

CITY OF WEST TORRENS



Notice of Committee Meeting

NOTICE IS HEREBY GIVEN in accordance with Sections 87 and 88 of the Local Government Act 1999, that a meeting of the

CORPORATE PLANNING, POLICY AND PERFORMANCE PRESCRIBED COMMITTEE

Members: Councillor C O'Rielley (Presiding Member), Mayor J Trainer
Councillors: G Palmer, G Nitschke, K McKay, M Farnden, M Hill, A Mangos

of the

CITY OF WEST TORRENS

will be held in the Mayor's Reception Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 10 JULY 2018
at 6.30pm**

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of this Committee Agenda have yet to be considered by Council and Committee recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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1 MEETING OPENED**1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the Corporate Planning, Policy and Performance held on 8 May 2018 be confirmed as a true and correct record.

6 COMMUNICATION BY THE CHAIRPERSON**7 OUTSTANDING REPORTS / ACTIONS**

Nil

8 REPORTS OF THE CHIEF EXECUTIVE OFFICER

8.1 Review of Financial Asset Policies

Brief

The *Council Policy - Impairment of Assets*, the *Council Policy - Revaluation of Assets* and the *Council Policy - Capitalisation of Assets* have undergone a scheduled review and are presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. The Council Policy - Impairment of Assets be revoked.
2. The draft Council Policy - Revaluation of Assets and the draft Council Policy - Capitalisation of Assets be approved.
3. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the Council Policy - Revaluation of Assets and the Council Policy - Capitalisation of Assets.

Introduction

The Council policies *Impairment of Assets*, *Capitalisation of Assets* and *Revaluation of Assets* were first introduced in 2008. The intention of the policies then was to ensure a consistent and transparent framework for asset accounting arrangements.

Discussion

The content of the *Impairment of Assets Policy* is covered fully in Australian Accounting Standards, in particular AASB 136 - Impairment of Assets. Council is legally bound to comply with this standard and does not therefore need to have the policy in place. Revocation is therefore proposed.

A copy of the policy is included at **Attachment 1** for reference. Council's external auditor, BDO, has been consulted and has no objection to revocation occurring.

The other two policies, *Capitalisation of Assets* (**Attachment 2**) and *Revaluation of Assets* (**Attachment 3**) are to be retained and have been reviewed accordingly. The definition section of both policies has been updated to reflect current terminology. The proposed changes are included as track changes for ease of reference

Conclusion

The *Council Policy - Impairment of Assets*, the *Council Policy - Revaluation of Assets* and the *Council Policy - Capitalisation of Assets* have undergone a scheduled review and are presented to the Committee for consideration and recommendation to Council.

Attachments

1. Council Policy - Impairment of Assets
2. Draft Council Policy - Capitalisation of Assets
3. Draft Council Policy - Revaluation of Assets

City of West Torrens Council Policy - Impairment of Assets

CITY OF WEST TORRENS



Council Policy: Impairment of Assets

Classification:	Council Policy
First Issued:	4 March 2008
Dates of Review:	6 March 2012
Version Number:	2
DW Doc set ID:	677906
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999. Local Government (Financial Management) Regulations 1999. AASB Accounting Standards.
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Capitalisation of Assets Policy Revaluation of Assets Policy Assets Management Policy
Associated Forms:	
Note:	Formerly policy number F.3.
Responsible Manager:	Manager Financial Services
Confirmed by General Manager:	Date
Approved by Council:	Date 06/03/12

City of West Torrens Council Policy - Impairment of Assets

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City of West Torrens Council Policy - Impairment of Assets

COUNCIL POLICY - Impairment of Assets

1. Preamble

- 1.1 The City of West Torrens (CWT) is committed to ensuring that fairness occurs in the reporting of financial information to the community.

2. Purpose

- 2.1 This policy outlines CWT accounting and reporting requirements for asset values and impairment losses, consistent with Australian accounting standards published by the Australian Accounting Standards Board.

3. Scope

- 3.1 Finance staff must observe this policy.

4. Definitions

- 4.1 **Asset impairment** refers to the situation that occurs when the carrying amount of an asset exceeds its recoverable amount.
- 4.2 **Asset** refers to a resource controlled by the CWT from which future economic benefits, including service potential, are expected to flow.
- 4.3 **Asset class** refers to the categories of assets used by the CWT for asset management and accounting purposes, such as land, buildings, infrastructure, library resources, plant and equipment, and furniture and fittings.
- 4.4 **Carrying amount** refers to the amount at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.
- 4.5 **Fair value** refers to the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction (refer AASB 116, Property, Plant and Equipment, Australian Accounting Standards Board, October 2009). For infrastructure assets, replacement cost represents fair value.
- 4.6 **Fair value less costs to sell** is the amount obtainable from the sale of an asset in an arm's length transaction between knowledgeable, willing parties, less the costs of disposal.
- 4.7 **Impairment loss** is the amount by which the carrying amount of an asset exceeds its recoverable amount.
- 4.8 **Recoverable amount** is the higher of an asset's fair value less costs to sell and its value in use.
- 4.9 **Value in use** is the present value of the future cash flows expected to be derived from an asset.

5. Policy Statement

5.1 Assessing Whether an Asset is Impaired

- 5.1.1 An assessment will be made at each reporting date of whether there is any indication that an asset may be impaired, and if such indication exists, an estimate will be made of the recoverable amount of the asset.
- 5.1.2 If the recoverable amount of an asset is less than its carrying amount, the carrying amount of the asset will be reduced to its recoverable amount, the reduction being an impairment loss.
- 5.1.3 An impairment loss will be recognised immediately in the statement of comprehensive income of the CWT, except where the asset is carried at a revalued amount.
- 5.1.4 An impairment loss on a revalued asset will be recognised directly against any revaluation reserve in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation reserve for that same class of asset.

5.2 Assessing Previously Recognised Impairment Losses

- 5.2.1 An assessment will be made at each reporting date of whether there is any indication that an impairment loss previously recognised may no longer exist or may have changed.
- 5.2.2 A reversal of an impairment loss for an asset will be recognised immediately in the statement of comprehensive income of the CWT, unless the asset is carried at a revalued amount.
- 5.2.3 A reversal of an impairment loss on a revalued asset will be credited directly to equity under the heading revaluation reserve.

5.3 AASB 136 and Disclosure

- 5.3.1 The requirements of AASB 136 Impairment of Assets, as published by the Australian Accounting Standards Board on 1 December 2009, will be observed.
- 5.3.2 Impairment disclosures will occur for each class of assets pursuant to clause 126 of AASB 136.

5.4 Materiality

- 5.4.1 The requirements of this policy only apply where application involves material impairment, in accordance with AASB 1031 *Materiality* requirements.

5.5 Responsibility

- 5.5.1 The Manager, Financial Services is responsible for ensuring that impairment is assessed on an annual basis as a part of the end of year reporting cycle. Outcomes will be reported to the GM Corporate and Regulatory as a part of this process.

City of West Torrens Council Policy - Capitalisation of Assets

CITY OF WEST TORRENS



Council Policy: Capitalisation of Assets

Classification:	Council Policy
First Issued:	4 November 2008
Dates of Review:	February 2012; May 2018
Version Number:	43
DW-Doc-set ID: Objective ID:	677905A6095
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999. Local Government (Financial Management) Regulations 1999. AASB Accounting Standards.
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Revaluation of Assets Policy Impairment of Assets Policy
Associated Forms:	
Note:	Formerly policy number F.1.
Responsible Manager:	Manager Financial Services
Confirmed by General Manager:	Date May 2018
Approved by Council:	Date 06/03/12

Doc Set ID - 677905

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City of West Torrens Council Policy - Capitalisation of Assets

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COUNCIL POLICY - Capitalisation of Assets**1. Preamble**

The City of West Torrens (CWT) is committed to appropriate accounting practices and transparency in the reporting of financial information to the community.

2. Purpose

The CWT is required to capitalise certain expenditure if it is probable that future economic benefits will eventuate. This policy provides the framework for ensuring that a consistent and transparent approach is taken.

3. Scope

3.1 Staff of the CWT are required to observe the requirements of this policy.

4. Definitions

- 4.1 **Asset** refers to a resource controlled by the CWT from which future economic benefits, including service potential, are expected to flow.
- 4.2 **Carrying Amount** refers to the dollar value at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.
- 4.3 **Capitalisation** refers to the process of recognising certain expenditure as an asset in the accounts of the CWT, rather than it being treated as an operating expense.
- 4.4 **Fair Value** refers to the price that would be received to sell an asset in an orderly transaction between market participants amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction (refer AASB 116, Property, Plant and Equipment, Australian Accounting Standards Board, October 2009/2015). For infrastructure assets, replacement cost represents fair value.
- 4.5 **Impairment** refers to a material difference between the carrying amount of an asset and its recoverable amount.
- 4.6 **Recoverable amount** is the higher of an asset's fair value less costs to sell and its value in use.

Comment [VD1]: Updated definition

5. Policy Statement

- 5.1 Expenditure, or other transactions, which result in the creation of future economic benefits which are controlled by CWT are to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate; and
- The asset possesses a cost that can be measured reliably, and its value, at the time of Council gaining control over the asset, is in excess of:

Office Furniture & Equipment	\$2,000
Other Plant & Equipment	\$2,000
Buildings - new construction/extensions	\$10,000
Infrastructure	\$10,000

City of West Torrens Policy - Capitalisation of Assets

- 5.2 When the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a network or asset group, consideration will be given to capitalising the individual asset based on whether the aggregate value of those assets exceeds the capitalisation threshold. Assets to be considered will be referred to the Manager Financial Services for a determination.
- 5.3 Acquisition costs of assets with less than these values will be treated as operating expenses.
- 5.4 Assets must have a useful life of greater than one year in order for the expenditure to be capitalised.
- 5.5 All capitalised expenditure will be recorded in CWT's asset registers and it will be properly identified, recorded and classified. For each asset, a determination will be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.
- 5.6 Assets specifically excluded from capitalisation include street signs, trees and land under roads.
- 5.7 All assets recorded in the fixed asset register should be correctly allocated to their specific asset class, asset category and asset group.
- 5.8 Assets acquired by the CWT will be recorded using the cost method of accounting which is the fair value given as consideration plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.
- 5.9 The cost of assets constructed by the CWT shall include the cost of all materials used in construction, direct labour employed, contractor costs, design, planning and development compliance costs and an appropriate allowance for CWT overheads.
- 5.10 Donated assets will be recognised at fair value.
- 5.11 Assets will be revalued to ensure carrying values are not materially different from fair values, pursuant to Council's ~~Policy~~ Revaluation of Assets ~~Policy~~.
- 5.12 The asset register will record individual assets in sufficient detail to permit their identification and control, and will be updated at least annually. The register will be used for the purpose of revaluing and depreciating assets, and for stocktaking.
- 5.13 Assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable, pursuant to Council's ~~Impairment of Assets Policy~~.

Comment [VD2]: Administration are recommending that the *Council Policy - Impairment of Assets* be revoked.

City of West Torrens Council Policy - Revaluation of Assets

CITY OF WEST TORRENS



Council Policy: Revaluation of Assets

Classification:	Council Policy
First Issued:	4 March 2008
Dates of Review:	6 March 2012; May 2018
Version Number:	23
DW-Doc-set-Objective ID:	615477907
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999. Local Government (Financial Management) Regulations 1999. AASB Accounting Standards.
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Council Policy - Capitalisation of Assets policy Impairment of Assets Policy
Associated Forms:	
Note:	Formerly policy number F.2.
Responsible Manager:	Manager Financial Services
Confirmed by General Manager:	Date May 2018
Approved by Council:	Date 06/03/12

Comment [VD1]: Proposed to be revoked

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DRAFT

COUNCIL POLICY - Revaluation of Assets**1. Preamble**

- 1.1 The City of West Torrens (CWT) is committed to ensuring fairness occurs in the reporting of financial information to the community.

2. Purpose

- 2.1 The CWT is required to report financial information fairly, in accordance with the Local Government Act 1999, the Local Government (Financial Management) Regulations 1999, Australian Accounting Standards and other mandatory financial reporting requirements in Australia.
- 2.2 This policy is designed to ensure reporting fairness occurs in relation to the revaluation of CWT assets.

3. Scope

- 3.1 Staff of the ~~Financial Services and City Assets Departments~~ CWT are required to observe the requirements of this policy.

4. Definitions

- 4.1 **Asset** refers to a resource controlled by the CWT as a result of past events from which future economic benefits are expected to flow.
- 4.2 **Asset class** refers to the categories of assets used by the CWT for asset management and accounting purposes, such as land, buildings, infrastructure, library resources, plant and equipment, and furniture and fittings.
- 4.3 **Brownfield valuations** refer to valuations of land or infrastructure that is already developed.
- 4.4 **Carrying amount** refers to the amount at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.
- 4.5 **Fair value** refers to the price that would be received to sell an asset in an orderly transaction between market participants amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction (refer AASB 116, Property, Plant and Equipment, Australian Accounting Standards Board, October 2009 2015). For infrastructure assets, replacement cost represents fair value.
- 4.6 **Impairment loss** is the amount by which the carrying amount of an asset exceeds its recoverable amount.
- 4.7 **Infrastructure asset** refers to roads, kerbing, bridges, road improvements, drains, footpaths, cycle paths, land improvements and related assets.
- 4.8 **Materiality** - Information is material if its omission or misstatement could, individually or collectively, influence the economic decisions that users make on the basis of financial statements, ~~misstatement or non-disclosure has the potential, individually or collectively, to~~ (a) influence the economic decisions of users taken on the basis of the financial report or ~~(b) affect the discharge of accountability by the management or elected representatives of~~

Objective ID - 6154

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the CWT (refer AASB 1031, Materiality, Australian Accounting Standards Board, February 2010) (refer AASB 108, Accounting Policies, Changes in Accounting Estimates and Errors, Australian Accounting Standards Board, August 2015).

- 4.9 **Recoverable amount** is the higher of an asset's fair value less costs to sell and its value in use.

5. Policy Statement

- 5.1 Infrastructure assets will be revalued on an annual basis to ensure carrying values are not materially different from fair values.
- 5.2 The following asset classes will be used:
- Infrastructure, comprising roads, kerb and water table, bridges, road and land improvements, footpaths and cycle tracks, and drainage systems;
 - Land;
 - Buildings and related structures;
 - Library resources; and
 - Plant, furniture and equipment.
- 5.3 Prior to the 30 June each year, asset classes other than infrastructure will be assessed in terms of whether there is any indication that their carrying amounts differ materially from that which would be determined if the asset class were revalued at the reporting date. If such an indication exists, the fair values of the asset classes will be determined and then revalued to those amounts, in accordance with accounting standard requirements.
- 5.4 For infrastructure and other asset classes where no active market exists, fair value will be determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefit of the asset. The current replacement cost of the asset will be based on the asset in its current form, not an intended future form, and brownfield valuations will be used.
- 5.5 If an item within an asset class is revalued, the entire class within which that asset belongs will be revalued, in accordance with accounting standard requirements.
- 5.6 If the carrying amounts of assets are changed as a result of revaluation, the changes will be recognised in the accounts of the CWT pursuant to the requirements of AASB 116, Property, Plant and Equipment (Australian Accounting Standards Board, October 2015⁹⁹).
- 5.7 Responsibility for the review of asset values will be with the Manager, City Assets for all infrastructure assets, and the Manager, Financial Services for all other assets. Review outcomes will be reported annually by these officers to the GM Corporate and Regulatory as a part of the end of year reporting cycle.
- 5.8 All revaluations undertaken by staff of the CWT will be reviewed by an appropriately qualified external party.
- 5.9 Details will be included in a note to the audited financial statements of the CWT on the timing of revaluations, and the names and qualifications of persons undertaking and reviewing revaluations.

8.2 Review of Council Policy - Treasury (Debt Management)

Brief

The Council Policy - Treasury (Debt Management) has undergone a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. The draft Council Policy - Treasury (Debt Management) be approved.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the Council Policy - Treasury (Debt Management).

Introduction

The *Council Policy - Treasury (Debt Management)* (Policy) was first introduced in 2008. The intention of the Policy is to provide a framework for consistent and transparent treasury arrangements.

Discussion

Having reviewed the policy, the Administration recommends the following amendments:

- Updating the definition section of the policy to reflect current terminology.
- Updating clause 5.3 to reflect the current audited financial statements.
- Minor formatting and grammatical changes.

For ease of reference, the proposed changes are included as track changes on the draft policy (**Attachment 1**).

Conclusion

The *Council Policy - Treasury (Debt Management)* has undergone a scheduled review and is presented to the Committee for consideration and recommendation to Council.

Attachments

1. **Draft Council Policy - Treasury (Debt Management)**

CITY OF WEST TORRENS



Council Policy: Treasury (Debt Management)

Classification:	Council Policy
First Issued:	4 March 2008
Dates of Review:	6 March 2012, May 2018
Version Number:	23
DW Doc-set Objective ID:	617177908
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999. Local Government (Financial Management) Regulations 1999.
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Investment Policy Mendelson Foundation Investment Policy
Associated Forms:	
Note:	Formerly policy number F.9.
Responsible Manager:	Manager Financial Services
Confirmed by General Manager:	Date 09/05/2018
Approved by Council:	Date 06/03/12

City of West Torrens Council Policy - Treasury (Debt Management)

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DRAFT

COUNCIL POLICY – Treasury (Debt Management)

1. Preamble

- 1.1 The City of West Torrens (CWT) is committed to effective, efficient and transparent treasury arrangements.

2. Purpose

- 2.1 The CWT regards debt as an appropriate mechanism to achieve the provision of certain services to its community, in line with its key strategic directions. This policy provides the framework for ensuring that a consistent and transparent approach is taken.

3. Scope

- 3.1 Staff of the CWT, ~~particularly Financial Services Department staff,~~ must observe the requirements of this policy.

4. Definitions

- 4.1 **Debt** refers to an obligation to repay money owed.
- 4.2 **Fair value** refers to the price that would be received to sell an asset in an orderly transaction between market participants amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction (refer AASB 116, Property, Plant and Equipment, Australian Accounting Standards Board, October ~~2009~~ 2015). For infrastructure assets, replacement cost represents fair value.

5. Policy Statement

- 5.1 Council regards debt as an appropriate mechanism to achieve the provision of certain services to its community in line with its key strategic directions, with a primary focus on debt management.
- 5.2 Debt will be considered as an appropriate funding source in the following circumstances:
- In the context of the strategic objectives of the CWT;
 - In the context of long term financial forecasts and objectives;
 - For long term infrastructure asset creation;
 - As a means of spreading the cost of infrastructure over the life of the asset and the ratepayers who can use it; and
 - As a mechanism to fund temporary cash shortfalls.
- 5.3 The CWT has responsibility for assets with a fair value in excess of \$~~98~~9800 million, based on audited financial statements for the year ending 30 June 201~~7~~4. The use of debt is an important funding source for asset acquisition and renewal and is an appropriate mechanism for allocating the costs of such asset renewal and rehabilitation over a time frame that reflects when residents will benefit from the assets.

| City of West Torrens Council Policy - Treasury (Debt Management)

- 5.4 Long term loans will be limited to substantial initiatives that are capital in nature, and will not be taken to fund either minor plant and equipment expenditure or minor infrastructure renewal requirements.
- 5.5 Short term debt can be a useful mechanism to meet short term cash needs.
- 5.6 Short term borrowing may be used to sustain the cash flows of the CWT having regard to anticipated receipts and expenditures and cash flow requirements. For this purpose the CWT may operate an overdraft on its bank account and/or a cash advance facility from a financial institution.
- 5.7 CWT's management of debt will focus on the net debt situation (ie. borrowing less investments) and consequently sound cash management practises will dictate that CWT will not borrow at higher interest rates when funds are invested at lower interest rates and ~~are these~~ are available for use in lieu of borrowing.
- 5.8 All loan borrowings will be subject to Council approval on the recommendation of the General Manager Corporate and Regulatory Services. The nature of any borrowings (short or long term) and the interest rate (fixed, variable, inflation linked) will take into account the purpose of the borrowings and seek to minimise interest rate exposure. The competitiveness of all loan interest rates will be assessed before loans are recommended to Council.
- 5.9 Loans will tend to be longer term and fixed when interest rates are low, and shorter term and variable when interest rates are high.
- 5.10 The CWT will endeavour to structure loans in ways that help reduce repayment amount fluctuations from year to year. This may involve the initial use of both interest only loans and repayment capitalisation.
- 5.11 All borrowings will be considered in the context of CWT's strategic priorities and borrowing levels are to be in line with CWT's forward budget estimates.
- 5.12 Debt levels will be assessed on the basis of total loan repayment as a percentage of rate revenue, with an acceptable target ratio being less than 25 per cent.
- 5.13 CWT's indebtedness will be reported upon annually, with information incorporated as a part of the budget and annual business plan.

8.3 Review of the Council Policy - Elections Period Caretaker Policy

Brief

Council Policy - Elections Period Caretaker has undergone a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION

The Committee advises Council that it supports the approval of the reviewed *Council Policy - Elections Period Caretaker Policy* (**Attachment 2**).

Introduction

Section 91A of the *Local Government (Elections) Act 1999* requires Council to adopt a caretaker policy governing the conduct of Council and staff during the election period for a general election, being, at a minimum, from the close of nominations to the end of the elections. Following the commencement of this section, Council approved its first *Council Policy - Elections Period Caretaker Policy* (Policy) in 2010 and subsequently, following a statutory review, in 2014 prior to Council's elections in each of those years.

Council Policy - Elections Period Caretaker Policy (Policy) (**Attachment 1**) has undergone a scheduled review prior to the commencement of Council's 2018 elections period, the outcome of which is presented to the Committee for its consideration and subsequent advice to Council.

Discussion

The review has resulted in some proposed amendments to the Policy which, for ease of reference, are shown as track changes (**Attachment 2**). A cleaned up copy of the draft Policy has also been included (**Attachment 3**).

Proposed Changes

The proposed changes include minor typographical and grammatical changes with the content order being rearranged to group similar subject matter together. More significant proposed changes include:

1. *Preamble*

The preamble has been updated to reflect the intent of the legislation in that the Policy provides a framework in order to avoid actions and designated decisions which could be perceived as intended to:

- influence the conduct of the elections; and/or
- limit the decision making ability of the incoming Council.

2. *Purpose*

Requirements of the Caretaker Period are to be observed by both the elected body and City of West Torrens (CWT) employees. The requirement, relating to employees, has been included at clause 2.1.2.

3. *Scope*

A new clause stipulating that the Policy does not apply to supplementary elections has been included at clause 3.4.

4. Definitions

- 4.1 The Act provides that the caretaker period is to commence at the close of nominations, being 18 September 2018, or earlier as determined by Council. The current Policy states that Council's caretaker period commences on 4 September, however, this current approach provides an additional two weeks when designated decisions cannot be made. Experience has shown that the additional two weeks that Council is in caretaker mode is impractical and serves no material benefit. Consequently, definition of caretaker period has been amended in the draft Policy to state that the caretaker period will commence at the **close** of nominations (being the 18 September 2018).
- 4.2 The definitions of Electoral Officer (clause 4.13), Independent Commissioner Against Corruption (ICAC) (clause 4.16) and the Office of Public Integrity (OPI) (clause 4.18) have been amended.

5. Policy Statement

5.1 Initiating the Caretaker Period

Clause 5.1.1 of the Policy has been amended to stipulate that the Caretaker Period will commence at the close of nominations, being 18 September 2018.

5.2 Code of Conduct

Clause 5.2.1 of the Policy has been amended as the legislation now stipulates that the Policy forms part of the Code of Conduct for both Elected Members and CWT Employees during the Caretaker Period.

5.3 Policy Decisions

- 5.3.1 Clause 5.3.1 has been amended to provide the legislative reference and group relevant examples of designated decisions under the one section of the Policy.
- 5.3.2 A new clause has been included at 5.3.1.3 specifying that applications for Ministerial exemption from designated decisions may only be made by resolution of Council.

5.4 Exclusions from Designated Decisions

- 5.4.1 A new heading, 'Exclusions from Designated Decisions', has been included at clause 5.3.2 of the Policy.

5.6 Publications During the Caretaker Period

A reference to the requirements under the *Council Policy - Talking Points* has been included at clause 5.5.2.5.

5.6 Council Equipment and Facilities

The existing policy heading 'Council Equipment and Infrastructure' has been amended at clause 5.7.4 to read 'Council Equipment and Facilities' to cover the use of any Council owned facility. The following clauses, related to the heading, have been amended accordingly.

5.7 *Council Resources*

A new clause specifying that Elected Members must not use their councillor social media pages during the Caretaker Period has been included at 5.9.3.4.

5.8 *Schedule 1 - Table of Major Policy Decisions*

The awarding of grant funding has been included as a significant decision at Schedule 1 of the Policy.

Conclusion

As this is a statutory policy, Council is required to consider and adopt the Policy rather than on the recommendation of the Committee. Consequently, the *Council Policy - Elections Period Caretaker Policy* will be presented to the 17 July 2018 meeting of Council for its consideration and approval. Feedback from the Committee will be presented to Council at this time.

