

Notice of Governance and Policy Committee Meeting



MEMBERSHIP

Cr Damian Wyld (*Presiding Member*)

Cr Rob Unger
Cr Jessica Hawkvelt
Cr Irena Zagladov

Cr Lucas Jones
Cr Kimberley Drozdoff

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 21 JUNE 2023 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting or listen and observe minutes via [Council's website](#).

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 16 June 2023

CITY OF TEA TREE GULLY

GOVERNANCE AND POLICY COMMITTEE MEETING 21 JUNE 2023

AGENDA

1. Opening and Welcome

Acknowledgement of Country Statement - may be read out as arranged by the Presiding Member

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 22 February 2023 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.cttg.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.cttg.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.cttg.sa.gov.au

7. Petitions - Nil

8. Declarations of Conflicts of Interest

Members are invited to declare any material and/or general conflicts of interest in matters appearing before the Council.

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Management Reports

Office of the Chief Executive Officer - Nil

City Operations - Nil

Corporate Services

11.1 Employee Behavioural Standards / Policy 5

Community Services - Nil

12. Returned Policies - Nil

13. First Discussion of Policies

13.1 Compliance and Enforcement Policy 22

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14.	Notice(s) of Motion - Nil	
15.	Motion(s) without Notice	
16.	Question(s) on Notice - Nil	
17.	Question(s) without Notice	
18.	Status Report on Resolutions	
18.1	Status Report on Governance and Policy Committee Resolutions.....	112
19.	Other Business	
20.	Section 90(2) Local Government Act 1999 – Confidential Items	
	<i>A record must be kept on the grounds that this decision is made.</i>	
21.	Date of Next Meeting	
	16 August 2023	
22.	Closure	



REPORT FOR

GOVERNANCE AND POLICY
COMMITTEE

MEETING DATE

21 JUNE 2023

RECORD NO:

D23/40289

REPORT OF:

CORPORATE SERVICES

TITLE:

EMPLOYEE BEHAVIOURAL STANDARDS / POLICY

Item 11.1

PURPOSE

To consider whether additional employee behavioural standards or policies are required in accordance with section 120A of the Local Government Act 1999.

RECOMMENDATION

That the Committee recommend to Council:

1. That having considered the requirements of section 120A of the *Local Government Act 1999* and existing arrangements in place that specify standards of behaviour for council employees which have been established by the CEO, Council determines that additional employee behavioural standards not be adopted at this time.

1. BACKGROUND

Employee behavioural standards may specify standards of behaviours to be observed by employees of councils and provide for any other matter relating to the behaviour of employees of the council. An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment. Where a council adopts employee behavioural standards, an employee of the council must comply with the standards.

Many changes to the *Local Government Act 1999* (the Act) were made as part of local government reform. A key change of this reform was a new approach to behavioural management for both employees and elected members, which came into effect on 17 November 2022, immediately following the 2022 council periodic elections.

1.1 Previous legislative framework

The previous legislative provisions for employee conduct only provided requirements for council employees in relation to gifts and benefits as opposed to other types of conduct (which was quite different for council members). As a result, many council chief executive officers (including City of Tea Tree Gully) addressed this by adding requirements to employment instruments, amending existing HR policies or adopting an **'Employee Code of Conduct' to ensure there were clear expectations in place regarding the conduct and behaviour of council employees. Documents relating to employee behaviour and conduct that were introduced by CEO's remain in operation** following the commencement of reforms in November 2022. Documents that were introduced by councils (as an elected body) were repealed in November 2022, when **the legislation changed. City of Tea Tree Gully's employee behavioural standards and policies remain in operation as they were established by the CEO.**

1.2 Challenges with the new legislative framework

Consistent with arrangements in place for council members, 'conduct' has been separated into behaviour, integrity and criminal matters. The changed approach sees 'integrity matters' for council employees now captured directly within the Act, which is the same for council members.

For behavioural matters, new section 120A - provides a discretionary power which allows councils (as an elected body) to adopt additional behavioural standards for council employees, if the elected member body wishes to do so. This is unusual power to be given to councils rather than the CEO.

Under Sections 103 and 104 of the Act, the CEO is responsible for appointing, managing, suspending and dismissing employees of the Council with the remuneration and other conditions of service of such employees to be determined by the CEO. The CEO also has statutory responsibilities to ensure safe and healthy

working conditions and to protect employees from sexual harassment and unlawful discrimination (s107). In accordance with Sections 96, 98, 99A and 102A, the Council's elected members are responsible for such decisions with respect to the CEO only (as **opposed to other employees of Council**). This is undertaken via the CEO's employment contract.

The LGA sought clarification from the Office of Local Government (OLG) regarding the interaction of new section 120A and other sections of the Act that contain provisions that require the CEO to ensure that sound principles of human resource management are applied to employment in the administration of the council. It was also initially unclear the effect this new section may have on existing policies and procedures already established by CEOs to manage employee behaviour.

The clarification provided by OLG confirms that the introduction of section 120A did not intend that councils (i.e. the elected member body) would need to adopt policies and procedures that a CEO may deem necessary to manage council employees in the workplace, but provide them with a discretionary ability should they choose to do so. **OLG's view is that it would not have been Parliament's intention to create a void by providing a discretionary power for councils that, in effect, would diminish a CEO's implicit ability to establish policies relating to council employee behaviour.**

1.3 Committee consideration

While the behavioural management policy for council members went directly to Council in January 2023, this only occurred due to the urgent timeframes in place (given all member conduct matters had been repealed in November 2022). As stated previously, this is not the case with employee conduct standards and policies which remain in operation if established by the CEO, therefore this matter has been presented to the Committee in accordance with its Terms of Reference.

2. DISCUSSION

2.1 Action required under new legislative framework

The new section 120A provides that a council may prepare and adopt employee behavioural standards that:

- specify standards of behaviour to be observed by employees of councils; and
- provide for any other matter relating to behaviour of employees of councils.

There is an obligation that councils must:

- review the operation of the employee behavioural standards (in the case of a council that has employee behavioural standards in effect, which City of Tea Tree Gully does); or
- in any other case, consider whether it should adopt employee behavioural standards;

within six (6) months after the conclusion of each periodic election (which would have been 18 May 2023).

As a result of the above-mentioned inconsistencies in the legislation, there was a delay in releasing the model standard, guideline and supporting materials to the sector by the LGA. The clarification was considered vital to inform appropriate decision making by councils in relation to the new section 120A. On 19 May 2023 a guideline and model employee behavioural standard were provided by the LGA (after the legislative deadline) to support councils consideration of whether to adopt such a standard. The model employee behavioural standard developed by the LGA is provided as Attachment 1.

2.2 Existing behavioural standards for council employees

For City of Tea Tree Gully, employee behavioural standards / policies were put in place by the CEO. The existing Employee Conduct Policy, which has been provided as Attachment 2, is almost identical in nature and intent to the LGA model standard. The only exception is the LGA introduction and inclusion of the complaints handling process, which is incorporated in separate procedures for the City of Tea Tree Gully on the basis that it covers more procedural rather than policy content.

On this basis, it is not proposed that Council, as an elected body, add additional standards that should be observed by employees. Should this proposed approach not be satisfactory to the Committee or Council, the legislation requires councils to consult with any registered industrial association that represents the interests of employees of councils on any employee behavioural standards before they are adopted (altered or substituted).

The above should provide sufficient information/detail to support the Committee and Council to determine whether it chooses to exercise its discretion to adopt additional behavioural standards to be observed by council employees.

2.3 Recommendation to Council

After considering the relevant information, the decision options for council are to:

- determine that section 120A employee behavioural standards are not required on the basis that there are already sufficient other documents/instruments in place that set standards for employee conduct and performance; or
- exercise its discretion and determine to adopt employee behavioural standards.

The requirement that a council must consider whether it will adopt employee behavioural standards within six (6) months of the conclusion of a periodic election does not require a council to, in fact, adopt employee behavioural standards. The obligation is to consider whether employee behavioural standards will be adopted.

The obligation is not to have adopted employee behavioural standards within that timeframe, rather for council to turn its mind to and determine whether it will do so.

3. FINANCIAL

There are no financial impacts in relation to this report. Should the Committee recommend new standards be established in addition to those already established, it would be prudent to seek legal advice (which would incur some cost) to ensure any inconsistencies with existing standards or policies are addressed. Any legal advice obtained can be covered by existing operational budgets.

4. STRATEGIC OBJECTIVES

Strategic Plan

There are no linkages to Council's strategic objectives, as this relates to legislative compliance.

Policies / Strategies

The Employee Conduct Policy is relevant to this report (provided as Attachment 2).

5. LEGAL

Sections 96, 98, 99A, and 102A, 103, 104, 107 and 120 of the Local Government Act 1999 apply in relation to this report.

5.1 Chief Executive Officer responsibilities

The Local Government Act directly empowers a council chief executive officer (CEO) in relation to human resource management matters and management of council employees within the workplace. Of particular relevance are sections:

- s103: The CEO is responsible for appointing, managing, suspending and dismissing the other employees of the council (on behalf of the council).
- s104: subject to any relevant Act, award or industrial agreement, the remuneration and other conditions of service of an employee of the council will be as determined by the CEO.
- s107: the CEO must ensure that sound principles of human resource management are applied to employment in the administration of the council and must take reasonable steps to ensure that those principles are known to all employees. This section includes obligations to provide employees with safe and healthy working conditions, to protect employees from sexual harassment and ensure that appropriate processes exist for dealing with complaints relating to sexual harassment.

As stated previously, there is no need for those employee behaviours or standards already implemented by the CEO to be re-adopted following the commencement of section 120A (as they are not implemented under that section).

5.2 Delegations

It is relevant to note that the power to prepare, adopt, alter or substitute employee behavioural standards is vested in the Council, and may be delegated in accordance with Section 44 of the Local Government Act. The LGA Delegations Framework Template Delegations (which are the ones City of Tea Tree Gully uses) include this power as a delegable power.

While this matter is coming to the Committee given it is of a policy nature, the **Committee currently doesn't have delegation to make this decision on behalf of** Council, hence the wording of the proposed recommendation, for the Committee to make recommendation to Council.

5.3 Legislative compliance

Whilst the failure to consider the requirements of section 120A within the relevant timeframe is technically a breach of the Act, the LGA has documented evidence as to the basis of the delay that could be provided to the Ombudsman in the event of any inquiry regarding the breach. Whilst it is a matter for the Ombudsman to determine, it is considered unlikely that the Ombudsman would pursue any action against a council in relation to the breach (given it impacts the entire sector).

6. RISK – IDENTIFICATION AND MITIGATION

The LGA provided a copy of the Model employee behavioural standards to **representatives of the Australian Workers' Union (SA Branch) and the Australian Services Union**. Whilst the provision of the document did not constitute formal consultation, the LGA sought to obtain a view from the organisations regarding the model document. Neither Union expressed concerns with the content of the Model employee behavioural standards, however, they noted that councils should avoid duplicating existing documents/instruments that set standards of behaviour for council employees.

In determining its preferred course of action, the Committee and Council should consider whether there is potential for confusion between employee behavioural standards adopted by the council under section 120A and the existing framework of policies and directions issued by the CEO. It is for this reason that the proposed recommendation is for the establishing of behavioural standards and policies for employees remain with the CEO.

7. ACCESS AND INCLUSION

N/A

8. SOCIAL AND COMMUNITY IMPACT

N/A

9. ENVIRONMENTAL

N/A

10. ASSETS

N/A

11. PEOPLE AND WORK PLANS

The recommendation provided has no impact on work plans and priorities. Should council choose to add to the existing behavioural standards/policy, consultation with industrial associations be required. This has the potential to impact priorities of existing work plans for relevant employees that would need to be involved in the consultation with unions and employees. This has not currently been factored into existing work plans as the existing Employee Conduct Policy is not due for review until November 2025. It is noted that this approach could still be achieved, however it would require the re-adjustment of existing work priorities.

12. COMMUNITY AND STAKEHOLDER ENGAGEMENT

N/A

13. COMMUNICATIONS OF COUNCIL DECISION

N/A

14. INTERNAL REPORT CONSULTATION

No further internal report consultation was required, beyond the report authors.

Attachments

1. [LGA Model Employee Behavioural Standards - section 120A Local Government Act - June 2023](#)13
2. [CURRENT City of Tea Tree Gully Employee Conduct Policy - endorsed by CEO](#)19

Report Authorisers

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Local Government Association
of South Australia

LG Equip

Item 11.1

Employee Behavioural Standards

Model Standard
May 2023

Attachment 1



Local Government Association
of South Australia

LG Equip

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

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

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MODEL Employee Behavioural Standards

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

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

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

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

Part 1—Principles

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

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

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

Part 2—Behaviour standards

Employees of [insert council name] must:

1. General behaviour

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

2. *Responsibilities as an employee of council*

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

3. *Relationships within Council*

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

Part 3—Procedures

4. *Complaints*

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

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

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

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

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

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

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

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



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Employee Conduct Policy

Portfolio:	Organisational Services and Excellence
Department:	Organisational Development
Responsible Officer:	Manager Organisational Development
Last Reviewed:	November 2021
Next Review Date:	November 2024
Record Number:	D18/17661

1. Overview

This Policy outlines the expectations of employees in relation to how they work with others and their general conduct.

2. Principles

Our employees are committed to serving the best interests of our community and to discharge their duties conscientiously and to the best of their ability. They will:

- act honestly in every aspect of their work and will be open and transparent when making decisions or providing advice to our Council
- perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of our Council is strong
- respect the law, and the resolutions made by the elected member body of the Council.

The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

Our employees will make reasonable endeavours to ensure that they have current knowledge of both statutory requirements and best practices relevant to their position.

3. Scope

This Policy applies to all employees of the City of Tea Tree Gully.

Employee Conduct Policy

Record No. D18/17661

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.

