

# Council Meeting Agenda & Reports

**4 October 2022**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters

29 September 2022

## To all Members of the Council

### NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

**Tuesday 4 October 2022, commencing at 7.00pm.**

Please advise Tina Zullo on 8366 4545 or email [tzullo@npsp.sa.gov.au](mailto:tzullo@npsp.sa.gov.au), if you are unable to attend this meeting or will be late.

Yours faithfully



Lisa Mara  
**ACTING CHIEF EXECUTIVE OFFICER**

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
**Norwood  
Payneham  
& St Peters**

1.	KAURNA ACKNOWLEDGEMENT .....	1
2.	OPENING PRAYER .....	1
3.	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 5 SEPTEMBER 2022 .....	1
4.	MAYOR'S COMMUNICATION.....	1
5.	DELEGATES COMMUNICATION .....	1
6.	QUESTIONS WITHOUT NOTICE.....	1
7.	QUESTIONS WITH NOTICE .....	1
8.	DEPUTATIONS .....	1
9.	PETITIONS.....	1
10.	WRITTEN NOTICES OF MOTION .....	1
	10.1 PROVISION OF COUNCIL-OBTAINED LEGAL ADVICE TO ELECTED MEMBERS – SUBMITTED BY CR FAY PATTERSON.....	2
11.	STAFF REPORTS .....	5
	<b>Section 1 – Strategy &amp; Policy.....</b>	<b>6</b>
	11.1 REVIEW OF POLICIES .....	7
	<i>Attachments – Item 11.1.....</i>	<i>13</i>
	<b>Section 2 – Corporate &amp; Finance.....</b>	<b>14</b>
	11.2 MONTHLY FINANCIAL REPORT – AUGUST 2022.....	15
	<i>Attachments – Item 11.2.....</i>	<i>17</i>
	<b>Section 3 – Governance &amp; General.....</b>	<b>18</b>
	11.3 CHIEF EXECUTIVE OFFICER'S REPORT - AMENDMENT OF COUNCIL DECISION - PROVISION OF LEGAL ADVICE - CR SCOTT SIMS.....	19
	11.4 ELECTION FOR THE POSITION OF PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA .....	22
	<i>Attachments – Item 11.4.....</i>	<i>24</i>
	11.5 ELECTION OF MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC) .....	25
	<i>Attachments – Item 11.5.....</i>	<i>27</i>
	11.6 LOCAL GOVERNMENT FINANCE AUTHORITY (LGFA) - ELECTION FOR THE POSITIONS OF REPRESENTATIVE MEMBERS OF THE BOARD OF TRUSTEES.....	28
	<i>Attachments – Item 11.6.....</i>	<i>30</i>
	11.7 REVIEW OF CONFIDENTIAL ITEMS .....	31
	<i>Attachments – Item 11.7.....</i>	<i>33</i>
	11.8 CODE OF CONDUCT MATTER.....	34
	<i>Attachments – Item 11.8.....</i>	<i>38</i>
12.	ADOPTION OF COMMITTEE MINUTES.....	39
13.	OTHER BUSINESS .....	39
14.	CONFIDENTIAL REPORTS .....	39
	14.1 APPOINTMENT OF INDEPENDENT MEMBERS TO THE EASTERN REGION ALLIANCE (ERA) WATER AUDIT COMMITTEE.....	40
	14.2 COUNCIL RELATED MATTER .....	41
15.	CLOSURE.....	42

**VENUE** Council Chambers, Norwood Town Hall

**HOUR**

**PRESENT**

**Council Members**

**Staff**

**APOLOGIES**

**ABSENT**

1. **KAURNA ACKNOWLEDGEMENT**
2. **OPENING PRAYER**
3. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 5 SEPTEMBER 2022**
4. **MAYOR'S COMMUNICATION**
5. **DELEGATES COMMUNICATION**
6. **QUESTIONS WITHOUT NOTICE**
7. **QUESTIONS WITH NOTICE**  
Nil
8. **DEPUTATIONS**  
Nil
9. **PETITIONS**  
Nil
10. **WRITTEN NOTICES OF MOTION**

**10.1 PROVISION OF COUNCIL-OBTAINED LEGAL ADVICE TO ELECTED MEMBERS – SUBMITTED BY CR FAY PATTERSON**

---

**NOTICE OF MOTION:** Provision of Council-Obtained Legal Advice to Elected Members  
**SUBMITTED BY:** Cr Fay Patterson  
**FILE REFERENCE:** qA1039  
**ATTACHMENTS:** Nil

---

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Fay Patterson.

**NOTICE OF MOTION**

That:

1. the request for the legal advice and the advice advised verbally to Members on 2 December 2019, in relation to a matter raised under Agenda Item 15.1 Other Business; and
2. any other relevant legal advice obtained by Council during the current term,

be provided to Elected Members as per the *Elected Member Access to Legal Advice Policy*.

**REASONS IN SUPPORT OF MOTION**

On 2 December 2019, in regard to the matter mentioned, Mayor Robert Bria quoted part of legal advice obtained by Council in order to inform Elected Members about their obligations in respect of the matter. The advice was not quoted in its entirety and neither this nor the request for the legal advice – which would provide the basis on which the legal advice was made – were distributed to Elected Members.

The *Elected Member Access to Legal Advice Policy* (“the Policy”) was adopted soon after, on 6 July 2020. This includes:

“In those circumstances where legal advice is obtained on behalf of the Council to assist the Council in its decision-making processes, a copy of the request for the legal advice and the advice, including any attachments and appendices to the advice, will be provided to Elected Members in full written form.”