Attachments

1. **Council Policy - Elections Period Caretaker Policy**
2. **Draft Council Policy - Elections Caretaker Period Policy**
3. **Draft Council Policy - Elections Caretaker Period Policy (without tracked changes)**

City of West Torrens Policy - Elections Period Caretaker Policy

CITY OF WEST TORRENS



Council Policy: Elections Period Caretaker Policy

Classification:	Council Policy
First Issued:	October 2009
Dates of Review:	3 March 2010, 1 July 2014
Version Number:	2
DW Doc set ID:	1316669
Next Review Due:	June 2019 (within 12 months of a periodic election)
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 • Local Government (Elections) Act 1999 • Local Government (Elections) Regulations 2010 • Criminal Law Consolidation Act 1935 • Independent Commissioner Against Corruption Act 2012 • Freedom of Information Act 1991 • Independent Commissioner Against Corruption Directions and Guidelines
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Code of Conduct for Council Members • Code of Conduct for Council Employees • Delegations Process Council Policy • Purchasing, Tendering, Sale and Disposal of Assets Council Policy • Elected Members Attendance at Conferences Council Policy • Elected Member Gifts, Benefits and Hospitality Council Policy
Associated Forms:	
Note:	
Responsible Manager:	Chief Executive Officer

City of West Torrens Policy - Elections Period Caretaker Policy

Confirmed by General Manager:	General Manager Organisational Support	Date	12 June 2014
Endorsed by Council:		Date	1 July 2014

City of West Torrens Policy - Elections Period Caretaker Policy

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City of West Torrens Policy - Elections Period Caretaker Policy

COUNCIL POLICY - Elections Period Caretaker Policy

1. Preamble

- 1.1 The City of West Torrens (CWT) is required by s91A of the *Local Government (Elections) Act 1999* to adopt a caretaker policy and assume a "caretaker mode" for a minimum period of seven (7) weeks prior to a local government general election, to avoid actions and designated decisions which could be perceived as:

- influencing the conduct of the elections; and/or
- influencing voters; and/or
- having significant impact on candidates; and/or
- having significant impact on the incoming Council.

2. Purpose

- 2.1 This policy articulates the standards that are generally regarded as necessary for the promotion of transparent and accountable government during Caretaker Periods. It has been developed to ensure that:

- 2.1.1 The statutory requirements of s91A of the *Local Government (Elections) Act 1999*, s57 of the *Local Government Act 1999* as well as related regulations and legislation are met.
- 2.1.2 Council's responsibilities during a Caretaker Period are clearly documented, accountable and transparent.
- 2.1.3 The Council continues to fulfil its responsibilities, with each Elected Member meeting their commitment as a member of the incumbent Council during the Caretaker Period.
- 2.1.4 The incumbent Council does not inappropriately make decisions that will be binding on an incoming Council and limit its decision making ability.
- 2.1.5 The election campaigns of incumbent Elected Members are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.
- 2.1.6 The day to day business and level of services of the Council continue efficiently, in a normal manner and are not impacted by the elections.
- 2.1.7 Council resources are not diverted to, or influenced by, campaign purposes or used to improperly advantage incumbent Elected Members as candidates in the election.
- 2.1.8 Council employees understand the required behaviours and expectations placed on them during an election including that they act impartially in relation to all candidates.

3. Scope

- 3.1 The policy applies for the duration of the Caretaker Period to Council, Elected Members, Elected Members who are electoral candidates, independent Audit and Risk Committee members, Development Assessment Panel members and employees of the CWT.

City of West Torrens Policy - Elections Period Caretaker Policy

- 3.2 This policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period.
- 3.3 This policy does not apply to statutory requirements or matters required by law (for example, the production of the Annual Report and matters that are required to be reviewed pursuant to the *Development Act 1993*, etc.).

4. Definitions

- 4.1 **Campaign Material** means the information and resources used by and in relation to individual candidate's election campaigns.
- 4.2 **Candidate** means any person (including a current Elected Member) who has lodged a valid nomination for the purpose of a forthcoming Local Government periodic or general election (the election) with the Electoral Commission of South Australia (ECSA).
- 4.3 **Caretaker Mode** relates to the protocols to be observed during a caretaker period.
- 4.4 **Caretaker Period** means the period that commences on the day of the close of nominations for the election to the 'conclusion of the election' as defined in s4(2) of the *Local Government Act 1999* for the relevant periodic or general election being the time at which the last result of the election is certified by the Returning Officer.
- 4.5 **Chief Executive Officer** means the appointed CEO or any person acting in that capacity.
- 4.6 **Council Contact Officer** means the person nominated by the CEO to liaise with the ECSA and manage CWT's responsibilities throughout Council elections.
- 4.7 **Council Liaison Officers** are those people nominated by the CEO to assist the Council Contact Officer during Council elections.
- 4.8 **Council Resources** includes (but is not limited to), for the purposes of this policy, employees, support staff, volunteers, hospitality (including venue and function facilities), equipment, materials published by Council, access to Council information, media services, machinery, electronic facilities, photographs and stationery.
- 4.9 **CWT Employee** means all employees covered by the *CWT Health Services Employees Enterprise Agreement*, *CWT Enterprise Agreement (Local Government Employees)*, *CWT Municipal Officers Enterprise Agreement*, *CWT - ANMF Nursing Employees Enterprise Agreement*, contractors, volunteers, and support staff.
- 4.10 **ECSA** means the person appointed to the position of Electoral Commissioner of South Australia.
- 4.11 **Elected Members** means the Mayor and Councillors of the CWT.
- 4.12 **Election/Electoral Material** means the information and promotional material produced by the CWT or ECSA related to the election.
- 4.13 **Events and Functions** means formal and informal gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities or social occasions such as dinners, receptions and balls.

City of West Torrens Policy - Elections Period Caretaker Policy

- 4.14 **Designated Decision** means a decision that is not able to be made in accordance with s91A of the *Local Government (Elections) Act 1999* (refer to clause 5.3.1.3).
- 4.15 **Independent Commissioner Against Corruption (ICAC)** means the person appointed to identify, investigate and refer for prosecution corruption in public administration, to establish and oversee the Office of Public Integrity and to assist inquiry agencies to identify and deal with misconduct and maladministration in public administration.
- 4.16 **Major Policy Decision** is any decision which has a significant impact on the 'normal' operations of Council.
- See **Schedule 1** for the *Major Policy Decisions Table* for further details and examples. A major policy decision is not limited to those examples included on this list.
- 4.17 **Office of the Public Integrity (OPI)** means the entity that manages complaints about public administration and referral to the relevant inquiry agency.
- 4.18 **Prescribed Contract** means a contract entered into by Council for the purpose of undertaking:
- Road construction or maintenance; or
 - Drainage works.
- 4.19 **Public Consultation** means, for the purposes of this policy, the process of inviting public comment on a proposed Council action, decision or issue.
- 4.20 **Returning Officer** means the person or persons appointed by the Electoral Commissioner to assist ECSA with the conduct of the election as defined in s10 of the *Local Government (Elections) Act 1999*.

5. Policy Statement

5.1 Initiating Caretaker Period

5.1.1 Role of the CEO in Implementing the Caretaker Period and Mode

- 5.1.1.1 The caretaker mode commences at the beginning of the Caretaker Period, i.e. 7 weeks from the opening of nominations to the conclusion of the elections.
- 5.1.1.2 The CEO will ensure, as far as possible, the provision of 30 days advance notice to Elected Members, Independent Members of Council Committees, CWT employees and the public of the commencement date of the Caretaker Period.
- 5.1.1.3 The CEO will endeavour to ensure that all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

5.2 Code of Conduct for Council Members

- 5.2.1 The *Code of Conduct for Council Members* (the Code) continues to apply to Elected Members throughout the duration of the Caretaker Period.

5.3 Policy Decisions

5.3.1 Designated Decisions

- 5.3.1.1 A designated decision made by Council in contravention of legislation and this policy is invalid; except where an exemption has been granted by the Minister for Local Government (the Minister).
- 5.3.1.2 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by Council in contravention of legislation and this policy is entitled to compensation from the Council for that loss or damage.
- 5.3.1.3 A designated decision does not contravene legislation or this policy if the decision is to enter into a contract, arrangement or understanding (other than a prescribed contract) for the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding year and:
- relates to the carrying out of works in response to an emergency or disaster within the meaning of *Emergency Management Act 2004*, or under s298 of the *Local Government Act 1999*; or
 - is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
 - relates to the employment of a particular CWT employee (other than the CEO); or
 - is made in the conduct of negotiations relating to the employment of CWT employees generally, or a class of CWT employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
 - relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;
- 5.3.1.4 A decision is exempt from the definition of a 'designated decision' if it relates to the suspension of a CEO for serious and wilful misconduct.

5.3.2 Extraordinary Circumstances Requiring Exemption

- 5.3.2.1 If Council determines that there are extraordinary circumstances which require the making of a designated decision during the Caretaker Period, it must apply in writing to the Minister for an exemption.
- 5.3.2.2 An application for Ministerial exemption may only be made by resolution of Council.

5.3.3 Scheduling Consideration of Major Policy Decisions

- 5.3.3.1 So far as is reasonably practical, the CEO will avoid scheduling major policy decisions for consideration during a Caretaker Period and will ensure that such decisions are either:
- a) Considered by Council prior to the Caretaker Period and beginning of caretaker mode.
 - b) Scheduled for determination by the incoming Council.
- 5.3.3.2 Any person who is unsure whether a particular decision falls within the operation of this clause should consult the General Manager Organisational Support.
- 5.3.3.3 All items listed within a Council agenda during the Caretaker Period will be assessed by the General Manager Organisational Support for compliance with this policy.

5.3.4 Major Policy Decisions during Caretaker Period

- 5.3.4.1 The table of policy decisions or exercise of delegated powers at *Schedule 1 - Table of Major Policy Decisions (Attached)* outlines those decisions or activities which are expressly prohibited by the *Local Government Act 1999* and/or the *Local Government (Elections) Act 1999* and/or this policy.

5.3.5 Considerations for the Chief Executive Officer in Granting Approval

- 5.3.5.1 Where the CEO has discretionary approval under this policy, which is not expressly prohibited by clauses 5.3.1.3 and 5.3.1.4, the CEO will have regard to the following criteria:
- Whether the decision is 'significant';
 - The urgency of the issue;
 - The possibility of financial repercussions or other consequences both for the current Council and the incoming Council if it is deferred;
 - The nature of the decision, i.e:
 - Will it be controversial?
 - Will it provoke considerable public interest?
 - Will it provoke considerable media attention?
 - The best interests of the Council and the CWT.

5.3.6 Appointment or Removal of the CEO

- 5.3.6.1 Council must not appoint or dismiss the CEO during a Caretaker Period without the approval by the Minister unless clause 5.3.1.4 applies.
- 5.3.6.2 In an emergency situation, Council may appoint an Acting CEO or suspend the current CEO, pending the election, after which date a permanent decision can be made by the incoming Council.

5.4 Publications during the Caretaker Period

5.4.1 Elected Members' campaign material

- 5.4.1.1 Elected Members' campaign materials must not purport that the material originates from, or is authorised by, Council (eg by the use of Council logos).

5.4.2 Council Publications

- 5.4.2.1 CWT will publish election material, as required by the relevant acts, including (but not limited to) material in a range of media that:
- provides information about the elections;
 - promotes public participation in the elections;
 - seeks candidate nominations;
 - is information relating to those candidates who are standing within each area/ward;
 - the conduct of the elections; and
 - the outcome of the elections.
- 5.4.2.2 Council publicity and communications, not related to the elections, will be restricted to promoting normal Council activities and services.
- 5.4.2.3 Council publications produced before a Caretaker Period but which contain material that could be used in connection with the elections, other than strictly relating to the election process, will not to be circulated or displayed during the Caretaker Period.
- 5.4.2.4 While Council is required by s131 of the *Local Government Act 1999* to prepare, adopt and put on public display a copy of its Annual Report before November 30 of each year, during the Caretaker Period the Annual Report will not contain material that could be regarded as overt electioneering or that inappropriately promotes individual Elected Members.

5.4.3 Council Website

- 5.4.3.1 Any information which refers to the elections which is made available on the website, including on social media, will only relate to the election process by way of information, education or publicity as required by legislation or as directed by the ECSA.
- 5.4.3.2 During a Caretaker Period, new material which is precluded by this policy or legislation will not be placed on the CWT website or on social media.
- 5.4.3.3 During the Caretaker Period, information provided about Elected Members will be restricted to names, contact details, titles and their membership on Council Committee(s) or other bodies as a Council representative.

5.5 Public Consultation during the Caretaker Period

5.5.1 Mandatory Public Consultation

- 5.5.1.1 Any mandatory public consultation as detailed in the *Local Government Act 1999* or other Acts relating to local government (for example the *Development Act 1993*) can be undertaken during the Caretaker Period however, public consultation that is not legislatively mandated and relates to a topical or contentious issue is subject to approval of the CEO prior to its commencement.

5.5.2 Approved Public Consultation

If public consultation has been approved by the CEO:

- 5.5.2.1 The result of that consultation will not be reported to Council until after the completion of the Caretaker Period, i.e. to the incoming Council.
- 5.5.2.2 Approved consultations will avoid express or implicit links to the elections.
- 5.5.2.3 The CEO reserves the right to postpone a consultation at any time during the Caretaker Period if he/she comes to the view that the issue may affect voting.

5.5.3 Publicity Campaigns

- 5.5.3.1 During the Caretaker Period, publicity campaigns (other than for the purpose of conducting and promoting the election) will be avoided wherever possible.
- 5.5.3.2 Any publicity campaign that is considered necessary must be approved by the CEO.
- 5.5.3.3 Approved publicity during the Caretaker Period will be restricted to communicating normal activities and initiatives.

5.6 Elected Member Attendance at Events and Functions during the Caretaker Period

5.6.1 Events Staged by External Bodies

- 5.6.1.1 Elected Members may continue to attend events and functions staged by external bodies during a Caretaker Period (see [Elected Members Gifts, Benefits and Hospitality Council Policy](#)).
- 5.6.1.2 Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the CWT must not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate electoral campaigns.
- 5.6.1.3 Unless there is a requirement to do so, Elected Members will not be appointed to positions on external bodies or authorities during the Caretaker Period.

5.6.2 Council Events and Functions

- 5.6.2.1 Council events and functions held during the Caretaker Period will be reduced to only those essential to the operation of the Council. These events and functions should not in any way be associated with any issues considered topical or relevant to the election.
- 5.6.2.2 All known candidates are to be invited to Council organised events and functions during the Caretaker Period.

5.6.3 Addresses by Elected Members

- 5.6.3.1 Elected Members may continue to make speeches related to Council business at events staged by external bodies during the Caretaker Period, however, the speech must not have any political reference which may be construed as giving a sitting Member any advantage.
- 5.6.3.2 Elected Members who are also election candidates must not give speeches or keynote addresses at Council organised or sponsored events and functions during a Caretaker Period. Elected Members may make short welcome speeches at events or functions organised or sponsored by the CWT during the Caretaker Period.

5.6.4 Publication of Promotional Material

- 5.6.4.1 Any material concerning a Council organised or sponsored function or event which is to be published or distributed during the Caretaker Period must be consistent with clause 5.4 of this policy.

5.7 Council Resources

5.7.1 General

- 5.7.1.1 Council resources must not be used to assist any candidate's campaign during the Caretaker Period.
- 5.7.1.2 The Administration will ensure due propriety is observed in the use of all Council resources and CWT employees are required to exercise appropriate discretion in that regard.
- 5.7.1.3 In circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, such use must be referred to the CEO for approval.
- 5.7.1.4 Elected Members must not, in any way, exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.
- 5.7.1.5 Elected Members must not use their position as a member of Council or information obtained in their role as an Elected Member to, directly or indirectly, gain an advantage for themselves or for another person as serious criminal penalties apply under s254 of the *Criminal Law Consolidation Act 1935* and s62(3) and 62(4) of the *Local Government Act 1999*. Any alleged breaches will be reported to the OPI as required by the *ICAC Act 2012*.

5.7.2 Expenses Incurred by Elected Members

- 5.7.2.1 Reimbursement (or payment) of Elected Member expenses during the Caretaker Period will only apply to those costs that have been incurred in the performance of normal Council duties and approved by the CEO.
- 5.7.2.2 Reimbursements will not be provided for election campaign expenses or for expenses that could be perceived as being related to a candidate's election campaign.

5.7.3 Council Branding and Stationery

- 5.7.3.1 Council logos, letterheads, or other CWT branding must not be used for, or linked in any way, to a candidate's election campaign.
- 5.7.3.2 Elected Members should ensure that their Council business cards are used only for purposes associated with the normal role as an Elected Member in servicing their electorate.
- 5.7.3.3 Elected Members' business cards must not be used in a manner that supports their election campaign or other election purpose.
- 5.7.3.4 During the Caretaker Period, Elected Members must ensure that any publications bearing their name will not include their position title, i.e. Cr John Smith. Preferred use would be John Smith, Councillor for the City of West Torrens.

5.7.4 Council Equipment and Infrastructure

- 5.7.4.1 Council equipment and infrastructure, including the use of photocopiers, stationery or computer equipment, must not be used for any election campaign activities.
- 5.7.4.2 Elected Members who have Council funded services, such as mobile phones, landlines, ipads, and internet connections must only use these Council resources for normal Council business and must not be used to assist them in their, or others, election campaign(s).
- 5.7.4.3 Any use of Council funded equipment for election campaigns could result in an allegation of misconduct or corruption under the *ICAC Act 2012* and subject to a complaint to the OPI.

5.7.5 CWT Employees

- 5.7.5.1 CWT employees will continue to provide the normal level of support to the Mayor and Elected Members during the Caretaker Period.
- 5.7.5.2 Elected Members must not ask CWT employees, including in their private capacity, to undertake any tasks directly or indirectly connected to an election campaign.
- 5.7.5.3 Any Elected Member involved with requesting assistance from a CWT employee with election campaigning would be in breach of the Code and s252 of the *Criminal Law Consolidation Act 1935* and could result in an allegation of misconduct or corruption under the *ICAC Act 2012* and be subject to a complaint to the OPI.

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- 5.7.5.4 CWT employees who assist an Elected Member in relation to their election campaign will be in breach of the Code of Conduct for Council Employees and s251 of the *Criminal Law Consolidation Act 1935*. Alleged breaches must be reported to the OPI and could result in an allegation of misconduct or corruption under the ICAC Act 2012 and be subject to a complaint to the OPI.

5.7.6 **Correspondence**

- 5.7.6.1 General correspondence addressed to Elected Members will be answered in the usual manner. However, Elected Members will sign only the necessary minimum of correspondence during a Caretaker Period.
- 5.7.6.2 Correspondence in relation to significant, sensitive or controversial matters should be signed by the CEO. Replies will be prepared in a manner to protect Council from any perceptions of political bias.

5.8 **Access to Council Information**

5.8.1 **Information and Briefing Materials**

- 5.8.1.1 All candidates can access any information that is publicly available and can be provided within reasonable resource limits.
- 5.8.1.2 Elected Members retain their statutory right to access Council information relevant to the performance of their function as Elected Members. However, this access should be exercised with caution and be limited to matters that the Council has under active consideration.
- 5.8.1.3 Any information that the Council holds, other than that determined by the Council Contact Officer to be relevant to informing the public about the conduct of an election, must not be used for election purposes. Any improper use will be a breach of the Code and may be a breach of section 62(3) of the *Local Government Act 1999* and s251 of the *Criminal Law Consolidation Act 1935*.

5.8.2 **Information Request Register**

- 5.8.2.1 An Information Request Register will be maintained by the Council Contact Officer during the Caretaker Period. This register will be a public document that records all the requests for information made by candidates, and the response given to those requests, during the Caretaker Period.
- 5.8.2.2 If information requests are made by candidates directly to a CWT employee, the CWT employee will advise the candidate that the request will be transferred to the CEO.
- 5.8.2.3 Any requests for information not publicly available, or that require excessive use of resources, will be managed in accordance with the *Freedom of Information Act 1991*.

5.9 Media and Communications

5.9.1 Media Advice

- 5.9.1.1 The CWT Media and Events department will continue promoting normal council business which has been endorsed or is supported by Council during the Caretaker Period. However, publications should be written in a way that does not result in a perception that the publication favours a particular candidate or group of candidates.
- 5.9.1.2 Media advice will not be provided to candidates or Elected Members in relation to election issues or in regard to publicity that involves individual Elected Members.
- 5.9.1.3 Any requests for media advice or assistance by Elected Members during the Caretaker Period will be referred to the CEO. If satisfied that advice sought by an Elected Member during the Caretaker Period is not for personal gain the CEO may authorise the provision of a response to such a request.

5.9.2 Media Releases / Spokespersons

- 5.9.2.1 While in Caretaker Mode, if it is necessary to identify a spokesperson, other than the CEO, the CEO will nominate an appropriate spokesperson.

5.9.3 Elected Members and Media

- 5.9.3.1 Elected Members must not use their position or their access to Council resources to gain media attention in support of, or to the detriment of, their own or any other candidate's election campaign. To do so, would be in breach of the Code and s251 of the *Criminal Law Consolidation Act 1935* and could result in an allegation of misconduct or corruption under the ICAC Act 2012 and be subject to a complaint to the OPI.
- 5.9.3.2 Press releases or other such media statements will not feature any photograph, quote or name of Elected Members during the Caretaker Period.
- 5.9.3.3 To ensure Elected Members are afforded the same opportunities as other candidates, individual Elected Members may make statements as candidates in the election provided that they are clearly communicated as personal opinions and do not undermine the standing of the Council in the community.
- 5.9.3.4 Elected Members may refer to adopted Council policies or decisions but there should be a clear distinction between the adopted Council position and any political commentary the candidate may wish to make.

5.9.4 CWT Employees

- 5.9.4.1 During the Caretaker Period, no CWT employee other than the CEO (or a nominee of the CEO) may make any public statement(s).

City of West Torrens Policy - Elections Period Caretaker Policy

- 5.9.4.2 Any CWT employee that breaches the provisions of this policy could be subject to investigation for misconduct and referral to the OPI.

5.10 Equity in Assistance to Candidates

5.10.1 Candidate Assistance and Advice

- 5.10.1.1 Any assistance and advice provided to candidates, as part of the conduct of the election, will be provided equally to all candidates.
- 5.10.1.2 The Administration will liaise with ECSA to confirm dates for candidate information sessions to be held prior to the opening of nominations and during the nomination period.

5.10.2 Election Process Enquiries

- 5.10.2.1 All election process enquiries from candidates will be directed to the Returning Officer, or where the matter is outside the responsibilities of the Returning Officer, to the Council Contact Officer.

5.11 Complaints and Grievances

5.11.1. Alleged Breaches of the Local Government (Elections) Act 1999

- 5.11.1.1 Allegations of breaches of the [Local Government \(Elections\) Act 1999](#) should be made to the ECSA.
- 5.11.1.2 Allegations of breaches of the [Local Government \(Elections\) Act 1999](#), made to the CEO, will be referred to ECSA.

5.11.2 Alleged Breaches of Part 2 of the Code of Conduct for Council Members (refer clauses 2.17 to 2.25)

- 5.11.2.1 Complaints or grievances that allege the behaviour of an Elected Member during the Caretaker Period constitutes a breach of *Part 2 - Behavioural Code of the Council Members Code of Conduct* must be submitted, in writing to the CEO detailing the clauses alleged to have been breached and relevant evidence.
- 5.11.2.2 On receipt of such a complaint, the CEO will assess whether the complaint is vexatious or frivolous. If the CEO finds that the complaint is vexatious and/or frivolous then the matter will not be investigated and the complainant advised, in writing, accordingly.
- 5.11.2.3 If the CEO determines the complaint is not vexatious or frivolous he/she will ensure a full investigation is undertaken which could include referral to an external investigator.
- 5.11.2.4 In the event the investigation confirms that Part 2 of the Council Members Code of Conduct has been breached the CEO will, in line with clause 2.24 of the Code, ensure a report into the matter is presented to a public meeting of Council (within three weeks of receipt of the investigation outcome report in the instance that the investigation has been undertaken by an external body).

5.11.2.5 Following consideration of this report, Council may by resolution and in accordance with clause 2.25 of the Code:

- Take no action
- Pass a censure motion in respect of the Council Member
- Request a public apology, whether written or verbal
- Request the Elected Member to attend training on the specific subject found to have been breached
- Resolve to remove or suspend the Elected Member from a position within the Council (not including the Member's elected position on Council)
- Request the Elected Member to repay monies to Council.

5.11.3 Alleged Breaches of Part 3 of the Code of Conduct for Council Members

5.11.3.1 Allegations that constitute a breach of Part 3 of the Code during the Caretaker Period can be made to the CEO, the Ombudsman, the OPI or the ECSA (if it relates to a breach of clause 3.8 of the Code regarding campaign donations).

5.11.3.2 Any such allegation must be made in writing and provide tangible evidence.

5.11.3.2a A public officer who makes a complaint to the OPI must have regard to Section 11 of the [*Directions and Guidelines for Inquiry Agencies, Public Authorities and Public Officers*](#) issued by the ICAC.

5.11.3.3 In accordance with the Code, the CEO will refer any allegation that constitutes a breach of Part 3 of the Code to the Ombudsman for investigation in accordance with s263 of the *Local Government Act 1999*.

5.11.3.4 The CEO will ensure, in accordance with the provisions contained within the Code, that a report from the Ombudsman which finds an Elected Member has breached Part 3 of the Code is presented to a public meeting of Council.