4. References

Work Health and Safety Act 2012 (SA)
 Work Health and Safety Regulations 2012 (SA)
 Local Government Act 1999

5 Policy

General behaviour

Employees will:

- Act honestly in the performance of their official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*
- Act with reasonable care and diligence in the performance of their official duties, as required by Section 109(2) of the *Local Government Act 1999*
- Discharge duties in a professional manner
- Protect confidential information as required by Section 110A of the *Local Government Act 1999*
- Act in a way that generates community trust and confidence in our organisation
- Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people
- Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role

Responsibilities

Employees will:

- Comply with all relevant policies, codes and resolutions of which they have been made aware, relevant to their particular role
- Deal with information received in their capacity as an employee in a responsible manner
- Endeavour to provide accurate information to the Council and to the public at all times
- Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered
- Not release or divulge information that the Council or Chief Executive Officer has ordered be kept confidential, or that the employee should reasonably know is information that is confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*
- Not make improper use of information, including confidential information, acquired by virtue of their position
- Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions
- Comply with all lawful and reasonable directions given by a person with authority to give such directions
- Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice
- Comply with all relevant statutory requirements within the Local Government Act 1999, the Work Health and Safety Act 2012 and other Acts.
- Not make any public criticism of a personal nature of fellow employees or Council members

Employee Conduct Policy

Record No. D18/17661

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- Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.

Use of our resources

Employees using our resources:

- must do so effectively and prudently when undertaking their work
- must not use resources, including the services of other staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate
- must not use resources in a manner that is irregular or unauthorised

Register of interests

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

Breaches of the Employee Conduct Policy

Any breaches of the Employee Conduct Policy may result in disciplinary action, which could include termination of employment, and will be managed in accordance with the Performance Management Procedure.

6 Supporting Documentation

Performance Management Procedure (D12/22193).



COMPLIANCE AND ENFORCEMENT POLICY

Responsible Manager: Manager Community Safety

The Enforcement Policy is due for review has been revised and updated as the Compliance and Enforcement Policy to include changes to reflect Council's decision to pursue damage to Council infrastructure by developers and builders.

Following the report presented to Council on 22 February 2022 titled "Damage to Infrastructure caused by developers and builders", Council resolved:

- 1. That Council provides a future service for the ongoing condition assessment and follow up of damage to Council infrastructure (subject to the extent of allocated resources) prior to, during and after construction activities relating to approved developments and permits.*
- 2. That Council through its Governance and Policy Committee develops a suitable policy that reflects the intended approach for Council to mitigate the level of risk to its infrastructure arising from construction activities on public land.*

Carried Unanimously (1122)

Officers propose changes to the Enforcement Policy rather than the creation of a new policy, which is consistent with the practice of other Councils. The recommendation to merge the content into this policy is made because of the synergies of the nature of the duties undertaken by officers in the field and the legislation that enables the process.

The table below details the proposed changes and reasons why.

Both the Manager City Development and Manager Field Services have been consulted in the drafting of this policy.

That the Governance and Policy Committee recommends to Council:

That the “Compliance and Enforcement Policy” **as reviewed by the** Governance and Policy Committee on 21 June 2023 be adopted.

OR

That the “Compliance and Enforcement Policy” **as reviewed by** the Governance and Policy Committee on 21 June 2023 be adopted.

OR

That the “Compliance and Enforcement Policy” **as reviewed by** the Governance and Policy Committee on 21 June 2023 **be returned to the** “Governance and Policy Committee” for consideration.

Summary of changes		
Page No.	Heading	Comments
1	Title of Policy	Change to Compliance and Enforcement Policy from Enforcement Policy.
1	Other Key Internal Stakeholders	Updated role from Director Community and Cultural Development to General Manager Community Services.
1	Adoption Reference	Updated to the Governance and Policy Committee.
2	Policy	Update to point 3 and insertion of points 4 & 5 to include reference to inspection of development sites and education for the purposes of including principles of asset protection of Council’s assets.
3	Proportionality	Insertion of points 3 – 5.
5	Service of Orders	Updated the wording in point 1 inline with legislation.
6	Expiation Notices	Deletion of point 2 and insertion of point 3. Insertion of point 7 and renumbering to reflect ability of expiation for damage caused to Council assets.
7	Cost Recovery	Insertion of “This may include options such as the recovery of costs as a debt to Council through their rates.”
7	Compliance Matters of Special Consideration	Amendments to current titling of legislation.

8	Damage to Council Infrastructure to Third Parties	Insertion of new section to address Council's approach to management of Council assets adjacent to privately owned property, both the development of private property and request to develop Council land (ie, verge areas).
9	Legislative Framework	Amendments to current titling of legislation.
9	Other References	Insertion of points e, f & g
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [1](#) Draft Compliance and Enforcement Policy 2023 25



Compliance & Enforcement Policy

1. 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.

2. 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:

- a. By patrolling streets and public places
- b. Inspecting properties either on a routine programmed basis or on a random basis
- c. Responding to enquiries and complaints.
- d. [Inspecting development sites and other third party works which have the potential to cause damage to Council infrastructure](#)
- e. [Educating the community on expectations and compliance](#)

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:

- a. Ensuring that (where appropriate) a breach is rectified in a timely manner and to the reasonable satisfaction of Council

- b. Ensuring that the safety and well-being of community members is not compromised by any non-compliance issue
- c. Ensuring that the general public are not unduly inconvenienced by Illegal Activities (e.g. unauthorised parking in bicycle lanes and disabled car parks)
- d. Considering the costs that illegal activities and related prosecution or enforcement actions might have on ratepayers.

2.1 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:

2.1.1 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:

- a. Whether there are serious safety risks
- b. Where potential hazards are least well controlled
- c. [Whether there is a financial impact to Council](#)
- d. [Unauthorised Development](#)
- e. [Failure to construct in accordance with the Developers Authorisation](#)

Deleted: .

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.

2.1.2 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:

- a. Establish and follow standard operating procedures wherever possible

- b. Ensure fair, equitable and non-discriminatory treatment
- c. Record any deviation from standard operating procedures and the reasons for such deviations.

2.1.3 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 remedying 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.

2.1.4 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):

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

2.2 Council Approach to Illegal Activities

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

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

2.3 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.

2.3.1 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:

- a. The complaint is frivolous, vexatious or trivial in nature
- b. The individual or entity who may have breached a law has, or has committed to, making good the breach
- c. The alleged breach is outside of Council's jurisdiction
- d. Taking action may prejudice other more significant investigations
- e. 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.

2.3.2 Informal Action

Informal action to achieve compliance with legislation may include:

- a. Offering an individual or entity who may have breached a law with verbal or written warning
- b. 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:

- a. The act or omission is not serious enough to warrant formal action
- b. The past history of the individual or entity who has committed the breach reasonably suggests that informal action will secure compliance
- c. Council's confidence in the individual or entity is high
- d. The consequences of non-compliance will not pose a significant risk of harm or nuisance to other persons or property
- e. 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.

2.3.3 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.

2.3.4 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

2.3.5 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:

- a. An Order is required to ensure specific work is carried out
- b. The breach is of such a serious nature so as to warrant immediate action
- c. The breach has resulted in a threat to life or an immediate threat to public health or safety
- d. 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.

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2.3.6 Expiation Notices

An expiation notice alleges that an individual or entity has committed an offence and sets out an expiation 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 expiation notice must be sufficient to prove that the offence occurred.

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

- a. Parking offences under the Road Traffic Act 1961, Australian Road Rules and the Private Parking Areas Act 1986
- b. Dog management offences pursuant to the Dog and Cat Management Act 1995
- c. [Offences pursuant to the Local Nuisance and Litter Control Act 2016](#)
- d. [Offences pursuant to the Planning Development and Infrastructure Act 2016](#)
- e. Food safety offences under the Food Act 2001
- f. Public realm use and management offences under the Local Government Act 1999
- g. [Damage to Council infrastructure under the Local Government Act 1999](#)
- h. Public health offences under the South Australian Public Health Act 2011
- i. Supported residential facility management offences under the Supported Residential Facilities Act 1992
- j. Offences against Council's By-laws.

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

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Deleted: Development related offences pursuant to the Development Act 1993 and Regulations which is transitioning to the Planning, Development and Infrastructure Act 2016

Deleted: <#>Planning Development and Infrastructure Act 2016¶

2.3.7 Prosecution

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

- a. The breach is of a serious nature so as to warrant prosecution
- b. A person who receives an expiation notice does not expiate 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:

- a. The prevalence of the alleged offence and the need for deterrence, both personal and general
- b. Whether The individual or entity has committed a similar offence in the past
- c. Whether The individual or entity has shown remorse or contrition
- d. Whether the alleged offence was premeditated

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- e. 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
- f. The availability, competence and credibility of witnesses and their likely impression on the Court
- g. The admissibility of any alleged confession or other evidence
- h. Any lines of defence
- i. 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 as 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.

2.7 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. [This may include options such as the recovery of costs as a debt to Council through their rates](#)

2.8 Compliance Matters of Special Consideration

2.8.1 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 [Planning, Development and Infrastructure Act 2016](#). Furthermore, such signs also

Deleted: Development Act 1993

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:

- a. When the Real Estate Sign is exempt from requiring development approval under the *Development Act 1993*
- b. 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
- c. There is a boundary fence which would otherwise obstruct views of the sign if it were to be placed on private property
- d. The person responsible for installing these signs is responsible for ensuring public utilities and/or other public services located in the road reserve area is not damaged during the erection and removal of these signs.

2.9 Damage to Council Infrastructure by Third Parties

It is acknowledged that during development works, it is possible for Council's infrastructure to be damaged during the demolition and the construction of buildings including works undertaken by external service providers (Third Party works). As such, Council may carry out inspections to assess and document the condition of Council's infrastructure prior, during and post third party construction activities with the intent to educate and mitigate damage to infrastructure. Council will follow up on damage and other compliance issues in accordance with the *Local Government Act 1999*.

Examples of Third party works:

- A. Demolition
- B. Construction of new structures, including houses, swimming pools, sheds, pergolas
- C. Building renovations

D. Utilities (Gas, Water, Sewerage, Electricity)Examples of Compliance scenarios:A. ReinstatementsB. s221 approvalsTypical infrastructure damage:

- | | |
|--|---------------------------------|
| <u>1. Crossovers and inverts</u> | <u>2. Kerb and water tables</u> |
| <u>1. Footpaths</u> | <u>4. Side entry pits</u> |
| <u>1. Kerb ramps</u> | <u>6. Spoon drains</u> |
| <u>7. Signs</u> | <u>8. Roads</u> |
| <u>9. Verge (including vegetation/trees)</u> | |
| <u>10 Any other street furniture or infrastructure</u> | |

A key focus is to educate and collaborate with builders in our City to reduce the damage caused to Council infrastructure and to prevent avoidable damage.
Inspections and communication will be carried out prior, during and post works to the developer, owner and other third parties to set expectations to prevent damage.
Where damage has occurred to a Council Asset and is deemed to be caused by works associated with the construction, development or other third party works, Council will take measures to follow up with the responsible party to rectify the damage in line with clauses and processes governed within the Local Government Act and Council's relevant Policies and Procedures.
Enforcement action will be taken having regard to the principles of proportionality contained within this Policy.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

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.

4. LEGISLATIVE FRAMEWORK

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:

- a. Local Government Act 1999

- b. [Development Act 1993](#) and [Development Regulations 2008](#) (transitioning to [Planning Development and Infrastructure Act 2016](#) and associated regulations)
- c. [Dog and Cat Management Act 1995](#)
- d. [South Australian Public Health Act 2011](#)
- e. [Food Act 2001](#)
- f. [Fire and Emergency Services Act 2005](#)
- g. [Private Parking Areas Act 1986](#)
- h. [Road Traffic Act 1961](#)
- i. [Local Litter and Nuisance Control Act 2016](#)

Council may have the power to:

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

4.1 Other references

Council's document including:

- a. Fees and Charges Register
- b. Order Making Policy
- c. Records Management Policy
- d. [Animal Management Plan](#).
- e. [Road Alteration or Encroachment Policy](#)
- f. [s221 Work Flow Process](#)
- g. [Damage to Council Infrastructure Decision Flow Process](#)

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Environment	
<i>Environmentally valuable places and sites that are flourishing and well cared for</i>	<i>We are leaders in how we manage and care for our environment, we minimise the impacts of climate change, protect our</i>

	<i>community from public and environmental health risks, and actively promote sustainable and healthy living.</i>
<i>A community that is protected from public and environmental health risks</i>	<i>A safe community is one where people can be at home and move around in public places without fear and without risk of harm or injury</i>
Economy	
<i>People are supported to develop their leadership and employment capabilities</i>	
<i>Support the efficient use of land for valuable mineral extraction and energy resources</i>	
Leadership	
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	<i>We are trusted to make good decisions that are in the best interests of our community.</i>
<i>Decision making is informed, based on evidence and is consistent</i>	<i>Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces</i>

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations.

6. POLICY IMPLEMENTATION

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

Record number	<u>D23/43889</u>	Deleted: D20/57747
Responsible Manager	Manager Community Safety Manager City Development	
Other key internal stakeholders	<u>General Manager Community Services</u>	Deleted: Director Community and Cultural Development
Last reviewed		Deleted: 19 August 2020
Adoption reference	<u>Governance and Policy Committee</u>	Deleted: Policy and Strategic Development Committee
Resolution number		Deleted: 80
Previous review dates	<u>19/08/20</u> , 18/10/17, 10/03/15, 10/06/14, 11/02/14, 18/09/12, 10/08/10	
Legal requirement	NA	
Due date next review	<u>2026</u>	Deleted: 2023

City of Tea Tree Gully
Governance and Policy Committee

Document Cover Sheet

21 JUNE 2023

MEMORIAL MANAGEMENT POLICY

Responsible Manager: Manager Technical and Engineering Services

This policy is due for review as part of the cyclical review process (last reviewed 19/02/2020).

The current version of the policy is relevant and appropriate, thus working well. Members of the community wanting to commemorate a loved one, can do so by adding a plaque to a new bench seat placed on Local Government Land or within a road, subject to consideration and prior approval, and at the cost of the applicant. Applications for other types of memorials require the approval of the Council.

The changes to the policy are to correct minor grammatical errors, updated references to Acts, By-Laws or Organisations, and changes to sentence structure.

RECOMMENDATION

That the “Memorial Management Policy” **as reviewed by** the Governance and Policy Committee on 21 June 2023 be adopted.

Summary of changes		
Page No.	Heading	Comments
All	n/a	The changes to the policy are generally minor grammatical errors, reference to updated Acts, By-Laws or Organisations and changes to sentence structure.

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

Supporting Information

Attachments

- 1. [Download](#) Memorial Management Policy – reviewed version for GPC Meeting 21 June 2023 ..40

Memorial Management Policy



1. PURPOSE

The purpose of this policy is to provide guidelines for requests to install Memorials on Local Government Land or on a Road under the care and control of the City of Tea Tree Gully.

