was, immediately before the commencement of this Act, a public street or road under the repealed Act, or

(b) any road:

(i) that is vested in a council under this or another Act; or

(ii) that is placed under a council’s care, control and management as a public road after the commencement of this Act,

but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or

(c) any road or land owned by a council, or transferred or surrendered to a council, and which, subject to this Act, is declared by the council to be a public road; or

(d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office or the General Registry Office and which is declared by the council to be a public road; or

(e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a lease granted by the Crown,

(and includes any such road that is within the boundaries of a public square)
Road - In accordance with the Local Government Act 1999 a road is defined as a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

- A bridge, viaduct or subway or
- An alley, laneway or walkway

For the purpose of this Policy only, roads will not include walkways and pedestrian paths.

Policy

Road naming and property numbering will be implemented in accordance with the following general principles:

Road Naming

Public Roads

All roads will be named and sign posted accordingly. To avoid the potential for confusion with other road names within the City (including potential for confusion that may be caused by pronunciation of the road name) new road names will not be duplicated. All signs are to be in accordance with relevant standards and Council’s Signage Policy.

Where possible, Council encourages road names to be based on themes, especially those that are reflective of the historical, cultural or environmental assets of the City.

Council will not accept road names that have another meaning in their own right, such as Tennis Court, Federal Court etc.

Private Roads

Council will not enter into the naming of private roads, such as those within Retirement Villages and similar private areas that do not meet the definition of a public road within this Policy unless specifically requested by the owners of the property.

Any signage associated with private roads will be the responsibility of the property owner and owners will be required to carry out such works according to section 216 of the Local Government Act 1999.

Requests to Change a Public Road Name

Where Council receives a request to change the name of an existing public road, the applicant must provide:

- The request in writing
- The reason for the proposed road name change
- The proposed future road name
- Any supporting documentation deemed necessary by Council or the delegated employees.

Council will consider each request on the merits of the proposal and give consideration to the reasons provided for the road name change.
Where Council receives a request to change a road name and believes the existing road name creates confusion the following principles will apply:

- Council or its relevant Committee will consider this Policy but may resolve to take no further action in which case the applicant will be informed accordingly, including the reasons for the decision.

- Council will undertake consultation in respect of the proposed change, which should occur over a four (4) week period, this will include but not be limited to the views of:
  - Elected Members
  - All those living and owning property along the relevant roads
  - Emergency services
  - Australia Post.

with Council or the relevant Committee having the final decision as to the future name of the road.

Should Council resolve to assign an alternative road name, Council will notify the relevant parties and place a public notice as required in accordance with section 219(3) and (4) of the Local Government Act 1999. In addition to the legislative requirements, Council will notify emergency services of the road name change and all residents living along the relevant road.

**Property Numbering**

All new property numbering systems will be in accordance with the Australian/New Zealand Standard (AS/NZS 4819:2011) entitled ‘Rural and Urban Addressing’ and each occupied property should clearly display a property number. Where the existing numbering system does not conform along a road with this standard Council will not be obligated to change the numbering system.

Where Council receives a request to correct existing anomalies in the numbering of roads, Council will consider each request on the merit of the proposal and give consideration to the reasons provided for the renumbering of a road.

In accordance with section 220(5) property owners must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by Council.

In accordance with section 220(6) of the Local Government Act 1999 property owners must ensure that the number of their building or allotment is displayed on their property in a form directed or approved by Council.

Where there are changes to property numbering systems along a particular road, Council will notify the Valuer-General and place a public notice of the resolution adopting, altering or substituting a numbering system for a particular road, in accordance with section 220(3) of the Local Government Act 1999.

**Property numbers on kerbs**

Council acknowledges that street numbers beyond the property boundary are not always easily seen from the road outside of daylight hours and an additional form of numbering is often sought. Council supports the principle of painting of house numbers on kerbs with the aim of assisting the public and emergency services in locating properties.

Council’s position is that community groups such as neighbourhood watch (or similar) should be allowed to perform this work provided Council’s risk is minimised, there is a minimal cost to Council and a reasonable standard of works can be assured.
The CEO will *ensure* guidelines are maintained for this policy position.