This provision is included in the Policy to assist Council to comply with its responsibility to act as a representative, informed and responsible decision-maker on behalf of its citizens. However, when the Policy came into effect, it was not applied retrospectively to Council legal advice obtained during the current term. If it had been, this provision would have clearly applied to the legal advice quoted by Mayor Bria on 2 December 2019.

The principles encapsulated in the Policy have been considered by this Council to be important enough to be applied retrospectively to legal advice obtained by Cr Sims on 2 August 2019. On the same basis, they should also be applied retrospectively to relevant Council-obtained legal advice that pre-dated the Policy, by distributing both the advice and request for advice in writing.

In particular, being able to refer back to legal advice obtained by Council in the past will assist Elected Members in understanding legal considerations going forwards – noting that the *Code of Conduct for Council members* includes the overarching principle that Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position.

Apart from this, Mayor Bria also referred to legal advice previously obtained by Council during Confidential Item 14.4 on 5 October 2021. The status of this, and hence whether it could be subject to the Policy, is unclear. The Policy is due for review within twelve months of the November 2022 local government elections.

**STAFF COMMENT  
PREPARED BY GENERAL MANAGER, GOVERNANCE & CIVIC AFFAIRS**

The “matter raised under Agenda Item 15.1” referred to in the Notice of Motion relates to the Chief Executive Officer’s Performance Review Committee and more specifically, the removal of Cr Sims from his position as a Member of the Chief Executive Officer’s Performance Review Committee by the Council at its meeting held on 2 December 2019.

The Notice of Motion is seeking access to a copy of the legal advice and any other relevant legal advice obtained by the Council, which was obtained by the Mayor in his capacity as Presiding Member of the Chief Executive Officer’s Performance Review Committee.

The *Elected Member Access to Legal Advice Policy*, (whilst not in place when this matter was considered by the Council), states the following in respect to the provision of legal advice to Elected Members:

**Obtaining Legal Advice – Elected Members**

*Any advice obtained by Elected Members that, in accordance with this Policy, is funded by the Council, is legal advice pertaining to the performance/discharge of functions of office of the Elected Member, it is legal advice to the Council and is subject to the official record requirements of the State Records Act 1987. Therefore, it is a condition of this Policy that, as public funds have been or are intended to be relied upon to fund the advice, that a copy of the legal advice must be provided to the General Manager, Governance & Community Affairs and registered to the Council’s Corporate Records Management system.*

*A copy of the advice may also be provided to the Chief Executive Officer, either by the Elected Member who has obtained the advice or by the General Manager, Governance & Community Affairs. Depending on the nature of the legal advice and if, in the opinion of the Chief Executive Officer and/or the General Manager, Governance & Community Affairs, it is relevant to the operations of the Council, a copy may also be provided (on a confidential basis) to other Elected Members.*

**Obtaining Legal Advice - Mayor**

*In addition to the matters where Elected Members may wish to seek legal advice; circumstances may also arise whereby the Mayor requires legal advice to ensure compliance with the provisions of Section 58 of the Act. These circumstances may include the following, by way of example only:*

- *clarification regarding the provisions of the Local Government (Procedures at Meetings) Regulations 2013;*
- *the legality of a Council decision and/or legal ramifications of a Council decision;*
- *the employment arrangements between the Council and the Chief Executive Officer.*

*Having regard to the express functions of the Mayor as set out in Section 58 of the Act, this Policy recognises that it is appropriate for only the Mayor to seek advice in relation to these matters.*

*All requests by the Mayor for legal advice pertaining to functions as set out in Section 58 of the Act will be directed to and co-ordinated by either the Chief Executive Officer (where appropriate), or the General Manager, Governance & Community Affairs.*

*Legal advice obtained by the Mayor regarding specific roles of the Mayor, is deemed to be legal advice to the Council and a copy will be provided to the Chief Executive Officer (where appropriate), and/or the General Manager, Governance & Community Affairs and the Council.*

***A copy of the legal advice may also be provided to the Council at the next scheduled Council Meeting or via the Council’s Elected Member Communique, depending on the nature of the legal advice. This will be at the discretion of the Chief Executive Officer and/or the General Manager, Governance & Community Affairs (as relevant).***

As set out above, the legal advice referred to in the Notice of Motion was obtained by the Mayor in respect to the legal ramifications of a Council decision, that decision being the Council's appointment of Cr Sims to the Chief Executive Officer's Performance Review Committee at its meeting held on 8 October 2019, and the legal ramifications of the decision on the basis of previous matters pertaining to Cr Sims.

At the first meeting of the Chief Executive Officer's Performance Review Committee, the Mayor briefed the Committee on these matters and the legal advice which he had obtained.

At its meeting held on 2 December 2019, the Mayor made a Statement to the Council in respect to these matters and provided a summary of the legal advice which he had received.

On the basis that the Mayor had provided both the Chief Executive Officer's Performance Review Committee and the Council with the advice verbally, the matter related to ensuring the Mayor complied with Section 58 of the *Local Government Act 1999* and that the advice related to matters pertaining to Cr Sims, a copy of the legal advice was not provided to Elected Members.

**11. STAFF REPORTS**



## **Section 1 – Strategy & Policy**

### **Reports**

## 11.1 REVIEW OF POLICIES

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA61370  
**ATTACHMENTS:** A - J

---

### PURPOSE OF REPORT

The purpose of the report is to present a number of policies which have been reviewed to the Council for adoption.