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This Policy does not apply to a Road under the care and control of the Department for Infrastructure and Transport.

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The existence of this Policy will assist to ensure that such requests are managed in a consistent and accountable manner.

This Policy is not intended to manage applications for monuments in cemeteries or within the Returned and Services League (RSL) Memorial Garden.

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2. POLICY

2.1 Requests for the Installation of Memorials

From time to time, Council receives requests from members of the public to consider the installation of Memorials on land that is managed by Council.

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Council will consider and may attach conditions to any grant of approval for a Memorial (temporary or permanent), which may be varied at any time in writing by Council.

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The following principles apply to requests for:¶

2.2 Permanent Commemorative Memorials

In accordance with paragraph 4.13.2 of the "Local Government Land By-Law 2021" or section 221 of the *Local Government Act 1999*, the installation of permanent commemorative Memorials on Local Government Land or Council Roads are not permitted without prior approval from Council. Council may grant approval for the installation of such Memorials in accordance with the following conditions:

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1. Requests for the installation of permanent Memorials must be made in writing and Council will provide a written response whether approved or not.

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.

2. Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council.
3. All costs associated with the provision and installation of the Memorial are to be borne by the applicant.
4. A new or replacement bench with a memorial plaque attached will be considered upon application according to the following criteria:
 - a. The materials are to be supplied by the applicant, based upon specifications provided by Council.
 - b. Applicants are to meet all costs associated with the supply and installation. On-going maintenance thereafter will be at a service level determined by Council. Council will have the right to remove or relocate any memorial bench, at any time.
5. Any Memorial requests, other than a bench seat, will be referred to Council for consideration.
6. Replacement of the memorial due to loss/damage or wear and tear will be at the discretion of Council.
7. After installation, the addition or temporary placement of any other memorabilia, photographs, or religious symbols or artefacts is prohibited at the site, except for during the six weeks following the anniversary of the event being commemorated. At the end of that period, if not already removed by the family or responsible organisation, the objects may be removed by Council.
8. Council reserves the right to remove any approved Memorial if it considers it is no longer required or appropriate (excluding Memorials from cemeteries, which is governed by the Burial and Cremations Act and Regulations). Every effort will be made to contact the applicant (or their descendants as the case may be) of Council's intention to remove the Memorial to provide the applicant with a reasonable opportunity to repair, remove or relocate the Memorial.
9. No application fees will apply for Permanent Commemorative Memorials.

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2.3 Temporary Commemorative Memorials

The installation of temporary commemorative Memorials within land that is managed by Council is not permitted without written approval from Council. Council may grant approval for the installation of such Memorials in accordance with the following conditions:

1. Requests for the installation of temporary Memorials must be made in writing and Council will provide a written response whether approved or not.
2. Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council.
3. May only remain on the site for a period of six weeks from the date of the event and anniversary of the event unless alternative arrangements are made with Council.
4. The individual or group must remove the items at the end of the six week period, or a period negotiated with Council.
5. Any other reasonable condition considered relevant to the application (previous and/or current).

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6. All costs associated with the provision and installation of the Memorial to be borne by the applicant.
7. No **application** fees will apply for Temporary Commemorative Memorials.

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2.4 Disposal of Cremated Remains (Ashes)

In accordance with paragraph 4.21 of the "**Local Government Land By-Law 2021**", a person must not without permission from Council, bury, inter or spread the ashes of any human or animal remains on Local Government Land.

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Council will consider requests for the disposal of cremated remains of deceased persons or animals on Local Government Land on an individual basis, according to the following criteria:

1. Any approvals will consider that the ashes must be spread or scattered rather than being deposited on Local Government Land other than in a dedicated cemetery
2. Any approvals will consider that the spreading or scattering of ashes must not be carried out at a time when the approved location is being actively used (e.g. on a football oval during a game or during a break in the game)
3. Any approvals will be considered with the criteria established under the above section entitled "Temporary Commemorative Memorials".

2.5 Register

A register of Memorials and plaques within the City of Tea Tree Gully will be kept in Council's records management system.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Local Government Land

In accordance with Council's By-law No. 3 – "Local Government Land By-Law **2021**" all land owned by Council or under Council's care, control and management (except Roads).

Deleted: 2015

Memorial

Under the Burial and Cremation Act 2013 this means:

- A gravestone, plaque, cenotaph or other monument
- Any other structure or permanent physical object used to Memorialise a deceased person.
- For the purposes of this Policy, this may also include living persons.

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 basis to vehicles or pedestrians or both and includes:

- a) a bridge, viaduct or subway or
- b) an alley, laneway or walkway

4. LEGISLATIVE FRAMEWORK

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

The following legislation applies to this policy:

Local Government Act 1999

Section 221 of this Act states that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public Road unless authorised to do so by Council.

Section 221(5) of this Act, states that Council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under section 221(2)(b).

Before the Council authorises the installation of a structure on a Road, Council must give consideration to whether the structure will:

- unduly obstruct the use of the Road
- unduly interfere with the construction of the Road
- have an adverse effect on Road safety.

Burial and Cremations Act 2013

This Act provide for and regulates the identification, handling, storage, transport, disposal and Memorialisation of human remains; to provide for the establishment, administration and closure of cemeteries and natural burial grounds; to provide for the conversion of closed cemeteries into parklands or public parks or gardens; and for other purposes.

4.1 Other references

Council's document including:

- Council's By-law No. 3 – "Local Government Land By-Law ~~2021~~" - provides for the management and regulation of the use of Local Government Land owned by or under the care, control and management of Council (other than streets and Roads), including the prohibition and regulation of particular activities on such Local Government Land.
- Council's Fees and Charges Register

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External document including:

- ~~The Department for Infrastructure and Transport, Operational Instruction 19.5, Roadside Memorials.~~

Deleted: The Department of Planning Transport and Infrastructure, Operational Instruction 19.5, Roadside Memorials.

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	The policy provides an avenue for people to commemorate community members.
Places	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	The policy seeks to manage the physical design, materiality and positioning of any proposed memorials in the public realm so as to provide an appealing, safe and accessible public space.

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is customer care.

6. POLICY IMPLEMENTATION

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

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7. ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.cttg.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.

Record number	D23/20134	
Responsible Manager	Manager Technical and Engineering Services Manager Operations Support Services	Deleted: Civil Assets Deleted: Parks
Other key internal stakeholders	General Manager City Operations Manager Community Safety	Deleted: General Manager Community Services¶ Supervisor Civil Operations & Depot Services¶ Manager Civil & Water Operations
Last reviewed		Deleted: City Safety
Adoption reference		
Resolution number		
Previous review dates	19/02/20, 15/02/17, 09/09/15, 21/11/12, (Previously titled Memorials on Local Government Land and Road Reserves Policy) 16/12/08, 12/10/04, 25/2/03, 13/3/01	
Legal requirement	Nil	
Due date next review	2027	

City of Tea Tree Gully
Governance and Policy Committee

Document Cover Sheet

21 JUNE 2023

PUBLIC TOILETS POLICY

Responsible Manager: Manager Operations Support Services

This policy is due for review as part of the cyclical review process (last review 19/02/2020).

The current version of the policy is still relevant and appropriate, thus working well. There are very few complaints from the community in relation to the maintenance and accessibility of public toilets. Any complaints are usually related to undesired vandalism or lack of access after daylight hours.

The only changes to the policy include the addition of new public toilets that are now open to the public and minor grammar corrections.

RECOMMENDATION

That the “Public Toilets Policy” **as reviewed by** the Governance and Policy Committee on 21 June 2023 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	2.1 Toilets located in Public Parks/Reserves	<p>Addition of new toilet blocks that have been built since previous update (4 new toilets).</p> <p>Updated facilities naming conventions to reflect references and use in other Council documentation.</p>

2	2.1 Toilets located in Public Parks/Reserves	Added clarifying commentary that cleaning will usually occur at the start of the day.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [Download](#) Public Toilets Policy48



Public Toilets Policy

1. PURPOSE

The purpose of this policy is to state Council's position in regards to the responsibility, maintenance and accessibility of public toilets within the City of Tea Tree Gully on land under the care and control of Council and leased properties.

2. POLICY

The provision of public toilet facilities provides a form of infrastructure necessary for the enjoyment of the city by visitors and residents. Council will aim to provide a clean, accessible and safe environment by achieving high standards of hygiene and maintenance.

2.1 Toilets located in Public Parks/Reserves

The following public toilets are open for use during daylight hours including weekends and public holidays:

1. Modbury Sports Area (Ashley Avenue), Ridgehaven

Deleted: Reserve

2. Balmoral Reserve, Dernancourt

3. Bentley Reserve, Holden Hill

4. Civic Park, Modbury (playground and car park),

5. Golden Fields, Golden Grove (skate park, playground and adventure playground),

Deleted: northern car park

6. Heyden Reserve, Hope Valley

7. Hope Valley Institute, Hope Valley

8. Illyarrie Reserve, Surrey Downs (amenities building and playground),

9. Jubilee Reserve, Wynn Vale

10. Wynn Vale Dam, Wynn Vale

11. Hargrave Reserve, Modbury Heights

12. Tea Tree Gully Sports Area (Memorial Oval), Tea Tree Gully

Deleted: Memorial Reserve

13. Tilley Recreation Park, Surrey Downs

Deleted: Reserve

14. Valley View Reserve, Valley View

15. Waterworld Aquatic Centre (external), Ridgehaven

Deleted: carpark/

16. Wynn Vale Recreation Area (Oval), Wynn Vale

Deleted: facing

17. Solandra Reserve, Modbury North

18. Kingfisher Reserve (Lot 50), Modbury Heights

19. Edinburgh Reserve, Modbury

Commented [HD1]: Adding new toilets to the list since previous policy update

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Any upgrades to buildings or facilities in relation to the provision of disability access will be on a priority basis.

Council will be responsible for the maintenance of these facilities and cleaning will be carried out on a daily basis, usually at the start of the day. Additional cleaning will be on an as needs basis.

Commented [HD2]: Clarification on time of day cleaning will usually occur.

Council may close any of the nominated toilet facilities for the purpose of upgrading, maintenance or building works for the period those works are in progress. Appropriate signage will be erected on the site in advance of the works and notification of any such closures will be provided on Council's website.

Deleted: or

Deleted: the

2.2 Toilets located in Council-owned/controlled facilities

Toilets in facilities owned/controlled by Council (e.g. Golden Grove Recreation and Arts Centre, Community Centres) will be the responsibility of Council and will only be accessible to the public during the hours that the general facilities are in use.

Deleted:

2.3 Maintenance of Buildings and Facilities

All Council-managed public toilets will be maintained by Council, including repairs to all buildings, internal and external fittings, lighting and plumbing. Any damage to leased facilities, where the damage is the result of wilful damage by the lessee, will be the responsibility of the relevant group or organisation.

Deleted: /

Council will endeavour to remove or paint over graffiti on any Council public toilets within one (1) business day of notification.

3. DEFINITIONS

Nil

4. LEGISLATIVE FRAMEWORK

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

The following legislation applies to this policy:

[South Australian Public Health Act 2011](#)

Section 37 (2(c)) of the Act relates to Council ensuring that adequate sanitation measures are in place in its area.

Disability Discrimination Act 1992 (Cth)

The purpose of the Disability Discrimination Act 1992 is to eliminate, as far as possible, discrimination against persons on the grounds of disability in certain areas, including access to premises.

Deleted: a

Section 23 of the Act relates to access to premises and provides that it is unlawful for the Council to discriminate against another person on the ground of that person's disability in relation to the provision of means of access to premises. However, pursuant to section 29A of the Act, discrimination in relation to the provision of access to premises on the ground of a disability is not unlawful where the action the Council is required to take to avoid the discrimination (such as making alterations to the premises) would impose an unjustifiable hardship on the Council.

Equal Opportunity Act 1984

Section 76 of the Act operates in a similar way to the Disability Discrimination Act 1992 to prohibit discrimination in the provision of services and contains comparable provisions including an exemption for unjustifiable hardship (section 84 of the Act).

Council By-Law No. 3 - Local Government Land

Council regulates certain behavior and activities in or near public toilets through its By-Law No 3 – Local Government Land.

4.1 Other references

Council's document including:

- [Council's Fees and Charges Register](#)
- [Community Land Management Plans](#)

5 STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Theme	Objective	Comments
HEALTHY AND SAFE	<i>A community where people have easy access to places, spaces and services that support good health.</i>	Our community is healthy and safe
VIBRANT AND LIVEABLE	<i>A city that is made up of places and spaces that are appealing and easy to access.</i>	Our city is a desirable and sustainable place to live

5.2 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; Finance and systems, Continuous improvement

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio [General Manager](#) and managed in accordance with Council's scheme of delegations.

Record number	D23/20627
Responsible Manager	Manager Operations Support Services
Other key internal stakeholders	General Manager City Operations General Manager Community Services Manager Recreation & Leisure Services
Last reviewed	21/06/2023
Adoption reference	
Resolution number	
Previous review dates	19/02/20, 18/01/17, 20/11/13, 18/01/11, 16/12/08, 10/10/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	2027

PRIVATE USE OF COUNCIL VEHICLES POLICY

Responsible Manager: Manager Operations Support Services

The purpose of the policy is to “*establish principles for the allocation and use of Council vehicles for the private use of designated employees, and which form part of Council’s fleet of motor vehicles*”. Furthermore, the policy addresses care and maintenance matters for Council’s fleet.

The above topics within the policy are related to employment agreements and other operational matters, hence the recommendation to revoke this policy, as these matters are better managed within the operations of the organisation.

The matters currently addressed within the policy are also addressed within the Fleet Motor Vehicle Guidelines and Principles (internal document - updated December 2022). The updates include refinement of the procedures pertaining to private use vehicles (including allocations) and clarifies that private use of a Council vehicle is not permitted (unless this is provided for as part of an employment contract).

The Fleet Motor Vehicle Guidelines and Principles ensure that any risk to Council is managed appropriately.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Private Use of Council Vehicles Policy” as reviewed by the Governance and Policy Committee on 21 June 2023 be revoked.