**Reserve Naming**

All reserves under Council's care and control will be allocated a name. In the first instance any Reserve that does not have a common name will be allocated the name of an adjoining road.

- Where a reserve has an existing known and well-used name (other than that of the adjoining road) that name will be allocated in Council's property database
- Where Council receives a request for a name change (to that allocated in Council's property database) a report will be prepared by the relevant Council department and submitted to the Council or the relevant committee for consideration. Community consultation may be considered as part of the decision making process.

All names assigned to reserves will be reflected in the relevant community land management plans.

**Policy implementation**

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

**Accessibility**

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.treegully.sa.gov.au](http://www.treegully.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.
COMMUNITY WASTEWATER MANAGEMENT SYSTEM AND RECYCLED WATER CUSTOMER HARDSHIP POLICY

Responsible Manager: Manager Finance and Rating Operations

This policy is reviewed as part of the policy review cycle.

This Policy is working effectively and any changes to this Policy would require approval from external agencies and on this basis there are no suggested policy position changes. Administrative change includes referencing to the current strategic plan.

RECOMMENDATION

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)

That the “Community Wastewater Management System and Recycled Water Customer Hardship Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when the policy/code needs to be returned to the Committee - eg to incorporate discussion points from the meeting)

That the “Community Wastewater Management System and Recycled Water Customer Hardship Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.
### Summary of changes

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<td>2</td>
<td>Strategic Plan / Policy</td>
<td>This has been updated to reflect the current strategic plan.</td>
</tr>
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</table>
# Community Wastewater Management System and Recycled Water Customer Hardship Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D17/48671</th>
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<tbody>
<tr>
<td>Responsible Manager</td>
<td>Manager Finance and Rating Operations</td>
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</table>
| Other Key Internal Stakeholders | Director Organisational Services and Excellence  
Director Assets and Environment  
Manager Civil and Water Operations |
| Last reviewed       |           |
| Adoption reference  |           |
| Resolution number   |           |
| Previous review dates | 9/09/14 |
| Legal requirement   | Under section 37(3) of the Water Industry Act 2012, a water industry entity must adopt a customer hardship policy published by the Minister under this section; or with the approval of the Commission, adopt such a policy with modifications. |
| Due Date of next review | 2020 |

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The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
Purpose

The City of Tea Tree Gully is committed to assisting residential customers of recycled water and sewage (CWMS) services, 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.

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.

This policy sets out:

- Processes to identify residential customers experiencing payment difficulties due to:
  - Hardship
  - Identification by Council
  - Self-identification by a residential customer
  - Identification by an accredited financial counsellor
  - Welfare agency

- An outline of a range of processes or programs that Council will use, or apply, to assist Council’s customers who have been identified as experiencing payment difficulties.

Legislative framework and other references

The following legislation applies to this Policy:

**Water Industry Act 2012**

Under section 37(3) of this Act, a water industry entity must adopt a customer hardship policy published by the Minister under this section; or with the approval of the Commission, adopt such a policy with modifications.

**Strategic Plan / Policy**

**Strategic Plan**

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

<table>
<thead>
<tr>
<th>Theme</th>
<th>Healthy and Safe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspiration</td>
<td>Our community is healthy and safe</td>
</tr>
<tr>
<td>Objective 2</td>
<td>A community where people are safe during emergencies, natural disasters and during extreme climatic events, such as storms or heatwaves.</td>
</tr>
</tbody>
</table>

This policy ensures that people who are experiencing financial hardship can be assured that there is some flexibility to remain connected.

**Organisation Plan**

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The theme most relevant to this report is: Customers and community relations.
Other references

Council’s documents including:

- Fees and Charges Register
- Customer Service Charter for Recycled Water & Sewage (CWMS) Services
- Late Payment and Sale of Land for Non-payment of Council Rates Policy
- General Complaints Policy
- Internal Review of Council Decisions Policy

External documents including:

- South Australia Water Industry Regulations 2012
- Water Retail Code Draft Decision – Minor and Intermediate Retailers
- Essential Services Commission Act 2002

This Policy is based on the Customer Hardship Policy, 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.

Definitions

For the purposes of this Policy the following definitions apply:

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.