City of West Torrens Policy - Elections Period Caretaker Policy

SCHEDULE 1 - Table of Major Policy Decisions

MAJOR DECISIONS		
Proposed Decision	Status/Comment	Who this Impacts?
Entering into a contract (other than a prescribed contract) with a total value exceeding either \$100,000 or 1% of Council's rate revenue (based on the preceding financial year figures), whichever is the greater, in a Caretaker Period pursuant to Section 56 of the <i>Local Government Act 1999</i> .	This is considered a major policy decision in the best interest of accountability and transparency. Under normal operations, this decision can only be carried out by the Council or via a position with delegated powers.	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a contract with a total value exceeding \$100,000 where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a lease if the rent payable by the lessee at any time exceeds \$100,000.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
The appointment or dismissal of a CEO in a Caretaker Period or where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	Restricted. Only in the case of an emergency can the Council act to suspend the current CEO, pending the election, after which date a permanent decision can be made.	<ul style="list-style-type: none"> • Council • CEO Review Panel
The variation of the CEO's remuneration in a Caretaker Period.	Restricted	<ul style="list-style-type: none"> • Council • CEO Review Panel
The execution of an irrevocable decision that has significant impacts on the Council, Council area or Community.	Restricted unless approval is granted by the CEO.	<ul style="list-style-type: none"> • Council • CEO and Executive
Any other significant decision not specified above which will bind the incoming Council.	Restricted unless approval is granted by the CEO.	<ul style="list-style-type: none"> • CEO

CITY OF WEST TORRENS



Council Policy: Elections Period Caretaker Policy

Classification:	Council Policy
First Issued:	October 2009
Dates of Review:	3 March 2010, 1 July 2014, January 2018
Version Number:	<u>32</u>
DW-Doc-set-ID:Objective ID	<u>4346669 A2092543</u>
Next Review Due:	<u>June 2022 (within 12 months of a periodic election)</u>
Applicable Legislation:	<ul style="list-style-type: none"> Local Government Act 1999 Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2010 Criminal Law Consolidation Act 1935 Independent Commissioner Against Corruption Act 2012 Freedom of Information Act 1991 Independent Commissioner Against Corruption Directions and Guidelines
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Code of Conduct for Council Members Code of Conduct for Council Employees Delegations Process Council Policy Purchasing, Tendering, Sale and Disposal of Assets Council Policy Council Policy - Procurement Council Policy - Sale and Disposal of Assets Council Policy - Talking Points Elected Members Attendance at Conferences Council Policy Elected Member Gifts, Benefits and Hospitality Council Policy
Associated Forms:	
Note:	
Responsible Manager:	Chief Executive Officer

Comment [VD1]: Policy revoked
21/09/2016

Comment [VD2]: Policy revoked
11/02/2016

Comment [VD3]: Inclusion of reference
to Council Policy - Talking Points

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Confirmed by General Manager:	General Manager Business and Community Services	Date	12 June 2014 1 June 2018
Endorsed by Council:		Date	1 July 2014

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City of West Torrens Policy - Elections Period Caretaker Policy

COUNCIL POLICY - Elections Period Caretaker Policy**1. Preamble**

- 1.1 The City of West Torrens (CWT) is required by s91A of the *Local Government (Elections) Act 1999* to adopt a caretaker policy and assume a "caretaker mode" for a minimum period of seven (7) weeks prior to a periodic local government general election, to avoid actions and designated decisions which could be perceived as:

- influencing-intended to influence the conduct of the elections; and/or
- influencing voters; and/or
- having significant impact on candidates; and/or
- having significant impact-limiting the decision making ability of the incoming Council.

2. Purpose

- 2.1 This policy articulates the standards that are generally regarded as necessary for the promotion of transparent and accountable government during Caretaker Periods. It has been developed to ensure that:
- 2.1.1 The statutory requirements of s91A of the *Local Government (Elections) Act 1999*, s57 of the *Local Government Act 1999* and related regulations and legislation are met.
- 2.1.2 The responsibilities of Council and CWT employees Council's responsibilities during a Caretaker Period are clearly documented, accountable and transparent.
- 2.1.3 The Council continues to fulfil its responsibilities, with each Elected Member meeting their commitment as a member of the incumbent Council during the Caretaker Period.
- 2.1.4 The incumbent Council does not inappropriately make decisions that will be binding on an incoming Council and/or limit its decision making ability.
- 2.1.5 The election campaigns of incumbent Elected Members are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.
- 2.1.6 The day to day business and level of services of the Council-CWT continue efficiently, in a normal manner and are not impacted by the elections.
- 2.1.7 Council resources are not diverted to, or influenced by, campaign purposes or used to improperly advantage incumbent Elected Members as candidates in the election.
- 2.1.8 Council-employees-CWT employees understand the required behaviours and expectations placed on them during an election, including that they the requirement to act impartially in relation to all candidates.

Comment [VD4]: Inclusion of employees

3. Scope

- 3.1 The policy applies for the duration of the Caretaker Period to Council, Elected Members, Elected Members who are electoral candidates, independent Audit and Risk Committee members, Development Council Assessment Panel members and employees of the CWT.

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- 3.2 This policy only applies to **actual** decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period.
- 3.3 This policy does not apply to statutory requirements or matters required by law (for example, the production of the Annual Report and matters that are required to be reviewed pursuant to the Development Act 1993, etc (legislation)).

3.4 The Policy does not **apply** to supplementary elections.

Comment [VD5]: Caretaker Period does not apply to supplementary elections

4. Definitions

- 4.1 **Campaign Material** means the information and resources used by and in relation to individual candidate's election campaigns.
- 4.2 **Candidate** means any person (including a current Elected Member) who has lodged a valid nomination for the purpose of a forthcoming Local Government periodic or general election (the election) with the Electoral Commission of South Australia (ECSA).
- 4.3 **Caretaker Mode** relates to the protocols to be observed during a caretaker period.
- 4.4 **Caretaker Period** means the period that commences on the day of closing of nominations (18 September 2018) the day of the close of nominations for the election to the 'conclusion of the election' as defined in s4(2) of the *Local Government Act 1999* for the relevant periodic or general election being the time at which the last result of the election is certified by the Returning Officer.
- 4.5 **Chief Executive Officer** means the appointed CEO or any person acting in that capacity.
- 4.6 **Council Contact Officer** means the person nominated by the CEO and appointed by the ESCA to liaise with the ECSA and manage CWT's responsibilities throughout Council elections.
- 4.7 **Council Liaison Officers** are those people nominated by the CEO to assist the Council Contact Officer during Council elections.
- 4.8 **Council Resources** includes (but is not limited to), for the purposes of this policy, employees, support staff, volunteers, hospitality (including venue and function facilities), equipment, materials published by Council, access to Council information, media services, machinery, electronic facilities, photographs and stationery.
- 4.9 **CWT Employee** means all employees covered by the *CWT Health Services Employees Enterprise Agreement*, *CWT Enterprise Agreement (Local Government Employees)*, *CWT Municipal Officers Enterprise Agreement*, *CWT-ANMF Nursing Employees Enterprise Agreement*, contractors, volunteers, and support staff.
- 4.10 **Designated Decision** means a decision that is not able to be made in accordance with s91A of the *Local Government (Elections) Act 1999* (refer to clause 5.3.1.1).
- 4.11 **ECSA** means the person appointed to the position of Electoral Commissioner of South Australia and/ or the Electoral commissioner of South Australia.
- 4.12 **Elected Members** means the Mayor and Councillors of the CWT.

Comment [VD6]: Proposed change to start of caretaker period

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4.13 **Electoral Officer** means a person appointed as an electoral officer under the *Local Government (Elections) Act 1999* and includes the returning officer and the deputy returning officer.

Comment [VD7]: Definition taken from LG Elections Act

4.142 **Election/Electoral Material** means the information and promotional material produced by the CWT, the *Local Government Association* or ECSA related to the election.

4.153 **Events and Functions** means formal and informal gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities or social occasions such as dinners, receptions and balls.

4.165 **Independent Commissioner Against Corruption (ICAC)** means the person holding or acting in the office of the Independent Commissioner Against Corruption, appointed to identify, investigate and refer for prosecution corruption in public administration, to establish and oversee the Office of Public Integrity and to assist inquiry agencies to identify and deal with misconduct and maladministration in public administration.

Comment [VD8]: Definition from ICAC Act 2012

4.176 **Major Policy Decision** is any decision which has a significant impact on the 'normal' operations of Council.

See **Schedule 1** for the *Major Policy Decisions Table* for further details and examples. A major policy decision is not limited to those examples included on this list.

4.187 **Office for Public Integrity (OPI)** means the entity that manages complaints about public administration and referral to the relevant inquiry agency. It is the point of contact for any person wishing to make a complaint or report under the *Independent Commissioner Against Corruption Act 2012*.

Comment [VD9]: Definition from ICAC website

4.198 **Prescribed Contract** means a contract entered into by Council for the purpose of undertaking:

- Road construction or maintenance; or
- Drainage works.

4.2019 **Public Consultation** means, for the purposes of this policy, the process of inviting public comment on a proposed Council action, decision or issue.

4.20 **Returning Officer** means the person or persons appointed by the Electoral Commissioner to assist ECSA with the conduct of the election as defined in s10 of the *Local Government (Elections) Act 1999*.

Comment [VD10]: Defined under electoral officer - definition from LG Elections Act

5. Policy Statement

5.1 Initiating Caretaker Period

5.1.1 Role of the CEO in Implementing the Caretaker Period and Mode

5.1.1.4 The caretaker mode commences at the beginning of the Caretaker Period, i.e. 7 weeks from the opening close of nominations (18 September 2018) to the conclusion of the elections.

Comment [VD11]: Including date for ease of reference

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5.1.1.2 The CEO will ensure, as far as possible, the provision of 30 days advance notice to Elected Members, independent members of Council Committees, CWT employees and the public of the commencement date of the Caretaker Period.

5.1.1.3 The CEO will endeavour to ensure that all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

5.2 Code of Conduct for Council Members

5.2.1 This policy is taken to form part of the The Code of Conduct for Council Members (the Code) and the Code of Conduct for Council Employees (the Code) continues to apply to Elected Members throughout the duration of the Caretaker Period.

Comment [VD12]: s91A(7) LG Elections Act

5.3 Policy Decisions

5.3.1 Designated Decisions

Comment [VD13]: This section has been altered to include examples of designated decisions from the legislation

5.3.1.1 Section 91A of the Local Government (Elections) Act 1999

prescribes that the Council are expressly prohibited from making designated decisions during the Caretaker Period. A designated decision means a decision:

- relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an Acting Chief Executive Officer; or
- to terminate the employment of a Chief Executive Officer; or
- to enter into a contract, arrangement or understanding (other than a prescribed contract) for the total value of which exceeds whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year; or;
- allowing the use of council resources for the advantage of a particular candidate or groups of candidates (other than a decision that allows the equal use of council resources by all candidates for the election).

5.3.1.2 If a Council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, the Council may apply, in writing, to the Minister for an exemption, the effect of which would be to allow the required designated decision to be made during the Caretaker Period.

5.3.1.3 An application for Ministerial exemption may only be made by resolution of Council.

Comment [VD14]: New clause

5.3.1.4 A designated decision made by Council during the Caretaker Period, without prior exemption from the Minister in contravention of legislation and this policy is invalid;

except where an exemption has been granted by the Minister for Local Government (the Minister).

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5.3.1.5 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by Council in contravention of legislation and this policy is entitled to compensation from the Council for that loss or damage.

5.3.1.6 ~~The table of policy decisions or exercise of delegated powers at Schedule 1 - Table of Major Policy Decisions (Attached) outlines those decisions or activities which are expressly prohibited by legislation and/or this policy.~~

Comment [VD15]: Moved up from 5.4.3.1

5.3.2 Exclusions from Designated Decisions

Comment [VD16]: New heading to clarify what is excluded from being a designated decision

5.3.1.3 A decision is excluded from the definition of designated decision if:

5.3.2.1 The decision is to enter into a contract, arrangement or understanding (other than a prescribed contract) for the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding year and:

- relates to the carrying out of works in response to an emergency or disaster within the meaning of *Emergency Management Act 2004*, or under s298 of the *Local Government Act 1999*; or
- is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
- relates to the employment of a particular CWT employee (other than the CEO); or
- is made in the conduct of negotiations relating to the employment of CWT employees generally, or a class of CWT employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
- relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;

5.3.2.2 The decision relates to the suspension of a CEO for serious and wilful misconduct.

5.3.2 Extraordinary Circumstances Requiring Exemption

Comment [VD17]: Included at 5.3.1

5.3.2.1 ~~If Council determines that there are extraordinary circumstances which require the making of a designated decision during the Caretaker Period, it must apply in writing to the Minister for an exemption.~~

5.3.2.2 ~~An application for Ministerial exemption may only be made by resolution of Council.~~

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5.3.3 Scheduling Consideration of Major Policy Decisions

5.3.3.1 ~~The determination as to whether any policy decision is major will be made by the CEO.~~

Comment [VD18]: Previously stated GM Organisational Support.

5.3.3.2 So far as is reasonably practical, the CEO will avoid scheduling major policy decisions for consideration during a Caretaker Period and will ensure that such decisions are either:

a) Considered by Council prior to the Caretaker Period; ~~or and beginning of caretaker mode.~~

Comment [VD19]: Removed as repetitive

b) Scheduled for determination by the Incoming Council.

5.3.3.2 Any person who is unsure whether a particular decision falls within the operation of this clause should consult the General Manager ~~Organisational Support.~~ Business and Community Services.

5.3.3.3 All items listed within a Council agenda during the Caretaker Period will be assessed ~~by the General Manager Organisational Support for by the CEO for~~ compliance with this policy.

5.3.4 Major Policy Decisions during Caretaker Period

5.3.4.1 ~~The table of policy decisions or exercise of delegated powers at Schedule 1 – Table of Major Policy Decisions (Attached) outlines those decisions or activities which are expressly prohibited by the Local Government Act 1999 and/or the Local Government (Elections) Act 1999 and/or this policy.~~

Comment [VD20]: Moved to 5.1.3.6

5.3.5 Considerations for the Chief Executive Officer in Granting Approval

5.3.5.1 ~~Where the CEO has discretionary approval under this policy, which is not expressly prohibited by clauses 5.3.1.3 and 5.3.1.4, the CEO will have regard to the following criteria:~~

Comment [VD21]: This has been moved to down to clause 5.4.4 incorporate approvals for policy decisions and approvals for public consultation

- ~~Whether the decision is 'significant';~~
- ~~The urgency of the issue;~~
- ~~The possibility of financial repercussions or other consequences both for the current Council and the incoming Council if it is deferred;~~
- ~~The nature of the decision, i.e:~~
 - ~~Will it be controversial?~~
 - ~~Will it provoke considerable public interest?~~
 - ~~Will it provoke considerable media attention?~~
- ~~The best interests of the Council and the CWT.~~

5.3.6 Appointment or Removal of the CEO Period

Comment [VD22]: Included at 5.3.1

5.4 Publications During the Caretaker Period

Comment [VD23]: Moved to clause 5.5

5.4.1 Elected Members' campaign material

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5.4.1.1 Elected Members' campaign materials must not purport that the material originates from, or is authorised by, Council (eg by the use of Council logos).

5.4.2 Council Publications

5.4.2.1 CWT will publish election material, as required by the relevant acts, including (but not limited to) material in a range of media that:

- provides information about the elections;
- promotes public participation in the elections;
- seeks candidate nominations;
- is information relating to those candidates who are standing within each area/ward;
- the conduct of the elections; and
- the outcome of the elections.

5.4.2.2 Council publicity and communications, not related to the elections, will be restricted to promoting normal Council activities and services.

5.4.2.3 Council publications produced before a Caretaker Period but which contain material that could be used in connection with the elections, other than strictly relating to the election process, will not to be circulated or displayed during the Caretaker Period.

5.4.2.4 While Council is required by s131 of the *Local Government Act 1999* to prepare, adopt and put on public display a copy of its Annual Report before November 30 of each year, during the Caretaker Period the Annual Report will not contain material that could be regarded as overt electioneering or that inappropriately promotes individual Elected Members.

5.4.3 Council Website

5.4.3.1 Any information which refers to the elections which is made available on the website, including on social media, will only relate to the election process by way of information, education or publicity as required by legislation or as directed by the ECSA.

5.4.3.2 During a Caretaker Period, new material which is precluded by this policy or legislation will not be placed on the CWT website or on social media.

5.4.3.3 During the Caretaker Period, information provided about Elected Members will be restricted to names, contact details, titles and their membership on Council Committee(s) or other bodies as a Council representative.

5.4 Public Consultation during the Caretaker Period

5.4.1 Mandatory Public Consultation

~~5.4.1.1~~ Any mandatory public consultation as required by legislation detailed in the Local Government Act 1999 or other Acts relating to local government ~~(for example the Development Act 1993)~~ can be undertaken during the Caretaker Period. ~~however,~~ Public consultation that is not legislatively mandated and relates to a topical or contentious issue is subject to approval of the CEO prior to its commencement.

Comment [VD24]: Removed reference to Acts

5.4.2 Approved Public Consultation

If public consultation has been approved by the CEO:

- 5.4.2.1 The result of that consultation will not be reported to Council until after the completion of the Caretaker Period, i.e. to the incoming Council.
- 5.4.2.2 Approved consultations will avoid express or implicit links to the election.
- 5.4.2.3 The CEO reserves the right to postpone a consultation at any time during the Caretaker Period if he/she comes to the view that the issue may affect voting.

5.4.3 Publicity Campaigns

- 5.4.3.1 During the Caretaker Period, publicity campaigns (other than for the purpose of conducting and promoting the election) will be avoided wherever possible.
- 5.4.3.2 Any publicity campaign that is considered necessary must be approved by the CEO.
- 5.4.3.3 Approved publicity during the Caretaker Period will be restricted to communicating normal activities and initiatives.

5.4.4 Considerations for the Chief Executive Officer in Granting Approvals

When the CEO has discretionary approval under this policy, the CEO will have regard to the following criteria:

- Whether the decision is 'significant';
- The urgency of the issue;
- The possibility of financial repercussions or other consequences both for the current Council and the incoming Council if the decision is deferred;
- The nature of the decision, i.e.:
 - Will it be controversial?
 - Will it provoke considerable public interest?
 - Will it provoke considerable media attention?
- The public interest.

Comment [VD25]: Amended from best interests of Council and the CWT

5.5 Publications during the Caretaker Period

5.5.1 Elected Members' campaign material

5.5.1.1 Elected Members' campaign materials must not purport that the material originates from, or is authorised by Council and/or CWT (e.g. by the use of Council logos).

5.5.2 Council Publications

5.5.2.1 CWT will publish election material, as required by the relevant acts, including (but not limited to) material in a range of media that:

- provides information about the elections;
- promotes public participation in the elections;
- seeks candidate nominations;
- is information relating to those candidates who are standing within each area/ward;
- the conduct of the elections; and
- the outcome of the elections.

5.5.2.2 Council publicity and communications, not related to the elections, will be restricted to promoting normal council activities and services.

5.5.2.3 Council publications produced before a Caretaker Period but which contain material that could be used in connection with the elections, other than strictly relating to the election process, will not to be circulated or displayed during the Caretaker Period.

5.5.2.4 While Council is required by s131 of the *Local Government Act 1999* to prepare, adopt and put on public display a copy of its Annual Report before November 30 of each year, during the Caretaker Period the Annual Report will not contain material that could be regarded as overt electioneering or that inappropriately promotes individual Elected Members.

5.5.2.5 During the Caretaker Period, information from an individual Elected Member or articles written by Elected Members will be excluded from Talking Points. The edition immediately following the election will contain information on the new Council in lieu of individual Elected Member comment.

5.5.3 Council Website

5.5.3.1 Any information which refers to the elections which is made available on the website, including on social media, will only relate to the election process by way of information, education or publicity as required by legislation or as directed by the ECSA.

5.5.3.2 During a Caretaker Period, new material which is precluded by this policy or legislation will not be placed on the CWT website or on social media.

Comment [VD26]: Clause has been moved; content remains the same

Comment [VD27]: Reference to Council Policy Talking Points

City of West Torrens Policy - Elections Period Caretaker Policy

5.5.3.3 During the Caretaker Period, information provided about Elected Members will be restricted to names, contact details, titles and their membership on Council Committee(s) or other bodies as a Council representative.

5.6 Elected Member Attendance at Events and Functions during the Caretaker Period

5.6.1 Events Staged by External Bodies

- 5.6.1.1 Elected Members may continue to attend events and functions staged by external bodies during a Caretaker Period (see Council Policy - Elected Members Gifts, Benefits and Hospitality).
- 5.6.1.2 Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the CWT must not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate's electoral campaigns.
- 5.6.1.3 Unless there is a requirement to do so, Elected Members will not ~~to be~~ appointed to positions on external bodies or authorities during the Caretaker Period.

5.6.2 Council Events and Functions

- 5.6.2.1 Council events and functions held during the Caretaker Period will be reduced to only those essential to the operation of the Council. These events and functions should not in any way be associated with any issues considered topical or relevant to the election.
- 5.6.2.2 All known candidates are to be invited to Council organised events and functions during the Caretaker Period.

5.6.3 Addresses by Elected Members

- 5.6.3.1 Elected Members may continue to make speeches related to Council business at events staged by external bodies during the Caretaker Period, however, the speech must not have any political reference which may be construed as giving a sitting Member any advantage.
- 5.6.3.2 Elected Members who are also election candidates must not give speeches or keynote addresses other than short welcome speeches at Council organised or sponsored events and functions during a Caretaker Period. ~~Elected Members may make short welcome speeches at events or functions organised or sponsored by the CWT during the Caretaker Period.~~

5.6.4 Publication of Promotional Material

- 5.6.4.1 Any material concerning a Council organised or sponsored function or event which is to be published or distributed during the Caretaker Period must be consistent with clause 5.5.4 of this policy.

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5.7 Council Resources

5.7.1 General

- 5.7.1.1 Council resources must not be used to assist any candidate's campaign during the Caretaker Period.
- 5.7.1.2 The Administration will ensure due propriety is observed in the use of all Council resources and CWT employees are required to exercise appropriate discretion in that regard.
- 5.7.1.3 In circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, such use must be referred to the CEO for approval.
- 5.7.1.4 Elected Members must not, in any way, exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.
- 5.7.1.5 Elected Members must not use their position as a member of Council or information obtained in their role as an Elected Member to, directly or indirectly, gain an advantage for themselves or for another person as serious criminal penalties apply under s254 of the *Criminal Law Consolidation Act 1935* and s62(3) and 62(4) of the *Local Government Act 1999*. Any alleged breaches will be reported to the OPI as required by the *ICAC Act 2012* [and the Directions and Guidelines for Public Officers.](#)

5.7.2 Expenses Incurred by Elected Members

- 5.7.2.1 Reimbursement (or payment) of Elected Member expenses during the Caretaker Period will only apply to those costs that have been incurred in the performance of normal Council duties and approved by the CEO.
- 5.7.2.2 Reimbursements will not be provided for election campaign expenses or for expenses that could be perceived as being related to a candidate's election campaign.

5.7.3 Council Branding and Stationery

- 5.7.3.1 [Elected Members should ensure that their Council business cards are used only for purposes associated with the normal role as an Elected Member in servicing their electorate. They must not be used for, or linked in any way, to a candidate's election campaign.](#)
- 5.7.3.2 [Council logos, -stationery-, or other CWT branding, must not be used for, or linked in any way, to a candidate's election campaign.](#)
- 5.7.3.3 [Elected Members should ensure that their Council business cards are used only for purposes associated with the normal role as an Elected Member in servicing their electorate.](#)

City of West Torrens Policy - Elections Period Caretaker Policy

5.7.3.3 Elected Members' business cards must not be used in a manner that supports their election campaign or other election purpose.

5.7.3.4 During the Caretaker Period, Elected Members must ensure that any publications bearing their name will not include their position title, i.e. Cr John Smith. Preferred use would be John Smith, Councillor for the City of West Torrens.

5.7.4 Council Equipment and ~~Infrastructure~~Facilities

5.7.4.1 ~~Equipment and facilities provided to Elected Members for the purpose of conducting normal Council business such as, but not limited to, telephones, photocopiers, internet connections, must not be used for campaigning purposes.~~

~~Council equipment and infrastructure, including the use of photocopiers, stationery or computer equipment, must not be used for any election campaign activities.~~

5.7.4.2 Elected Members who have Council funded services, such as mobile phones, landlines, iPads, and internet connections must only use these Council resources for normal Council business and must not be used to assist them in their, or others, election campaign(s).

5.7.4.3 Any use of Council funded equipment ~~or facilities~~ for election campaigns could result in an allegation of misconduct or corruption under the *ICAC Act 2012* ~~and subject to a complaint to the OPI.~~

5.7.5 CWT Employees

5.7.5.1 CWT employees will continue to provide the normal level of support to the Mayor and Elected Members during the Caretaker Period.

5.7.5.2 Elected Members must not ask CWT employees, including in their private capacity, to undertake any tasks directly or indirectly connected to an election campaign.

5.7.5.3 Any Elected Member involved with requesting assistance from a CWT employee with election campaigning ~~would may~~ be in breach of the Code and s252 of the *Criminal Law Consolidation Act 1935* and could ~~result in an allegation of misconduct or corruption under the ICAC Act 2012, and~~ be subject to a complaint to the OPI.