Summary of changes		
Page No.	Heading	Comments
This Policy is recommended to be revoked.		
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [↓](#) Private Use of Council Vehicles Policy - Council - 22 June 2021 55

Private Use of Council Vehicles Policy



Record number	D21/16475
Responsible Manager	Manager Organisational Development Manager Finance & Rating Operations Group Coordinator Operations, Fleet & Property Services
Other key internal stakeholders	Director Organisational Services & Excellence Director Assets & Environment
Last reviewed	22 June 2021
Adoption reference	Council
Resolution number	908
Previous review dates	10/07/18, 27/03/18, 9/8/2016, 9/12/15, 20/03/13, 10/11/09, 30/05/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	2024

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1. PURPOSE

The purpose of this policy is to establish principles for the allocation and use of Council vehicles for the private use of designated employees, and which form part of **Council's** fleet of motor vehicles.

2. POLICY

Council maintains a fleet of motor vehicles to ensure that it is able to provide a high level of service to its customers. Council recognises that the provision of private use of a motor vehicle, costed as part of a remuneration package, can be a significant factor in the recruitment and retention of valuable employees..

The Chief Executive Officer (CEO) is required to ensure that fleet costs are minimised and Council recognises that one way of doing this is for Council to enter into agreements with designated employees for any private use of Council vehicles. Employees allocated with a vehicle for private use may use the vehicle for normal domestic use. Such use does not extend to private business or income producing activities.

Employees allocated with a vehicle for private use **must adhere to Council's Fleet Motor Vehicles Principles and Guidelines**. Except for specifically designated vehicles (approved by the CEO) and when the principal driver of a private use vehicle is on leave, all vehicles are deemed to be part of the motor vehicle fleet and will be available in the vehicle pool for use by all employees.

2.1 Allocation of Council Vehicles

Council vehicles may be allocated to relevant employees at the CEO's discretion in accordance with this Policy.

The CEO will be responsible for ensuring that fair and reasonable recovery of costs associated with providing employees with a motor vehicle that has a private use component.

2.2 Care and Maintenance of Council Vehicles

Council vehicles must be well maintained in a tidy, clean and well-presented manner taking into consideration current climatic conditions.

Council supports a smoke-free workplace and this principle extends to all Council vehicles.

3. 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.

4. LEGISLATIVE FRAMEWORK

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

The following legislation applies to this Policy:

Local Government Act 1999

Section 8(h) of this Act requires Council to ensure that it uses its resources fairly, effectively and efficiently.

4.1 Other references

Council's documents including:

- a. Fees and Charges Register
- b. Fleet Motor Vehicles Principles and Guidelines

The Employee Conduct Policy addresses the appropriate use of Council resources.

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
<i>Delivery of services is sustainable and adaptable</i>	The inclusion of private use vehicles in the City of Tea Tree Gully's fleet contributes to the delivery of services, with part of the cost offset by contributions from the principal driver

5.2 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 is Governance, to help staff make informed decisions.

6. 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.**

City of Tea Tree Gully
Governance and Policy Committee

Document Cover Sheet

21 JUNE 2023

CODE OF PRACTICE - ACCESS TO COUNCIL AND COMMITTEE
MEETING DOCUMENTS

Responsible Manager: Manager Corporate Governance

The Code of Practice – Access to Council and Committee Meetings and Documents is required to be reviewed by Council within 12 months of a periodic election (in accordance with section 92(2) of the Local Government Act 1999).

No changes have been recommended to this Code. Before Council alters or substitutes this Code of Practice, appropriate community engagement must be undertaken in accordance with section 92(5) of the Local Government Act 1999. This approach satisfies the legislative requirements of reviewing the Code within 12 months of the election.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Code of Practice - Access to Council and Committee Meeting Documents” as reviewed by the Governance and Policy Committee on 21 June 2023 be adopted.

OR

That the “Code of Practice - Access to Council and Committee Meeting Documents” as reviewed by the Governance and Policy Committee on 21 June 2023 be returned to the “Governance and Policy Committee” for consideration.

Summary of changes		
Page No.	Heading	Comments
No changes have been recommended to this Code.		
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [Code of Practice - Access to Council and Committee Meetings and Documents - Reviewed version](#).....60

Code of Practice – Access to Council and Committee Meetings and Documents



1. PURPOSE

The purpose of this Code is to clearly outline to the community how they may access Council and Committee meetings, agendas, and reports as well as information or briefing sessions. In addition it outlines how public access to Council and Committee meetings or documents may be restricted.

The City of Tea Tree Gully supports the principle that the procedures to be observed at a meeting of Council or a Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council. Council recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

2. CODE

This Code should be read in conjunction with Council's Code of Practice for Meeting Procedures.

2.2 Council and Committee Meetings and Documents

2.2.1 Notice, Agenda and Reports

Public access to Council and Committee Agendas provides one of the main opportunities for the community to gain information about the business of Council and Committees. The following procedures apply to encourage public access to the Notice and Agenda:

- a. At least three Clear Days before a Council or Committee meeting (unless it is a special meeting) the CEO must give written Notice of the meeting to all Council and Committee Members
- b. It will be placed on **public display at the principal office of Council and on Council's website** three Clear Days prior to the meeting
- c. It will be kept on display until the completion of the meeting and continue to be published on the website

Various non-confidential documents from Council or Committee meetings are to be available for inspection by members of the public **on Council's public website** or at the meeting as soon as

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practicable after the document or report is supplied to members of the Council, pursuant to section 84(5) of the Act.

The Agenda may include a recommendation from the CEO that a document or report on a particular matter should be considered in confidence with the public to be excluded, in accordance with section 90 of the Act. Where this occurs, the CEO must specify the basis under section 90(3) where such an order could be made.

Requests to access documents can be made under the *Freedom of Information Act 1991*. Further **information is available on Council's public website.**

2.2.2 Meetings (including excluding the public)

Council and Committee meetings are open to the public and attendance is encouraged, except where Council or a Committee believes it is lawful and necessary to exclude the public from the meeting i.e. the need for confidentiality outweighs the general principle of open decision making.

The public may consider participation through the public forums or deputations in accordance **with Council's** Code of Practice for Meeting Procedures.

Council or a Committee will only discuss matters in confidence when it is considered necessary to do so, and may order that the public be excluded in specific circumstances. Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act.

Before a Council or Committee meeting orders that the public be excluded, the meeting must resolve that way. If this occurs then the Presiding Member will convey this to the public (and the grounds on which this will occur) and the public must leave the meeting. The Council or Committee can by inclusion within the resolution permit a particular person or persons to remain in the meeting.

Where a person provides information to Council and requests that it be kept confidential the Council is not able to comply with this request unless the matter is one that falls within the ambit of section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its merits.

2.2.3 Minutes

Minutes of a Council or Committee meeting must be publicly available on Council's website within five days after the meeting. This excludes any resolutions where a confidential retention order has been made. If a decision to exclude the public is taken, Council or a Committee is required to record in the Minutes the making of the order and the grounds on which the resolution was made in the Minutes. This will also apply to any order to keep an associated document confidential in accordance with section 91(7) of the Act. These minutes must be available for a minimum period of one (1) month.

2.2.4 Confidential Retention Orders

Council or a Committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and

necessary. A resolution to this effect will be carried by the meeting, immediately after considering the confidential item which will include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be reviewed. When retaining documents as confidential, the retention period will be kept as short as is necessary.

Each item must be addressed separately and assessed against section 90(3) and section 91(7) of the Act. The Council or Committee can delegate the power to revoke an order made under section 91(7) of the Act and this can be included in the retention order, including any conditions associated with this delegation.

Documents will not be made available for public inspection while a confidential order under section 91(7) remains in place.

The CEO will maintain a register of the confidential retention orders and released confidential documents. **This register will be published on Council's website.** Released documents are available on Council's website.

A review of retention orders and confidential documents will ideally be conducted twice a year (once a year at a minimum) to ensure that items are released to the public in accordance with the resolutions of Council, including detailing where an extension of a confidential retention order is required. The objective is that the information is to be made publicly available at the earliest opportunity.

2.2.5 Audio or Visual Recordings

Visual or Audio recordings are not to be taken outside of that prescribed in the Code of Practice for Meeting Procedures, which will also determine access to this information.

2.2.6 Reporting

Council will include in its Annual Report, a listing of the use of sections 90(2) and 91(7) of the Act by Council and Council committees as required by schedule 4 of the Act, and the *Local Government (General) Regulations 2013*.

2.3 Information and Briefing Sessions

Council will hold and publish information about information and briefing sessions in accordance with section 90A of the *Local Government Act 1999* and regulation 8AB of the *Local Government (General) Regulations 2013*. Information and briefing sessions may either be open to the public or closed to the public in accordance with the legislation.

Absent a specific decision of the Council or CEO to the contrary, documents presented to any information or briefing sessions are not publicly available and documents presented to information or briefing sessions that are closed to the public are confidential.

Members of the Council or Committee may participate in an information or briefing session by electronic means (which may be as a result of restrictions on physical attendance on site). Council may make available to the public a live stream of any electronic information or briefing session. Where an information or briefing session must be conducted in a place open to the public and physical attendance on site is not permitted, Council will make available to the public a live stream

of the session on Council's website, so that members of the public can hear the discussions between all persons participating in the information or briefing session. This requirement will not apply to any part of the electronic information or briefing session that has been closed to the public.

2.4 Public Access to Documents

The Local Government Act requires Councils to make available a large number of documents. Many of these are set out in Schedule 5, with other requirements contained in other sections of the Local Government Act.

Schedule 5 documents must be published on a website determined by the CEO. Councils must also, upon request, provide a person with a printed copy of any document referred to in Schedule 5. Provision of printed copies of a document may require payment of a fee (if any) set by Council (see Council's Fees and Charges Register for any relevant fee).

Requests to access Council and Council Committee documents that are not otherwise publicly available, can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council can be located on Council's public website under [Freedom of Information](#).

2.5 Grievance Procedure

Should a person be aggrieved about public access to either a meeting or a document then a request, in writing, can be lodged for consideration under Council's [Internal Review of Council Decisions Policy](#).

A member of the public is also entitled to lodge a complaint with the South Australian Ombudsman if he or she has been aggrieved by a decision of Council to exclude the public from a meeting or has otherwise been prevented access to Council documents.

3. DEFINITIONS

For the purposes of this Code the following definitions apply:

Act

Local Government Act 1999

Agenda

As defined in the Act means a list of items of business to be considered at a meeting.

CEO

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

Clear Days

Means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

Code

Code of Practice - Access to Council Meetings and Documents

Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

Connect

Means able to hear and/or see the meeting, including via a live stream or recording of the meeting

Disconnect

Means remove the connection so as to be unable to hear and see the meeting

Electronic Means

Includes a telephone, computer or other device used for communication.

Live Stream

Means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;

Minutes

A written record of the proceedings at every meeting of the Council or a Council committee.

Notice of a Meeting (Notice)

Pursuant to the Act in the case of an ordinary meeting or Council committee meeting, the CEO must give each member of the Council notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting or a special Council committee meeting, the CEO must give each member of Council notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Meeting of the Council must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the meeting. For Council committee meetings, the Notice is not required to be signed by the CEO.

Personal Affairs

As defined in section 90(9) of the Act, being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the Personal Affairs of a body corporate.

Presiding Member

Under the Local Government (Procedure of Meetings) Regulations 2013, this means the person who is the Presiding Member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting.

SAPOL

South Australia Police.

4. LEGISLATIVE FRAMEWORK

The following legislation applies to this Code:

[Freedom of Information Act 1991](#)

Schedule 1, Section 9(1) & (2) of this Act specifies certain documents that are exempt and not exempt from disclosure to the public.

[Local Government Act 1999](#)

Sections 83 and 84 of the Act details the public notice requirements for Council meetings.

Section 90 of the Act provides a general duty for Council and Committee meetings to be conducted in a place open to the public.

Section 90A of the Act sets out the requirements for information or briefing sessions.

Section 91 of the Act provides for confidential documents and the release of and minutes relating to.

Section 92 of the Act requires a council to prepare and adopt a code of practice relating to the principles, policies and procedures that council will apply for the purposes of the operation of Parts 3 & 4 of the Act.

[Local Government \(General\) Regulations 2013](#)

Regulation 35 outlines the requirement for reporting in the Annual Report for Confidential Documents.

Other references:

Council's documents including:

- a. [Code of Practice for Meeting Procedures](#)
- b. [Community Engagement \(Public Consultation\) Policy](#)
- c. [Fees and Charges Register](#)
- d. [Internal Review of Council Decisions Policy](#)
- e. [Petitions Management Policy](#)
- f. [Public Forum and Deputation Guidelines](#)

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

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic **objectives in Council's Strategic Plan 2025** are the most relevant to this report:

Objective	Comments
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the

	opportunity to speak on matters that may affect them.
--	---

6. 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.

Record number	D23/23132
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	9/8/22, 15/12/21, 14/04/20, 10/2/19, 9/05/17, 11/08/15, 11/03/14 (Access to Recordings of Council and Committee Meetings Policy has been merged into this), 11/06/2011, 12/8/08, 13/2/07, 24/2/04, 28/5/02, 3/10/00
	A Council must, within 12 months after each periodic election, review this Code
Legal requirement	Before Council adopts, alters or substitutes this Code, it must follow the relevant steps in its Community Engagement (Public Consultation) Policy
Due date next review	2027

CODE OF PRACTICE FOR MEETING PROCEDURES

Responsible Manager: Manager Corporate Governance

Code review – legislative requirement

This Code is being reviewed pursuant to the requirements of regulation 6 from the *Local Government (Procedures at Meetings) 2013* which requires Council to review its Code once every financial year, if the Council varies any of the regulations (which it has). The Code was last reviewed in August 2022.

It should be noted that in the event that the Committee recommends to Council that this **Code be varied (as it is not within the Committee's delegation to do so), it can only be** done with the support of at least two thirds of the members of the Council entitled to vote.

Other potential changes

It was requested by an elected member for Governance staff to investigate potential changes within the current Agenda template and its layout to improve readability. The suggestion by the member was to include the purpose and recommendation, in addition to the report title, as part of the agenda (rather than just including it the report). Given the Agenda content is prescribed within the Code, this request/suggestion has been addressed as part of reviewing the Code.

A mock agenda is provided in Attachment 2 to demonstrate what these potential changes would visually look like using the November 2022 agenda as an example would increase from 5 pages to 14 pages. Should the Committee or Council choose to amend

the template this would incur an external contractor fee of approximately \$1,200 (with Council's agenda and minutes software provider).