Consumer - As defined in the Water Industry Act 2012, means a person supplied with retail services as a customer or user of those services.

Customer - As defined in the Water Industry Act 2012 means a person who owns land in relation to which a retail service is provided and includes:

- Where the context requires, a person seeking the provision of a retail service, and
- 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 owners of land) and
- A person of a class declared by the regulations to be customers.

CWMS - Community Wastewater Management System.

Financial Counsellor - Means accredited financial counsellor.

Financial Hardship - Means a circumstance of experiencing a lack of financial means, which 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 Customer - Means a residential customer who has been identified under, accepted into, or is eligible for assistance under Council’s hardship program.

Payment Arrangement For Hardship - Means anyone who meets the definition of Hardship Customer and has entered into an arrangement to pay their rates beyond the due date.

Regulations - means regulations under the Water Industry Act 2012.
Residential Customer - As defined in the Water Industry Act 2012 means a customer or consumer who is supplied with retail services for use at residential premises.

Retail Service - As defined in the Water Industry Act 2012 means a service constituted by:

- The sale and supply of recycled water to a person for use (and not for resale other than in prescribed circumstances (if any)) where the recycled water is to be conveyed by a reticulated system, or
- The sale and supply of sewage (CWMS) services for the removal of sewage.

(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.

Sewage - As defined in the Water Industry Act 2012 includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service.

Sewerage Service - As defined in the Water Industry Act 2012 means:

- A service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system, or
- Any other service, or any service of a class, brought within the ambit of this definition by the regulations.

Water - As defined in the Water Industry Act 2012, includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewage.

Water Service - As defined in the Water Industry Act 2012 means:

- A service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or
- Any other service, or any service of a class, brought within the ambit of this definition by the regulations.

Policy

Identifying residential customers experiencing financial hardship

A residential customer experiencing financial hardship is someone who is identified by themselves, by Council, 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 Council’s payment terms.

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.

Residential customers that are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
Residential customers that may be identified as experiencing temporary hardship are those that 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 of time to pay or an alternative payment arrangement.

The extent of hardship will be determined by either Council’s assessment process or by an external body, such as an accredited financial counsellor.

Where Council assesses a residential customer’s eligibility for hardship assistance, Council will consider indicators including (but not limited to) whether:

- The customer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
- The customer is eligible for a South Australian Government concession
- The customer has been referred by an Accredited Financial Counsellor or welfare agency
- The customer has previously applied for emergency relief (irrespective of whether or not their application was successful)
- The customer’s payment history indicates that they have had difficulty meeting their retail services bills in the past
- The customer, through self-assessment, has identified their position regarding their ability to pay.

**Assisting residential customers who are experiencing financial hardship**

Council will inform a residential customer of this Policy where:

- It appears to Council that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
- Council is proposing to install a flow restriction device.

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. This is to be considered as a Payment Plan for Hardship. These options will include:

- An interest and fee free payment plan
- Centrelink’s Centrepay Service
- Other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction of charges)
Where a residential customer has been identified as experiencing financial hardship, Council 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. Options may include:

- BPAY
- Direct Debit
- Councils online service
- Centrelink’s Centrepay service, or
- 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 which may be resolved in the near to medium-term, where others may require a different type of assistance for ongoing financial issues.

Council will not charge a residential customer a reconnection charge where that customer is experiencing financial hardship and should have been identified as eligible for this Policy, so long as the customer agrees to participate in Council’s hardship program, upon reconnection.

Council will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer’s capacity to pay.

Council will work with a hardship customer’s financial counsellor to determine the Payment Arrangement for Hardship and instalment amount that best suits the customer and their individual circumstances.

Where a hardship customer's circumstances change, Council will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.

Council will not require a hardship customer to provide a security deposit.

Council will not restrict a hardship customer’s retail services if:

- The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- Council has failed to comply with the requirements of this Policy.

Council will also offer the hardship customer:

- 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
- Information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
- Information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a customer that is identified as experiencing ongoing financial hardship.

Where hardship customer requests information or a redirection of their bills, Council will provide that information or redirection free of charge.

Council 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.
Council 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 the hardship program.