5.7.5.4 CWT employees who assist an Elected Member in relation to their election campaign ~~will may~~ be in breach of the Code of Conduct for Council Employees and s251 of the *Criminal Law Consolidation Act 1935*. ~~Alleged breaches must be reported to the OPI and Such behaviour could result in a complaint to the OPI.~~
~~n an allegation of misconduct or corruption under the ICAC Act 2012 and be subject to a complaint to the OPI.~~

5.7.6 Correspondence

5.7.6.1 General correspondence addressed to Elected Members will be answered in the usual manner. However, Elected Members will sign only the necessary minimum of correspondence during a Caretaker Period.

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- 5.7.6.2 Correspondence in relation to significant, sensitive or controversial matters should be signed by the CEO. Replies will be prepared in a manner to protect Council from any perceptions of political bias.

5.8 Access to Council Information

5.8.1 Information and Briefing Materials

- 5.8.1.1 All candidates can access any information that is publicly available and can be provided within reasonable resource limits.
- 5.8.1.2 Elected Members retain their statutory right to access Council information relevant to the performance of their function as Elected Members. However, this access should be exercised with caution and be limited to matters that the Council has under active consideration.
- 5.8.1.3 Any information that the Council holds, other than that determined by the [Council Contact Officer-CEO](#) to be relevant to informing the public about the conduct of an election, must not be used for election purposes. Any improper use will be a breach of the [Code of Conduct](#) and may be a breach of section 62(3) of the *Local Government Act 1999* and s251 of the *Criminal Law Consolidation Act 1935*.

5.8.2 Information Request Register

- 5.8.2.1 An Information Request Register will be maintained by the [Council Contact Officer-CEO](#) during the Caretaker Period. This register will be a public document that records all the requests for information made by candidates, and the response given to those requests, during the Caretaker Period.
- 5.8.2.2 If information requests are made by candidates directly to a CWT employee, [other than a member of the Management Team](#), the CWT employee will advise the candidate that the request will be transferred to the [relevant General ManagerCEO](#).
- 5.8.2.3 Any requests for information not publicly available, or that require excessive use of resources, will be managed in accordance with the *Freedom of Information Act 1991*.

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5.9 Media and Communications

5.9.1 Media Advice

- 5.9.1.1 The CWT Media and Events department will continue promoting normal council business which has been endorsed or is supported by Council and/or the CEO during the Caretaker Period. However, publications should be written in a way that does not result in a perception that the publication favours a particular candidate or group of candidates.
- 5.9.1.2 Media advice will not be provided to candidates or Elected Members in relation to election issues or in regard to publicity that involves individual Elected Members.
- 5.9.1.3 Any requests for media advice or assistance by Elected Members during the Caretaker Period will be referred to the CEO. If satisfied that advice sought by an Elected Member during the Caretaker Period is not for personal gain the CEO may authorise the provision of a response to such a request.

5.9.2 Media Releases / Spokespersons

- 5.9.2.1 While in Caretaker Mode, if it is necessary to identify a spokesperson, other than the CEO, the CEO will nominate an appropriate spokesperson.

5.9.3 Elected Members and Media

- 5.9.3.1 Elected Members must not use their position or their access to Council resources to gain media attention in support of, or to the detriment of, their own or any other candidate's election campaign. To do so, would be in breach of the Code and s251 of the *Criminal Law Consolidation Act 1935* and could result in an allegation of misconduct or corruption under the ICAC Act 2012, and be subject to a complaint to the OPI.
- 5.9.3.2 Press releases or other such media statements will not feature any photograph, quote or name of Elected Members during the Caretaker Period
- 5.9.3.3 To ensure Elected Members are afforded the same opportunities as other candidates, individual Elected Members may make statements as candidates in the election provided that they are clearly communicated as personal opinions and do not undermine the standing of the Council in the community.
- 5.9.3.4 Elected Members may refer to adopted Council policies or decisions but there should be a clear distinction between the adopted Council position and any political commentary the candidate may wish to make.

5.9.3.4 In order to ensure that all candidates are afforded the same opportunities to promote their election campaign, Elected Members

Comment [VD28]: New clause referring to social media

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must not use their councillor social media pages during the Caretaker Period.

5.9.4 CWT Employees

5.9.4.1 During the Caretaker Period, no CWT employee other than the CEO (or a nominee of the CEO) may make any public statement(s).

5.9.4.2 Any CWT employee that breaches the provisions of this policy could be subject to investigation for misconduct and referral to the OPL in accordance with the ICAC Act 2012.

5.10 Equity in Assistance to Candidates

5.10.1 Candidate Assistance and Advice

5.10.1.1 Any assistance and advice provided to candidates, as part of the conduct of the election, will be provided equally to all candidates.

5.10.1.2 The Administration will liaise with ECSA to confirm dates for candidate information sessions to be held prior to the opening of nominations and during the nomination period.

5.10.2 Election Process Enquiries

5.10.2.1 All election process enquiries from candidates will be directed to the Returning Officer, or where the matter is outside the responsibilities of the Returning Officer, to the Council Contact Officer or Council Liaison Officers.

5.11 Complaints and Grievances

5.11.1 Alleged Breaches of the Local Government (Elections) Act 1999

5.11.1.1 Allegations of breaches of the Local Government (Elections) Act 1999 should be made to the ECSA.

5.11.1.2 Allegations of breaches of the Local Government (Elections) Act 1999, made to the CEO, will be referred to ECSA.

5.11.2 Alleged Breaches of Part 2 of the Code of Conduct for Council Members (refer clauses 2.17 to 2.25)

5.11.2.1 Complaints or grievances that allege the behaviour of an Elected Member during the Caretaker Period constitutes a breach of *Part 2 - Behavioural Code of the Council Members Code of Conduct* must be submitted, in writing to the CEO detailing the clauses alleged to have been breached and relevant evidence.

5.11.2.2 On receipt of such a complaint, the CEO will assess whether the complaint is vexatious or frivolous. If the CEO finds that the complaint is vexatious and/or frivolous then the matter will not be investigated and the complainant advised, in writing, accordingly.

5.11.2.3 If the CEO determines the complaint is not vexatious or frivolous he/she will ensure a full investigation is undertaken which could include referral to an external investigator.

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5.11.2.4 In the event the investigation confirms that Part 2 of the *Council Members Code of Conduct* has been breached the CEO will, in line with clause 2.24 of the Code of Conduct, ensure a report into the matter is presented to a public meeting of Council (within three weeks of receipt of the investigation outcome report in the instance that the investigation has been undertaken by an external body).

5.11.2.5 Following consideration of this report, Council may by resolution and in accordance with clause 2.25 of the Code:

- Take no action
- Pass a censure motion in respect of the Council Member
- Request a public apology, whether written or verbal
- Request the Elected Member to attend training on the specific subject found to have been breached
- Resolve to remove or suspend the Elected Member from a position within the Council (not including the Member's elected position on Council)
- Request the Elected Member to repay monies to Council.

5.11.3 Alleged Breaches of Part 3 of the Code of Conduct for Council Members

5.11.3.1 Allegations that constitute a breach of Part 3 of the Code during the Caretaker Period can be made to the CEO, the Ombudsman, the OPI or the ECSA (if it relates to a breach of clause 3.8 of the Code regarding campaign donations).

5.11.3.2 Any such allegation must be made in writing and provide tangible evidence.

~~5.11.3.2a~~ A public officer who makes a complaint to the OPI must have regard to Section 11 of the [Directions and Guidelines for Inquiry Agencies, Public Authorities and Public Officers](#) issued by the ICAC.

5.11.3.3 In accordance with the Code, the CEO will refer any allegation that constitutes a breach of Part 3 of the Code to the Ombudsman for investigation in accordance with s263 of the *Local Government Act 1999*.

5.11.3.4 The CEO will ensure, in accordance with the provisions contained within the Code, that a report from the Ombudsman which finds an Elected Member has breached Part 3 of the Code is presented to a public meeting of Council.

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SCHEDULE 1 - Table of Major Policy Decisions

MAJOR DECISIONS		
Proposed Decision	Status/Comment	Who this Impacts?
Entering into a contract (other than a prescribed contract) with a total value exceeding either \$100,000 or 1% of Council's rate revenue (based on the preceding financial year figures), whichever is the greater, in a Caretaker Period pursuant to Section 56 of the <i>Local Government Act 1999</i> .	This is considered a major policy decision in the best interest of accountability and transparency. Under normal operations, this decision can only be carried out by the Council or via a position with delegated powers.	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a contract with a total value exceeding \$100,000 where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a lease if the rent payable by the lessee at any time exceeds \$100,000.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
The appointment or dismissal of a CEO in a Caretaker Period or where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	Restricted. Only in the case of <u>suspected serious or wilful misconduct by the CEO - an emergency</u> can the Council act to suspend the current CEO. <u>An acting CEO may be appointed with a formal appointment to be made after the completion of the election, pending the election, after which date a permanent decision can be made.</u>	<ul style="list-style-type: none"> • Council • CEO Review Panel
The variation of the CEO's remuneration in a Caretaker Period.	Restricted	<ul style="list-style-type: none"> • Council • CEO Review Panel
The execution of an irrevocable decision that has significant impacts on the Council, Council area or Community.	Restricted unless approval is granted by the CEO.	<ul style="list-style-type: none"> • Council • CEO and Executive
Any other significant decision not	Restricted unless approval is	<ul style="list-style-type: none"> • CEO

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specified above which will bind the incoming Council. This includes the awarding of grant funding.	granted by the CEO.	
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Comment [VD29]: Inclusion of grant funding of being withheld unless exception granted by CEO

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CITY OF WEST TORRENS



Council Policy: Elections Period Caretaker Policy

Classification:	Council Policy
First Issued:	October 2009
Dates of Review:	3 March 2010, 1 July 2014, January 2018
Version Number:	3
Objective ID	A2092543
Next Review Due:	June 2022 (within 12 months of a periodic election)
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 • Local Government (Elections) Act 1999 • Local Government (Elections) Regulations 2010 • Criminal Law Consolidation Act 1935 • Independent Commissioner Against Corruption Act 2012 • Freedom of Information Act 1991 • Independent Commissioner Against Corruption Directions and Guidelines
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> • Code of Conduct for Council Members • Code of Conduct for Council Employees • Council Policy - Procurement • Council Policy - Sale and Disposal of Assets • Council Policy - Talking Points • Elected Members Attendance at Conferences Council Policy • Elected Member Gifts, Benefits and Hospitality Council Policy
Associated Forms:	
Note:	
Responsible Manager:	Chief Executive Officer

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Confirmed by General Manager:	General Manager Business and Community Services	Date	1 June 2018
Endorsed by Council:		Date	

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City of West Torrens Policy - Elections Period Caretaker Policy

COUNCIL POLICY - Elections Period Caretaker Policy

1. Preamble

- 1.1 The City of West Torrens (CWT) is required by s91A of the *Local Government (Elections) Act 1999* to adopt a caretaker policy and assume a "caretaker mode" for a minimum period of seven (7) weeks prior to a periodic local government election, to avoid actions and designated decisions which could be perceived as:

- intended to influence the conduct of the elections; and/or
- influencing voters; and/or
- having significant impact on candidates; and/or
- limiting the decision making ability of the incoming Council.

2. Purpose

- 2.1 This policy articulates the standards that are regarded as necessary for the promotion of transparent and accountable government during Caretaker Periods. It has been developed to ensure that:

- 2.1.1 The statutory requirements of s91A of the *Local Government (Elections) Act 1999*, s57 of the *Local Government Act 1999* and related regulations and legislation are met.
- 2.1.2 The responsibilities of Council and CWT employees during a Caretaker Period are clearly documented, accountable and transparent.
- 2.1.3 The Council continues to fulfil its responsibilities, with each Elected Member meeting their commitment as a member of the incumbent Council during the Caretaker Period.
- 2.1.4 The incumbent Council does not inappropriately make decisions that will be binding on an incoming Council and/or limit its decision making ability.
- 2.1.5 The election campaigns of incumbent Elected Members are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.
- 2.1.6 The day to day business and level of services of the CWT continue efficiently, in a normal manner and are not impacted by the elections.
- 2.1.7 Council resources are not diverted to, or influenced by, campaign purposes or used to improperly advantage incumbent Elected Members as candidates in the election.
- 2.1.8 CWT employees understand the required behaviours and expectations placed on them during an election, including the requirement to act impartially in relation to all candidates.

3. Scope

- 3.1 The policy applies for the duration of the Caretaker Period to Council, Elected Members, Elected Members who are electoral candidates, independent Audit and Risk Committee members, Council Assessment Panel members and employees of the CWT.

City of West Torrens Policy - Elections Period Caretaker Policy

- 3.2 This policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period.
- 3.3 This policy does not apply to statutory requirements or matters required by law (for example, the production of the Annual Report and matters that are required to be reviewed pursuant to legislation).
- 3.4 The Policy does not apply to supplementary elections.

4. Definitions

- 4.1 **Campaign Material** means the information and resources used by and in relation to individual candidate's election campaigns.
- 4.2 **Candidate** means any person (including a current Elected Member) who has lodged a valid nomination for the purpose of a forthcoming Local Government periodic or general election (the election) with the Electoral Commission of South Australia (ECSA).
- 4.3 **Caretaker Mode** relates to the protocols to be observed during a caretaker period.
- 4.4 **Caretaker Period** means the period that commences the day of closing of nominations (18 September 2018) to the 'conclusion of the election' as defined in s4(2) of the *Local Government Act 1999* for the relevant periodic or general election being the time at which the last result of the election is certified by the Returning Officer.
- 4.5 **Chief Executive Officer** means the appointed CEO or any person acting in that capacity.
- 4.6 **Council Contact Officer** means the person nominated by the CEO and appointed by the ESCA to liaise with the ECSA and manage CWT's responsibilities throughout Council elections.
- 4.7 **Council Liaison Officers** are those people nominated by the CEO to assist the Council Contact Officer during Council elections.
- 4.8 **Council Resources** includes (but is not limited to), for the purposes of this policy, employees, support staff, volunteers, hospitality (including venue and function facilities), equipment, materials published by Council, access to Council information, media services, machinery, electronic facilities, photographs and stationery.
- 4.9 **CWT Employee** means all employees covered by the *CWT Health Services Employees Enterprise Agreement*, *CWT Enterprise Agreement (Local Government Employees)*, *CWT Municipal Officers Enterprise Agreement*, contractors, volunteers, and support staff.
- 4.10 **Designated Decision** means a decision that is not able to be made in accordance with s91A of the *Local Government (Elections) Act 1999* (refer to clause 5.3.1.1).
- 4.11 **ECSA** means the Electoral Commission of South Australia and/ or the Electoral commissioner of South Australia.
- 4.12 **Elected Members** means the Mayor and Councillors of the CWT.
- 4.13 **Electoral Officer** means a person appointed as an electoral officer under the *Local Government (Elections) Act 1999* and includes the returning officer and the deputy returning officer.
- 4.14 **Election/Electoral Material** means the information and promotional material produced by the CWT, the Local Government Association or ECSA related to the election.

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- 4.15 **Events and Functions** means formal and informal gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities or social occasions such as dinners, receptions and balls.
- 4.16 **Independent Commissioner Against Corruption (ICAC)** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 4.17 **Major Policy Decision** is any decision which has a significant impact on the 'normal' operations of Council.
- See **Schedule 1** for the *Major Policy Decisions Table* for further details and examples. A major policy decision is not limited to those examples included on this list.
- 4.18 **Office for Public Integrity (OPI)** means the entity that it is the point of contact for any person wishing to make a complaint or report under the *Independent Commissioner Against Corruption Act 2012*.
- 4.19 **Prescribed Contract** means a contract entered into by Council for the purpose of undertaking:
- Road construction or maintenance; or
 - Drainage works.
- 4.20 **Public Consultation** means, for the purposes of this policy, the process of inviting public comment on a proposed Council action, decision or issue.

5. Policy Statement

5.1 Initiating Caretaker Period

- 5.1.1 The caretaker mode commences at the beginning of the Caretaker Period, i.e. 7 weeks from the close of nominations (18 September 2018) to the conclusion of the elections.
- 5.1.1 The CEO will ensure, as far as possible, the provision of 30 days advance notice to Elected Members, independent m

City of West Torrens Policy - Elections Period Caretaker Policy

members of Council Committees, CWT employees and the public of the commencement date of the Caretaker Period.

- 5.1.1 The CEO will endeavour to ensure that all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

5.2 **Code of Conduct**

- 5.2.1 This policy is taken to form part of the *Code of Conduct for Council Members* (the Code) and the *Code of Conduct for Council Employees* throughout the duration of the Caretaker Period.

5.3 **Policy Decisions**

5.3.1 **Designated Decisions**

- 5.3.1.1 Section 91A of the *Local Government (Elections) Act 1999* prescribes that the Council are expressly prohibited from making designated decisions during the Caretaker Period. A designated decision means a decision:
- relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an Acting Chief Executive Officer; or
 - to terminate the employment of a Chief Executive Officer; or
 - to enter into a contract, arrangement or understanding (other than a prescribed contract) for the total value of which exceeds whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year; or;
 - allowing the use of council resources for the advantage of a particular candidate or groups of candidates (other than a decision that allows the equal use of council resources by all candidates for the election).
- 5.3.1.2 If a Council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, the Council may apply, in writing, to the Minister for an exemption, the effect of which would be to allow the required designated decision to be made during the Caretaker Period.
- 5.3.1.3 An application for Ministerial exemption may only be made by resolution of Council.
- 5.3.1.4 A designated decision made by Council during the Caretaker Period, without prior exemption from the Minister is invalid.
- 5.3.1.5 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by Council in contravention of legislation and this policy is entitled to compensation from the Council for that loss or damage.
- 5.3.1.6 The table of policy decisions or exercise of delegated powers at *Schedule 1 - Table of Major Policy Decisions (Attached)* outlines those

decisions or activities which are expressly prohibited by legislation and/or this policy.

5.3.2 Exclusions from Designated Decisions

A decision is excluded from the definition of designated decision if:

- 5.3.2.1 The decision is to enter into a contract, arrangement or understanding (other than a prescribed contract) for the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding year and:
- relates to the carrying out of works in response to an emergency or disaster within the meaning of *Emergency Management Act 2004*, or under s298 of the *Local Government Act 1999*; or
 - is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
 - relates to the employment of a particular CWT employee (other than the CEO); or
 - is made in the conduct of negotiations relating to the employment of CWT employees generally, or a class of CWT employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
 - relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;
- 5.3.2.2 The decision relates to the suspension of a CEO for serious and wilful misconduct.

5.3.3 Consideration of Major Policy Decisions

- 5.3.3.1 The determination as to whether any policy decision is major will be made by the CEO.
- 5.3.3.2 So far as is reasonably practical, the CEO will avoid scheduling major policy decisions for consideration during a Caretaker Period and will ensure that such decisions are either:
- a) Considered by Council prior to the Caretaker Period; or
 - b) Scheduled for determination by the incoming Council.
- 5.3.3.2 Any person who is unsure whether a particular decision falls within the operation of this clause should consult the General Manager Business and Community Services.

- 5.3.3.3 All items listed within a Council agenda during the Caretaker Period will be assessed by the CEO for compliance with this policy.

5.4 Public Consultation during the Caretaker Period

5.4.1 Mandatory Public Consultation

Any mandatory public consultation as required by legislation relating to local government can be undertaken during the Caretaker Period. Public consultation that is not legislatively mandated and relates to a topical or contentious issue is subject to approval of the CEO prior to its commencement.

5.4.2 Approved Public Consultation

If public consultation has been approved by the CEO:

- 5.4.2.1 The result of that consultation will not be reported to Council until after the completion of the Caretaker Period, i.e. to the incoming Council.
- 5.4.2.2 Approved consultations will avoid express or implicit links to the election.
- 5.4.2.3 The CEO reserves the right to postpone a consultation at any time during the Caretaker Period if he/she comes to the view that the issue may affect voting.

5.4.3 Publicity Campaigns

- 5.4.3.1 During the Caretaker Period, publicity campaigns (other than for the purpose of conducting and promoting the election) will be avoided wherever possible.
- 5.4.3.2 Any publicity campaign that is considered necessary must be approved by the CEO.
- 5.4.3.3 Approved publicity during the Caretaker Period will be restricted to communicating normal activities and initiatives.

5.4.4 Considerations for the Chief Executive Officer in Granting Approvals

When the CEO has discretionary approval under this policy, the CEO will have regard to the following criteria:

- Whether the decision is 'significant';
- The urgency of the issue;
- The possibility of financial repercussions or other consequences both for the current Council and the incoming Council if the decision is deferred;
- The nature of the decision, i.e.:
 - Will it be controversial?
 - Will it provoke considerable public interest?
 - Will it provoke considerable media attention?
- The public interest.

5.5 Publications during the Caretaker Period

5.5.1 Elected Members' campaign material

- 5.4.1.1 Elected Members' campaign materials must not purport that the material originates from, or is authorised by Council and/or CWT (e.g. by the use of Council logos).

5.5.2 Council Publications

- 5.5.2.1 CWT will publish election material, as required by the relevant acts, including (but not limited to) material in a range of media that:
- provides information about the elections;
 - promotes public participation in the elections;
 - seeks candidate nominations;
 - is information relating to those candidates who are standing within each area/ward;
 - the conduct of the elections; and
 - the outcome of the elections.
- 5.5.2.2 Council publicity and communications, not related to the elections, will be restricted to promoting normal council activities and services.
- 5.5.2.3 Council publications produced before a Caretaker Period but which contain material that could be used in connection with the elections, other than strictly relating to the election process, will not to be circulated or displayed during the Caretaker Period.
- 5.5.2.4 While Council is required by s131 of the *Local Government Act 1999* to prepare, adopt and put on public display a copy of its Annual Report before November 30 of each year, during the Caretaker Period the Annual Report will not contain material that could be regarded as overt electioneering or that inappropriately promotes individual Elected Members.
- 5.5.2.5 During the Caretaker Period, information from an individual Elected Member or articles written by Elected Members will be excluded from Talking Points. The edition immediately following the election will contain information on the new Council in lieu of individual Elected Member comment.

5.5.3 Council Website

- 5.5.3.1 Any information which refers to the elections which is made available on the website, including on social media, will only relate to the election process by way of information, education or publicity as required by legislation or as directed by the ECSA.
- 5.5.3.2 During a Caretaker Period, new material which is precluded by this policy or legislation will not be placed on the CWT website or on social media.

- 5.5.3.3 During the Caretaker Period, information provided about Elected Members will be restricted to names, contact details, titles and their membership on Council Committee(s) or other bodies as a Council representative.

5.6 Elected Member Attendance at Events and Functions during the Caretaker Period

5.6.1 Events Staged by External Bodies

- 5.6.1.1 Elected Members may continue to attend events and functions staged by external bodies during a Caretaker Period (see Council Policy - Elected Members Gifts, Benefits and Hospitality).
- 5.6.1.2 Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the CWT must not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate's electoral campaigns.
- 5.6.1.3 Unless there is a requirement to do so, Elected Members will not be appointed to positions on external bodies or authorities during the Caretaker Period.

5.6.2 Council Events and Functions

- 5.6.2.1 Council events and functions held during the Caretaker Period will be reduced to only those essential to the operation of the Council. These events and functions should not in any way be associated with any issues considered topical or relevant to the election.
- 5.6.2.2 All known candidates are to be invited to Council organised events and functions during the Caretaker Period.

5.6.3 Addresses by Elected Members

- 5.6.3.1 Elected Members may continue to make speeches related to Council business at events staged by external bodies during the Caretaker Period, however, the speech must not have any political reference which may be construed as giving a sitting Member any advantage.
- 5.6.3.2 Elected Members who are also election candidates must not give speeches or keynote addresses, other than short welcome speeches, at Council organised or sponsored events and functions during a Caretaker Period.

5.6.4 Publication of Promotional Material

- 5.6.4.1 Any material concerning a Council organised or sponsored function or event which is to be published or distributed during the Caretaker Period must be consistent with clause 5.5 of this policy.

5.7 Council Resources

5.7.1 General

- 5.7.1.1 Council resources must not be used to assist any candidate's campaign during the Caretaker Period.

City of West Torrens Policy - Elections Period Caretaker Policy

- 5.7.1.2 The Administration will ensure due propriety is observed in the use of all Council resources and CWT employees are required to exercise appropriate discretion in that regard.
- 5.7.1.3 In circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, such use must be referred to the CEO for approval.
- 5.7.1.4 Elected Members must not, in any way, exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.
- 5.7.1.5 Elected Members must not use their position as a member of Council or information obtained in their role as an Elected Member to, directly or indirectly, gain an advantage for themselves or for another person as serious criminal penalties apply under s254 of the *Criminal Law Consolidation Act 1935* and s62(3) and 62(4) of the *Local Government Act 1999*. Any alleged breaches will be reported to the OPI as required by the *ICAC Act 2012* and the Directions and Guidelines for Public Officers.

5.7.2 Expenses Incurred by Elected Members

- 5.7.2.1 Reimbursement (or payment) of Elected Member expenses during the Caretaker Period will only apply to those costs that have been incurred in the performance of normal Council duties and approved by the CEO.
- 5.7.2.2 Reimbursements will not be provided for election campaign expenses or for expenses that could be perceived as being related to a candidate's election campaign.