### BACKGROUND

Policies, Codes of Practice and Codes of Conduct are important components of a Council's governance framework. Policies set directions, guide decision making and inform the community about how the Council will normally respond and act to various issues.

When a decision is made in accordance with a Council policy or code, both the decision-maker and the community can be assured that the decision reflects the Council's overall aims and principles of action.

Accordingly, policies and codes can be used in many contexts to:

- reflect the key issues and responsibilities facing a Council;
- provide a policy context and framework for developing more detailed objectives and management systems;
- guide staff and ensure consistency in delegated and day-to-day decision-making; and
- clearly inform the community of a Council's response to various issues.

It is therefore important that policies remain up to date and consistent with any position adopted by the Council.

A review of all Council Policies commenced in 2018 and as a result all Policies have been reviewed, a number of new Policies have been adopted and a number of Policies have been revoked.

A list of all Council Policies is contained within **Attachment A**.

The following Policies are now scheduled to be reviewed:

1. Civic Recognition (**Attachment B**);
2. Community Gardens Policy (**Attachment C**);
3. Naming of Roads and Public Places (**Attachment D**);
4. Order Making (**Attachment E**);
5. Plaques, Monuments & Memorials (**Attachment F**);
6. Public Interest Disclosure (**Attachment G**);
7. Removal and Impounding of Vehicles (**Attachment H**);
8. Temporary Road Closures for Non-Council Initiated Road Events; (**Attachment I**); and
9. Tennis Facilities (**Attachment J**).

Where required, the Policies have been amended to ensure that the Policies meet current standards and reflect the Council's position on the respective matters.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

## DISCUSSION

### Civic Recognition Policy

The *Civic Recognition Policy* is an existing policy.

The Council recognises outstanding achievements, voluntary contributions and significant milestones of members of the community, local groups and/or organisations and businesses in a variety of ways, including the Honorary Freedom of the City Award, Australia Day Awards, civic receptions, etc.

The draft *Civic Recognition Policy* has been prepared to formally identify and consolidate the various forms of Civic Recognition which are provided by the Council.

The existing Policy is proposed to be retained and as such it has been reviewed. A minor amendment has been made to the Policy to update the title of the contact officer for the Policy.

A copy of the draft *Civic Recognition Policy* is contained within **Attachment B**.

### Community Gardens Policy

The *Community Gardens Policy* is an existing Policy.

The draft *Community Gardens Policy* recognises the benefits of community gardens and sets out the requirements for the establishment of a community garden on Council owned land.

Since the adoption of the Policy in 2008, the Council has supported the establishment of the Linde Community Garden at Linde Reserve, Stepney.

The existing Policy is proposed to be retained and as such it has been reviewed. A minor amendment has been made to the Policy to update the title of the contact officer for the Policy.

A copy of the draft *Community Gardens Policy* is contained within **Attachment C**.

### Naming of Roads and Public Places Policy & Procedure

The *Naming of Roads and Public Places Policy & Procedure* is an existing policy.

Section 219(5) of the *Local Government Act 1999* (the Act), requires the Council to adopt a policy relating to the assignment of names to roads and public places within the City. This includes public roads which are vested in the Council, private roads and any place to which the public has access (for instance, reserves, parks, Council-owned facilities and buildings and other community land).

The *Naming of Roads and Public Places Policy & Procedure* outlines when and how the Council will assign or change the name of a road or public place in the City (as required by the Act, or otherwise), and provides guidelines to assist the Council in the name selection process.

The draft Policy has been prepared on the basis of the Local Government Association of South Australia's Road and Public Place Names Model Policy, which is broadly utilised across Local Government.

Whilst the Act does not require a Council to undertake community consultation regarding the *Naming of Roads and Public Places Policy*, Section 219 (7) of the Act sets out the following process following the adoption the Policy:

- (7) *Notice of the adopting or altering of a policy under this section must be published—*
  - (a) *in the Gazette; and*
  - (b) *in a newspaper circulating within the area of the council; and*
  - (c) *on a website determined by the chief executive officer.*

The existing Policy is proposed to be retained and as such it has been reviewed. Minor amendments have been made to the Policy (to reflect changes in legislation, the change in the relevant State Government department following the recent State Government election and to update the title of the contact officer for the Policy).

As the amendments to the Policy are minor and do not change the intent or the process associated with Naming of Roads and Public places, the provisions under Section 219 (7) of the Act do not apply in these circumstances.

A copy of the new *Naming of Roads and Public Places Policy & Procedure* is contained within **Attachment F**.

### **Order Making Policy**

The *Order Making Policy* is an existing policy.

Section 254 of the *Local Government Act 1999* (the Act), provides that the Council may order specified persons to do or refrain from doing, a thing under certain circumstances, which includes matters associated with the following:

- unsightly land;
- hazards on land adjoining a public place;
- inappropriate use of a vehicle;
- certain roadworks and/or maintenance; etc

The *Order Making Policy* sets out the guiding principles, process and procedure that the Council will follow in the making of orders in accordance with Section 259 of the Act.

The existing Policy is proposed to be retained and as such it has been reviewed. A minor amendment has been made to the Policy to update the title of the contact officer for the Policy.

A copy of the draft *Order Making Policy* is contained within **Attachment E**.

### **Plaques, Monuments & Memorials Policy**

The *Plaques, Monuments & Memorials Policy* is an existing policy.

The *Plaques, Monuments & Memorials Policy* provides a clear and transparent framework to deal with the approval, placement, installation, alteration, maintenance and removal of a range of plaques, monuments and memorials that commemorate an event, organisation, group or person in the City of Norwood Payneham & St Peters.