Council will also explain to the hardship customer that they will be removed from Council’s hardship program, and be returned to Council’s standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact Council for a period of greater than 90 days. It the event that a customer is able to demonstrate hardship interest and fines will be waived.

Council will not take any action to remove a customer from Council’s hardship program until Council has sent the customer a written notice, allowing them 10 working days from the date of the notice to contact Council to re-negotiate their re-entry into the program.

**Payment plans**

Council’s Payment Plan for Hardship customer will be established having regard to:

- The customer’s capacity to pay and current financial situation
- Any arrears owing by the customer, and
- The customer’s expected usage needs over the following 12 month period.
- Subject to a customer meeting their obligations interest and fines will be waived when on a payment plan

The payment plan will also include an offer for the hardship customer to pay for their retail services in advance or in arrears by instalment payments at a frequency agreed with the customer (e.g. weekly, fortnightly, monthly or as otherwise agreed with the customer).

Where a payment plan is offered to a hardship customer, Council will inform the customer of an agreement being reached, of:

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

Where a hardship customer is seeking assistance in accordance with this Policy, but has failed to fulfil their obligations under an existing hardship arrangement, Council will require them to sign up for Centrepay or direct debit deductions.

**Debt recovery**

Council will suspend debt recovery processes while negotiating a suitable payment arrangement with a hardship customer.

Council 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:

- The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- Council has failed to comply with the requirements of this Policy.
Rights of residential customers experiencing financial hardship

Every residential customer experiencing financial hardship has the right to:

- Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential
- Receive information about alternative payment arrangements, this Policy, and government concessions, rebates, grants and assistance programs
- Negotiate an amount they can afford to pay on a payment plan or other payment arrangement
- Consider various payment methods and receive written confirmation of the agreed payment arrangement within 10 business days
- Renegotiate their payment arrangement if there is a change in their circumstances
- Receive information about free and independent, accredited financial counselling services
- Receive a language interpreter service at no cost to the customer
- Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement
- Not have retail services restricted or disconnected as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

General provisions

Council will ensure residential customers have equitable access to this Policy, and that this Policy is applied consistently. A copy of the documentation will be available at no charge to customers.

Council will ensure appropriate training of employees dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist employees 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.

Council will also make a copy of this policy available to a customer upon request as soon as practicable following a request to do so.

Confidentiality

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

Council’s General Complaints Policy detailing Council’s customer complaints and dispute resolution process is available at Council’s website www.treeequity.sa.gov.au. Council will also make a copy of this policy available to a residential customer, upon request.

A residential customer experiencing hardship has a right to have any complaint heard and addressed by Council, and in the event that their complaint cannot be resolved, the right to escalate their complaint to the Ombudsman SA as outlined in Council’s Internal Review of Council Decisions Policy.
Policy implementation

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

Accessibility

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: www.teatreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
ENFORCEMENT POLICY

Responsible Manager: Manager Community Safety
Manager City Development

This policy is reviewed as part of the policy review cycle. This is a first discussion.
There are no substantive changes recommended, only a change in the Acts which are currently enforced by Council.
This policy has been discussed with Other Key Internal Stakeholders.

RECOMMENDATION

(Use this recommendation when there are new policies/codes, significant changes to the intent of the policy/code, or of significant interest to the Elected Members or policies are no longer required)
That the Governance and Policy Committee recommends to Council:

That the “Enforcement Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR

(Use this recommendation when Committee is using its delegated power to review and adopt variations to policies/codes subject to the policies/codes to not being substantially altered in content and policy position)
That the “Enforcement Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be adopted.

OR
That the “Enforcement Policy” as reviewed by the Governance and Policy Committee on 18 October 2017 be returned to the “Governance and Policy Committee” for consideration.