5.7.3 Council Branding and Stationery

- 5.7.3.1 Elected Members should ensure that their Council business cards are used only for purposes associated with the normal role as an Elected Member in servicing their electorate. They must not be used for, or linked in any way, to a candidate's election campaign.
- 5.7.3.2 Council logos, stationery, or other CWT branding, must not be used for, or linked in any way, to a candidate's election campaign.
- 5.7.3.3 Elected Members' business cards must not be used in a manner that supports their election campaign or other election purpose.
- 5.7.3.4 During the Caretaker Period, Elected Members must ensure that any publications bearing their name will not include their position title, i.e. Cr John Smith. Preferred use would be John Smith, Councillor for the City of West Torrens.

5.7.4 Council Equipment and Facilities

- 5.7.4.1 Equipment and facilities provided to Elected Members for the purpose of conducting normal Council business such as, but not limited to, telephones, photocopiers, internet connections, must not be used for campaigning purposes.

5.7.4.2 Elected Members who have Council funded services, such as mobile phones, landlines, iPads, and internet connections must only use these Council resources for normal Council business and must not be used to assist them in their, or others, election campaign(s).

5.7.4.3 Any use of Council funded equipment or facilities for election campaigns could result in an allegation of misconduct or corruption under the *ICAC Act 2012*.

5.7.5 CWT Employees

5.7.5.1 CWT employees will continue to provide the normal level of support to the Mayor and Elected Members during the Caretaker Period.

5.7.5.2 Elected Members must not ask CWT employees, including in their private capacity, to undertake any tasks directly or indirectly connected to an election campaign.

5.7.5.3 Any Elected Member involved with requesting assistance from a CWT employee with election campaigning may be in breach of the Code and s252 of the *Criminal Law Consolidation Act 1935* and could be subject to a complaint to the OPI.

5.7.5.4 CWT employees who assist an Elected Member in relation to their election campaign may be in breach of the Code of Conduct for Council Employees and s251 of the *Criminal Law Consolidation Act 1935*. Such behaviour could result in a complaint to the OPI.

5.7.6 Correspondence

5.7.6.1 General correspondence addressed to Elected Members will be answered in the usual manner. However, Elected Members will sign only the necessary minimum of correspondence during a Caretaker Period.

5.7.6.2 Correspondence in relation to significant, sensitive or controversial matters should be signed by the CEO. Replies will be prepared in a manner to protect Council from any perceptions of political bias.

5.8 Access to Council Information

5.8.1 Information and Briefing Materials

5.8.1.1 All candidates can access any information that is publicly available and can be provided within reasonable resource limits.

5.8.1.2 Elected Members retain their statutory right to access Council information relevant to the performance of their function as Elected Members. However, this access should be exercised with caution and be limited to matters that the Council has under active consideration.

5.8.1.3 Any information that the Council holds, other than that determined by the CEO to be relevant to informing the public about the conduct of an election, must not be used for election purposes. Any improper use will be a breach of the Code of Conduct and may be a breach of

City of West Torrens Policy - Elections Period Caretaker Policy

section 62(3) of the *Local Government Act 1999* and s251 of the *Criminal Law Consolidation Act 1935*.

5.8.2 Information Request Register

- 5.8.2.1 An Information Request Register will be maintained by the CEO during the Caretaker Period. This register will be a public document that records all the requests for information made by candidates, and the response given to those requests, during the Caretaker Period.
- 5.8.2.2 If information requests are made by candidates directly to a CWT employee, other than a member of the Management Team, the CWT employee will advise the candidate that the request will be transferred to the relevant General Manager.
- 5.8.2.3 Any requests for information not publicly available, or that require excessive use of resources, will be managed in accordance with the *Freedom of Information Act 1991*.

5.9 Media and Communications

5.9.1 Media Advice

- 5.9.1.1 The CWT Media and Events department will continue promoting normal council business which has been endorsed or is supported by Council and/or the CEO during the Caretaker Period. Publications should be written in a way that does not result in a perception that the publication favours a particular candidate or group of candidates.
- 5.9.1.2 Media advice will not be provided to candidates or Elected Members in relation to election issues or in regard to publicity that involves individual Elected Members.
- 5.9.1.3 Any requests for media advice or assistance by Elected Members during the Caretaker Period will be referred to the CEO. If satisfied that advice sought by an Elected Member during the Caretaker Period is not for personal gain the CEO may authorise the provision of a response to such a request.

5.9.2 Media Releases / Spokespersons

- 5.9.2.1 While in Caretaker Mode, if it is necessary to identify a spokesperson, other than the CEO, the CEO will nominate an appropriate spokesperson.

5.9.3 Elected Members and Media

- 5.9.3.1 Elected Members must not use their position or their access to Council resources to gain media attention in support of, or to the detriment of, their own or any other candidate's election campaign. To do so, would be in breach of the Code and s251 of the *Criminal Law Consolidation Act 1935* and. and be subject to a complaint to the OPI.
- 5.9.3.2 Press releases or other such media statements will not feature any photograph, quote or name of Elected Members during the Caretaker Period

City of West Torrens Policy - Elections Period Caretaker Policy

- 5.9.3.3 To ensure Elected Members are afforded the same opportunities as other candidates, individual Elected Members may make statements as candidates in the election provided that they are clearly communicated as personal opinions and do not undermine the standing of the Council in the community.
 - 5.9.3.4 Elected Members may refer to adopted Council policies or decisions but there should be a clear distinction between the adopted Council position and any political commentary the candidate may wish to make.
 - 5.9.3.4 In order to ensure that all candidates are afforded the same opportunities to promote their election campaign, Elected Members must not use their councillor social media pages during the Caretaker Period.
- 5.9.4 **CWT Employees**
 - 5.9.4.1 During the Caretaker Period, no CWT employee other than the CEO (or a nominee of the CEO) may make any public statement(s).
 - 5.9.4.2 Any CWT employee that breaches the provisions of this policy could be subject to investigation for misconduct in accordance with the *ICAC Act 2012*.
- 5.10 **Equity in Assistance to Candidates**
 - 5.10.1 **Candidate Assistance and Advice**
 - 5.10.1.1 Any assistance and advice provided to candidates, as part of the conduct of the election, will be provided equally to all candidates.
 - 5.10.1.2 The Administration will liaise with ECSA to confirm dates for candidate information sessions to be held prior to the opening of nominations and during the nomination period.
 - 5.10.2 **Election Process Enquiries**
 - 5.10.2.1 All election process enquiries from candidates will be directed to the Returning Officer, or where the matter is outside the responsibilities of the Returning Officer, to the Council Contact Officer or Council Liaison Officers.
- 5.11 **Complaints and Grievances**
 - 5.11.1. **Alleged Breaches of the Local Government (Elections) Act 1999**
 - 5.11.1.1 Allegations of breaches of the [Local Government \(Elections\) Act 1999](#) should be made to the ECSA.
 - 5.11.1.2 Allegations of breaches of the [Local Government \(Elections\) Act 1999](#), made to the CEO, will be referred to ECSA.
 - 5.11.2 **Alleged Breaches of Part 2 of the Code of Conduct for Council Members (refer clauses 2.17 to 2.25)**
 - 5.11.2.1 Complaints or grievances that allege the behaviour of an Elected Member during the Caretaker Period constitutes a breach of *Part 2* -

Behavioural Code of the [Council Members Code of Conduct](#) must be submitted, in writing to the CEO detailing the clauses alleged to have been breached and relevant evidence.

- 5.11.2.2 On receipt of such a complaint, the CEO will assess whether the complaint is vexatious or frivolous. If the CEO finds that the complaint is vexatious and/or frivolous then the matter will not be investigated and the complainant advised, in writing, accordingly.
- 5.11.2.3 If the CEO determines the complaint is not vexatious or frivolous he/she will ensure a full investigation is undertaken which could include referral to an external investigator.
- 5.11.2.4 In the event the investigation confirms that Part 2 of the *Council Members Code of Conduct* has been breached the CEO will, in line with clause 2.24 of the Code of Conduct, ensure a report into the matter is presented to a public meeting of Council (within three weeks of receipt of the investigation outcome report in the instance that the investigation has been undertaken by an external body).
- 5.11.2.5 Following consideration of this report, Council may by resolution and in accordance with clause 2.25 of the Code:
 - Take no action
 - Pass a censure motion in respect of the Council Member
 - Request a public apology, whether written or verbal
 - Request the Elected Member to attend training on the specific subject found to have been breached
 - Resolve to remove or suspend the Elected Member from a position within the Council (not including the Member's elected position on Council)
 - Request the Elected Member to repay monies to Council.

5.11.3 **Alleged Breaches of Part 3 of the Code of Conduct for Council Members**

- 5.11.3.1 Allegations that constitute a breach of Part 3 of the Code during the Caretaker Period can be made to the CEO, the Ombudsman, the OPI or the ECSA (if it relates to a breach of clause 3.8 of the Code regarding campaign donations).
- 5.11.3.2 Any such allegation must be made in writing and provide tangible evidence.

A public officer who makes a complaint to the OPI must have regard to Section 11 of the [Directions and Guidelines for Inquiry Agencies, Public Authorities and Public Officers](#) issued by the ICAC.
- 5.11.3.3 In accordance with the Code, the CEO will refer any allegation that constitutes a breach of Part 3 of the Code to the Ombudsman for investigation in accordance with s263 of the *Local Government Act 1999*.

City of West Torrens Policy - Elections Period Caretaker Policy

- 5.11.3.4 The CEO will ensure, in accordance with the provisions contained within the Code, that a report from the Ombudsman which finds an Elected Member has breached Part 3 of the Code is presented to a public meeting of Council.

DRAFT

SCHEDULE 1 - Table of Major Policy Decisions

MAJOR DECISIONS		
Proposed Decision	Status/Comment	Who this Impacts?
Entering into a contract (other than a prescribed contract) with a total value exceeding either \$100,000 or 1% of Council's rate revenue (based on the preceding financial year figures), whichever is the greater, in a Caretaker Period pursuant to Section 56 of the <i>Local Government Act 1999</i> .	<p>This is considered a major policy decision in the best interest of accountability and transparency.</p> <p>Under normal operations, this decision can only be carried out by the Council or via a position with delegated powers.</p>	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a contract with a total value exceeding \$100,000 where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
Entering into a lease if the rent payable by the lessee at any time exceeds \$100,000.	Restricted unless approval is granted by the Minister pursuant to Section 57 of the <i>Local Government Act 1999</i> , or the decision falls within the scope of Section 57(4).	<ul style="list-style-type: none"> • Council • CEO and Executive • Delegated Officers
The appointment or dismissal of a CEO in a Caretaker Period or where Section 56 of the <i>Local Government Act 1999</i> has been declared to apply to Council by the CEO.	<p>Restricted.</p> <p>Only in the case of suspected serious or wilful misconduct by the CEO can the Council act to suspend the current CEO.</p> <p>An acting CEO may be appointed with a formal appointment to be made after the completion of the election.</p>	<ul style="list-style-type: none"> • Council • CEO Review Panel
The variation of the CEO's remuneration in a Caretaker Period.	Restricted	<ul style="list-style-type: none"> • Council • CEO Review Panel
The execution of an irrevocable decision that has significant impacts on the Council, Council area or Community.	Restricted unless approval is granted by the CEO.	<ul style="list-style-type: none"> • Council • CEO and Executive
Any other significant decision not specified above which will bind the incoming Council. This includes the awarding of grant funding.	Restricted unless approval is granted by the CEO.	<ul style="list-style-type: none"> • CEO

8.4 Annual Service Plans 4th Quarter 2017/18 Progress Update

Brief

This report presents the 4th quarter review of the 2017/18 Annual Service Plans and progress in the delivery of Council's Community Plan.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The Annual Service Plans 4th Quarter Progress Report 2017/18 be received,
2. Requests to carry over incomplete actions from the 2017/18 Service Plans to the 2018/19 Service Plans are approved, as detailed within the report.

Introduction

The *Annual Service Plans 4th Quarter Progress Report 2017/18* (**Attachment 1**) provides an update on the delivery of the actions that implement the *Community Plan Aspirations* as outlined in Figure 1.

Figure 1 Community Plan Aspirations




Below is an explanation of the reporting format:


Pie Charts

The pie charts graphically illustrate how Council as a whole, and each individual department, is progressing with the delivery of Annual Service Plan actions.

Action Status

The status of the actions presented in the Quarterly Report may be listed as monitor or off-track. Please note, on-track and completed actions are not presented in the Report.

Monitor means the action has not progressed to where the relevant department manager was expecting, but it is within 70-90% of the quarterly target. When the status of an action is monitor, the attached quarterly report shows a yellow traffic light () in the right hand column.

Off-track means the action has not progressed to where the relevant department manager was expecting and is less than 70% of the quarterly target. When the status of an action is off-track, the attached quarterly report shows a red traffic light () in the right hand column.

An explanation of why a particular action has off-track or monitor status is contained below and within the *Annual Service Plans 3rd Quarter Progress Report*.

Discussion

The performance of the organisation, as a whole, is as follows:

- 89.7% On-track/Completed,
- 7.7% Monitor; and
- 2.6% Off-track.

Note that figures may be greater or less than 100% due to rounding effects.

In the 4th quarter, the majority of projects/actions were completed for the financial year, including notable projects such as the Native Plant Giveaway day and ChipBlitz animal microchipping day.

Four (4) actions have been reported as 'off track', which represents 2.6% of the total number of actions. These relate to:

1. Undertake environmental sustainability monitoring and reporting, including Council's Carbon Footprint and Annual Water Consumption Reports;
2. Coordinate preparation of a City of West Torrens Economic Development Strategy;
3. Undertake the Community Needs Analysis; and
4. Undertake preliminary designs for two road bridge realignments.

As a result of reduced capacity in the Strategy team, resulting from resolutions of Council throughout the year such as Statement of Intent etc., along with the work required as part of the implementation of the State Government's Planning Reform there has been limited opportunity to progress the first three projects as listed above, so hence they are off-track. These projects have been carried over to the 2018/19 Strategy and Business Annual Service Plan for finalisation.

The preliminary designs for two road bridge realignments has been delayed due to waiting for the consultant to finalise development of a concept plan for discussion with the Stormwater Management Authority regarding Brownhill Creek Master Plan. Completion of this project will be carried over into the 2018/19 City Assets Annual Service Plan for finalisation by the end of the calendar year.

Twelve (12) actions have been reported as needing to be 'monitored'. This represents 7.7% per cent of the total number of actions and are as follows:

1. Plan for and facilitate implementation of Green Infrastructure;
2. Continue development of the City of West Torrens Urban Design Framework;
3. Oversee the staged redevelopment of Lockleys Oval, Apex Park and Mellor Park Master Plan;
4. Oversee construction of the Camden Oval Precinct Development;
5. Provide executive and administrative support to the West Torrens Building Fire Safety Committee;
6. Complete construction of a roundabout at George and Dew Streets, Thebarton intersection;
7. Develop the Novar Gardens and Camden Park Local Area Traffic Management Plan;
8. Implement the Torrensville Thebarton Local Area Traffic Management Plan;
9. Review and update Council's Transport Strategy and Bicycle Strategy and incorporate them into one document;
10. Deliver Council's approved stormwater capital works;
11. Undertake the 2017/18 capital works program to deliver asset renewal timed at lowest life cycle cost; and
12. Coordinate the transition of the City Operations department from the Marion Rd location to the Morphett Rd location.

Due to various factors including key staff vacancies, insufficient capacity within departments due to competing priorities and awaiting advice or work from consultants or other organisations, the above actions are now slightly off track. These actions have been carried over to the relevant departments' 2018/19 Annual Service Plans or incorporated into planned projects for 2018/19.

Requests for carry over of actions

Due to the various factors listed, 16 projects as detailed above, have been unable to meet their scheduled completion date. It is therefore proposed that these actions be carried forward to the relevant 2018/19 Departmental Service Plans or incorporate incomplete projects into planned activities for 2018/19.

Conclusion

The Annual Service Plans 4th Quarter Progress Report 2017/18 outlines Council's progress in implementing its Community Plan.

Twelve (12) actions have been reported as off track and four (4) actions have been reported as requiring monitoring, with a consequent proposal to carry over or incorporate these actions to the 2018/19 financial year.

Attachments

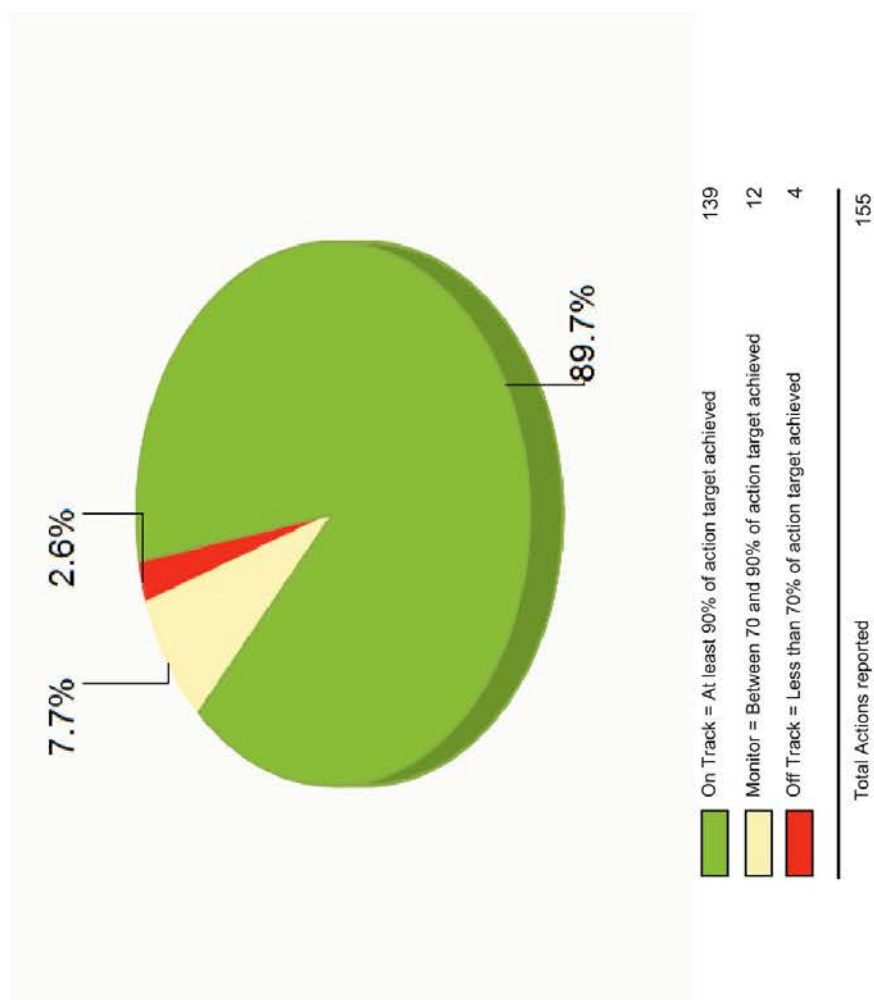
1. Annual Service Plans 4th Quarter 2017/18 Progress Report



Annual Service Plans 4th Quarter Progress Report 2017/18

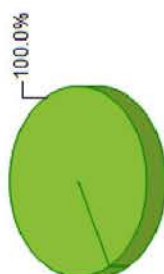
April - June 2018

City of West Torrens

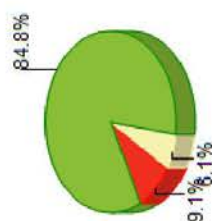


Business and Community Services Division

Community Services

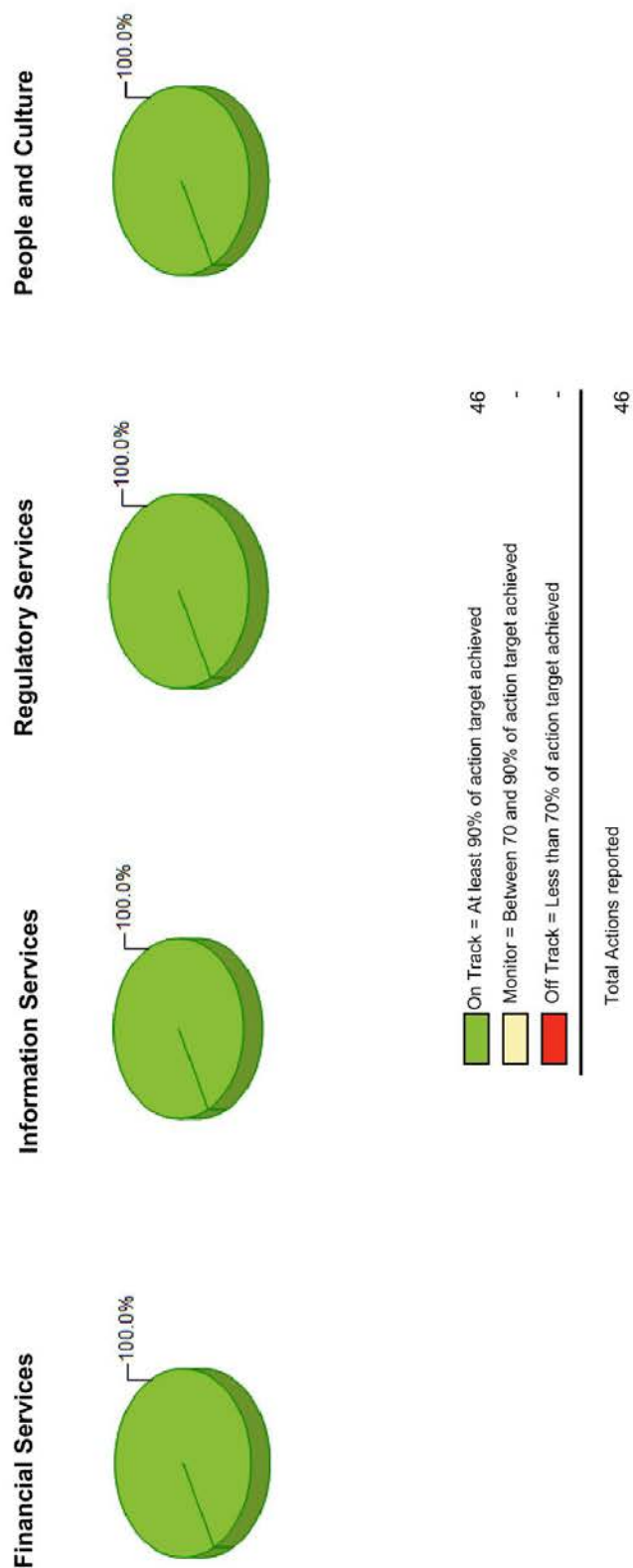


Strategy and Business



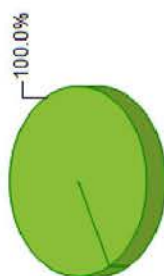
On Track = At least 90% of action target achieved	39
Monitor = Between 70 and 90% of action target achieved	2
Off Track = Less than 70% of action target achieved	3
Total Actions reported	44

Corporate and Regulatory Services Division



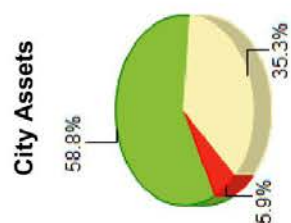
Office of the Mayor and CEO

Office of the Mayor and CEO

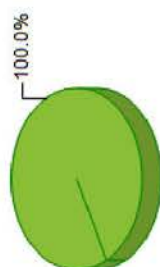


On Track = At least 90% of action target achieved	11
Monitor = Between 70 and 90% of action target achieved	-
Off Track = Less than 70% of action target achieved	-
Total Actions reported	11

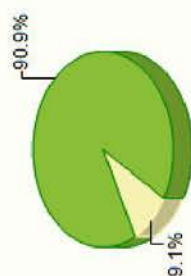
Urban Services Division



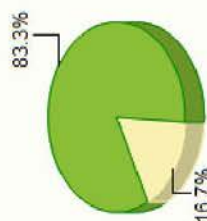
City Operations



City Development



City Property



On Track = At least 90% of action target achieved	43
Monitor = Between 70 and 90% of action target achieved	10
Off Track = Less than 70% of action target achieved	1
Total Actions reported	54



ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Business and Community Services Division

Aspiration: 4 Reduction of our Ecological Footprint

Long Term Strategy: 4.3 Prepare for and respond to the challenges of a changing climate.

Short Term Strategy: 4.3.3 Work collaboratively with our partners, community and businesses to plan for, and adapt to, the impacts of a changing climate.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
4.3.3.2 Plan for and facilitate implementation of Green Infrastructure.	In Progress	80%	100%	30/06/2018	This action is slightly off track due to awaiting on technical advice. Fact sheets for a number of rain gardens and interpretive signage are being developed as part of the new rain garden project and the rain garden interpretive trail. Completion of the project will be incorporated into the Strategy and Business 2018/19 Service Plan.	Environment Sustainability Planner	 YELLOW
4.3.3.3 Undertake environmental sustainability monitoring and reporting, including Council's Carbon Footprint and Annual Water Consumption Reports.	In Progress	20%	100%	30/06/2018	Vacancy of the Environment Sustainability Officer role has meant Strategy are currently under resourced in this area. As a result, a number of projects including the Carbon Footprint Report and associated monitoring and reporting are off track. Work has progressed on establishing a new process to capture account and billing data more accurately. Billing account data is also being reviewed for all council electricity, gas and water accounts to ensure data is accurate and up-to date.	Environment Sustainability Officer	 RED

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 9 A Thriving Business Environment

Long Term Strategy: 9.1 Encourage economic growth and productivity.