The Policy applies to all new plaques, monuments and memorials which are proposed to be placed on land which is owned or managed by the Council.

The Policy sets out the principles which will apply when considering applications for the installation of plaques from citizens and specifies that applications will only be considered for the placement of plaques on new infrastructure (ie seating/benches and/or picnic tables), which is paid for by the applicant.

The Policy therefore does not permit the placement of plaques on existing infrastructure. This position has been taken on the basis that existing Council owned assets have been “paid for” by all ratepayers of the City and therefore the asset should not be dedicated to one person/group only.

Whilst an applicant could pay for the existing asset, this is not practical in terms of managing this process on the basis of applying a realistic dollar value to an asset that has been in situ for some time, (ie at what point does the asset have a 50% dollar value and what point does the asset have no dollar value?). The practical application of this approach would be very difficult to manage in terms of the operation of the Policy.

Therefore, as stated above and in the interests of equity, plaques will only be approved to be placed on infrastructure which the applicant agrees to fund.

For the purposes of the Policy, monuments are subject to the same principles and criteria as memorials and requires applicants to work collaboratively with the Council on development of their concept, including the design, durability, environmental sustainability, risk mitigation and maintenance plans.

The Policy also ensures that the Council has absolute discretion in terms of any requests which it receives to assist with funding any applications for monuments and memorials.

The existing Policy is proposed to be retained and as such it has been reviewed. A minor amendment has been made to the Policy to update the title of the contact officer for the Policy.

A copy of the draft *Plaques, Monuments & Memorials Policy* is contained within **Attachment F**.

### **Public Interest Disclosure Policy & Procedure**

The *Public Interest Disclosure Policy & Procedure* is an existing policy.

The *Public Interest Disclosure Policy & Procedure* outlines the processes and procedures for the making of 'appropriate disclosures' of 'public interest information' by informants under the *Public Interest Disclosure Act 2018* (the Act), and the obligations on the Council (and Elected Members, Council staff, Volunteers and contractors engaged by the Council), as 'relevant authorities' when receiving this information. The *Public Interest Disclosure Policy & Procedure*, also outlines the protections available to informants, including the provisions relating to confidentiality and protection against victimisation.

The existing Policy is proposed to be retained and as such it has been reviewed. Minor amendments have been made to the Policy to update the title and contact details of the contact officer for the Policy.

A copy of the draft *Public Interest Disclosure Policy & Procedure* is contained within **Attachment G**.

### **Removal and Impounding of Vehicles Policy**

The *Removal and Impounding of Vehicles Policy* is an existing policy.

The requirement for this Policy was due to investigations undertaken in 2010, by the Acting Ombudsman into regulatory issues associated with abandoned vehicles.

As a result of the investigation and the recommendations which were made by the Acting Ombudsman, Councils and the Local Government Association of SA, prepared draft policy templates and procedural templates dealing with Section 237 of the *Local Government Act 1999* and the *Unclaimed Goods Act 1987*.

In response, the Council approved a number of specific delegations relating to Section 237 of the *Local Government Act 1999* and the *Unclaimed Goods Act 1987*. These delegations related to specifically addressing the recommendations which were made by the Acting Ombudsman.

In addition, a policy and procedure relating to Section 237 and the *Unclaimed Goods Act 1987*, was prepared and adopted by the Council.

Whilst on the surface, the "step-by-step" process outlined in Section 237 appears straight forward, there are a number of details (ie policy and administrative practice and procedures) which need to be factored into the process. Whilst one could assume that the application of the provisions of Section 237, together with the application of common sense and good administrative principles, should be fairly straight forward, this is not the case.

As such, the *Removal and Impounding of Vehicles Policy*, the *Unclaimed Goods Procedure* and the *Procedure for the Removal of Vehicles on a Public Road, Public Place or Local Government Land*, were formalised. The Procedures are essentially administrative processes and practice, however, the Policy document must be approved by the Council, as it provides the over-arching framework for the administration of Section 237 of the *Local Government Act 1999*.

The Policy is self-explanatory and sets out the Council's position in respect to how it will deal with vehicles which are reported as being left for more than 24 hours on a public road, public place or Local Government land.

The principle threshold issue, however, which the Council must note is that simply because a vehicle has been left for more than 24 hours on a public road, public place or Local Government land, does not mean that the vehicle is "abandoned". As such, the Council must enact a process as set out in the Policy to determine whether the vehicle is in fact "abandoned". In short, it is simply not a matter of towing a vehicle following the receipt of a complaint. All attempts must be made to identify and contact the owner of a vehicle, determine the status of why the vehicle has been left in a particular location and then seek to have the vehicle moved by the owner.

The Policy seeks to take a common sense approach to what is a fairly complex and time consuming process.

At the same time, it must be remembered that on most occasions, both the owner of the vehicle and the complainant are citizens of this City and the Council must therefore act with proportionality, transparency and consistency.

The existing Policy is proposed to be retained and as such it has been reviewed. Minor amendments have been made to the Policy to update the relevant staff members responsible for various elements of the Policy.

A copy of the *Removal and Impounding of Vehicles Policy* is contained within **Attachment H**.

### **Temporary Road Closures for Non-Council Initiated Road Events Policy**

The *Temporary Road Closures for Non-Council Initiated Events Policy* is an existing policy.

Whilst most non-Council initiated events are reasonably self-sufficient, the Council does receive requests from time to time from external event organisers, to assist with road closures both in the form of an approving authority and as a facilitator.

The Policy provides clarity, consistency and transparency in respect to responsibilities associated with temporary road closures associated with non-Council initiated events.