Summary of changes

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Heading</th>
<th>Comments</th>
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<tr>
<td>2</td>
<td>Legislative Framework</td>
<td>Inclusion of Local Nuisance and Litter Control Act 2016</td>
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<td>Inclusion of Planning Development and Infrastructure Act 2016</td>
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<tr>
<td>8</td>
<td>Expiation Notices</td>
<td>Inclusion of Planning Development and Infrastructure Act 2016</td>
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Changes during or after GPC Meeting for Council Meeting [date]

Supporting Information

Attachments

1. Enforcement Policy - Reviewed version ................................................................. 71
## Enforcement Policy

<table>
<thead>
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| Responsible Manager | Manager Community Safety  
                     | Manager Community Development |
| Other Key Internal Stakeholders | Director Community and Cultural Development |
| Last reviewed       |           |
| Adoption reference  |           |
| Resolution number   |           |
| Previous review dates | 10/03/15, 10/08/14, 11/02/14, 18/09/12, 10/08/10 |
| Legal requirement   | NA        |
| Due Date of next review | 2020     |

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
**Purpose**

The purpose of this Policy is to establish a framework which guides the Council in enforcement and prosecution action with respect to matters of non-compliance. The framework provides consistency and ensures that any action is proportionate to the alleged offence in each case. This policy assists in informing the public and ensuring that transparency and procedural fairness principles are applied in any enforcement action.

**Legislative framework and other references**

There is no legislative requirement for Council to have a policy relating to this area.

Council is responsible for ensuring that its community and visitors to its area adhere to the various acts of Parliament and Council by-laws which regulate and control the actions of individuals in order to protect the broader community.

The Council is responsible for administering and enforcing compliance pursuant to the following legislation:

- Local Government Act 1999
- Development Act 1993 and Development Regulations 2008 (Transitioning to Planning Development and Infrastructure Act 2016)
- Dog and Cat Management Act 1995
- South Australian Public Health Act 2011
- Food Act 2001
- Fire and Emergency Services Act 2005
- Private Parking Areas Act 1986
- Local Litter and Nuisance Control Act 2016
- Planning Development and Infrastructure Act 2016

Council may have the power to:

- Issue orders, notices and directions to individuals or entities requiring them to make good a breach of the relevant Act
- Commence enforcement action in a court of competent jurisdiction to obtain orders requiring breaches of the relevant Act to be rectified
- Commence criminal prosecutions against individuals or entities who have committed an offence under the relevant Act
- In some cases, issue an explanation notice where an individual or entity has committed an offence under the relevant Act.

**Strategic Plan / Policy**

**Strategic Plan**

The following strategic objectives in Council's Strategic Plan 2020 are the most relevant to this report:

**Theme:** Healthy and Safe

**Aspiration:** Our community is healthy and safe

**Objective 1:** A community where people are safe in our public places and spaces.

**Objective 3:** A community where people have easy access to places, spaces and services that support good health
Sentence here about how it supports the above theme and objective(s).

Theme: Vibrant and Liveable
Aspiration: Our city is a desirable and sustainable place to live
Objective 1: A city that is made up of places and spaces that are appealing and easy to access

Sentence here about how it supports the above theme and objective(s).

Other references

Council’s documents including:

- Fees and Charges Register
- Order Making Policy
- Records Management Policy.

The Council is also authorised under the Local Government Act 1999 to create by-laws which apply in its area and is also responsible for taking action against individuals who contravene Council’s By-laws. The By-laws relevant to this Policy are:

- Council’s By-law No. 1 - Permits and Penalties
- Council’s By-law No. 2 - Roads
- Council’s By-law No. 3 - Local Government Land
- Council’s By-law No. 4 - Dogs
- Council’s By-law No. 5 - Moveable Signs
- Council’s By-law No. 6 - Waste Management

A copy of the Council’s By-laws can be obtained on the Council’s website: www.teatreegully.sa.gov.au

This policy is based on a model policy developed by the Local Government Association.

Definitions

Authorised Officer - A person who is authorised to carry out statutory functions or powers as specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council.

CEO - Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Compliance - The act of adhering to and demonstrating adherence to an Act, By-Law, Regulation or similar. Compliance may or may not involve the process of enforcement.

Enforcement - Enforcement refers to the use of legislative provisions to direct a person or body to make good a breach of the Act and / or otherwise penalise a person for a breach. Enforcement is a tool to ensure compliance and accountability for illegal conduct or other wrongdoing.

Illegal Activities - An act or activity which has occurred contrary to legislative obligations contained within legislation.
**Order** - Formal direction(s) issued by Council or Council delegate to a person or entity concerning a breach of a particular piece of legislation.