Short Term Strategy: 9.1.1 Develop partnership arrangements and networking opportunities with economic development agencies and key business sectors in the City.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
9.1.1.1 Coordinate preparation of a City of West Torrens Economic Development Strategy.	In Progress	25%	100%	30/06/2018	<p>The project was delayed due to insufficient capacity within the Strategy team, with resources diverted to other projects such as:</p> <ul style="list-style-type: none"> - Undertaking various land use planning and research to guide the Development Plan conversion; - Developing the Experiences of Aircraft Noise Survey; and - Progressing the Disability Access and Inclusion Plan. <p>The Request for Quote for the project was completed and scheduled for release for tender and project completion by the end of the final quarter. However, the project is now being undertaken internally, and is anticipated to be completed within the first quarter of 2018/19.</p> <p>Completion of the project will be carried over into the Strategy and Business 2018/19 Service Plan.</p>	Team Leader Strategy	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 10 A Vibrant City

Long Term Strategy: 10.1 Foster a vibrant and inviting City.

Short Term Strategy: 10.1.1 Identify and promote the distinctive identity of West Torrens.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
10.1.1.1 Continue development of the City of West Torrens Urban Design Framework.	In Progress	85%	100%	30/06/2018	<p>This action is slightly off track as a number of options for the public realm elements are being developed by the consultants (Oxigen) with staff input.</p> <p>As the completion date for this action was unable to be met, the project will be added to the 2018/19 Strategy and Business Service Plan with anticipated completion in the second quarter.</p>	Environment Sustainability Planner	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 12 Proactive Asset Management

Long Term Strategy: 12.1 Ensure assets are utilised and maintained at their optimum.

Short Term Strategy: 12.1.1 Plan, develop and manage Council's assets with consideration to community and business needs and economic, social and environmental values.



ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
12.1.1.11 Undertake the Community Needs Analysis.	In Progress	30%	100%	30/06/2018	<p>Due to a capacity deficit of suitable consultants to deliver the project, the Request for Quote tender documents were not released until early June 2018 and the submission period closed 27 June. It is anticipated that the work will be awarded in early July.</p> <p>As the scheduled 2017/18 completion date for this project was unable to be met, a budget carry-over will be requested and the project will be included in the 2018/19 Strategy and Business Annual Service Plan with anticipated completion by the second quarter.</p>	Community Planner	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Urban Services Division

Aspiration: 1 A Community That Embraces Diversity

Long Term Strategy: 1.1 Recognise and celebrate our diverse community and facilitate opportunities for community connection.
Short Term Strategy: 1.1.3 Develop and facilitate the use of community facilities as points of social, recreational and educational interaction.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
1.1.3.5 Oversee the staged redevelopment of Lockleys Oval, Apex Park and Mellor Park Master Plan, including: • construction of Apex Park; • completion of detailed design and tender documentation for Lockleys Oval redevelopment; and • completion of detailed design of Mellor Park.	In Progress	85%	100%	30/06/2018	The design development stage of the Lockleys Oval, Apex Park and Mellor Park upgrades has been completed. In addition, the procurement process has been finalised for Lockleys Oval and Apex Park with contracts awarded in June 2018. The next stage of the project will be construction and project management, which will be undertaken over the 2018/2019 financial year. Due to the size of the projects, a budget carry-over will be required in order to complete the associated works and the projects included in the City Property 2018/19 Service Plan.	Manager City Property	
1.1.3.6 Oversee construction of the Camden Oval Precinct Development.	In Progress	85%	100%	30/06/2018	Early construction works are nearing completion. The detailed design and procurement process have been completed with the contract being awarded in June 2018. The construction phase of the project will take place in the 2018/2019 financial year and therefore a budget carry-over will be required and the project included in the City Property 2018/19 Service Plan.	Manager City Property	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 6 A Well-Designed Built Environment

Long Term Strategy: 6.3 Foster well-being and safety within the built form.

Short Term Strategy: 6.3.1 Maintain health and safety standards in the built form within regulatory requirements.



ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
6.3.1.3 Provide executive and administrative support to the West Torrens Building Fire Safety Committee, including meeting at least six-monthly.	In Progress	70%	100%	30/06/2018	Executive and Administrative support is provided to the Building Fire Safety Committee. This action is off track as the Administration researches the process for replacing previous committee members.	Manager City Development	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS



Aspiration: 8 Accessible and Reliable Transport Options

Long Term Strategy: 8.1 Facilitate the healthy, safe and effective movement of people through the City.

Short Term Strategy: 8.1.1 Review and implement improved traffic management approaches to address traffic flows, speeds and local traffic issues.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
8.1.1.1 Complete construction of a roundabout at George and Dew Streets, Thebarton intersection.	In Progress	85%	100%	30/06/2018	The project has been slightly delayed due to it being incorporated with the George St reconstruction project, including the installation of a major stormwater trunk drain. The project is now scheduled to be completed by end of August 2018 and hence a carry-over will be required and the action included in the 2018/19 City Assets Service Plan.	Manager City Assets	 YELLOW
8.1.1.2 Develop the Novar Gardens and Camden Park Local Area Traffic Management Plan.	In Progress	85%	100%	30/06/2018	This project has been slightly delayed due to the vacancy of the Traffic Engineer position. This position has now been recruited with the incumbent commencing in mid-June. The solutions paper has been completed and Council is currently undertaking a second round of community consultation. As the completion date for this project was unable to be met, the action will be included in the 2018/19 City Assets Service Plan.	Manager City Assets	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

8.1.1.3 Implement the Torrensville Thebarton Local Area Traffic Management Plan.	In Progress	85%	100%	30/06/2018	<p>Projects continuing at various stages of design and construction:</p> <ul style="list-style-type: none"> - George St & Dew St roundabout is in progress; - George St and Albert St intersection upgrade has been submitted for Black spot funding; - Maria St slowpoint is delayed pending the construction of underground stormwater drainage; - Ashley St and Sherriif St roundabout removal and upgrade was consulted during the fourth quarter; - Ashley St bus closure relocation has been reviewed and a concept plan is being prepared for consultation; and - Shipster St and North Pde intersection design has been finalised and construction was undertaken in the fourth quarter. <p>Completion of the above projects and ongoing implementation of the LATM will occur in the 2018/19 financial year.</p>	Manager City Assets	
8.1.1.4 Review and update Council's Transport Strategy and Bicycle Strategy and incorporate them into one document.	In Progress	85%	100%	30/06/2018	<p>The project has been slightly delayed due to the recent announcement of the South Rd upgrade within the City of West Torrens, which will have major implications on the Strategy.</p> <p>Staff are currently finalising a scope of changes to update and incorporate the two plans into one. It is anticipated that a final report will be presented to Council in the first quarter of 2018/19.</p> <p>This project will be included in the 2018/19 City Assets Service Plan for finalisation.</p>	Manager City Assets	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS


8.1.1.7 Undertake preliminary designs for two road bridge realignments.	In Progress	50%	100%	30/06/2018	<p>This action is off track as the consultant is currently developing a concept plan for discussion with the Stormwater Management Authority regarding Brown Hill Creek Masterplan.</p> <p>The project is now scheduled to be completed by December 2018 and hence the action will be added to the 2018/19 City Assets Service Plan for finalisation.</p>	Coordinator Engineering Services	 RED
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ACTIONS WITH OFF-TRACK OR MONITOR STATUS


Aspiration: 12 Proactive Asset Management

Long Term Strategy: 12.1 Ensure assets are utilised and maintained at their optimum.

Short Term Strategy: 12.1.1 Plan, develop and manage Council's assets with consideration to community and business needs and economic, social and environmental values.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
12.1.1.6 Deliver Council's approved stormwater capital works, including Stage 4 of the Lockleys Area Catchment and Maria St Thebarton.	In Progress	85%	100%	30/06/2018	<p>The early construction works for Henley Beach Rd road crossing at May Tce (underground utility service alterations) have been completed. Construction of the major underground drainage works commenced in June 2018.</p> <p>The Request for Tender for stage 4 of Lockleys Area Catchment (Rutland Ave crossing) closed mid-June.</p> <p>Maria St drainage construction is in progress and scheduled to be completed in the first quarter of 2018/19.</p> <p>Completion of these projects will be incorporated in to the 2018/19 stormwater capital works program and hence a carry-over will be required.</p>	Coordinator Engineering Services	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

12.1.1.7 Undertake the 2017/2018 capital works program to deliver asset renewal timed at lowest life cycle cost.	In Progress	85%	100%	30/06/2018	1. The following Capital works are 100% complete: a) 2017/18 Kerb and Water table program; b) 2017/18 Footpath Program; c) 2017/18 Road Reseal Program; d) 2017/18 Road Rejuvenation Program; e) 2017/18 Rd Reconstruction - Wainhouse Street; f) 2017/18 Rd Reconstruction Britton Street; g) 2017/18 Rd Reconstruction Cambridge Ave; h) 2017/18 Rd Reconstruction Toledo Ave; i) 2017/18 Rd Reconstruction St Andrews Cr; j) 2017/18 Rd Reconstruction Birmingham St. 2. The following Capital works (Road Reconstruction) are underway: a) George Street (major works) - all stormwater works are complete, remaining works are underway; b) West Thebarton Road (major works) - SAPN works complete, construction works underway; c) Phillips Street (major works) - SAPN works complete, construction works being programmed; d) Aldridge Tce - construction works underway; and e) White Ave - construction works underway. Completion of these projects will be incorporated into the 2018/19 capital works program.	Project Engineer	
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ACTIONS WITH OFF-TRACK OR MONITOR STATUS

12.1.1.13 Coordinate the transition of the City Operations department from the Marion Rd location to the Morphett Rd location, including management of the new property.	In Progress	85%	100%	30/06/2018	A number of City Operations' work groups have been relocated to the Morphett Road Depot. Additional building works and specialist equipment is being procured and it is anticipated that the transition will be completed by December 2018. As a result, a carry-over of funds will be required and the project will be included in the City Property 2018/19 Service Plan for finalisation.	Manager City Property	
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8.5 2018/19 Departmental Annual Service Plans Update

Brief

This report provides information on changes made to the approved 2018/19 Departmental Annual Service Plans as a result of budget and minor editorial changes as well as some additional actions requiring endorsement.

RECOMMENDATION(S)

The Committee recommends to Council that the changes to the 2018/19 Departmental Annual Service Plans proposed in this report be approved.

Introduction

The Departmental Annual Service Plans set priority actions which are linked to the delivery of the short-term strategies in Council's overarching *Towards 2025 Community Plan*, as well as strategies in Council's suite of strategic management and corporate plans.

At its 15 May 2018 meeting, Council approved the draft 2018/19 Departmental Annual Service Plans (Plans), subject to:

1. *any changes in the budget and any minor editorial and formatting changes; and*
2. *amendments concerning the finish date for one action in the City Property Draft 2018/19 Service Plan and the replacement of a stakeholder in the Regulatory Services Draft 2018/19 Service Plan.*

Discussion

Additions and alterations to the draft Departmental 2018/19 Service Plans:

Strategy and Business Department

Two Strategy and Business Department projects, that were scheduled for completion in the 2017/18 financial year, which were unable to meet completion dates, have been added to the *Strategy and Business Department 2018/19 Annual Service Plan*:

1. *'Report on the implementation of Council's Public Health Plan'; and*
2. *'Undertake the Community Needs Analysis'*

Other projects that were not finalised during the 2017/18 financial year had either been anticipated in advance and already included in the draft *Strategy and Business Department 2018/19 Annual Service Plan*, or will be incorporated into the planned 2018/19 actions (e.g.: environmental sustainability reporting).

City Assets Department

Two City Assets Department projects that were scheduled for the 2017/18 financial year, which were unable to meet their completion dates, have been added to the *City Assets Department 2018/19 Annual Service Plan*:

1. *'Complete preliminary designs for two road bridge realignments'; and*
2. *Complete the review and update of the Transport Strategy and Bicycle Strategy and incorporate them into one document".*

Other projects that were not finalised during the 2017/18 financial year had either been anticipated in advance and already included in the draft *City Assets Annual Department 2018/19 Service Plan*, or will be incorporated into the planned 2018/19 actions (e.g.: capital works projects).

City Property

Two actions have been added to the *City Property Department 2018/19 Service Plan*, relating to the relocation of the depot activities from Marion Rd to Morphett Rd, as follows:

1. *'Manage the sale of the Marion Rd depot property'; and*
2. *'Investigate and manage leasing opportunities for the Morphett Rd depot property'.*

In response to a decision by Council to substantially reduce the budget allocation for the redevelopment of the Peake Gardens Riverside Tennis Club buildings and facilities, the action from the draft *City Property Department 2018/19 Service Plan* has been altered to read:

'Project manage and contract manage the staged upgrade of Peake Gardens Riverside Tennis Club facilities'.

Conclusion

This report details changes made to the approved 2018/19 Departmental Annual Service Plans, in accordance with Council's resolution, as a result of the budget process and minor editorial and formatting changes as well as some additional actions requiring endorsement.

Delivery of all actions in the Departmental Annual Service Plans will be monitored by the Committee through quarterly reports.

The 2018/19 Departmental Annual Service Plans took effect on 1 July 2018.

Attachments

Nil

8.6 Review of the Council Policy - Food Act Inspections and Auditing Fees

Brief

The *Council Policy - Food Act Inspections and Auditing Fees* has undergone a scheduled review and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. The draft Council Policy - Food Act Inspections and Auditing Fees be approved.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the Council Policy - Food Act Inspections and Auditing Fees.

Introduction

The *Council Policy - Food Act Inspections and Auditing Fees* (policy) has under gone a scheduled review and is presented to the Committee for its consideration and subsequent advice to Council.

In accordance with the *Food Act 2001* Council is required to set fees and charges for inspections and auditing of Food Safety programs. The policy outlines the considerations in establishing these fees and charges.

Discussion

The policy has been reviewed to ensure that it aligns with the introduction of the *Food Act Regulations 2017* (Regulations). Proposed amendments to the policy are shown as track changes in the attachment (**Attachment 1**).

It is proposed to remove concessional fee applications for inspections of mobile food vans. Mobile food fans, which are present at many events, should be inspected during an event irrespective of the council area within which the vehicle is garaged. Inspecting the mobile food vans involves a cost to Council and it is therefore proposed to recover this cost in line with the provisions in the regulations.

As a result it is proposed to amend clause 5.2.1 to remove the reference to mobile food vans and delete clause 5.2.5.

In order ensure the policy remains current it is proposed to amend clause 5.2.4 to remove the monetary figure of \$200 and replace it with the stipulation that the inspection fee be charged up to the maximum amount permitted under the regulations. The actual fee to be charged will be included in Council's Fees and Charges Register and updated annually as required.

Conclusion

The *Council Policy - Food Act Inspections and Auditing Fees* has undergone a scheduled review and is presented to the Committee for consideration and recommendation to Council.

Attachments

1. **Proposed Council Policy - Food Act Inspections and Auditing Fees**

CITY OF WEST TORRENS



Council Policy: Food Act Inspections and Auditing Fees

Classification:	Council Policy		
First Issued:	3 June 2013		
Dates of Review:	15 May 2007, 16 June 2009, 2 July 2013		
Version Number:	4		
Objective ID:	A5069		
Next Review Due:	19 June 2018 <u>July 2023</u>		
Applicable Legislation:	<i>Food Act 2001 (SA)</i> <i>Food Regulations 2002 <u>2017</u> SA)</i>		
Related Policies or Corporate Documents:	City of West Torrens Fees and Charges Schedule		
Associated Forms:			
Note:			
Responsible Manager:	Manager Regulatory Services		
Confirmed by General Manager:	General Manager Corporate and Regulatory	Date	19 June 2013
Approved by Executive:		Date	19 June 2013
Endorsed by Council		Date	2 July 2013

City of West Torrens Policy - Food Act Inspections and Auditing Fees

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City of West Torrens Policy - Food Act Inspections and Auditing Fees

COUNCIL POLICY - Food Act Inspections and Auditing Fees**1. Preamble**

- 1.1 The City of West Torrens (CWT) undertakes routine inspection of food premises and audits of Food Safety Programs for facilities that provide food service to vulnerable persons, to ensure the safety and suitability of the food. The CWT has accordingly set fees for these services.

2. Purpose

- 2.1 The CWT is required to set fees for both inspections and auditing of Food Safety Programs in accordance with the *Food Act 2001* and *Food Regulations 2017*~~2002~~.
- 2.2 The CWT will annually review its charges and record them in its Schedule of Fees and Charges. Fees for inspections will be charged on the basis of the size of the business. Fees for auditing will be charged at an hourly rate (based on 15 minute increments rounded down to the nearest quarter hour).

3. Scope

- 3.1 This policy applies to businesses which undertake the sale of food or provide food service to vulnerable persons as prescribed in the *Food Act 2001*.

4. Definitions**4.1 Audit**

Means a systematic and independent examination of documented systems and records to assess whether the system has been implemented and is effective in meeting standards.

4.2 Community and charitable organisation

Means any group that does not provide financial gain to any members.

4.3 Food Service to Vulnerable Persons

Means a food business involved in food processing and service to vulnerable persons as set out in Food Safety Standard 3.3.1

4.4 Low risk foods

Means food that is unlikely to contain pathogenic micro organisms and will not normally support their growth due to food characteristics.

4.5 Nominal risk business

Means a business that handles only low risk foods, and hence will not warrant frequent or lengthy inspections.

City of West Torrens Policy - Food Act Inspections and Auditing Fees

4.6 Priority-Risk classification

Means the risk classification allocated to a business as determined by the South Australia ~~Department of Human Services~~ Department of Health and Ageing, the South Australian Food Business Risk Classification ~~business notification~~ system.

4.7 Routine inspection

Means an inspection conducted at a frequency determined by the business' ~~priority~~ risk classification and performance history.

4.8 Small business

Means a business where not more than 20 people are engaged in handling food (determined as people who work full-time in handling food, or the full-time equivalents of such people).

4.9 Vulnerable Persons

Means a person who receives care from one of the facilities listed in the Schedule of Food Safety Standard 3.3.1 ~~Item 4.1~~.

5. **Policy Statement**

5.1 Standard Fee Application for Inspections

- 5.1.1 Inspection fees will be imposed for routine inspections only.
- 5.1.2 Inspection fees will not be imposed for follow-up inspections related to non-compliances of the Food Act 2001.
- 5.1.3 Inspection fees will not be imposed for inspections carried out in relation to complaints received.
- 5.1.4 Inspection fees will not be varied or waived for food businesses that have formal audited food safety programs in place.

5.2 Concessional Fee Application for Inspections

- 5.2.1 The City of West Torrens will provide concessions on inspection fees for:
 - a. Community and charitable groups
 - b. Nominal Risk businesses
 - c. Major Festivals, Events, Food Markets
 - ~~d. Mobile Food Vans inspected by other authorities~~
- 5.2.2 Inspection fees will not be imposed for community and charitable organisations.
- 5.2.3 An inspection fee will be imposed for 'nominal risk businesses' at a reduced rate equivalent to 50% of the standard fee for small businesses.
- 5.2.4 An inspection fee up to the a maximum of \$200-inspection fee as per the Food Regulations 2017 will be negotiated with the host organisations of major festivals, events and food markets in place of inspection fees for individual food stalls and vans.

City of West Torrens Policy - Food Act Inspections and Auditing Fees

~~5.2.5 An inspection fee will not be imposed for mobile food vans that have completed their notification process in another local government area.~~

5.3 Standard Fee Application for Auditing

5.3.1 Audit fees will be imposed to conduct:

- a. An onsite audit; and
- b. A desktop audit of a Food Safety Program for food service to vulnerable persons

5.3.2 Audit fees will be imposed for follow up audits required to determine compliance with non conformances raised during an audit.

5.4 Concessional Fee Application for Auditing

5.4.1 The City of West Torrens will provide concessions on auditing fees for Community and charitable groups

5.4.2 An Audit fee will be imposed for community and charitable organisations at a reduced rate equivalent to 50% of the standard audit fee.

9 OTHER BUSINESS

9.1 Elected Member Training and Development

At the meeting of Council on 3 July 2018, Cr John Woodward moved the following motion which the Council resolved to refer to the Corporate Planning, Policy and Performance Committee meeting on 10 July 2018.

MOTION

That Council establish a maximum of \$3,000 per financial year for each Elected Member (excluding the Mayor) to be available for their personal development, including attendances at conferences and/or member based events. The cap would exclude attendance where the Elected Member is representing the Council in an official capacity and attendance is not discretionary. E.g. being a member of a Board, but not only being a member or associate of a particular organisation. The cap would also exclude costs for attendance at the Australian LGA conference for first-time Elected Members during the first three years of their first term. Any unspent budget cannot be rolled over to the subsequent year.

10 CONFIDENTIAL

Nil

11 NEXT MEETING

11 September 2018, 6.30pm in the Mayor's Reception Room.

12 MEETING CLOSE

CITY OF WEST TORRENS



Late Agenda Item

Corporate Planning, Policy and Performance Prescribed Committee

10 July 2018

Item 8.7 Progress on Implementing Council Decisions

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8 **Reports of the Chief Executive Officer..... 1**

8.7 Progress on Implementing Council Decisions 1

8 REPORTS OF THE CHIEF EXECUTIVE OFFICER

8.7 Progress on Implementing Council Decisions

Brief

This report provides an update on completed and outstanding Council and Committee resolution actions.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

Introduction

At the meeting of the former Policy, Planning and Performance Committee on 23 August 2011 a request was made for a report to be provided at each meeting of the Committee of outstanding actions relating to resolutions of Council and Committees.

Furthermore, at the 29 August 2016 meeting of the Committee, the Chief Executive Officer agreed to incorporate completed actions into the attached 'Progress on Implementing Council Decisions Report'. Actions that have been completed since the preceding meeting of the Committee will be included on the report.

Discussion

A copy of the completed actions since 8 May 2018, and outstanding resolution actions to 19 June 2018 is provided for Members' information (**Attachment 1**). Updates/comments are to 4 July 2018.

Conclusion

The Progress on Implementing Council Decisions Report provides an update on completed and outstanding Council and Committee resolution actions for Members' information.