The existing Policy is proposed to be retained and as such it has been reviewed. Only minor amendments have been made to the draft Policy.

A copy of the draft *Temporary Road Closures for Non-Council Initiated Road Events Policy* is contained within **Attachment I**.

### **Tennis Facilities Policy**

The *Tennis Facilities Policy* is an existing Policy.

The *Tennis Facilities Policy* was originally developed to consolidate the different approaches which were used by the former Councils (Kensington & Norwood, Payneham and St Peters), and to formalise this Council's approach regarding a range of issues relating to the provision of tennis facilities, in particular the construction and/or reconstruction of tennis facilities.

The *Tennis Facilities Policy* was subsequently adopted in 2005 and has formed the basis for the upgrade of tennis courts at the Holmesdale, Cruikshank, Trinity Gardens, Norwood and East Adelaide/Payneham tennis clubs.

The *Tennis Facilities Policy* provides clear direction in respect to the provision, maintenance, management and community access to tennis facilities within the City and clarifies the contribution by tennis clubs to the management of these facilities.

The existing Policy is proposed to be retained and as such it has been reviewed. A minor amendment has been made to the Policy to update the title of the contact officer for the Policy.

A copy of the draft *Tennis Facilities Policy* is contained in **Attachment J**.

## OPTIONS

As the draft Policies contained within Attachments B - J have been in place for some time and have not been the subject of major change and/or are required by legislation without a requirement for consultation, it is recommended that the Council adopts the Policies.

## CONCLUSION

Pursuant to the principles of administrative law, a Council should not deviate from an adopted policy without a clear, substantiated reason for doing so.

## COMMENTS

As the changes to the policies reflect minor amendments and those changes have not altered the intent or key requirements of the policies and there is no legislative requirement to consult in respect to the attached draft policies, it is recommended that the Council adopts the draft Policies.

## RECOMMENDATION

That having conducted a review of the following policies, the identified (minor) amendments set out in the policies be adopted and included therein:

1. Civic Recognition Policy (**Attachment B**);
2. Community Gardens Policy (**Attachment C**);
3. Naming of Roads and Public Places Policy (**Attachment D**);
4. Order Making Policy (**Attachment E**);
5. Plaques, Monuments & Memorials Policy (**Attachment F**);
6. Public Interest Disclosure Policy (**Attachment G**);
7. Removal and Impounding of Vehicles Policy (**Attachment H**);
8. Temporary Road Closures for Non-Council Initiated Road Events Policy; (**Attachment I**); and
9. Tennis Facilities Policy (**Attachment J**).

## **Attachments – Item 11.1**



# Attachment A

## Review of Policies

### List of all Council Policies

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



### GOVERNANCE

Access & Inclusion Policy  
Asset Management Policy  
Building Inspection Policy  
Civic Bands & Orchestra Policy  
Civic Collection Policy  
Civic Recognition Policy  
Code of Conduct for Council Members – August 2013  
Code of Conduct for Council Members – Complaint Handling Procedure  
Code of Practice – Access to Meetings & Documents – June 2019  
Community Consultation Policy  
Community Funding Program Policy  
Community Gardens Policy  
Community Information Policy  
Complaints Handling Policy & Procedure  
Conditions of Library Use Policy  
Contract Management Policy  
Council Assessment Panel Review of Decisions of the Assessment Manager Policy  
Council's Role in Markets Policy  
Data Management Guidelines  
Development Assessment & Development Compliance Reporting & Monitoring Policy  
Directional Signage Policy  
Display of Business Merchandise and Objects on Council Footpaths Policy  
Disposal of Land and Assets Policy  
Elected Member Access to Legal Advice Policy  
Elected Member Allowances & Benefits Policy  
Elected Member Training & Development Policy  
Elected Members Electronic Communications Policy Guidelines  
Elected Members Electronic Communications Policy  
Emergency Disaster Donations Policy  
Events Policy  
Footpaths & Driveway Crossovers Policy  
Fraud, Corruption, Misconduct & Maladministration Prevention Policy  
Freedom of Information Policy  
Freedom of Information Statement  
Information Management Policy  
Internal Control Policy  
Irrigation Policy  
Library Collection Development Policy  
Library Outreach Services Policy  
Live Music Policy  
Local Area Traffic Management Policy  
Local Government Elections Caretaker Policy & Guidelines  
Naming of Roads and Public Places Policy & Procedure  
Norwood Oval Football Passes Policy  
On Street Parking Policy  
Order Making Policy  
Outdoor Dining Policy  
Planning Approval Compliance & Development Complaint Handling  
Plaques, Monuments & Memorials Policy  
Policy of Notification – Accredited Professionals Policy  
Privacy Policy  
Private Laneways Policy & Procedure  
Procurement Policy Guidelines  
Procurement Policy  
Public Art Policy  
Public Buildings Policy  
Public Interest Disclosure Policy & Procedure  
Public Liability Insurance for Community Groups when Hiring Council Owned Facilities Policy

# Corporate Policy Manual

## List of Policies



Rate Rebate Policy  
Rating Policy  
Reconciliation Policy  
Records Disposal Policy  
Records Management Guidelines  
Reinstatement of Council Infrastructure by Public Utilities  
Removal and Impounding of Vehicles Policy  
Requests for Services Policy and Procedure  
Responding to Code Amendments and Code Amendment Requests Policy  
Review of Decisions Policy & Procedure  
Risk Management Policy  
Safe Environments Policy  
Smoke-Free Policy  
Social Media Guidelines  
Social Media Policy  
Surveillance Device Policy  
Temporary Road Closures for Non-Council Initiated Road Events Policy  
Tennis Facilities Policy  
Tree Policy  
Unreasonable Complainant Conduct Policy & Procedure  
Verge Landscaping and Maintenance Policy & Guidelines  
Waste Management Policy  
Work Health & Safety 2021 Policy Statement