**Prosecution** - The process of instituting legal proceedings against a person or body in relation to an illegal activity, with the intent of penalising the person/body for illegal activity.

**Real Estate Sign** - A transportable sign used for the purpose of advertising the sale or lease of a specific piece of real estate.

**SAPOL** - Refers to the South Australia Police.

**VMS** - Refers to Variable Message Signs. VMS's are a form of temporary signage and includes associated trailers they are fixed to.

**Policy**

Council observes its legislative responsibilities to protect individuals and the community as a whole by applying consistent standards. It is ultimately the responsibility of individuals and other entities to comply with the law. State legislation provides the ability for Council to carry out enforcement action to remedy Illegal Activities and/or commence proceedings to penalise individuals or entities for such activities.

Compliance related activities are performed by Council in the following ways:

- By patrolling streets and public places
- Inspecting properties either on a routine programmed basis or on a random basis
- Responding to enquiries and complaints.

Council is committed to the highest ethical and professional standards and strives to achieve the most effective and appropriate use of its legislative enforcement powers so as to facilitate achievement of the following in respect of breaches of legislation:

- Ensuring that (where appropriate) a breach is rectified in a timely manner and to the reasonable satisfaction of Council
- Ensuring that the safety and well-being of community members is not compromised by any non-compliance issue
- Ensuring that the general public are not unduly inconvenienced by Illegal Activities (e.g. unauthorised parking in bicycle lanes and disabled car parks)
- Considering the costs that illegal activities and related prosecution or enforcement actions might have on ratepayers.

**Principles of Good Enforcement**

Enforcement actions are taken within the context of both a legal and policy framework. Council will carry out its enforcement related work with due regard to the following principles:
Proportionality

A proportionate response means that the extent of Council’s actions will be determined by having regard to the seriousness of the breach, i.e. a measured enforcement approach will be applied.

Council recognises that most individuals comply with the law, and for example in planning and development matters people will generally assist Council in respect of enforcement and compliance issues by being helpful and cooperative, offering information to Council and being available to discuss compliance concerns.

In respect of proportionality, the following criteria will be considered by Council employees in determining the best course of action:

- Whether there are serious safety risks
- Where potential hazards are least well controlled.

Council’s financial resources are finite and should not be used pursuing inappropriate cases. Council’s resources should be deployed in pursuing those cases worthy of enforcement or prosecutorial action. The seriousness and nature of the breach, the relevant legislation, the willingness of the individual or entity to cooperate with any investigation, their contrition and the cost to the Council in pursuing the breach, are all relevant considerations to the Council’s exercise of discretion.

Consistency

Council will take a similar approach in similar cases to achieve similar outcomes. Decisions on enforcement and compliance require the use of professional judgement and discretion to assess varying circumstances. To assist with this, Council will:

- Establish and follow standard operating procedures wherever possible
- Ensure fair, equitable and non-discriminatory treatment
- Record any deviation from standard operating procedures and the reasons for such deviations.

Transparency

Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. It will provide ready access to published standards and levels of service and performance that can be expected. Council will also be clear and open about what is expected from those on whom the law places a duty (duty holders).

When remedial action is needed, Council will explain clearly and in plain language why the action is necessary. Where practicable, Council will give notice of any intent to commence formal action, advising what action is required to achieve compliance by remediating the breach and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal, against a decision.

Where it is not practical to give notice, the reasons will be recorded and kept in accordance with Council’s Records Management Policy and procedure.

Complainants will be advised of what action has been taken and why that action has been taken.
Conflicts of Interest

Where a Council employee or contractor has a personal association or relationship, or a perceived association or relationship, with an individual or entity who may have breached a law (or with any other individual or entity involved):

- An alternate Council employee or contractor will make decisions where possible
- The facts about the conflict/relationship will be reported and recorded in accordance with Council’s Record Management Policy and procedure.

Council Approach to Illegal Activities

The Council will adopt the following approach to matters relating to Illegal Activities:

- Consider and investigate all customer enquiries concerning Illegal Activities, that are within Council’s jurisdiction
- Adopt a proactive approach to identifying and investigating Illegal Activities, where adequate resources are available to perform such duties
- Refer to SAFOL, where appropriate, where it falls outside of Council’s jurisdiction.