For benchmarking and comparison purposes with the 10 biggest councils (in addition to City of Tea Tree Gully), 90% (or 9 out of 10 councils) have a similar approach to Council's current practices, in that only the report title is listed as part of the agenda. One council includes recommendations for going into confidence as part of the agenda, but this applies to confidential items only. 10% (or 1 out of 10 councils) include the report purpose in addition to the report title. No councils currently incorporate the recommendation as part of the agenda, noting this does not impact City of Tea Tree Gully's ability to do so should that be the desire of the Committee and Council.

There is a legislative requirement to publicly display a copy of the notice, at the Civic Centre in the front window (as the principal office of the council) as per section 84(1a) of the Act. This same legislative requirement doesn't apply to the agenda (which is only required to be published on Council's public website), however traditionally it has been the practice of the City of Tea Tree Gully to publicly display copy of the notice and agenda. Should the agenda be amended to incorporate the purpose and recommendation of a report in addition to the report title (which was an increase from 5 to 14 pages based on the November 2022 Council meeting agenda), this practice may need to be amended to align with legislative requirements only.

At this stage the suggestion has not been incorporated in the review of the Code, but can easily be achieved if committee wishes to make an amendment.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the "Code of Practice for Meeting Procedures" as reviewed by the Governance and Policy Committee on 21 June 2023 be adopted.

OR

That the **"Code of Practice for Meeting Procedures" as reviewed by the Governance and Policy Committee** on 21 June 2023 be returned to the Governance and Policy Committee for consideration.

Summary of changes		
Page No.	Heading	Comments
4	Order of Business	It is noted that the agenda structure for the Governance & Policy Committee is different to that

		<p>of Council and other Committees. The Code has been amended to reflect current practice.</p> <p>Proposed rename of ‘management reports’ to ‘decision reports’ to more accurately distinguish the difference between an information report and a matter requiring a decision of Council.</p> <p>Minor change to be consistent with Agenda Item listed on page 15 for Mayor and Council delegates.</p>
6	Leave of Absence	Simplified this section to remove duplication.
8	Public participation / speaking at a meeting	Simplified this paragraph to remove duplication.
11	Declaration of Conflicts of Interest	<p>Discussion Point:</p> <p>The Committee to consider this section be removed as it causes confusion within the meeting and not all members declare the COI at this point. It is proposed that this be removed to allow for conflicts of interest to be declared at the time the relevant item is considered. Elected members are able to make the Presiding Member aware of proposed conflict of interest declarations prior to the meeting.</p>
11	Adjourned Business	Simplified this paragraph to remove duplication.
11	Motions Lying on the Table	Removed the reference to the motion lying on the table will be included in the Agenda. The matter would be listed on the agenda for reference but no reports, attachments will be included as part of the agenda. This reduces the chance of large attachments being included in the agenda when a matter is not actually being considered at that meeting, given this requires a member to do so via Notice of Motion (unless a motion without notice is accepted).
12	Management Reports	<p>This section has been updated to align with current organisational structure.</p> <p>Proposed rename of ‘management reports’ to ‘decision reports’ to more accurately distinguish the difference between an information report and a matter requiring a decision of Council.</p>
13	Notice(s) of Motion	Removal of this paragraph as it is a matter for the Presiding Member and relevant Elected Member to consider.
13	Motion(s) without Notice	Removal of duplication in paragraph and updating department title.

15	Other Council Delegate Reports	Simplified this section to remove duplication.
15	Other Business	Simplified this section to remove duplication.
16	Motions	Simplified this section to remove duplication.
18	Amendments to Motions	Simplified this paragraph to remove duplication.
21	Divisions	Discussion Point: Consider removing the requirement to stand when voting in the negative to simplify process when a division is called for, and only require a show of hands. This has not yet been amended in the Code proposed.
22	Meeting Etiquette	Removing practices and protocols that are no longer current practices or to simplify this section.
22	Visual or Audio Recordings	Additional clarity that not only are audio recordings not made of confidential matters (or where technical difficulties arise), that this also applies to live streaming. Clarified that Committee meetings are not recorded or live streamed, which is consistent with current practice.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [Code of Practice for Meeting Procedures](#)..... 71
2. [Example Agenda of Template Changes - June 2023](#)..... 98

Code of Practice for Meeting Procedures



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1. PURPOSE

The purpose of this Code is to establish a consistent and transparent approach and provide clear expectations for Elected Members, Council employees and members of the public regarding Council and Committee meetings.

This Code only applies to all ordinary and special meetings of Council and section 41 Committee meetings at the City of Tea Tree Gully. Council Assessment Panel (CAP) is governed by the *Planning, Development and Infrastructure Act 2016* and therefore has its own meeting procedures.

2. CODE

2.1 Introduction

Council and Committees follow the rules and procedures outlined in the:

1. Local Government Act 1999 (Chapter 6)
2. Local Government (Procedure at Meetings) Regulations 2013
3. Code of Practice for Meeting Procedures (this Code)
4. Code of Practice – Access to Council and Committee Meetings and Documents – this determines access to meetings and documents
5. Committee Structure - Terms of Reference and Membership

The Code complements and is applied in conjunction with the prescribed procedures set out in the [Local Government Act 1999](#) and the [Local Government \(Procedures at Meetings\) Regulations 2013](#) except where Council has, in accordance with Regulation 6, chosen to vary meeting procedures.

2.2 Guiding Principles (Regulation 4)

Legislation

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council or council committee:

- a. Procedures should be fair and contribute to open, transparent and informed decision-making
- b. Procedures should encourage appropriate community participation in the affairs of the council
- c. Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting
- d. Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

2.3 Agenda and Order of Business

2.3.1 Order of Business

The order of business to be considered at an ordinary or special Council and Committee meetings (with the exception of the Governance & Policy Committee) has been determined as follows:

- a. Opening Prayer (Council only) and Welcome
- b. Acknowledgement of Country Statement
- c. Attendance record (Present, Apologies, Leave of absence, Officers in attendance, Public in attendance, Media in attendance)
- d. Confirmation of Minutes of the previous meeting *(this will not occur at a special meeting)*
- e. Public forum
- f. Deputations
- g. Presentations
- h. Petitions *(this will not occur at a special meeting)*
- i. Declaration of conflicts of interest
- j. Adjourned business *(this will not occur at a special meeting)*
- k. Motions lying on the table *(this will not occur at a special meeting)*
- l. Committee reports (for section 41 Committee recommendations to Council) *(this will not occur at a special meeting)*
- m. Decision reports *(referred to as matters for discussion at a special meeting)*
- n. Notices of Motion
- o. Motions without Notice *(this will not occur at a special meeting)*
- p. Questions on Notice
- q. Questions without Notice *(this will not occur at a special meeting)*
- r. Mayor and Council Delegates Report *(this will not occur at a special meeting)*
- s. Information reports *(this will not occur at a special meeting)*
- t. Status report on resolutions *(this will not occur at a special meeting)*
- u. Other business *(this will not occur at a special meeting)*
- v. Confidential items
- w. Date of next ordinary meeting *(this will not occur at a special meeting)*
- x. Closure

Deleted: Management

Deleted: and Activities

Deleted: (including Mayor reports)

For a special meeting, each agenda item listed above must relate to the agenda for the special meeting as specified in the request to the CEO to call a special meeting.

The order of agenda items may be varied by Leave of the Meeting, or by resolution of the Council or Committee, in consideration of the needs of the public, employees, consultants, individual members or any person making a deputation, presentation or participating in the public forum.

2.3.2 Welcome

All present will stand as the Presiding Member takes their position in the Chambers. The Presiding Member will welcome everyone in attendance. (Note: The requirement to stand only applies to Council meetings.)

2.3.3 Opening Prayer (Council only)

To be read by the Presiding Member. The form of words for the Council prayer will be:

"Almighty God we humbly ask you for your blessing upon this Council Meeting, direct and prosper our deliberations to the advancement of your glory and the welfare of the people of our City and of Australia. Amen."

2.3.4 Acknowledgement of Country Statement

An Acknowledgement of Country is a way of showing respect and an awareness of Aboriginal and Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

At the City of Tea Tree Gully an Acknowledgement of Country Statement may be read by the Presiding Member, or at their discretion another Elected Member, at each Council and Committee meeting (where members of the public are present). Council recognises the need for flexibility in the content of the statement to ensure it demonstrates respect for the traditional custodians. The following statements are provided as examples that can be read.

"The City of Tea Tree Gully recognises this City's considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kurna 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".

"The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors. We acknowledge the Kurna people living today as the custodians and caretakers of their land and pay our respect to elders both past and present"

"The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors."

"We would like to Acknowledge that the land we meet on today is the traditional land for the Kurna people and that we respect their spiritual relationship with their Country. We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today." (Statement of Acknowledgement from Reconciliation SA)

2.3.5 Evacuation Protocols

In the event that there is a significant number of public present, the Presiding Member or CEO (or delegate) may provide guidance on evacuation protocols at the start of the meeting. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

2.3.6 Brief Statement to Public Gallery (if members of public are present)

Where a number of members of the public are present, the Presiding Member may advise that while the public are encouraged and are welcome to attend meetings, they are doing so to listen to the proceedings in an observer role only. There are designated sections of the meeting (eg. Public Forum and Deputations) where members of the public can directly interact in the meeting.

As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

2.3.7 Attendance Record

2.3.7.1 Present

A record of Elected Members present is maintained (identifying the time of arrival for any Elected Members not present at the commencement of the meeting). Names will be recorded by listing the Mayor first followed by the names of the Elected Members in the order they sit around the Council Chamber or meeting room. First name initials with surnames in full will be used.

2.3.7.2 Apologies

A record is taken of those Elected Members who have previously advised that they would not be present at the meeting. Elected Members that are absent from meetings and have not previously advised that they would not be present, are not recorded in the Minutes.

2.3.7.3 Leave of Absence (Council only)

The CEO will advise the Presiding Member of any requests for leave of absence and apologies for non-attendance at Council Meeting(s) prior to the commencement of the meeting

If an Elected Member requires leave of absence the following guidelines will be followed:

- Advise the CEO in writing including the relevant period (e.g. by email)
- The Elected Member's name and period will be listed on the next agenda (this will not occur at a special meeting)
- Council will formally consider and vote on leave of absences
- The Elected Member's name will be listed as an apology under the Agenda item "Leave of Absence" at the relevant meetings.

2.3.7.4 Officers in Attendance, Public Gallery and Media Present

A record in the minutes is to be taken of those employees present (physically or electronically) at the meeting, their name and position title.

A record in the minutes is to be taken of the number of members of the public and media organisations present (physically) at the meeting. This does not form any part of the formal Agenda.

2.3.8 Confirmation of Minutes of the Previous Meeting

Legislation - Regulation 8

Moved down [3]: A motion may be sought by the Presiding Member for Council to grant any requested leave of absence by Elected Members.¶

Moved (insertion) [2]

Deleted: If an Elected Member knows in advance that they will be away for Council meeting(s) they will a

Moved (insertion) [3]

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Deleted: At each meeting,

Deleted: for those Elected Members who have requested it.¶

Deleted: and include

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Moved up [2]: The CEO will advise the Presiding Member of any requests for leave of absence and apologies for non-attendance at Council Meeting(s) prior to the commencement of the meeting¶

Moved up [1]: At each meeting, Council will formally consider and vote on leave of absences for those Elected Members who have requested it.¶

Deleted: first name initial and full last name

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will –
 - (a) Initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) Place his or her signature and the date of confirmation at the foot of the last page of the minutes.

2.3.9 Public participation / speaking at a meeting

Similar to other levels of government, for the majority of the meeting members of the public are not able to participate in the meeting and are there to listen to the proceedings in an observer role only. However, as part of Council's desire to be open, transparent and accessible to its community, provision has been made at each meeting for a Public Forum session (specific to each council) and Deputations (provided for in legislation). This allows residents, ratepayers or guests of the City to speak to the meeting on topics of Council business, which should relate to policy, strategic type matters or items that are currently before the Council. Operational matters should be referred to Council's Customer Service during normal business hours.

Deputations are a more formal way of addressing a meeting than Public Forum (details of the Deputation are published on the meeting Agenda if known prior to the meeting). For either speaking method, speakers are required to register their request to speak in writing prior to the commencement of the meeting (preferably by [online form](#)) with the following information:

- a. The speakers name
- b. The speakers address
- c. Contact details
- d. Subject matter that the speaker wishes to address at the meeting
- e. Representation method – ie. Public Forum or Deputation
- f. Preferred meeting date
- g. Proposed duration of deputation (restricted to a maximum of 10 minutes) *[Note: relevant to Deputations only]*

Priority will be given to those person(s) who have placed a request to speak prior to the day of the meeting. Persons who have requested to speak prior to 10am on the day of the meeting will be informed of the outcome of their request.

A person who has submitted a petition to Council (or a nominated representative) on a matter, may at the discretion of the Presiding Member, be requested to speak on behalf of the signatories, instead of all individuals speaking.

A person will not be allowed to speak about a matter if they have already made a previous submission in relation to the same matter, particularly where the matter has been to the community for consultation or is part of a community engagement process, unless leave of the meeting is granted.

During an election period (as defined by *Local Government (Elections) Act 1999*), the Presiding Member may not allow a person to speak about a matter where the subject matter is a matter which a candidate has made public statements about, or if the person speaking is a candidate in the local government elections.

The speaker must follow these protocols for speaking at a meeting:

- a. Introduce themselves (name, suburb and subject)
- b. Required to speak at the meeting with respect; use appropriate language; comments must be truthful, fair and based on facts; not include allegations or make critical remarks about people or organisations.
- c. Seek approval from the Presiding Member before giving handouts to Elected Members

The Presiding Member has the authority to terminate any public forum or deputation at any time where it fails to conform to these protocols or a reasonable request of the Presiding Member.

The meeting will not debate a matter raised from the Public Forum or Deputation, although Elected Members may ask questions for clarification at the discretion of the Presiding Member.

The Minutes of the meeting will include a record of the name of the person addressing the meeting, and a brief description on the nature of the matter discussed.

2.3.9.1 Public Forum

The Public Forum session will be restricted to a maximum of 10 minutes in total and each person will be restricted to a maximum of 2 minutes (unless otherwise resolved by the meeting or Leave of the Meeting is granted). A list of speakers will be provided to the Presiding Member at the commencement of the meeting.