Attachments

1. Meeting Action Report

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
1	19/06/2018	Council	17.2 Declaration of Prescribed Officers	Mangos/Woodward that: 1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Chapter 7, Part 4 of Division 2 of the Local Government Act 1999: •General Manager Business and Community Services •General Manager Corporate and Regulatory •General Manager Urban Services •Manager City Assets •Manager City Development •Manager City Operations •Manager City Property •Manager Community Services •Manager Financial Services •Manager Information Services •Manager People and Culture •Manager Regulatory Services •Manager Strategy and Business •Mechanic	Pauline Koritsa	Letters sent to Prescribed Officers and awaiting for the documents to be returned to Governance.	In progress
2	19/06/2018	Council	17.3 Rutland Avenue - Local Stormwater Improvements and Road Rehabilitation	Palmer/Haese that: 1. The Administration proceed with the detailed design and staged construction of the local stormwater and road rehabilitation works to Rutland Avenue, Lockleys. The scale and scope of these works being as detailed within the concept plans used in association with the March 2018 public consultation. 2. The Administration provide information to residents of the street outlining a summary of this report and its recommendations.	Angelo Catinari	27/06/2018 - Currently preparing resident notification.	In progress
3	19/06/2018	Council	17.4 Mallen Street and Burt Avenue - Residential Parking Permit	O'Rielly/Mangos that: 1. The assessment report detailing the results of the consultation with affected residents be received. 2. The existing residential parking controls in Mallen Street and Burt Avenue not be amended or removed and that the standard permit fees apply to future residential parking permit requests.	Angelo Catinari	27/06/2018 - Currently preparing resident notification.	In progress
4	19/06/2018	Council	17.8 Murray Darling Association 74th National Conference and AGM 2018	Rypp/Palmer that: 1. Council approves the attendance of Cr Mangos at the Murray Darling Association 74th National Conference and Annual General Meeting 2018 to be held at Leeton, New South Wales from 29 to 31 August 2018. 2. Expenses be reimbursed in accordance with Council policy. 3. Subject to their confirmation, Council approves the attendance of the spouses/partners of attending Elected Members and further, consistent with Council policy, that costs, other than air fares or other travel costs, be met by Council.	Terry Buss	27/06/2018 - email sent to Cr Mangos requesting confirmation and details for the registration form.	In progress
5	12/06/2018	Audit and Risk Prescribed General Committee	9.1.1 Financial Reporting	Moran/Haslam that: 1. The Financial Reporting report be received. 2. A copy of the 2018-2019 Budget and Annual Business Plan be placed in the August Committee meeting agenda for discussion.	Pauline Koritsa	Copy of the 2018-2019 Budget and Annual Business Plan placed in the August Committee folder	In progress
6	12/06/2018	Audit and Risk Prescribed General Committee	10.1 New and Emerging Risks	Haslam/Spadavecchia that a separate agenda item be included in each agenda with regards to new and emerging risks.	Pauline Koritsa	25/06/2018 Office of the Mayor and CEO received request from Liz Johnson to add 9.6 New and Emerging Risks to 'Reports of the CEO Section (Section 9)'. Sent request for coding to infocouncil.	In progress
7	05/06/2018	Council	17.3 Online Survey on Live Streaming of Council Meetings	McKay/Polito that the Administration conduct an online ratepayer survey asking them do they want Council meetings live streamed via camera onto the internet.	Pauline Koritsa	Survey is currently live on Council's website and due to close 6 July	In progress
8	05/06/2018	Council	18.1 Delegations under the Dog and Cat Management Act 1996	Polito/Vlahos that having undertaken a review of the powers and functions previously delegated to the Chief Executive Officer and others in accordance with section 44(6) of the Local Government Act 1999, Council: 1. Hereby revokes all previous powers and functions delegated to the person occupying the office of Chief Executive Officer under the Dog and Cat Management Act 1995 with effect from 30 June 2018. 2. In exercise of the power contained in section 44(1) of the Local Government Act 1999, and the powers and functions under the Dog and Cat Management Act 1995 contained in the Instrument of Delegation (Attachment 1) are, subject to the conditions, limitations and provisos contained in the Schedule of Conditions (if any), hereby delegated to the Chief Executive Officer (and any person appointed to act in that position) with effect from 1 July 2018.	Pauline Koritsa	Letters sent to all relevant sub delegates and awaiting for the completed documents to be returned to Governance.	In progress
9	05/06/2018	Council	11.1 Assignment of Lease - Novar Gardens Bowling Club	Demetriou/Hill that: 1. It provide its consent for the assignment of the lease currently held by the Novar Gardens Bowling Club Inc to the Novar Gardens Bowling and Petanque Club Inc on the same terms and conditions as the existing licence; 2. The Mayor and the Chief Executive Office be authorised to sign and seal any documentation to give effect to this recommendation.	Angelo Catinari	28/06/2018 - Lease is expected to be finalised with the Club by the end of July 2018	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
10	05/06/2018	Council	11.2 City of West Torrens Tree Strategy - Draft	Mangos/Haese that: 1. The draft City of West Torrens Tree Strategy 2018-2025 - towards an urban forest be endorsed. 2. Authorisation be provided to the Administration to undertake public consultation as outlined within this report. 3. A further report be provided to a future date of the Urban Services Committee meeting following the public consultation period.	Angelo Catinari	25/06/2018 - Public Consultation commenced with the Tree Strategy available live on the website, and in hardcopy at the Civic Centre and Hamra Centre Library. The public have been asked to give feedback on questions in relation to the content, objectives and actions within the Draft Tree Strategy along with the management of trees in the City. The Public Notice will also be printed in the Messenger within the next two weeks and Council staff will be on hand at this year's Arbor Day event (8 July 2018) to seek feedback on the Draft Tree Strategy. Feedback is open until 5pm Friday 20 July 2018. Following the consultation period, feedback will be collated, changes made to the Draft Tree Strategy (if necessary) and a report and an updated Strategy will be provided to Council outlining the feedback received, and seeking endorsement of the final document.	In progress
11	05/06/2018	Council	9.1 Live Streaming of Council Meetings	Trainer/Rypp that in order to promote community interest and engagement in Council decision making and to improve accessibility of Council and Standing Committee meetings to a broader audience, a suitable policy be prepared by the Administration for further consideration by Council relating to the live streaming and recording of Council and Standing Committee meetings.	Pauline Koritsa	Initial work undertaken to develop policy	In progress
12	05/06/2018	Council	13.1.1 Community Facilities Committee Item 9.4 Peake Gardens Riverside Tennis Club Complex - Long Term Lease and Project Update	Farnden/Woodward that: 1. The comments in relation to the proposed redevelopment and upgrade of the tennis clubroom and associated facilities at Peake Gardens Reserve be noted. 2. Subject to a public access clause being included in the lease and necessary public consultation the Peake Gardens Riverside Tennis Club be granted a new long term lease of 5+5+5+5 years from 1 July 2018 over the tennis courts and facilities at Peake Gardens Reserve. The commencing rental for the new lease (which is estimated to be approximately \$4,900 pa plus GST) be confirmed following release of the June 2018 quarter of the Adelaide (All Groups) Consumer Price Index. 3. On the condition that there are no negative comments that arise during the public consultation process the Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation in relation to the grant of the new long term lease to the Peake Gardens Riverside Tennis Club.	Angelo Catinari	28/06/2018 - Draft lease prepared - report to the next Community Facilities Committee (CFC) meeting on 24 July 2018. Public consultation to commence following CFC Meeting.	In progress
13	05/06/2018	Council	16.2 Public Notification Category 1 and 2 Developments	Woodward/Mangos that the Administration undertakes research into the number and location of development applications for residential development impacted by the policy changes to public notification categories, from category 2 to category 1, resulting from the approval of the 2015 West Torrens Council Housing Diversity Development Plan Amendment.	Pauline Koritsa	Research into the number and locations of development applications underway	In progress
14	22/05/2018	Community Facilities Prescribed General Committee	9.2 West Torrens Birkalla Soccer Club - Financial Support Request	Demetriou/Vlahos that: 1. It approves Option 3 as its preferred option of providing support for infrastructure expenses including lighting upgrade at Camden Oval, this option being that; Council assumes responsibility for undertaking the infrastructure works sought by the West Torrens Birkalla Soccer Club (as outlined in their letter dated 18 April 2018). Once works are completed, a payment plan will be structured based on actual costs. The payment plan could be divided over a twenty (20) year period or less, dependent upon the final cost of works. CPI could be added to the advance repayment amount each year should Council so wish. 2. It provide its consent in its capacity of landlord, subject to any necessary development approval(s), for the upgrade of the pitch floodlighting.	Angelo Catinari	28/06/2018 - progressing with action. West Torrens Birkalla SC confirmed of Council's decision. Solicitors currently drafting funding agreement between Council and Club. Implementation of the works program for the funding - soccer pitch lighting and scoreboard currently in progress.	In progress
15	22/05/2018	Community Facilities Prescribed General Committee	9.5 Thebarton Theatre Complex - Lease and Draft Project and Business Plan	Nitschke/Trainer that: 1. The Council not proceed with implementation of the Thebarton Theatre Complex - Draft Project and Business Plan (included as an attachment to the report of the Urban Services Committee meeting of 6 March 2018) to restore and upgrade the Thebarton Theatre Complex at this time. 2. The right of renewal for a further five years (from 1 July 2018 until 30 June 2023) available under the existing lease agreement for the former Thebarton Town Hall/Library premises and the adjacent stone cottage at 164-166 South Road, Torrensville be granted to the lessee, Weslo Holdings Pty Ltd, and that the commencing rental be determined following release of the June 2018 quarter of the Adelaide (All Groups) CPI, or similar index (should that index cease to exist). 3. The Extension of Lease agreement is to include a clause indicating that the demolition of the cottage at 164 South Road, Torrensville may be undertaken by Council during the currency of the extended lease term. 4. The Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation in relation to the grant of the extended term for the former Town Hall and adjacent stone cottage buildings at 164-166 South Road, Torrensville. 5. While not committing a future Council to any specific course of action, Council is hopeful that a major upgrade and refurbishment of the Thebarton Theatre Complex can be completed in time for the theatre's centenary in June 2028, dependent on securing external funding. 6. The lessee be advised of the above.	Angelo Catinari	28/06/2018 - The details of the Council resolution confirmed with Weslo. Drafting lease document currently underway with the solicitors.	In progress
16	17/04/2018	Council	17.4 Proposed Privately Funded Plympton Residential Development Plan Amendment	Mangos/Demetriou that: 1. It approves Attachment 1 of the Agenda report Development Plan Amendment Funding Agreement, between the City of West Torrens and ACP Mooringe Pty Ltd, which outlines the terms and conditions for the funding of the proposed Plympton Residential Development Plan Amendment specifically relating to Mooringe Avenue. 2. The Chief Executive Officer be authorised to finalise and sign the attached Development Plan Amendment Funding Agreement between the City of West Torrens and ACP Mooringe Pty Ltd. with regard to the development of the Plympton Residential Development Plan Amendment. 3. It approves Attachment 2 of the Agenda report 'Statement of Intent - Plympton Residential DPA' version dated November 2017. 4. The Chief Executive Officer be authorised to sign the Statement of Intent - Plympton Residential Development Plan Amendment and submit it to the Minister for Planning requesting approval to progress a targeted Development Plan Amendment in relation to the land at 65-73 Mooringe Avenue, Plympton. 5. The DPA to include the consolidation of open space into one piece so far as is practical and the minimum amount of open space will be 15%.	Pauline Koritsa	Consultant Holmes Dyer advised of Council decision 20 April 2018 SOI submitted to the Minister, awaiting response	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
17	17/04/2018	Strategy and Community Prescribed Standing Committee	11.3 Introduction to the Disability Access and Inclusion Plan	Demetriou/Hill that the draft Disability Access and Inclusion Plan be approved and targeted public consultation be undertaken to test its contents with representatives of core stakeholder organisations and selected residents who have a lived experience of disability.	Pauline Koritsa	Core stakeholder organisations to be identified and consultation approach developed.	In progress
18	03/04/2018	Council	17.2 Brown Hill Keswick Creek - Appointment of a Nominations Committee	Palmer/Rypp that Council: 1. Nominate one (1) representative being Mayor John Trainer to the Nominations Committee for the purpose of assessing candidate suitability for the Brown Hill and Keswick Creeks Stormwater Board to make their collective recommendations back to the five (5) Constituent Councils for consideration. 2. Notes that the collective recommendations from the Nominations Committee will be brought back to the five (5) Constituent Councils for consideration. 3. Notes that no remuneration is payable for the position on the Nominations Committee. 4. Consistent with the practice that has previously existed in relation to the BHKC Project Steering Group, Council, pursuant to Section 44 of the Local Government Act 1999, delegates to its Chief Executive Officer the power, pending the appointment to and the operation of the Board of Management of the Brown Hill and Keswick Creeks Stormwater Board ('Regional Subsidiary') a regional subsidiary established under section 43 of and Schedule 2 to the Local Government Act 1999, to provide approval for or consent to, any matter that is within the powers of the Regional Subsidiary (as set out at clause 6 of the Regional Subsidiary Charter - Brown Hill and Keswick Creeks Stormwater Board) and which would otherwise be a decision made by the Board of Management, in order to enable the Regional Subsidiary to exercise its powers in the fulfilment of its Purpose (as per clause 4 of the Charter) noting that, for the avoidance of any doubt, the delegation of this power includes (but is not limited to) approval for the expenditure of budgeted funds of the Regional Subsidiary.	Terry Buss	Mayor John Trainer nominated as representative on the Nominations Committee. Confidential report to be presented to Council meeting 17 July 2018 re collective recommendations from the Nominations Committee	In progress
19	27/03/2018	Community Facilities Prescribed General Committee	8.1 Hilton RSL and Lockleys RSL - Update	Demetriou/Vlahos that: 1. The report be noted. 2. The Administration be authorised to enter into negotiations with the RSL and/or its nominee(s) for the acquisition by Council of the Lockleys RSL premises on the western side of the Mellor Park Reserve. 3. A further report be provided to this Committee and/or Council following the conclusion of those negotiations.	Angelo Catinari	23/04/2018 - Meeting held with nominated representative of the RSL, Steve Larkin, on 20/04/2018. Negotiations continuing with the sale of Lockleys RSL with the aim to provide a report to the next Communities Facilities Committee meeting on 22 May 2018 to seek recommendation to purchase the Lockleys RSL. Discussions also occurred on the Hilton RSL relocation. 28/06/2018 - Hilton RSL - Negotiations to continue with the State Branch Rep and Sub-Branch Reps on building and relocation. A meeting is scheduled on 29 June 2018. 28/06/2018 - settlement on the Acquisition of the Lockleys RSL site occurred on 28 June 2018.	In progress
20	27/03/2018	Community Facilities Prescribed General Committee	8.13 Richmond Oval - West Adelaide Football Club - Development of Masterplan (Brought Forward for Consideration at this Point of the Meeting)	Demetriou/Trainer that: 1. The report be noted. 2. "Option 3" of the draft Masterplan, with the additions/amendments sought by the West Adelaide Football Club (i.e. redevelopment of the former cricket club building for use by umpires and opposition teams, and redevelopment of the existing change rooms within the grandstand per the Option 2 alternative) be endorsed in principle and that: i) Funding to further progress the development of the Masterplan to detailed design (cognisant of the need to implement any approved initiatives in a staged manner) be sought through the 2018/19 budget process or a future budget variation; ii) A cost consultant be engaged to provide a preliminary high-level costing for the proposed initiatives for the new female facilities and grandstand elements of the Masterplan; iii) A further report be provided to the Committee following the completion of detailed design drawings and receipt of the costing document.	Angelo Catinari	23/04/2018 - Meeting held with consultants on 17/04/2018 to progress the resolutions. A report will be provided to the Community Facilities Committee in the fourth quarter 2018. 28/06/2018 - Project continuing with consultants. Update to be provided at a future Community Facilities Committee meeting.	In progress
21	27/03/2018	Community Facilities Prescribed General Committee	8.6 Weigall Oval Masterplan and Facilities - Update	Woodward/Nitschke that: 1. The concept plans for stage 2 and 3 developed by JPE Design Consultants which are attached to this report be endorsed. 2. Further consultation with the Clubs occur with the intent of final plans being agreed, which will allow the Stage 2 and 3 works to proceed to detailed design documentation. 3. A further report will be provided to the Committee upon completion of the detailed design documentation.	Angelo Catinari	23/04/2018 - Several attempts have been made to hold a meeting between the two club representatives and the consultants but as yet, we have not been able to arrange a date suitable for all representatives. We will continue to progress this prior to the Community Facilities Committee Meeting on 22 May 2018 in order to provide an update. 28/06/2018 - Project continuing with consultants/contractor. Update to be provided at the next scheduled Community Facilities Committee meeting to be held on 24 July.	In progress
22	27/03/2018	Community Facilities Prescribed General Committee	8.12 Civic Centre Complex - Memorial Gardens, Hilton - Playground	Woodward/Nitschke that the proposed new playspace, as detailed within this report, be endorsed for the Civic Centre Complex - Memorial Gardens, Hilton.	Angelo Catinari	23/04/2018 - Project is progressing. Expected completion on 30 October 2018. 28/06/2018 - Project continuing with consultants/contractor. Refer to Urban Services Activity Report: 3 July for update.	In progress
23	13/03/2018	Corporate Planning, Policy and Performance Committee	11.1 West Torrens Council Credit Card Expenses	Farnden / Mayor Trainer that details of West Torrens Credit Card expenses are updated on the Council website each quarter, providing the date of expenditure, cost and vendor for each transaction. The details are made available until the completion of the subsequent Council four year term. Note: The CEO agreed that the commencement date for reporting in accordance with this resolution will be 1 April 2018.	Bill Ross	First report for the June quarter to be made available on the website in July 2018.	In progress
24	13/03/2018	Corporate Planning, Policy and Performance Committee	11.2 Travel by Elected Members and Staff	Farnden / Mayor Trainer that the itinerary, costs, reason for travel, decision date, approval (e.g. Council or Executive) of any interstate or overseas trip undertaken in the previous quarter by an Elected Member or of staff (by position) representing the City of West Torrens, during the current term of Council, be made publicly available on the City of West Torrens website. The information is to be updated quarterly and retained on the website until the completion of the subsequent term. Note: The CEO agreed that the commencement date for reporting in accordance with this resolution will be 1 April 2018.	Bill Ross	First report for the June quarter to be made available on Council's website in July 2018.	In progress
25	06/03/2018	Council	7.2 Freedom of Information Application to DPTI	Vlahos / Woodward that the CEO lodge a Freedom of Information application to DPTI regarding the sign development at 21 Sir Donald Bradman Drive, Mile End South.	Terry Buss	Application lodged - application number 6910796, DPTI acknowledged receipt	In progress
26	06/03/2018	Council	17.1 Guiding Principles for a Public Realm Design Manual	Mangos / Palmer that the Draft principles for the Public Realm Design Manual (also known as the Urban Design Framework) be approved in principle for the Administration to further develop the Public Realm Design Manual to bring back to Council for further consideration.	Pauline Koritsa	Consultant in the process of developing detailed content for presentation back to Council at a later date.	In progress
27	27/02/2018	Civic Committee	7.4 Mural Art Options in City of West Torrens	Nitschke / Woodward that the Public Art Strategy continues to be developed with the aim of addressing issues and concerns surrounding public art installations, as well as promoting the introduction and commissioning of both temporary and more permanent works within the City of West Torrens.	Angelo Catinari	23/04/2018 - Public Art Strategy to be developed in the coming months.	In progress

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28	27/02/2018	Civic Committee	7.6 Chilli Festival - City of West Torrens	McKay / Woodward that it determines its interest in the holding of a chilli festival in West Torrens.	Pauline Koritsa	Report to be included in August Civic Committee agenda but was reported at the June Civic Committee	In progress
29	06/02/2018	Urban Services Prescribed Standing Committee	10.1 Rex Jones Reserve - Request to Install Barrier Fence	Farnden / Haese that: 1. The administration install a barrier fence/screen on the northern border of Rex Jones reserve, considering the petition of 54 residents that was received by Council, showing 85% of cars are travelling at a speed of over 50km/h. 2. Funding for the barrier fence/screen be referred to the next budget review.	Angelo Catinari	19/02/2018 - Currently seeking a quote for the works. Funds to be included in next budget review. 23/04/2018 - Quotes have been received and funds have been included for consideration by Council in the March budget review. 26/06/2018 - Council staff meeting with contractor to discuss installation of the barrier fence for works to be commenced.	In progress
30	06/02/2018	Council	15.2 Waste Bin System Concept for Disposable Coffee Cups	McKay / Demetriou that the Waste Working Party Group research a unique waste bin system concept to exclusively receive paper disposable coffee cups and so called compostable coffee cups and other paper liquid holding cups to be placed in high use areas such as caf��; strips and shopping centres. And research the options to have the collected disposable cups transported to a recycling facility in Ballarat that has a successful method of recycling the cups and salvaging the long fibre paper content for recycling.	Bill Ross	Under consideration by the Waste WP.	In progress
31	06/02/2018	Council	15.3 Coffee Cup Incentives for Coffee Shop/Caf��	McKay / Mangos that the waste working party in conjunction with the administration report on the feasibility of the once off \$500.00 incentive to any Coffee Shop / Caf��; that provides a minimum discount of \$0.50c per cup if they implement "Bring Your Own Cup" and sign up to the Australia Wide Web Site "Responsible Cafes" and display a poster declaring the offer. The \$500.00 incentive payment is paid at the 12 month anniversary of implementation.	Bill Ross	Under consideration by the Waste WP.	In progress
32	06/02/2018	Council	16.1 Recyclable Cups	Mangos / Palmer that Council consider the procurement of 1,000 recyclable cups with Council's logo placed upon them, with the cups to be given to 'coffee shops', and in turn customers, in order to reduce waste to landfill and promote recycling. Referral to the Waste Working Party to occur.	Bill Ross	Under consideration by the Waste WP.	In progress
33	12/12/2017	Council	15.3 Increasing Green Space in City of West Torrens	Woodward / Farnden that Council, with an objective to increase green space within its urban environment: 1. Undertake an audit, including use and review of existing plans, of all parks and green spaces within the City as part of the 2018/19 budget and annual business plan; 2. Use audit data to assess what investment and targets will be required during the next 10 years to sustain, improve and increase green space and reduce urban heat intensity; 3. Use audit data to prioritise parks and green space for allocation of future funds; 4. Collaborate with the inner-rim councils of Adelaide to lobby the State Government for better access to open space contribution funds given the inner-rim councils are more adversely affected by the loss of green space due to urban infill development; 5. Collaborate with the inner-rim councils of Adelaide to lobby the State Government for a contribution from property developers to directly contribute financially to Councils to offset the loss of green infrastructure resulting from urban infill development; 6. Identify various options where increased financial contribution from State Government and Developers to Councils can be used to increase green space, including options to acquire new green space and to incentivise residential and commercial ratepayers to increase green space. 7. Identify areas owned by State Government and Commonwealth government in the City of West Torrens, where increased green space is achievable, and actively lobby for the achievable increase. 8. Explore options where more green space and reduced heat intensity can be provided as part of the design principles for urban infill development. 9. That the poor environmental outcomes in the recent green space and heat intensity reports presented to Council, be considered as part of finalising the City of West Torrens Tree policy.	Pauline Koritsa	Action required indicates that action is to be undertaken 'as part of the 2018/19 budget and annual business plan'. While the bulk of this work will be carried out next financial year some progress is being made prior to the end of financial year, and as a result of subsequent Council resolutions that further the objects of this 9-point plan. An interdepartmental forum on a collective approach to acquiring open space has been scheduled for 7/03/18 to draw on knowledge from across the Council. Furthermore the next Inner Metro Planners meeting is scheduled for 8/03/18 and relevant issues will be canvassed with other inner metropolitan Councils at that forum.	In progress
34	12/12/2017	Urban Services Prescribed Standing Committee	11.4 Update - Weaver Avenue Road Closure Process	Vlahos / O'Rielly that: 1. Council commence the process to declare those segments of road identified in Attachment 1 to this report (i.e. Allotments 92, 93 and 95 within Deposited Plan 2633) as open/public roads. 2. A further update report be provided to the Council following the public consultation process. 3. The Mayor and/or Chief Executive Officer be authorised to sign and/or seal any documentation in regard to this matter.	Angelo Catinari	23/02/18 - The consultants engaged to assist with/facilitate the process have provided the preliminary plan which will now allow the proposed opening to be advertised in the Gazette and local paper. The public notice will be lodged for publication in March. 27/04/2018 - The consultants are progressing the process to finalise the closure. 28/06/2018 - Report being prepared for the August Urban Services Committee Meeting	In progress
35	12/12/2017	Strategy and Community Prescribed Standing Committee	11.2 Aircraft Noise Policy Position	Mayor Trainer / Woodward that: 1. The item be deferred. 2. As City of West Torrens residents are particularly affected by this aircraft noise policy position, Council writes to the Minister to advise that Council intends to undertake essential consultation with affected residents and request that no decisions be made with regard to the Aircraft Noise land use planning policy until such time as Council has completed that consultation and determined its position with regard to the management of aircraft noise.	Pauline Koritsa	Letter advising Council's intention to undertake consultation on Aircraft noise has been sent to the Minister- and a response has been received. Councillors have been sent details of a proposed approach to the 'essential consultation'- for their comment and approval.	In progress
36	07/11/2017	Council	15.1 Request for State Funding West Beach Road Upgrade	Mangos / Palmer that Council seek the support of the City of Charles Sturt and Adelaide Shores to jointly approach the Minister for Transport requesting the State Government to match funding provided by the Commonwealth Government for the upgrade of West Beach Road as funding for the upgrade is currently only being provided by Commonwealth and Local governments.	Terry Buss	Administration together with City of Charles Sturt and Adelaide Shores have been liaising with DPTI to seek appropriate funding opportunities that are available. Currently awaiting advice on suitable funding programs.	In progress