Enforcement Options

Council administers and enforces a broad range of legislation. As a result, enforcement options can vary with the Act being enforced. In some circumstances, the issuing of civil enforcement notices may be appropriate as opposed to the commencement of prosecution proceedings or the issuing of expiation notices. The range of legislation enforced by Council means that a range of enforcement options are available.

No Action

No action will be taken where, after investigation, no breaches of the legislation are discovered.

It may also be appropriate to take no action where:

- The complaint is frivolous, vexatious or trivial in nature
- The individual or entity who may have breached a law has, or has committed to, making good the breach
- The alleged breach is outside of Council’s jurisdiction
- Taking action may prejudice other more significant investigations
- Having regard to the principles of proportionality and consistency, Council has determined that the breach is of such a minor nature that action would be an unreasonable use of Council resources.

Informal Action

Informal action to achieve compliance with legislation may include:

- Offering an individual or entity who may have breached a law with verbal or written warning
- Verbal or written warnings that may include requests for remedial action.

Advice from Council will be conveyed clearly and simply and any verbal advice or requests for action will be confirmed in writing, as determined by procedures.
The circumstances in which informal action may be appropriate include:

- The act or omission is not serious enough to warrant formal action
- The past history of the individual or entity who has committed the breach reasonably suggests that informal action will secure compliance
- Council’s confidence in the individual or entity is high
- The consequences of non-compliance will not pose a significant risk of harm or nuisance to other persons or property
- Where informal action may prove more effective than a formal approach.

In circumstances where statutory action is not possible but it would be beneficial in a wider public safety context to urge a particular outcome, informal action may be undertaken and the reasons recorded in accordance with Council’s Records Management Policy and procedure. The recipient will be made aware that the requested action(s) are not legally enforceable.

Mediation

Where practical, Council may make mediation available through an external provider. Mediation is a possible alternative where, after investigation, Council considers that the issues are unlikely or incapable of resolution through either formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

Formal Action

Council will use professional judgement and discretion to assess the particulars relating to each matter under consideration, including the reasonableness of the actions required by Council and the timeframe to comply.

Service of Orders

Depending on the nature of the breach and the legislation relevant to the breach, formal orders may be issued by Council or by a relevant court of competent jurisdiction. Orders to address matters of non-compliance will only be used or sought from a court where:

- An Order is required to prevent further Illegal Activities
- The breach is of such a serious nature so as to warrant immediate action
- The breach has resulted in a threat to life or an immediate threat to public health or safety
- Where informal action has failed to achieve compliance.

A decision for Council to seek an Order through a court will only be made with the prior written consent of the CEO.

Formal orders issued verbally will be recorded in accordance with the relevant legislation and Council’s Records Management Policy and procedure. Such orders will also be confirmed in writing within a timeframe prescribed by the relevant legislation.

In most cases, an individual or entity receiving an Order has a right of appeal to an appropriate court. If an Order is served for which an appeal is possible, Council will advise the recipient in writing of the right of appeal and the relevant legal provisions at the time of serving the Order.
Failure to comply with orders will result in further enforcement action.

**Expiration Notices**

An expiration notice alleges that an individual or entity has committed an offence and sets out an expiration fee, which can be paid to expiate the offence rather than the individual or entity being prosecuted. The evidence obtained to substantiate the issuing of expiration notice must be sufficient to prove that the offence occurred.

Expiration notices may be issued by Council for (amongst other things):

- Parking offences under the *Road Traffic Act 1961, Australian Road Rules* and the *Private Parking Areas Act 1989*;
- Dog management offences pursuant to the *Dog and Cat Management Act 1995*;
- Development related offences pursuant to the *Development Act 1993* and Regulations;
- *Planning Development and Infrastructure Act 2016*;
- Food safety offences under the *Food Act 2001*;
- Public realm use and management offences under the *Local Government Act 1999*;
- Public health offences under the *South Australian Public Health Act 2011*;
- Supported residential facility management offences under the *Supported Residential Facilities Act 1992*;
- Offences against Council’s By-laws.