### **FINANCE**

Asset Impairment Policy  
Asset Revaluation Policy  
Assets Capitalisation and Depreciation Guideline  
Assets Capitalisation and Depreciation Policy  
Bad Debt Write-Off Policy  
Bank Accounts Policy  
Budget Policy Guidelines  
Budget Policy  
Budget Review Policy Guidelines  
Budget Review Policy  
Credit Card Policy  
Credit Policy  
Expenditure Policy & Delegation of Authority  
Fees & Charges Policy  
Financial Hardship Policy – COVID-19  
Financial Hardship Policy  
Fringe Benefits Tax Policy  
Funding Policy  
Goods & Services Tax Policy  
Payments Policy  
Petty Cash Policy  
Prudential Management Policy  
Rate Rebates on Council Owned Land Leased or Licenced Policy  
Salaries & Wages Administration Policy  
Time Off in Lieu (TOIL) & Overtime Management Policy & Procedure  
Treasury Management Policy

# Attachment B

## Review of Policies

### Civic Recognition Policy

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**




---

**NAME OF POLICY:** Civic Recognition

---

**POLICY MANUAL:** Governance

---

## INTRODUCTION

The Council's Civic Recognition Program recognizes outstanding achievements, voluntary contributions and significant milestones of members of the community, local groups and/or organisations and businesses.

The Civic Recognition Policy sets out the forms of Civic Recognition which are provided by the Council and enable the Council to make open and transparent decisions about how Civic Recognition is determined and provided to the community.

## SCOPE

For the purpose of this Policy, Civic Recognition is how the Council acknowledges those community members, groups and/or organisations and businesses who:

- are high achievers in their relevant fields;
- have provided an ongoing and significant service to the community;
- have a long history with the City; and/or
- are celebrating significant milestones.

Civic Recognition is provided in various ways including the following:

- *Freedom of the City Award*;
- Australia Day Awards;
- Civic Receptions;
- Years of Service Awards for Elected Members;
- Years of Service Awards for Volunteers; and
- Mayor's Business Commendation Awards.

This Policy does not apply to the recognition of a person, organisation or event or group in a physical manner (ie memorial, plaque or monument), as this is determined in accordance with the Council's *Plaques, Monuments & Memorials Policy*.

This Policy does not apply to the naming of roads and Council land (ie parks and reserves), as this is determined in accordance with the Council's *Naming of Roads and Public Places Policy*.

## **Freedom of the City Award**

The *Freedom of the City Award* is an award usually made by local government bodies to esteemed members of the community. The “Freedom” status dates back to medieval times when city and town charters drew a distinction between free men and vassals of a feudal Lord. Early Freedom of the City ceremonies had great importance in affirming that the recipient enjoyed privileges such as the right to earn money, own land and enjoy protection within the town.

In contemporary society, the award of *Honorary Freedom of the City* tends to be entirely ceremonial, recognising those members of the community who have given outstanding and dedicated service to the community over a significant period.

The *Freedom of the City Award* is recognised as the highest award to be bestowed upon a recipient and is used by a number of local government bodies throughout the world to recognise worthy recipients.

The conferring of such an award is not restricted to specified timeframes.

1. The following criteria applies to eligible nominations for the *Freedom of the City Award*:

- the person shall have made a significant and conspicuous contribution to the development of the local community either as a citizen or as an Elected Member or as a Volunteer (not necessarily as a resident of the City);
- the period of service must be at least twenty five (25) years, either continuously or cumulatively; and
- the service is to be of an outstanding and special quality that has benefited the welfare of the local and wider community.

2. The process for the Nomination and Determination of the Award is as follows:

- nominations may be made by an Elected Member at any time, however only a maximum of one (1) Award will be conferred in each 12 month period;
- nominations of suitable persons must be in writing and forwarded to the Chief Executive Officer;
- nominations must include a profile of the person and their relevant activities, along with the reasons for the nomination and include three (3) referees;
- the Chief Executive Officer (or nominee) will ensure the nomination is placed before the Council at the next Council meeting for consideration;
- the nomination and all supporting details will be kept confidential and will be considered by the Council in confidence until an Award (if applicable) is made; and
- the Council will only confer the *Freedom of the City Award* upon a recipient where there is a unanimous decision of the Council.

3. Presentation of the Award

Once an Award has been conferred:

- a civic reception will be held at which time the Mayor will present the recipient with a framed certificate commensurate with the Award;
- the certificate is to contain the common seal of the organisation and is to signed by the Mayor and Chief Executive Officer;

- an invitation will be extended to the recipient's family, friends, peers and other special guests to attend the reception;
- the names of all recipients of the Honorary Freedom of the City award will be inscribed in an official book to be known as the *City of Norwood Payneham & St Peters Honorary Freedom of the City Awards Register*.

### **Australia Day Awards**

The Australia Day Awards are presented annually to local citizens who are considered by the Council to have made outstanding contributions to the community.

The Australia Day Awards provide recognition to citizens and groups who have given freely of their time, efforts and abilities to promote the wellbeing of the community. The Awards also provide a means of celebration of the achievements of the successful recipients of the Awards.

The Council, in association with the Australia Day Council of South Australia, invites nominations from the community for the Local Australia Day Citizen, the Young Citizen and the Community Event of the Year Awards.