The Presiding Member has absolute discretion as to allow or refuse a person to continue speaking in the Public Forum.

Where there are more registered speakers than the allocated maximum of 10 minutes, the Presiding Member will have the right to limit the number of speakers, or may seek leave of the meeting to extend the time accordingly. Where multiple speakers have indicated they wish to speak on the same topic, the Presiding Member may request a ballot draw. The names drawn will indicate people who can speak in the Public Forum. The ballot draw will be coordinated by staff present at the meeting as nominated by the CEO.

2.3.9.2 Deputations

Legislation - Regulations 11

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

Deleted: Each person allowed to speak must address the Presiding Member and state their name, suburb and the subject upon which they wish to address the meeting. Any person speaking at the meeting must seek approval from the Presiding Member before giving handouts to Elected Members.¶

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| <p>(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).</p> <p>(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.</p> <p>(7) A council may refer the hearing of a deputation to a council committee.</p> |
|--|

A Deputation is to be restricted to a maximum of 10 minutes per Deputation (unless otherwise resolved by the meeting or Leave of the Meeting is granted).

Deputation requests should be submitted within the following timeframes:

- Deputation is related to matter of business on Agenda – by 10am the day of the meeting
- Deputation does not relate to a matter of business on Agenda – at least seven (7) days prior to the meeting (if approved, the deputation request will be published on the Agenda).

It is preferable that any deputation relating to a planned report should occur at the same meeting as the report that is presented to Council or Committee (where relevant).

Whether or not a deputation may be allowed or refused is to be determined on a case by case basis. In determining whether a deputation is allowed, the following considerations will be taken into account:

- a. The subject matter of the proposed deputation
- b. Whether the subject is within the jurisdiction of the Council
- c. Relevance to the Agenda of the meeting nominated
- d. The size and extent of the Agenda for the particular meeting

The Presiding Member must report the decision to refuse a deputation at the next meeting of the Council or Committee (if relevant).

Any person that requires the use of presentation aids (eg. PowerPoint presentation, DVD etc) must make the presentation available to Council prior to 2pm on the day of the meeting to enable testing. External USB drives will not be inserted into any Council computers.

2.3.10 Presentations

Employees, consultants, government agencies or other organisations that work with Council, may make presentations to a meeting on matters relating to the Council or Committee at the discretion of the CEO or Presiding Member. A general limit of two presentations per Council meeting applies unless other priorities are identified.

The Minutes of the meeting will include a record of the name and role of the employee or consultant making the presentation, together with a brief description on the nature of the presentation.

2.3.11 Petitions

Legislation - Regulations 10

Subregulation (2) – not varied by Council

- (1) A petition to the council must –
 - a. Be legibly written or typed or printed; and
 - b. Clearly set out the request or submission of the petitioners; and
 - c. Include the name and address of each person who signed or endorsed the petition; and
 - d. Be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Any petition lodged with Council in accordance with Council's Petition Management Policy will be reported to the next available Council or Committee meeting. A report containing a statement as to the nature of the petition, along with the number of signatures on each petition will be provided in the Agenda. The petitions will not be copied and circulated, however a copy will be available for Elected Members to inspect.

This report is provided for information purposes, and does not require a resolution. The Minutes will record that the Petition was received by Council.

2.3.13 Adjourned Business

Any adjourned business will be listed [and included](#) on the next meeting Agenda as a reminder of their status.

Legislation - Regulations 19

Regulation 19 – varied by Council

- (1) If a formal motion for a substantive motion to be adjourned is carried –
 - a. The adjournment may either be to a later hour of the same day, to another day, or to another place; and

Deleted: 2.3.12 Declaration of Conflicts of Interest¶

Elected Members will be invited to nominate any item on the Agenda where they are of the view that they have a conflict of interest in order for the Presiding Member to allow the Member the appropriate opportunity to identify the details of the conflict of interest immediately prior to any discussion occurring on the relevant item.¶

¶ The Minutes will record a reference to the Agenda item to which the interest relates. Details on the specific nature of the conflict of interest will be recorded in the Minutes in accordance with the Act as part of consideration of the Agenda item itself and will also record if the Member was present or not for the vote.¶

Deleted: A copy of any adjourned business is to be included in the Agenda.

- b. The debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 19(3) is varied to allow the Presiding Member, in determining order of business, to consider whether it is appropriate for business adjourned from a previous meeting to be dealt with before any new business.

2.3.14 Motions Lying on the Table

Any motions currently lying on the table will be listed on the next meeting Agenda as a reminder of their status.

Deleted: A copy of any motion lying on the table is to be included in the Agenda.

Legislation - Regulations 12(19) and (20)

- 12.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to council at the first ordinary meeting of the council after the general election.

2.3.15 Committee Reports (Council only)

Any Committee (or Sub Committee) recommendations or matters that need to be presented to Council will be presented for consideration at the next available meeting.

Presiding Members of Committees may present to Council on relevant matters in accordance with the Terms of Reference for that Committee.

2.3.16 Decision Reports

Decision Reports will be listed on the Agenda in accordance with the management structure of Council:

1. Office of the Chief Executive Officer
2. [City Operations](#)
3. [Corporate Services](#)
4. [Strategy and Finance](#)
5. [Community Services](#)

Deleted: Management

Deleted: Management

Deleted: Assets and Environment

Deleted: <#>Organisational Services and Excellence¶
<#>Community and Cultural Development¶

This listing will be varied as required to ensure consistent alignment with Council's management structure at any point in time.

2.3.17 Notice(s) of Motions

Legislation – Regulation 12(1) to (4) and (7)

- 12.
- (1) A member may bring forward any business in the form of a written notice of motion.

- (2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought –
 - a. until the expiration of 12 months; or
 - b. Until after the next general election, whichever is sooner.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

The Notice of Motion will be placed on the Agenda with the following information (to be considered in the prescribed form determined by Council):

- a. Subject of Notice of Motion
- b. Proposed Motion
- c. Background (must be provided prior to Notice of Motion deadline or will be considered not in the form required by Council and subsequently disallowed)
- d. Name and Ward of Councillor that submitted the Notice of Motion
- e. CEO's comments (to be added after a Notice of Motion has been submitted by the deadline)
 - o Policy
 - o Risk
 - o Financial implications
- f. Attachments

As a matter of probity and governance best practice, the Presiding Member should not submit Notices of Motions at the meeting over which he or she presides.

Deleted: Where regulation 12(7) is triggered, the Presiding Member will have the ability to refuse a motion as it is written. However, the Presiding Member may work with the Elected Member to amend the wording to bring it within the power of Council, or may refuse the Notice of Motion within the agenda.¶

2.3.18 Motion(s) without Notice

Legislation – Regulation 12(5) and (6)

- 12.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

In order to assist Council in maintaining an open and transparent approach to governance, these motions should be restricted to matters closely related to Agenda items, house-keeping issues or urgent matters. Elected Members are encouraged where possible to provide a proposed [motion](#) to the [Corporate Governance Department](#) prior to Council's consideration.

Deleted: written motion without notice

Deleted: Governance & Policy Department

Deleted: to expedite minute taking

2.3.19 Question(s) on Notice

Legislation – Regulation 9 (1), (2) and (6)

9.

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under Subregulation (1) –
 - (a) The chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) The question and the reply must be entered in the minutes of the relevant meeting.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting and improper.

The Question on Notice will be placed on the Agenda. Where possible, answers to the Questions on Notice will also be included in the Agenda.

Questions on Notice will not be debated in the meeting.

In accordance with regulation 9(6), the Presiding Member has the ability to refuse the answering of the Question on Notice. Where the answering the question is refused, no response will be provided either in the agenda or minutes, but there will be a record that the Presiding Member refused the answering of the question and on what basis.

A copy of the Question(s) on Notice and answers will be included in full as an attachment to the Council or Committee Minutes.

2.3.20 Question(s) without Notice

Legislation – Regulation 9(3) to (6)

- 9.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

Unless otherwise determined by resolution, the Minutes will only record for transparency purposes the number of questions, the Elected Member that asked the question(s), and reference to the question topic.

2.3.21 Mayor and Council Delegates Reports (Council only)

2.3.21.1 Mayor's Report

The Mayor may elect to present a report of their activities since the previous Mayor's report. This is generally submitted on a monthly basis. The Mayor's report will only be included in full as an attachment to the Council Minutes where it has not been provided in the Agenda. This report is provided for information and does not require a resolution.

2.3.21.2 Other Council Delegate Reports

Elected Members are invited to submit a writer report, where they have attended a meeting and/or function:

- On behalf of Council as a nominated Council delegate (rather than as an elected member)
- On behalf of the Mayor

This report will only be included in full as an attachment to the Council Minutes where it has not been provided in the Agenda. This report is provided for information and does not require a resolution.

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Deleted: they are invited to submit a written report of the attendance. It is expected that these reports will include some specific information relating to recent meetings of the relevant body.

Deleted: If time permits, this will be included in the Agenda otherwise the report will be tabled at the meeting and provided as an Attachment to the Minutes.

2.3.22 Information Reports

The Minutes will record a list of those Information Reports that have been distributed to Elected Members in the Agenda. While these reports are provided for information and do not require a resolution, Elected Members may ask questions or move motions in relation to the Information Reports. The Presiding Member will make a determination whether to accept a motion in this regard, after taking into account the Guiding Principles.

2.3.23 Status Report on Previous Resolutions

A report that contains a summary of resolutions in progress or completed since the previous status report will be part of the Agenda for each Committee meeting and the first Council meeting of each month. This record will be used to ensure that Council and Committee decisions are enacted and the meeting is informed of any action(s) undertaken to date (with the exception of confidential

items). This report is provided for information purposes and does not require a resolution. At the meeting, Council or Committee members will have the option of asking questions or querying outstanding items.

2.3.24 Other Business

Any late correspondence that needs to be circulated to Elected Members promptly, relating to Council business, may be recorded at this point in the meeting. This item is restricted to Council business considered to be of a minor housekeeping nature or matters of extreme importance that are unable to be deferred to the next meeting. The Presiding Member has the discretion to allow for other matters to be raised taking into account the Guiding Principles in the Regulations,

Deleted: These items have not been advertised to the broader community and therefore it is considered to not be good governance practice, however t

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Deleted: to have items that do not fit into the above criteria considered during this part of the meeting

2.3.25 Confidential Items - Section 90(2) Local Government Act 1999 Matters

Any item that has been identified as potentially confidential may include a report from the CEO that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

Council or Committee will consider the recommendation of the CEO and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council's Code of Practice – Access to Council and Committee Meetings and Documents, which outlines how Council or Committee may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

2.3.26 Date of Next Meeting

This is to be recorded in the Minutes to remind Elected Members of the scheduled date for the next meeting.

2.3.27 Closure

The time of closure of the meeting will be recorded.

2.4 Meeting Practices

2.4.1 Motions

Legislation – Regulation 12(7) to (11) –

Subregulation (10)(c) – varied by Council

Subregulation (9), (10)(a) and (b) and (11) – not varied by Council

12.

(7) The Presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

(10) A member may only speak once to a motion except –

- (a) to provide an explanation in regard to material part of his or her speech, but not so as to introduce any new matter; or
- (b) with leave of the meeting; or
- (c) as the mover in reply.
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Council has varied Regulation 12(10)(c) above as follows:

- A Member may only speak as the mover in reply (closing the debate) to a motion where another Elected Member has spoken against the motion or where leave of the meeting is granted (also refer to Amendments to Motions).

It will be the responsibility of the mover of a motion, amendment, or variation to provide the draft motion, amendment or variation to the CEO in writing.

As a matter of probity and governance best practice, it is preferable that a Presiding Member not move any Motions at the meeting over which they preside.

All resolutions will be consecutively numbered throughout a Council term starting at 1 at the beginning of each term for both Council and Committee.

2.4.2 Formal Motions

Legislation – Regulation 12(12) to (18)

- 12.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in Subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is –
- that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - that the question be put, then the effect of the motion, if successful, is that the debate is terminated and the question put to the vote by the presiding member without further debate; or
 - that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without consideration of further business.

Deleted: All motions submitted by Elected Members will be in writing

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Deleted: to ensure that the Minutes of each meeting are recorded accurately and efficiently

- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost –
- the meeting will be resumed at the point at which it was interrupted; and
 - if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken to the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

2.4.3 Amendments to motions

Legislation – Regulation 13(1) to (5)

Subregulation (1), (3), (4) and (5) - not varied by Council

- A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- An amendment will lapse if it is not seconded at the appropriate time.
- A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- If an amendment is lost, only 1 further amendment may be moved to the original motion to which the amendment relates.
- If an amendment is carried, only 1 further amendment may be moved to the original motion.

The following has been added to assist in the clarification of the Regulations:

- Any Elected Member who has spoken to the original motion cannot speak to any amendments.
- A second amendment can only be considered by the meeting once the first amendment has been resolved.
- Any Elected Member who has not spoken previously to the original motion or the first amendment may move, second or speak to a second amendment.
- The mover of an amendment does not have right of reply or closing of debate prior to voting of the amendment.
- After any amendments have been resolved, other members who have not moved, seconded or spoken to the original motion or amendments should be invited to speak to the motion (as may be amended) before the debate concludes.
- During the debate an Elected Member who has not moved, seconded or spoken previously to the motion or amendments may foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the Minutes.
- The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted.

Deleted: <#>There is no closing of the debate prior to voting on an amendment.¶

2.4.4 Variations to motions

Legislation – Regulation 14

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

2.4.5 Voting

Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3) –
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purpose of section 89 of the Act.

All members of the meeting must vote if they are in attendance, including the Presiding Member of a Committee.

While a tied vote cannot occur at Council meetings with the Mayor having a casting vote, it can occur at Committee meetings. In the event that a vote is tied the matter will be referred to the parent body for deliberation; i.e. if it is a Committee then Council will consider the matter, or if the matter is being considered by a sub-committee then the parent Committee will consider the matter.

Legislation – Regulation 6(1) to 6(4)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.