An individual or entity that receives an expiration notice has a right to elect to be prosecuted for their alleged offence, instead of paying the expiration fee. Payment of an expiration fee is voluntary and is not an admission of guilt or civil liability.

**Prosecution**

A decision to prosecute must be in the public interest. Council may initiate prosecution proceedings in the following instances:

- The breach is of a serious nature so as to warrant prosecution;
- A person who receives an expiration notice does not expire the offence by payment or otherwise elects to instead be prosecuted.

In considering whether prosecution is in the public interest, the following factors will be considered:

- The prevalence of the alleged offence and the need for deterrence, both personal and general;
- Whether the individual or entity has committed a similar offence in the past;
- Whether the individual or entity has shown remorse or contrition;
- Whether the alleged offence was premeditated;
- The effect on the physical or mental health of the individual or persons comprising an entity or witness, balanced against the seriousness of the alleged offence;
- The availability, competence and credibility of witnesses and their likely impression on the Court;
- The admissibility of any alleged confession or other evidence;
- Any lines of defence;
- The need to maintain confidence in the Council as a prosecuting authority.
Prosecution proceedings should not be commenced in circumstances where there is not a reasonable prospect of success in securing a finding of guilt against the alleged offender.

The likely length and expense of a trial is a relevant (but not decisive) consideration when deciding whether to prosecute for Illegal Activities. Similarly, the implications and financial burden on an individual or entity will not be a decisive consideration when determining whether to proceed with a prosecution.

As a matter of practical reality, the proper decision in most cases will be to proceed with a prosecution if there is sufficient evidence available to justify a prosecution. Although there may be mitigating factors present in a particular case, often the proper decision will be to proceed with a prosecution and for those factors to be put to the sentencing court in mitigation. Nevertheless, where the alleged offence is not so serious as plainly to require prosecution Council, as the prosecuting authority, will always apply its mind to whether the public interest requires a prosecution to be pursued.

Cost Recovery

Council may incur significant costs (legal and / or otherwise) when enforcement action is taken to rectify Illegal Activities. In the interest of reducing the financial burden of pursuing enforcement and compliance matters on ratepayers, where possible, the Council will seek to recover those costs incurred in attempting to rectify the breach through the relevant court.

Compliance Matters of Special Consideration

Signage

Temporary Variable Message Signs

Illuminated temporary VMS are viewed as important tools for promoting upcoming events occurring within the City and are required to have approval pursuant to the Development Act 1993. Furthermore, such signs also require approval pursuant to the Local Government Act 1999 if they are being sought to be placed on Council land.

Council officers will act upon a complaint received concerning illuminated temporary VMS. Where a VMS is found to be unlawful, enforcement action will be taken having regard to the principles of proportionality contained within this Policy.

Real Estate Signs

It is common practice for a Real Estate Sign to be erected on Council land in instances where front boundary fencing exists. Although Council approval is required under the Local Government Act 1999, the impact of such signs being placed on Council land is often negligible and largely unavoidable.

For the reason outlined above and pursuant to section 221(1) of the Local Government Act 1999, Council grants a standing authorisation for the placement of Real Estate Signs on Council land in the following instances:

- When the Real Estate Sign is exempt from requiring development approval under the Development Act 1993
- The Real Estate Sign is to be placed directly adjacent the fence line and as close as practicably possible to the property boundary with the public road.
- There is a boundary fence which would otherwise obstruct views of the sign if it were to be placed on private property.

**Policy implementation**

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.

**Accessibility**

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: [www.teatreegully.sa.gov.au](http://www.teatreegully.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
Status Report on Committee Resolutions 18 OCTOBER 2017

Note: This report is provided as information only. Actions relating to confidential minutes have been removed from the Status Report.

Pending Actions

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<th>Officer</th>
<th>Subject</th>
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<td>156</td>
<td>29 August 2017</td>
<td>Kelli Strugnell</td>
<td>Disability Discrimination Act Policy</td>
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D17/50754
14 Sep 2017 - 12:09 PM - Kelli Strugnell
Policy returning to GPC in October along with the Social Inclusion Strategy (or equivalent)

Completed Actions

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D17/50755
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