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37	07/11/2017	Urban Services Prescribed Standing Committee	11.4 West Beach Skate Park and Patawalonga Creek Land Custodianship	Palmer / Haese that the Department of Environment, Water and Natural Resources (DEWNR) be advised that: 1. Council consents to relinquishing its custodianship over Allotment 18 in Deposited Plan 48522 (as comprised in Crown Record Volume 5523 Folio 946). 2. Council does not consent to the transfer of custodianship of the allotments described as Section 1572 Hundred of Noarlunga as comprised in Crown Record Volume 5316 Folio 916 and Section 677 Hundred of Adelaide as comprised in Crown Record Volume 5316 Folio 917 to it from the City of Holdfast Bay. 3. Council contends that custodianship of that portion of Section 1514 Hundred of Noarlunga as comprised in Crown Record Volume 5757 Folio 791 which lies within the Patawalonga Lake water body should vest with DEWNR or similar body and not Council.	Angelo Catinari	19/02/2018 - Representatives of the Administration met with staff from Adelaide Shores and DEWNR in December 2017. The DEWNR representative indicated that the process would take approximately 3-6 months to complete but did not anticipate any issues. At this time no further advice has been received from DEWNR. 23/04/2018 - Still awaiting advice from DEWNR. Administration will follow up.	In progress
38	24/10/2017	Civic Committee	8.1 Green Initiatives Rebate Proposal	McKay / Woodward that: 1. It approves the introduction of solar panel rebates and energy efficiency rebates for households, on a 12 month trial basis, to be operated under an overarching Green Initiatives Rebate Program (which would also include the Rainwater Tank Rebate Program). 2. The allocation of \$28,000 from the Community Grants budget to the Green Initiative Rebate Program for the 2017/18 financial year. 3. A review be undertaken at the completion of the trial period, the outcomes of which to be reported to the Committee.	Pauline Koritsa	At the meeting of the Civic Committee on 24 October 2017, it was agreed that a report be brought back to the Committee proposing a program for the provision of solar rebates to community groups within West Torrens. Administration is preparing the report for the Civic Committee meeting on 24th April 2018. Report was presented at the June Civic Committee meetings and was approved by Council on 3 July.	In progress
39	03/10/2017	Urban Services Prescribed Standing Committee	11.2 Preservation of the Windsor Theatre Movie Posters	McKay / Rypp that: 1. It supports the preservation of the Windsor Theatre movie posters. 2. It authorises Administration to select the most appropriate method of preserving the posters. 3. It authorises Administration to contact the West Torrens Historical Society, the State Library and the National Film and Sound Archives to determine their interest in the posters.	Angelo Catinari	06/11/2017 - Investigations have commenced. 19/02/2018 - Met with consultants within the last two weeks seeking a fee offer to provide options for the preservation of the movie posters. 23/04/2018 - At the Community Facilities Committee Meeting on 27 March 2018 the following update was provided. Administration sought advice from a preservation agency and has been advised that any involvement from them in regard to this matter would be subject to their formal engagement and significant fees to inspect and prepare an options paper. Given this information, the Administration is currently investigating other options for preservation or documentation and will report back to the Committee at a future meeting. 28/06/2018 - Update to be provided at the next scheduled Community Facilities Committee meeting to be held on 24 July	In progress
40	19/09/2017	Council	15.1 Feasibility Study for Solar / Battery Technology at the New Council Depot	Woodward / Nitschke that Council conduct a feasibility study into the installation of solar / battery and other sustainability solutions at the new Council Depot at Morphet Rd, North Plympton.	Angelo Catinari	06/11/2017 - Consultants have been engaged to commission a report to be considered by Council. 19/02/2018 - Draft report has been finalised. 23/04/2018 - A further update will be provided in the New Depot Facility report at the Urban Services Committee Meeting on 1 May 2018. 28/06/2018 - Updates provided at the monthly Urban Services Committee Meeting	In progress
41	05/09/2017	Urban Services Prescribed Standing Committee	11.1 Admella Street Upgrade Concept	Nitschke / O'Rielly that: 1. The project and concept design developed for the upgrade of Admella Street and associated public space be endorsed. 2. The project is advanced within the current financial year through the allocation of funds for the development of detailed design and documentation of the project works. These funds to come from within existing City Assets operational budget. 3. A further report be presented to a future Council meeting once the detail design is completed.	Angelo Catinari	16/02/2018 - Currently undertaking detailed design. 27/06/2018 - Detailed design still underway.	In progress
42	01/08/2017	Urban Services Prescribed Standing Committee	11.1 Thebarton Theatre - Request for Masterplan	O'Rielly / Haese that the Administration be authorised: 1. To work with Weslo Holdings to seek out and secure external funding opportunities that may be available to assist with the historical restoration and upgrade of Thebarton Theatre. 2. To enter into negotiations with Weslo Holdings regarding a new or extended lease term for Thebarton Theatre and report back to Council on the outcome of those negotiations including the exclusion of property at 164 South Road from the lease. 3. To liaise with Weslo Holdings to ensure that the 90th anniversary of the Thebarton Theatre opening on 11 June 2018 is appropriately acknowledged and celebrated.	Angelo Catinari	17/08/2017 - Staff met with Weslo consultants to discuss the Plan. 29/08/2017 - A fee offer has been sought for the development of a Concept Plan. 06/11/2017 - Staff and Weslo continuing to develop a Concept Plan with the assistance of the Heritage Architect. Staff have met with Norman Waterhouse Lawyers to discuss options for the new lease. Discussions are continuing. 19/02/2018 - A further update report on the progress of the Weslo business case for grant funding and seeking guidance in regard to the lease will be provided to Elected Members at the Urban Services Standing Committee meeting on 6 March 2017. 23/04/2018 - The motion from the meeting on 6 March 2018 was that this item be deferred to the Elected Member Workshop on Saturday 14 April 2018 for further discussion and clarification. A report will be provided to the Urban Services Committee Meeting on 5 June 2018. 28/06/2018 - refer to action taken comments in report item 9.5 Thebarton Theatre Complex - Lease and Draft Project and Business Plan, presented to Community Facilities Committee on 22 May 2018	In progress
43	01/08/2017	Urban Services Prescribed Standing Committee	11.2 Acquisition of portion of Elm Avenue, Mile End	O'Rielly / Vlahos that the Chief Executive Officer be authorised to negotiate with Tetzlin Pty Ltd on the possible purchase of approximately 73 square metres of land from the Certificate of Title Volume 5536 Folio 240 subject to all the necessary legal approvals being satisfied.	Angelo Catinari	31/08/2017 - Letter of offer was sent to Tetzlin Pty Ltd. 28/10/2017 - Further offer sent to Tetzlin Pty Ltd on 27 October 2017. 15/12/2017 - Deed of Acquisition, Declaration and Release executed. 01/02/2018 - Awaiting offer from JLL for LTO process. 27/04/2018 - Currently drafting LTO plan for public notification. 26/06/2018 - A report to be tabled at the Council Meeting on 03 July 2018, to proceed with the process of public notification.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
44	06/06/2017	Council	16.1 Brickworks - Request for Masterplan	Woodward / Farnden that in regard to the Brickworks surplus land, the Chief Executive Officer: 1. Arrange to hold a workshop for Elected Members and senior staff to establish an overall vision for the higher and best use of surplus land at the former Brickworks Markets site at Torrensville. 2. Following the outcomes of 1 above, develop a project brief to go to the market seeking fee proposals from interested parties to develop a Masterplan for potential development options of the surplus land at the former Brickworks Markets site at Torrensville, including the heritage listed Hoffman Kiln. 3. The project brief is to allow for appropriate community consultation to be undertaken and also allow for appropriate delivery and funding mechanism options to be explored during development of the Masterplan. 4. As part of the next budget review process, recommend to Council an appropriate budget amount to undertake development of the Masterplan.	Terry Buss	28/6/17 - Workshop arranged for Tuesday 29 August, 6pm-9pm for EMs and relevant staff. 12/9/17 - Workshop arranged for 29 August cancelled by CEO in consultation with EMs. Workshop will be rescheduled to a suitable date in the near future. Given the current state of the frontage of the site due to the Torrens to Torrens Project, it is not appropriate to present the site to the market. Indications are that the site may be vacated by DPTI contractors in the first quarter of 2018, and given we are pushing toward the Festive Season, there is no urgency to undertake the workshop in the remainder of 2017 and a date in early 2018 to hold the workshop will be looked at by the CEO.	In progress
45	18/04/2017	Council	17.1 WestLINK Tram Network	Mangos / Woodward that the City of West Torrens write to the Minister for Transport and Infrastructure, the Hon Stephen Mulligan, MP, to advise that it supports the expansion of the tram network in Adelaide. Further, the Minister be advised that the Council has some concerns regarding the two routes in the Multi Criteria Analysis Detailed Report for the WestLINK tram, and requests the Minister: • To establish a joint working group with Council representation to determine the most appropriate WestLINK route. The joint working group also oversee further community consultation and engagement. • Include Richmond Road via James Congdon Drive within the scope of the current evaluation process.	Terry Buss	Letter sent to Minister Mullighan 1/5/17 as per Council resolution.	In progress
46	28/03/2017	Community Facilities Prescribed General Committee	8.9 Thebarton Community Centre - Update of Works Plan	Nitschke / Demetriou that: 1. The detailed design and technical specification suitable for building construction and delivery of the building improvements, utilising the remaining Thebarton Community Centre project funds in the current budget for 2016/2017 proceed to be developed. 2. A further report to be brought back to this Committee for consideration once the detailed design works have been completed.	Angelo Catinari	Consultants engaged and project underway. Once design is complete, an update report will be presented to the Community Facilities Committee meeting in November 2017. 19/02/2018 - Detailed design of the upgrade of the Community Centre is progressing. A further update will be provided at the Community Facilities Committee meeting on 27 March 2018. 23/04/2018 - Update was not presented at the Community Facilities Committee Meeting on 27 March 2018. It is proposed to provide an update to the meeting on 22 May 2018. 28/06/2018 - Update Report to be provided at a future Community Facilities Committee meeting	In progress
47	21/03/2017	Strategy and Community Prescribed Standing Committee	11.2 Aircraft Noise Management in the West Torrens Development Plan	Polito / Hill that: 1. Given the Minister for Planning's preference for aircraft noise management to be addressed through the Planning and Design Code, the Administration writes to the Minister for Planning advising that the Council seeks to contribute to the development of aircraft noise management provisions and other airport planning matters in the Planning and Design Code. 2. The Administration undertakes research on land use policy options for the management of aircraft noise in existing urban areas and report back to the Council.	Pauline Koritsa	The Administration wrote to the Minister for Planning 4 April 2017 advising that the Council seeks to contribute to the development of aircraft noise management provisions and other airport planning matters in the Planning and Design Code. Report presented to the 12 December Strategy and Community Committee meeting proposing an approach to aircraft noise be presented to DPTI. The Committee requested community consultation be undertaken with affected residents prior to finalising Council's position. Council report with a position on the management of aircraft noise to be submitted to the December Strategy and Community meeting. Community consultation proposed approach with Elected Members for comment until 12 March. Community consultation pending meeting with Adelaide City Council on 1 May on their 3D modelling to see if it may be possible to include in the consultation. Aircraft noise survey sent out to affected residents and property owners, closes 27 July 2018.	In progress
48	07/02/2017	Urban Services Prescribed Standing Committee	11.3 Reid Street Permit Update	Nitschke / Palmer that: 1. A permit for a term of 5 years commencing on 30 November 2016 at an initial permit fee of \$20,900 pa plus GST be granted to Thebarton Management Pty Ltd for use of that portion of Reid Street Thebarton as delineated in Attachment 1 of the report. 2. The permit fee escalate by Adelaide All Groups Consumer Price Index (CPI) (or similar index should that index be discontinued) on each anniversary of the commencement date. 3. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation giving effect to the grant of permit.	Angelo Catinari	7/03/2017 - Letter sent to permit holder advising of Council's decision from its meeting held on 7 February 2017 along with the permit documentation for signing. 04/09/2017 - Legal advice currently being sought. Mid Sept - Onsite meeting with permit holder's property adviser - adviser to check/clarify requirements with property owner and advise CWT. 30/10/2017 - Reminder email sent 30/10/2017 as still awaiting response. 02/03/2017 - Request for legal advice raised to establish actions to be taken to honour lease or order to remove infrastructure from public road. 28/06/2018 - The lease matter is continuing and an update report to be presented to a future Urban Services Committee meeting.	In progress
49	17/01/2017	Urban Services Prescribed Standing Committee	11.1 Potential Road Closures - Craig Street, Richmond, and Tyson Street, Ashford	Vlahos / Mangos that: 1. The report be noted. 2. Council Administration be authorised to commence the process of closure of the identified portion of road (extension of Weaver Avenue) on the northern side of Craig Street, Richmond (as per Attachment 3). 3. Further reports be provided to the Council as, and when, appropriate milestones are reached and/or when any additional authorisation(s) may be required as part of the road closure process and sale of the extension of Weaver Avenue that is north of Craig Street	Angelo Catinari	30/01/2017 - Letter sent to owners of adjoining properties advising of Council's resolution and seeking an indication from them as to whether they have any interest in purchasing the land. 06/03/2017 - Engaged consultant to commence road closing process. Preliminary plans lodged with the Surveyor-General. 04/09/2017 - Awaiting updates from consultants. 07/11/2017 - Road closure plans currently being prepared. 23/02/2018 - The process is continuing (updated survey plans and preparation of Road Process Orders). 27/04/2018 - The consultants are progressing the process to finalise the closure. 22/05/2018 - Public Notice signed by CEO to appear in The Advertiser and Gazette	In progress

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50	17/01/2017	Urban Services Prescribed Standing Committee	11.3 Cummins House Lease	Demetriou / Hill that: 1. Approval be sought from the Department of Planning Transport and Infrastructure (DPTI) for the grant of a short term extension of the current lease of Cummins House, on similar terms and conditions as the existing lease agreement, until 31 December 2018, or until such time as a final agreed position has been negotiated and determined by the parties 2. The Mayor and Chief Executive Officer be authorised to sign and seal such short term agreement. 3. The Administration be authorised to enter into formal negotiations with representatives from the the Department of Planning Transport and Infrastructure for the acquisition by Council of the Cummins House property. 4. A further report(s) be provided to Council should formal Council input be required throughout, or alternatively at the conclusion of, the negotiation process.	Angelo Catinari	27/01/2017 - Letter sent to DPTI advising of Councils' resolution and seeking appointment to commence negotiations. 30/01/2017 - Email sent to Cummins Society reps and caretakers providing link to report and minutes address newspaper article. 07/03/2017 - Awaiting letter of response from DPTI. 16/03/2017 - It is received the letter in response from DPTI, regarding its consent to an extension of the current lease until 31/12/2018. 28/03/2017 - A new letter is sent to DPTI with concerns raised by the Council. 26/04/2017 - Further emails sent seeking for updates from DPTI. 22/06/2017 - Receipt of reply from DPTI that extension of contract till Dec 2018 is confirmed. Negotiation ongoing regarding a longer term lease or acquisition of Cummins House by the Council. 02/08/2017 - Notification received from DPTI that Minister of Transport declared Cummins House as surplus, enabling DPTI to undertake PC114 Process. 04/09/2017 - Council Administration to schedule meetings and determine next steps. 20/10/2017 - Extended agreement (required CEO signature only) executed by CEO on 19/10/2017 and returned to DPTI. 06/11/2017 - Extension to lease until 31 December 2018 has been confirmed by DPTI. 27/02/2018 - Advice has been received from DPTI (23/02/18) that the State Government has completed all necessary internal processes re possible disposal of the property to Council. Negotiations can now commence. An initial meeting between the parties is expected to occur in early-mid March. Terms have also been agreed re the Caretaker position with commencement of the new agreement to commence mid-March to early April.	In progress
51	17/01/2017	Urban Services Prescribed Standing Committee	11.4 Private Parking Area Agreement - Charter Hall	Nitschke / Mangos that: 1. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to enter into an agreement with Charter Hall Limited under the Private Parking Areas Act to police the private parking area at 38 South Road Torrensville. 2. No timed parking restrictions be included in the agreement.	Angelo Catinari	07/03/2017 - Private parking agreement forwarded to Charter Hall for execution. 16/02/2018 - Currently awaiting signed documentation. 27/04/2018 - Resent agreement to new centre management. Awaiting signed copy. 28/06/2018 - Meeting with Charter Hall to be scheduled on 6 July 2018 to finalise the car park agreement	In progress
52	20/09/2016	Strategy and Community Prescribed Standing Committee	11.2 Carparking Fund Legal Advice	Palmer / McKay that, as a result of the assenting of the Planning, Development and Infrastructure Act 2016, the establishment of a car parking fund and an associated Car Parking Contribution Fund policy be deferred until such time as the transitional legislation that will apply to an 'off-setting contribution scheme' is known.	Pauline Koritsa	3/11/2016 - Updated advice has been recieved from KelledyJones on 4 October 2016 advising that the transitional legislation outlines that an existing car parking fund will automatically become an off-setting scheme under section 197 of the PDI Act on the date of its commencement. Investigations on location and nature of a car parking fund/off setting scheme will be commenced. Staff are monitoring the transitional implementation of sections fo the PDI Act 2016. Section 197 has not yet ben activated.	In progress
53	22/09/2015	Community Facilities Prescribed General Committee	9.1 Honour Boards	Noting that the matter was not urgent, Cr McKay asked if the number of honour boards under Council's care and control could be advised, together with their dimensions and total surface area? The Administration undertook to investigate and report back to a future meeting.	Pauline Koritsa	Consulted with Cr McKay to clarify focus is on War Memorial honour boards. Scoped out task with Dean Ottanelli. Workers being deployed to locate, identify, measure and photograph boards in preparation for report back	In progress
54	03/07/2018	Council	12.1.1 Civic Committee Item 8.5 Heritage Conservation Grant 2018 Funding Round	McKay/Palmer that the Committee recommendation regarding item 8.5 Heritage Conservation Grant 2018 Funding Round not be adopted and that the item be referred back to the next Civic Committee Meeting for further discussion and clarification on publishing the applicants personal details.	Terry Buss	Cloned report item 8.5 Heritage Conservation Grant 2018 Funding Round to the next meeting of the Civic Committee on 28 August 2018 for review and edits as required by authors.	Completed
55	03/07/2018	Council	15.3 Elected Member Training and Development	Woodward/Farnden that Council establish a maximum of \$3,000 per financial year for each Elected Member (excluding the Mayor) to be available for their personal development, including attendances at conferences and/or member based events. The cap would exclude attendance where the Elected Member is representing the Council in an official capacity and attendance is not discretionary. E.g. being a member of a Board, but not only being a member or associate of a particular organisation. The cap would also exclude costs for attendance at the Australian LGA conference for first-time Elected Members during the first three years of their first term. Any unspent budget cannot be rolled over to the subsequent year. AMENDMENT Rypp/Haese that the motion be referred to the next Corporate Planning, Policy and Performance Committee Meeting for further consideration.	Terry Buss	Created report for 10 July 2018 CPPP to be discussed in 'other business'	Completed
56	03/07/2018	Council	16.2 Drainage in Fulham	Palmer/Haese that the Administration investigate and submit a report to Council on the present drainage system in Fulham. The report to include recommendations on the method required to upgrade the present system to avoid future possible flooding. The Presiding Member ruled that the motion be deferred to the next meeting of Council on 17 July 2018.	Terry Buss	Moved motion to the next meeting of Council on 17 July 2018.	Completed
57	26/06/2018	Council	17.7 KelledyJones Lawyers Local Government Elections Breakfast	McKay/Cr Simon Tsiaparis that: 1.Council approves the attendance of Mayor John Trainer and Cr/s Palmer and Mangos at the KelledyJones Lawyers Local Government Elections Breakfast to be held at the National Wine Centre, Adelaide on Friday 3 August 2018 2.Expenses be reimbursed in accordance with Council policy	Terry Buss	Registered Mayor John Trainer and Cr/s Palmer and Mangos to attend the KelledyJones Lawyers Local Government Elections Breakfast, sent email confirmation and calendar invitation.	Completed
58	19/06/2018	Council	15.2 Dog and Cat Microchipping Day	Mangos/Rypp that due to the success of the Dog and Cat Microchipping, another day be organised in Memorial Gardens in the Spring to encourage more owners to be responsible for their pets.	Bill Ross	Microchipping Day has been scheduled for Saturday 25 August 2018	Completed

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59	05/06/2018	Council	8.1 Traffic Volumes in Burt Avenue Hilton	Vlahos/O'Rielly that: 1. The Petition be received. 2. A report be presented to a future meeting of Council on this matter and the Head Petitioner be notified accordingly.	Pauline Koritsa	21/06/2018 - Head Petitioner notified via email of the council resolution.	Completed
60	05/06/2018	Council	8.1 Traffic Volumes in Burt Avenue Hilton	Vlahos/O'Rielly that: 1. The Petition be received. 2. A report be presented to a future meeting of Council on this matter and the Head Petitioner be notified accordingly.	Angelo Catinari	26/06/2018 - A report tabled at the Council Meeting on 03/07/2018.	Completed
61	05/06/2018	Council	17.1 Mayor Rosenberg Position as SA President of the Local Government Association	Trainer/Demetriou that notwithstanding our recognition of the dedication, hard work and commitment of Mayor Rosenberg to her position as SA President of the Local Government Association, and notwithstanding the unfairness of some of the criticism she has been subjected to, the City of West Torrens calls upon Mayor Rosenberg to consider her on-going tenure as LGA SA President in the context of the on-going adverse media reports that portray not only her council but also local government in general as being extravagant and wasteful users of rate payer money.	Terry Buss	06/06/2018 - Letter sent to Mayor Rosenberg notifying of Motion.	Completed
62	05/06/2018	Council	18.2 Max and Bette Mendelson Scholarship Awards - 2018	Haese/Hill that: 1. Approval be granted to the Mendelson Management Committee to award the 2018 Max and Bette Mendelson scholarships as outlined in the list provided separately; and 2. Approval be granted for the Mendelson Management Committee, in conjunction with the Chief Executive Officer, to arrange a suitable presentation ceremony to be held on Friday 29 June 2018 along the lines of previous years.	Terry Buss	Applicants notified and presentation ceremony to be held on Friday 29 June 2018.	Completed
63	05/06/2018	Council	18.3 Thebarton Theatre Complex - Upgrade Report - Confidential Order Review	Farnden/Nitschke that Council revokes the confidentiality order.	Terry Buss	Confidential spreadsheet updated and documents released as per the resolution of Council.	Completed
64	05/06/2018	Council	21.1 Council Contributions to the Regional NRM Levy	Woodward/Farnden that the correspondence be received and that the Administration write to the Minister for Environment and Water seeking clarification on the Minister's claims that the collection of the levy by councils "remains the most cost efficient and transparent method of collecting the NRM levy".	Terry Buss	12/06/2018 - Letter send to the Minister for Environment and Water seeking clarification on the Minister's claims that the collection of the levy by councils "remains the most cost efficient and transparent method of collecting the NRM levy".	Completed
65	22/05/2018	Community Facilities Prescribed General Committee	9.1 Lockleys RSL Purchase - Update	Demetriou/Woodward that: 1. The Council accepts the negotiated and agreed purchase price of \$220,000 (plus any applicable GST) for the Lockleys Servicemen's Memorial Centre Inc. premises at 362A Henley Beach Road, Lockleys 2. The Mayor and/or Chief Executive Officer be authorised to sign and/or seal any documentation required to enable the Council to purchase the property in the sum of \$220,000 (plus any applicable GST).	Angelo Catinari	28/06/2018 - Settlement on the property at 362A Henley Beach Rd, Lockleys, (RSL Lockleys) programmed for 28 June 2018.	Completed
66	22/05/2018	Community Facilities Prescribed General Committee	9.8 Kings Reserve Masterplan Update	Nitschke/Demetriou that: 1. The report be noted. 2. The Adelaide Footy League (formerly the South Australian Amateur Football League (SAAFL)) be advised that in-principle support for the realignment of Thebarton Oval to North/South as well as reducing the current size of the oval to that of Australia Football League (AFL) standards has been granted. 3. The Masterplan for Kings Reserve dated 14 May 2018 be endorsed with the following changes: a) Relocate the cricket net to an area west of the new playground space. b) Increase the open space and kick-about area (including the placement of Australian Football League (AFL) goals) east of the new playground space	Angelo Catinari	28/06/2018 - Masterplan Report approved at the Council Meeting 5 June 2018 (report from the CFC meeting 22 May 2018). Masterplan Report updated and finalised (changes included from the recommendation) - distributed to stakeholders and placed on the web site.	Completed
67	08/05/2018	Corporate Planning Policy and Performance Prescribed Committee	8.1 Review of the Council Policy - Elected Member Attendance at Conferences	Mangos / Palmer that: 1. The revised Council Policy - Elected Member Attendance at Conferences be approved. 2. The Chief Executive Officer be authorised to make amendments of a minor or technical nature to the Council Policy - Elected Member Attendance at Conferences.	Pauline Koritsa	The Council Policy - Elected Member Attendance at Conferences has been updated. The revised policy has been placed on the Policy Hub and council website.	Completed

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68	08/05/2018	Corporate Planning Policy and Performance Prescribed Committee	8.2 Annual Service Plans 3rd Quarter 2017/18 Progress Update	McKay / Mangos that: 1. The Annual Service Plans 3rd Quarter Progress Report 2017/18 be received, 2. The completion date for the nominated action from the Strategy & Business and Information Services 2017/18 service plans be revised as detailed in the report. 3. The nominated action to 'report on the implementation of Council's Public Health Plan' be deleted from the Strategy and Business 2017/18 Service Plan.	Pauline Koritsa	Updated accordingly	Completed
69	08/05/2018	Corporate Planning Policy and Performance Prescribed Committee	8.3 Draft 2018/19 Departmental Annual Service Plans	McKay / Nitschke that the Draft 2018/19 departmental service plans be endorsed subject to: 1. Amendment of the 'finish' date of the action, 'Coordinate the transition of the City Operations department from the Marion Road location to the Morphett Road location, including management of the new property', from 30 June 2018 to 31 December 2018, as detailed on Page 5 of the City Property Draft 2018/19 Annual Service Plan contained on page 71 of Attachment 1 in the Agenda report; 2. Replacement of 'Institute of Medical and Veterinary Services' with 'SA Pathology' on page 4 of the Regulatory Services Draft 2018/19 Annual Service Plan on p42 of Attachment 1 in the Agenda report.	Pauline Koritsa	Service plans updated accordingly	Completed
70	01/05/2018	Council	16.1 Opening of the Linear Park Track	Cr McKay/Cr Demetriou that the Administration write to the Chief Executive Officer of SA Water seeking an update on the reopening of the River Torrens Linear Park track.	Angelo Catinari	28/06/2018 - Refer to Urban Services Activity Report: 5 June and 3 July - River Torrens Bank Repair Works - SA Water for update. "Recent information from the SA Water project team indicates that this project is still on schedule with the first site within our Council area to have works commencing around the end of July 2018."	Completed
71	27/03/2018	Community Facilities Prescribed General Committee	8.7 Weigall Oval - Request to Name Facility (Adelaide Cobras)	Trainer/Nitschke that the Adelaide Cobras Football Club be advised that Council provides its consent for the soccer pitch at Weigall Oval to be known as Pro Paint and Panel Oval Pitch during the 2018/19 soccer season, from 3 March 2018 until 30 September 2018.	Angelo Catinari	Email to the Adelaide Cobras Football Club advising of Council resolution sent on 1 May 2018 .	Completed