- | |
|---|
| <p>(3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.</p> <p>(4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.</p> |
|---|

Based on legal advice obtained in July 2018, of sections 6(1) and 6(3) of the *Local Government (Procedures at Meetings) Regulations* direction relating to resolving to alter, substitute or revoke a Code of Practice requires a resolution supported by at least two thirds of the members of the Council entitled to vote on the resolution. This is interpreted as being the number of Members who are present in the meeting room for the vote, excluding the Mayor who is only entitled to vote in the event of a tie. The Mayor should only be included in the calculation in the event of a tie. Any member who is an apology or is absent from the meeting or if a member declares a conflict of interest and leaves the meeting or is otherwise not in his/her seat is to be excluded for the purposes of the calculation.

2.4.6 Addresses by Members

<p>Legislation – Regulation 15 (1) to (6)</p> <p>Subregulations (1) and (2) – has been varied by Council in relation to Committees</p> <p>(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.</p> <p>(2) A member may, with leave of the meeting, raise a matter of urgency</p> <p>(3) A member may, with leave of the meeting, make a personal explanation</p> <p>(4) The subject matter of a personal explanation may not be debated.</p> <p>(5) The contribution of a member must be relevant to the subject matter of the debate</p> <p>(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6</p>

Elected Members will stand when addressing Council. However, to provide for sufficient flexibility, the Mayor will have the discretion to determine whether Elected Members are required to stand or may remain seated while speaking. This may occur for various reasons (whether it be to assist with voice projections through the audio system or to take into account other limitations). At Committee meetings Members may remain seated while they are speaking.

For Committee meetings, regulation 15(1) & (2) are varied at the discretion of the Presiding Member as informal dialogue is encouraged concerning Agenda matters insofar as is permitted within the Regulations and the Committee's Terms of Reference.

A Member may also seek Leave of the Meeting to speak more than once to an Agenda item. This is generally an undesirable practice and should only be considered in limited circumstances (e.g. where additional material information comes to light during debate or an accepted amendment materially varies an original motion). Leave of the Meeting should be sought by a Member for each instance.

The Presiding Member should generally refrain from entering the debate until the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of chairing

meetings, from asking questions and adding valuable information or clarification to assist the debate when required.

2.4.7 Divisions

Legislation – Regulation 17

Subregulation (3) - varied by Council

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the member voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of those members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote)
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Council has varied (3)(b) above as follows:

- (b) then the members voting in the negative will, until the vote is recorded, stand in their place

In a Committee meeting, the Presiding Member's vote will be counted at the time of taking the Division.

It is noted, that a Division cannot be called on an amendment as it is not a motion.

Commented [TD2]: Discussion Point:
Removing the requirement to stand when voting in the negative to simplify process when a division is called for.

2.4.8 Points of Order

Legislation – Regulation 28

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

The Minutes will record all Points of Order called by a member and the Presiding Member's ruling on the Point of Order, along with the reason for the ruling (if provided). Any Points of Order that do not comply with regulation 28(2) will be recorded in the Minutes along with a notation that it did not comply, if so determined by the Presiding Member.

2.4.9 Minutes

Where possible, the Minutes of the meeting will be recorded electronically on a screen that is viewable by the meeting.

A copy of the minutes of the Council meeting must be placed on public display on a website determined by the CEO within five days after the meeting and kept on display for a minimum period of one month.

Deleted: of a meeting of the Council

2.4.10 Appointment to role

In the event that there is an item for appointment where more than one member expresses an interest in occupying a role (e.g. Deputy Mayor) the Council may follow a voting procedure in accordance with Attachment 1. This process may be varied by Council staff or by resolution as required.

2.5 Meeting Etiquette

The following meeting etiquette will apply to Council and Committees:

1. At the beginning of each Council term, the Mayor will determine the seating arrangements of Elected Members in the Council Chamber (for Council Meetings only). These seating arrangements will remain until the end of a Council term, unless the Presiding Member or CEO determines otherwise.
2. Elected Members and people making deputations, presentations or participating in the public forum, except when ill or infirm, will rise when speaking as a mark of respect at all Council and Committee meetings
3. During Council and Committee meetings employees will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member before replying.
4. Elected Members, Committee members and employees are to use respectful language and adopt civil behaviour.
5. At a Council meeting the Principal Member will be addressed as "Mayor" and Committee members including the Presiding Member should be addressed by their first name.
6. Any mobile telephones brought into the meeting are to be switched to silent or vibration alert mode. Text messaging and emailing is tolerated, however the taking of telephone calls in a meeting is unacceptable.
7. The standard of dress commonly referred to as "business" is the minimum accepted standard for Council meetings or casual business attire for Committee meetings.

Deleted: Each meeting will follow the practice as detailed below:
Where Council or a Committee has been meeting for two and a half hours without adjournment a resolution may be invited by the Presiding Member for the meeting to adjourn for 10 minutes.

Deleted: Mr or Madam

Deleted: <#>For Council or Committee meetings that are held in the Chamber, if a member needs to leave the Chamber, he or she should indicate this to the Presiding Member e.g. by standing, facing the chair and making eye contact before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Chamber. Members should be aware that as soon as they leave their seats they have left the meeting.

Deleted: Elected Members are expected to afford respect to the meeting, the people they represent and all ratepayers of the City by being appropriately dressed when attending meetings.

2.5.1 Visual or Audio Recordings

Members of the public who wish to record audio or visual footage of a Council or Committee meeting must first obtain the approval of the Presiding Member.

Council employees may take visual footage (including photographs) for the purposes of Council business. Elected Members must seek and obtain approval from the Presiding Member, and permissions of all people included in footage, before taking visual footage (including photographs) or audio recordings and/or publishing images that feature any other individual. Any other provisions for audio recordings by staff may be included in the Code of Practice – Access to Council and Committee Meeting Documents.

An audio recording of each Council meeting (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise) will be taken to support the accurate recording of the Council Meeting minutes and be managed in accordance with the State Records Act. Where an Elected Member requests a copy of a recording prior to its destruction, a copy will be provided and the request recorded in a register and all Elected Members will be informed.

Council is committed to providing greater accessibility to Council meetings through live streaming of Council meetings ([with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise](#)).

[Committee meetings are not recorded or live streamed.](#)

2.5.2 Family and Worker Friendly Meeting Times

This section incorporates consideration of family and worker friendly meeting times to enable the opportunity for people to attend. The requirement is that:

1. All Committees establish a meeting schedule that incorporates a minimum of 50% of meetings held outside of normal business hours (that is outside of 8.30am – 5.00pm)
2. Any decrease from this 50% position for any individual Committee must be referred to Council for consideration along with a justification / explanation for the request.

2.6 Table of variations

The following table is a list to show the regulations available to be varied and where Council has varied its meeting procedures, and the relevant page number for further information.

Regulation	Sub-regulation	Variation
Regulation 10	(2)	Not varied by Council (<i>Petition</i>)
Regulation 12	(10)(c)	Varied by Council (<i>Motions</i>)
Regulation 12	(9) (10)(a) (10)(b) (11)	Not varied by Council (<i>Motions</i>)
Regulation 13	(1), (3), (4) (5)	Not varied by Council (<i>Amendments</i>)
Regulation 15	(1) and (2)	Varied by Council in relation to Committees (<i>Addresses by Members</i>)
Regulation 17	(3)(b)	Varied by Council (<i>Divisions</i>)
Regulations 19	(3)	Varied by Council (<i>Adjourned Business</i>)

3. DEFINITIONS

For the purpose of this Code the following definitions apply:

Act

Local Government Act 1999.

Agenda

As defined in the Local Government Act 1999 means a list of items of business to be considered at a meeting.

CEO

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

Clear Days

As defined in the Regulations, means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

Code

Code of Practice for Meeting Procedures.

Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

Elected Members

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

Electronic Means

Includes a telephone, computer or other electronic device used for communication.

Leave of the Meeting

As defined in the Regulations. Approval is determined by a majority show of hands of the meeting by members of Council or Committee.

Minutes

A written record of the proceedings at every meeting of the Council or a Committee in accordance with the Act and Regulations.

Notice of a meeting (Notice)

Pursuant to section 83 of the Act in the case of an ordinary meeting of Council or Committee, the CEO must give each member of the Council or Committee notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting of Council or Committee, the CEO must give each member of Council or Committee notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Council Meeting must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the Meeting. For Committees, the Notice is not required to be signed by the CEO.

Presiding Member

As defined in the Regulations. The person who is the Presiding Member of a council or committee (as the case may be) and includes any person who is presiding at a particular meeting.

Public Gallery

The area in Council or Committee meetings designated for members of the public who wish to observe the meeting proceedings.

Regulations

Local Government (Procedures at Meetings) Regulations 2013

Written Notice

A notice given in accordance with the requirements prescribed within the Regulations.

4. LEGISLATIVE FRAMEWORK

This Code reflects the requirement and intentions of the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.

The following legislation applies to this Code:

Local Government Act 1999

Each meeting will be held in accordance with the provisions of Chapter 6 of this Act.

Local Government (Procedure at Meetings) Regulations 2013

The Regulations applies to the meetings of councils and key (section 41) committees.

Regulation 6 allows councils to vary some Regulations to suit their needs, by adopting a Code of Practice. If there are variations, then Council is required to review the operation of this Code at least once in every financial year.

Subject to the requirements of the Local Government Act 1999, and any allowable variations to the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.

(Note: for Council purposes, this vote is to be recorded separately in detail in the Council Minutes).

4.1 Other references

Council's documents including:

- a. [Code of Practice – Access to Council and Committee Meeting Documents](#)
- b. [Committee Structure – Terms of Reference and Membership](#)
- c. [Fees and Charges Register](#)
- d. [Petition Management Policy](#)

Deleted: <#>Code of Conduct for Council Members

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5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the opportunity to speak on matters that may affect them.

6. POLICY IMPLEMENTATION

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

Record number	D23/20014
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	9/08/22, 18/01/22, 23/02/21, 14/4/20, 26/02/19, 27/11/18, 28/08/18, 8/05/18, 12/09/17, 9/08/16, 25/11/14, 11/02/14, 11/12/12, 11/10/11, 10/05/11, 08/02/11, 23/11/10, 08/06/10, 13/04/10, 19/01/10, 09/06/09, 10/02/09, 16/12/08, 12/08/08, 13/02/07, 11/10/05, 12/10/04, 25/02/03, 13/03/01
Legal requirement	<p>Subject to the requirements of the Local Government Act 1999, and any allowable variations to the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.</p> <p>Variations made by Council to the Regulations must be reviewed once every financial year.</p>
Due date next review	2024

Deleted: To be reviewed within 12 months after the conclusion of each Council election.¶

7. Attachment 1 - Voting Matters

When Council is faced with voting on a matter there are several methods available to assist Council in making the decision.

The formal method involves a mover / seconder of a motion followed by debate and then the matter is voted upon – this is provided for in the *Local Government (Procedures at Meetings) Regulations 2013* and in Council's Code of Practice for Meeting Procedures. Sometimes one or two amendments are used as a slight variation to this method.

Deleted: Council and Committee

There are a number of other options available to assist Council to get to the above position.

These do not form part of the formal procedures for Council meetings, but are purely a means of getting to a position of being ready to present a recommendation to Council.

Some of these alternative options are:

- A show of hands of which option the Elected Members prefer
- Suspension of formal proceedings and allow open discussion
- A secret ballot - with this option the views of an individual member is not public until it is followed with a public vote.

It must be stressed that none of these methods form part of the Council resolution process. These alternative processes assist with the vote and are only a means to getting to the end of a preferred candidate's name being put forward.

It is important that Elected Members agree to a process prior to a formal resolution for appointment.

A suggested process to assist Council is a secret ballot where:

- The Presiding Member will call for candidate(s) and a paper ballot (one vote per Elected Member) will be arranged by the [Corporate Governance](#) Department
- The candidate(s) with the highest number of votes will be taken to be the preferred candidate(s) for the position(s) of appointee(s)
- Following the secret ballot, which is to be counted by a staff member of the [Corporate Governance](#) Department and scrutineered by the CEO (or delegate), the Presiding Member will invite a motion from the floor, recommending the candidate(s) with the most votes to be the appointee(s).

Deleted: Governance and Policy

Deleted: Governance and Policy

Notice of Council Meeting



MEMBERSHIP

Mayor Marijka Ryan

Cr Tammie Sinclair
Cr Bernie Keane
Cr Jessica Hawkvelt
Cr Lucas Jones
Cr Rob Unger
Cr Irena Zagladov

Cr Kristianne Foreman
Cr Sandy Keane
Cr Marina Champion
Cr Blake Lawrenson
Cr Kimberley Drozdoff
Cr Damian Wyld

NOTICE is given pursuant to Sections 83 and 84 of the Local Government Act 1999 that the next COUNCIL MEETING will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 29 NOVEMBER 2022 commencing at 7.00pm

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting or listen and observe minutes via [Council's website](#).

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 24 November 2022

CITY OF TEA TREE GULLY

COUNCIL MEETING
29 NOVEMBER 2022

AGENDA

1. Opening Prayer and Welcome

Prayer - to be read by the Presiding Member

Acknowledgement of Country Statement - to be read out as arranged by the Presiding Member

2. Attendance Record:

- 2.1 Present
- 2.2 Apologies
- 2.3 Leave of Absence – Cr Kristianne Foreman
- 2.4 Record of Officers in Attendance
- 2.5 Record of Number of Persons in the Public Gallery
- 2.6 Record of Media in Attendance

3. Confirmation of Minutes of the Previous Meeting

That the Minutes of the Council Meeting held on 25 October 2022 be confirmed as a true and accurate record of proceedings.

4. Public Forum

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

6. Presentations - Nil

Requests to present to the meeting must be approved by the Mayor or Chief Executive Officer. For more information refer to Council's website www.cttg.sa.gov.au

7. Petitions

- 7.1 Petition - To stop the development of land zoned open space being used for residential purposes within the City of Tea Tree Gully, including the land at 20 Mulberry Drive, Highbury 14

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 Council.

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Governance and Policy Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

12. Management Reports

Office of the Chief Executive Officer - Nil

City Operations

- 12.1 Proposed changes to the Road Resealing program, Financial Year Ending 2023 Error! Bookmark not defined.

PURPOSE

For Council to consider a proposed change to the Road Resealing Program for the Financial Year Ending 2023.

RECOMMENDATION

1. That Council after considering the report titled “Proposed Changes to the Road Resealing Program, Financial Year Ending 2023” and dated 29 November 2022 supports the changes to the road resealing program as detailed in Attachment 1 of the report.