### **Award Criteria**

The selection criteria for the Citizen of the Year Award and the Young Citizen of the Year Award to be taken into account when considering an application is as follows:

- the significance of the contribution to the community;
- an inspirational role model for the Australian community; and
- the scope of impact the individual's contribution has on the local government area.

Other factors to be considered include:

- personal, academic and professional achievements;
- demonstrated leadership, innovation and creativity;
- degree of difficulty and sacrifices made; and
- nature and length of activity or service.

The criteria when taking into account the Community Event of the Year Award is as follows:

- Who was the event for and what was its objective?
- Did the event achieve these objectives?
- How many people attended or benefited from the community event?
- What impact did it have on the group/audience for whom it was held?
- Did the event have any other positive impacts for the community that it did not necessarily aim to achieve?
- Did the event receive any positive commendations from members of the community or beyond?
- Was there an environmental advantage?
- How was the event funded? Was it a not-for-profit event or was it planned to have a financial advantage?
- Did the organiser or organising body, work alone or as a team?
- Did the event involve broad community participation?

There is however, no requirement for the Council to confer an Award if nominations are not worthy of an Award.

The Awards are conferred at the Council's Australia Day event which is held on the official date designated for Australia Day, (ie, 26 January each year).

Nominations for the Australia Day Awards open each year in October.

Further information regarding the Australia Day Awards is available via the Australia Day Council's website: <https://www.australiaday.org.au/about-australia-day/awards/>

### **Civic Receptions**

Civic Receptions are hosted by the Mayor from time-to-time to recognise significant milestones of community groups and community organisations which are located within the City and to acknowledge their significant contribution to the City.

Civic Receptions will be held to recognise the following anniversary milestones of community groups and community organisations within the City of Norwood Payneham & St Peters:

- 10 Years;
- 15 Years;
- 20 Years;
- 25 Years;
- 50 Years;
- 75 Years;
- 100 Years;
- 125 Years; and
- 150+ Years.

Civic Receptions may also be held to acknowledge historical milestones and to welcome international or eminent visitors to the City.

Civic Receptions are held at the discretion of the Mayor and can be in response to requests from members of the public or can be initiated by Elected Members and/or the Mayor.

Civic Receptions may be held at the Norwood Town Hall or at another Council facility (ie the Norwood Concert Hall, St Peters Banquet Hall).

Attendances at Civic Receptions is via an invitation from the Mayor.

### **Years of Service Awards for Elected Members**

The Council is committed to recognising the valuable contributions which Elected Members make to our community.

Years of Service Awards are presented to Elected Members at a civic reception in recognition of the following Years of Service:

- 10 Years;
- 15 Years;
- 20 Years;
- 25 Years;
- 30 Years;
- 35 Years; and
- 40+ Years.

Appreciation for Services to the Community Certificates are presented at a civic reception to those Elected Members who do not continue in their role as an Elected Member at the expiry of the term of the Council.

Civic receptions for Elected Member Years of Service Awards and Appreciation for Services to the Community Awards are held in the Mayor's Parlour at the Norwood Townhall or at a location determined by the Mayor.

### **Years of Service Awards for Volunteers**

The Council is committed to recognising the valuable contribution which Volunteers make to our community.



Years of Services Awards are presented to Council Volunteers at the annual Volunteer's Christmas Dinner.

The Council's *Volunteer Management Policy* sets out the process associated with Years of Service Awards for Volunteers.

### **Mayor's Business Commendation Awards**

Small business is an important element to the City's economic prosperity and liveability and the City of Norwood Payneham & St Peters is home to many small business success stories.

The Council is committed to recognising those small businesses who have and continue to contribute to the City's unique cosmopolitan lifestyle and sense of place.

A Civic Reception will be held annually to recognise those businesses who have reached the following milestones in the City of Norwood Payneham & St Peters:

- 50+ years Gold Commendation
- 25+ years Silver Commendation
- 10+ years Bronze Commendation
- 3+ generations Generational Family Business Commendation.

Applications are open to:

- current proprietors of independent small businesses (fewer than 20 employees equivalent full-time\*) that have operated continuously within the City of Norwood Payneham & St Peters for at least 10 years; and.
- generational family businesses of any size where the business has been operated by the same family within the City of Norwood Payneham & St Peters for three (3) or more generations in succession. A minimum qualifying period of 10 years\* for the current proprietor applies.

\*The Australian Bureau of Statistics defines a small business as one that employs fewer than 20 people.

The qualifying period for applicants commences from the year the applicant became a financial partner or proprietor in the business.

The decision to grant a Commendation is at the Mayor's absolute discretion.

### **Annulment of Civic Recognition**

In the rare event that a Civic Award has been brought into disrepute or the reputation of the City of Norwood Payneham & St Peters more generally is impugned due to the actions of the recipient, the Council has the right to annul the Award and to seek its return.

The annulment of an Award may be considered in the following circumstances:

- the recipient has a criminal conviction or is found guilty of an offence in a court of law anywhere in the world.
- a group has been brought into disrepute.
- verifiable evidence indicates that the Award was made on the basis of false information provided to the Council.

The decision to revoke a Civic Recognition Award will be considered by the Council at a Council meeting in accordance with Section 90(3) of the *Local Government Act 1999*.

### **REVIEW PROCESS**

The Council will review this Policy and Procedure within three (3) years.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & [Community\\_Civic](#) Affairs, telephone 8366 4549.

## ADOPTION OF THE POLICY

This Policy was adopted by Council on 2 September 2019.