Corporate Services

- 12.2 Council Meeting Structure for 2022 - 2026 Council Term ... Error! Bookmark not defined.

PURPOSE

To establish the structure (frequency, time and meeting place) for Council meetings.

RECOMMENDATION

That Council resolves:

OPTION 1 – Two meetings per month

1. To hold two ordinary Council meetings each calendar month, to occur on the second and fourth Tuesday of each month, with the exception of one meeting per month for December, January and March or April (depending when Easter and Anzac day are).

OR

OPTION 2 – One meeting per month

1. To hold one ordinary Council meeting each calendar month to occur on the fourth Tuesday of each month, with the exception of the December meeting which will occur on the second Tuesday of the month.

AND

2. Council meetings will commence at 7.00pm and held in the Council Chambers at the Civic Centre, 571 Montague Road, Modbury, unless Council determines otherwise.
3. That the Chief Executive Officer, in consultation with the Mayor, is delegated the authority to amend the Council meeting schedule by either rescheduling or cancelling meeting(s), in accordance with legislative requirements, in order to accommodate scheduling conflicts with holiday periods, or unforeseeable or unusual circumstances.

12.3 Appointment of Deputy Mayor Error! Bookmark not defined.

PURPOSE

To consider the appointment of a Deputy Mayor.

RECOMMENDATION

To be considered as separate resolutions

A Deputy Mayor

That Council, in accordance with Section 51(3) of the Local Government Act 1999, resolves to have a Deputy Mayor.

B Deputy Mayor – Terms of Appointment

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoints a Councillor to the position of Deputy Mayor for a period of one (1) year.

OR

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoints a Councillor to the position of Deputy Mayor for a period of two (2) years.

OR

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoints a Councillor to the position of Deputy Mayor for a period of four (4) years.

C Process for Appointing a Deputy Mayor

This motion will be amended depending on the terms of appointment

That Council, in accordance with Section 51 (4) of the Local Government Act 1999, appoint

- Councillor..... to the position of Deputy Mayor for the period of [1, 2 or 4] year(s) from 30 November 2022 until midnight of [insert date]
- Councillor..... to the position of Deputy Mayor for the period of [1, 2 or 4] year(s) from [insert date] until the conclusion of the Council Term (November 2026)
- Councillor..... to the position of Deputy Mayor for the period of [1, 2 or 4] year(s) from [insert date] until the conclusion of the Council Term (November 2026)
- Councillor..... to the position of Deputy Mayor for the period of [1, 2 or 4] year(s) from [insert date] until the conclusion of the Council Term (November 2026)

12.4 Establishment of Council's Committee StructureError! Bookmark not defined.

PURPOSE

For Council to consider the establishment of Council committee structure including establishing Committee meeting cycles (frequency and times), terms of reference and appointment of membership (including Presiding Member) to the Committee.

RECOMMENDATION

It is suggested that each recommendation should be considered separately.

1. Audit and Risk Committee (2 Elected Members and 3 Independent Members)

A. Establishment of Audit and Risk Committee

That having considered the report titled “Establishment of Council's Committee Structure” and dated 29 November 2022, Council:

1. Establishes the Audit and Risk Committee pursuant to section 41 of the Local Government Act 1999

2. Adopts the Terms of Reference as detailed in Attachment 1 of the report.
3. Resolves for the membership of the Audit and Risk Committee to comprise of five (5) members consisting of two (2) Elected Members and three (3) Independent Members.
4. Resolves the quorum of the Audit and Risk Committee to compromise of at least one (1) Elected Member and one (1) Independent Member (Quorum will be ascertained in accordance with the Local Government (Procedure at Meetings) Regulations 2013, regulation 26(a)).
5. Resolves that the Audit and Risk Committee meets at the Civic Centre on a Wednesday once a quarter commencing at 6.30pm on each occasion.

B. Appointment of Committee Members – Two (2) Elected Members

That Council appoints

- Cr
- Cr

as a member of the Audit and Risk Committee until the end of the current term of Council in 2026 or Council resolves otherwise.

C. Appointment of Presiding Member

That Cr be appointed to the position of Presiding Member of Council's Audit and Risk Committee until the end of the current term of Council in 2026 or Council resolves otherwise.

2. Service Review Committee (up to 6 Elected Members)

A. Establishment of Service Review Committee

That having considered the report titled “**Establishment of Council's Committee Structure**” and dated 29 November 2022, Council:

1. Establishes the Service Review Committee, pursuant to section 41 of the Local Government Act 1999
2. Adopts the Terms of Reference as detailed in Attachment 2 of the report.
3. Resolves for the membership of the Service Review Committee to comprise of up to six (6) Elected Members.
4. Resolves the quorum of the Service Review Committee to compromise of three (3) Elected Member in accordance with the Local Government (Procedure at Meetings) Regulations 2013, regulation 26(b).

3. Resolves that the Service Review Committee meets at the Civic Centre on a Wednesday once a quarter commencing at 6.30pm on each occasion.

B. Appointment of Committee Members – Up to six (6) Elected Members

That Council appoints

- Cr
- Cr
- Cr
- Cr
- Cr
- Cr

as a member of the Service Review Committee until the end of the current term of Council in 2026 or until Council resolves otherwise.

C. Appointment of Presiding Member

That Cr be appointed to the position of Presiding Member of Council's Service Review Committee until the end of the current term of Council in 2026 or Council resolves otherwise.

3. Governance and Policy Committee (up to 6 Elected Members)

A. Establishment of Governance and Policy Committee

That having considered the report titled **“Establishment of Council's Committee Structure”** and dated 29 November 2022, Council:

1. Establishes the Governance and Policy Committee, pursuant to section 41 of the Local Government Act 1999
2. Adopts the Terms of Reference as detailed in Attachment 3 of the report.
3. Resolves for the membership of the Governance and Policy to comprise of up to six (6) Elected Members.
4. Resolves the quorum of the Governance and Policy Committee to comprise of three (3) Elected Member in accordance with the Local Government (Procedure at Meetings) Regulations 2013, regulation 26(b).
5. Resolves that the Governance and Policy Committee meets at the Civic Centre on a Wednesday once a quarter commencing at 6.30pm on each occasion.

B. Appointment of Committee Members – Up to six (6) Elected Members

That Council appoints

- Cr
- Cr
- Cr
- Cr
- Cr
- Cr

as a member of the Governance and Policy Committee until the end of the current term of Council in 2026 or until Council resolves otherwise.

C. Appointment of Presiding Member

That Cr be appointed to the position of Presiding Member of Council's Governance and Policy Committee until the end of the current term of Council in 2026 or Council resolves otherwise.

4. CEO Performance Review Committee (Up to 5 Elected Members)

A. Establishment of CEO Performance Review Committee

That having considered the report titled "Establishment of Council's Committee Structure" and dated 29 November 2022, Council:

1. Establishes the CEO Performance Review Committee, pursuant to section 41 of the Local Government Act 1999
2. Adopts the Terms of Reference as detailed in Attachment 4 of the report.
3. Resolves for the membership of the CEO Performance Review Committee to comprise of up to six (5) Elected Members.
4. Resolves the quorum of the CEO Performance Review Committee to compromise of three (3) Elected Member in accordance with the Local Government (Procedure at Meetings) Regulations 2013, regulation 26(b).
5. Resolves that the CEO Performance Review Committee meets at the Civic Centre as required.

B. Appointment of Committee Members – Up to five (5) Elected Members

That Council appoints

- Cr
- Cr
- Cr
- Cr
- Cr

as a member of the CEO Performance Review Committee until the end of the current term of Council in 2026 or until Council resolves otherwise.

C. Appointment of Presiding Member

That Cr be appointed to the position of Presiding Member of Council's CEO Performance Review Committee until the end of the current term of Council in 2026 or Council resolves otherwise.

12.5 Appointment to Elected Members to External Bodies..... Error! Bookmark not defined.

PURPOSE

To provide Council with the opportunity to consider and nominate Elected Members to external bodies that have requested a Council nominee.

RECOMMENDATION

To be considered as separate resolutions

1. Advisory Committee for the Joint Use of the Golden Grove Recreation and Arts Centre.

That Council nominates Cr..... to the Advisory Committee for the Joint Use of the Golden Grove Recreation and Arts Centre.

2. Banksia Park International High School Committee

That Council nominates Cr..... to the Banksia Park International High School Committee.

3. Wynn Vale School Governing Council

That Council nominates Cr..... to the Wynn Vale School Governing Council.

4. Advisory Committee for the Joint Use of the Greenwith Community Centre

That Council nominates Cr..... to the Advisory Committee for the Joint Use of the Greenwith Community Centre.

12.6 Elected Member Support and Training Policy and Council's Principal Spokesperson Error! Bookmark not defined.

PURPOSE

To provide Council with the opportunity to consider the Elected Member **Support and Training Policy, and to consider the appointment of Council's Principal Spokesperson.**

RECOMMENDATION

To be considered as separate resolutions

1. Elected Member Support Policy

1. That having considered the report titled “Elected Member Support and Training Policy and Council’s Principal Spokesperson” and dated 29 November 2022, Council adopts the Elected Member Support and Training Policy as outlined in Attachment 1 of the report.
2. That the provision of facilities and services within this policy is either legislated or at the discretion of the Council subject to complying with the following requirements:
 - a. that the provision of the facilities or services as described in the Elected Member Support Policy is necessary or expedient to the performance or discharge of official functions or duties of Elected Members;
 - b. facilities and services provided must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor, being the principal member);
 - c. any property provided to a member remains the council's property.
3. That Council revokes the Elected Member Training and Development Policy and Council Photographs Policy.

2. Media Policy and Principal Spokesperson of Council

That having considered the report titled “Elected Member Support and Training Policy and Council’s Principal Spokesperson” and dated 29 November 2022, Council resolves that the Principal Spokesperson of Council be (INSERT POSITION) and that the Media Policy as provided in Attachment 3 be updated to reflect these changes.

3. Citizenship Ceremonies

That having considered the report titled “Elected Member Support and Training Policy and Council's Principal Spokesperson” and dated 29 November 2022, Council resolves that that the Mayor, Deputy Mayor and CEO are authorised to preside over Citizenship Ceremonies and that the Citizenship Ceremony Policy as provided in Attachment 4 be updated to reflect these changes.

4. Council’s Corporate Publication Policy

That having considered the report titled “Elected Member Support and Training Policy and Council's Principal Spokesperson” and dated 29 November 2022, Council resolves that the message for Council’s corporate newsletter come from Council’s Principal Spokesperson and/or the Mayor, and that Council’s Corporate Publication Policy as provided in Attachment 5 be updated to reflect these changes.

5. Major Events Policy

That having considered the report titled “Elected Member Support and Training Policy and Council's Principal Spokesperson” and dated 29 November 2022, Council resolves that the Major Events Policy references the Principal Spokesperson and/or Mayor, and that the Major Events Policy as provided in Attachment 6 be updated to reflect these changes.

Strategy & Finance - Nil

Community Services

12.7 Council Assessment Panel Membership - Elected Member Appointment... Error! Bookmark not defined.

PURPOSE

To consider the appointment of the Elected Member for the Council Assessment Panel in accordance with the requirements of the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

That having considered the report titled “Council Assessment Panel Membership – Elected Member Appointment” and dated 29 November 2022, Council appoints Cr as the elected Council representative on the Council Assessment Panel term, for the balance of the current Council term or unless otherwise resolved by Council.

13. Notice(s) of Motions - Nil

14. Motion(s) without Notice

15. Question(s) on Notice - Nil

16. Question(s) without Notice

17. **Mayor's Report** - Nil

18. Council Delegates and Activities Report - Nil

Members are invited to provide a written report any attendance at meetings and functions on behalf of Council where they have filled an official Council representative role or a role on behalf of the Mayor.

19. Information Reports

19.1 Update on Proposal to Initiate a developer-led Code Amendment at Lot 5680 Hallett Road, Golden Grove Error! Bookmark not defined.

19.2 Superb Fairywren Habitat Project Dry Creek Error! Bookmark not defined.

19.3 Local Government Election Results 2022 Error! Bookmark not defined.

19.4 Local Government Association (LGA) Annual General Meeting Outcomes - October 2022 Error! Bookmark not defined.

19.5 Summary of Public Health Plan 2020-2022 Error! Bookmark not defined.

20. Status Report on Resolutions

20.1 Status Report on Council Resolutions Error! Bookmark not defined.

21. Other Business

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

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

23. Date of Next Ordinary Meeting

13 December 2022

24. Closure

Status Report on Governance and Policy Committee Resolutions 21 JUNE 2023



Note: This report is provided as information only. Actions relating to confidential minutes may not be included in the Status Report.

Note: This report will be presented on a monthly basis, to the first meeting each month.

Pending Actions

Nil

Completed Actions

Minute No.	Meeting Date	Officer	Subject	Completed
6	22/02/2023	Barnes, Kristyn	Council's Corporate Publications Policy & Media Policy	8/03/2023
D23/12026				
08 Mar 2023 9:48am Barnes, Kristyn				
Have revoked the previous Council's Corporate Publications Policy and Media Policy and have uploaded the new Communications Policy (D23/15959)				

Minute No.	Meeting Date	Officer	Subject	Completed
7	22/02/2023	Barnes, Kristyn	Casual Hire of Civic Centre Public Meeting Rooms Policy	8/03/2023
D23/12026				
08 Mar 2023 9:49am Barnes, Kristyn				
Policy has been updated on the website (D23/9405)				

Minute No.	Meeting Date	Officer	Subject	Completed
5	22/02/2023	Barnes, Kristyn	Privacy Policy	8/03/2023
D23/12026				
08 Mar 2023 10:04am Barnes, Kristyn				
Uploaded updated policy to the website (D22/199341)				

Minute No.	Meeting Date	Officer	Subject	Completed
3	22/02/2023	Barnes, Kristyn	Australia Day Awards Policy	8/03/2023
D23/12026				8/03/2023
08 Mar 2023 10:16am Barnes, Kristyn Policy has been uploaded onto website (D23/16145)				

Minute No.	Meeting Date	Officer	Subject	Completed
4	22/02/2023	Barnes, Kristyn	Community Wastewater Management System and Recycled Water Customer Hardship Policy	8/03/2023
D23/12026				
08 Mar 2023 9:48am Barnes, Kristyn Policy has been revoked				