[This Policy was reviewed and adopted by the Council on \\_\\_\\_\\_\\_ 2022](#)

## TO BE REVIEWED

[October ~~2022~~ 2025](#)

# Attachment C

## Review of Policies

### Community Gardens Policy

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**




---

**NAME OF POLICY:** Community Gardens

---

**POLICY MANUAL:** Governance

---

## BACKGROUND

The concept of community gardens originated in Britain during the eighteenth century and was further developed in the nineteenth century, where plots of land known as allotments were made available under the Allotments Act 1887, to poor labourers for the production of vegetables and flowers.

The practice of community gardens among urban working class people, spread throughout industrial countries in Europe and the USA in the 1800s. In Australia, however, there has been no legislative basis for community gardens. Nevertheless, they can be traced back to the Depression era and the Second World War era when food shortages prompted the government to encourage families to work together in "Victory Gardens" to produce food for the table.

The first Australian community garden was established in 1977 in Nunawading, Victoria and was a successful and innovative community development project that has become a model on which subsequent community gardens in Australia are based.

A number of community gardens have been established in South Australia. The first Community Garden established in the City of Norwood Payneham & St Peters, *Linde Community Garden*, is located at Linde Reserve, Stepney.

## DISCUSSION

Community Gardens are a unique community based activity through which citizens can learn, recreate and socialise. Community gardens can contribute to improved health and well-being, an increase in positive social interaction, an appreciation of environmental and sustainability principles and the greater use and protection of public open space.

### Definition:

A Community Garden is defined as a piece of open space operated by citizens where the site is used for the following purposes:

- the production of produce for the personal use of its members through allotments or shared plots; and
- the demonstration of best practice environmental initiatives, organic gardening practices and sustainability principles to the wider community including local schools, community groups and individual citizens which will lead to the building of community capacity.

## KEY PRINCIPLES

The City of Norwood Payneham & St Peters Community Gardens Policy will be guided by the following key principles:

- **Inclusion:**  
The Council values diversity and seeks to reflect and engage all sectors of the community in community gardening.
- **Collaboration:**  
The Council values collaboration and will seek a partnership approach with community based organisations to add value to community life through community garden activity.
- **Equity:**  
The Council values equity and will seek an equitable approach in its support of community activity within a community garden.
- **Participation:**  
The Council values participation and will seek to engage the community and other stakeholders in community garden activity.
- **Access:**  
The Council values access and requires that any community garden is accessible to the wider community.

## POLICY

The City of Norwood Payneham & St Peters recognises community gardening as a valuable activity which can contribute to health and wellbeing, positive social interaction, community capacity building, environmental education and sustainability principles as well as the protection and use of open space.

### Objectives:

The objectives of this Policy are to:

- recognise the benefits of community gardens;
- set out the requirements for the establishment of a community garden on Council owned land;
- recognise the value of a community garden as a “Third Place”, thereby offering a site to the community that is informal, local, cheap to visit and which generates ideas, creativity and collaboration;
- ensure that community gardens are managed in an efficient manner and maintained to a suitable standard; and
- build skill and capacity in the knowledge and practice of organic gardening throughout the local community.

### Council Support:

The Council will:

- promote and raise awareness as required of community gardening;
- provide information to the community about the operation of community gardens within the City of Norwood Payneham & St Peters; and
- assist interested groups in searching for suitable public open space for the development of Community Gardens within the City of Norwood Payneham & St Peters.

**Site Selection:**

The Council will assist in locating a possible new garden site subject to consideration of the following:

- the existence of suitable available land;
- the support of property owners and occupiers living adjacent to and near the proposed site;
- demonstrated interest and commitment from a community group;
- alignment with existing Community Land Management Plans and all other planning, regulatory and legislative requirements;
- usability of the site;
- proximity to higher density living areas;
- compatibility with surrounding land uses;
- soil quality and drainage;
- sun exposure;
- accessibility to public transport; and
- accessibility to supporting infrastructure such as water.

In addition, it will be important that users of open space are not displaced as a result of the establishment of a Community Garden.

**Management Framework:**

A Community Garden will be leased to an incorporated community group who will be required to develop, manage and operate the garden. The incorporated group will be required to have approved public liability cover and manage safe access in and around the site.

The establishment and ongoing operation of a garden will also need to abide by relevant environmental legislation, in particular the *Environment Protection (Water Quality) Policy 2003*, which legislates local stormwater pollution prevention strategies to reduce the incidence of stormwater pollution.

The management of a Community Garden will also be required to support the Council's target of reducing waste to landfill and will help to promote waste minimisation techniques to the wider community.

The incorporated community group will encourage members, through its functions and activities, to act more sustainably.

The incorporated community group will be required to liaise with Council staff regarding any new infrastructure or projects planned for the Garden. Prior to the erection or installation of any infrastructure and/or structure, written approval from the Council and, where relevant, Development Consent will be required.

The incorporated community group will be required to report on an annual basis to the Council on the function of the garden and how they are meeting the Council's objectives.

Information regarding Community Gardens will, from time-to-time, be promoted through the Council's website and publications.

As part of the Management Framework, a User Agreement will be developed.

**User Agreement:**

The incorporated community group will, as part of its lease with the Council, develop, manage and operate the Community Garden. A User Agreement will be developed which specifies the terms of use, management responsibilities, user fees and access procedures, including the following:

- priority of membership for residents of the City of Norwood Payneham & St Peters with the majority of membership being within walking distance;
- revocation of membership and use of the site for non-compliance with the organisation's constitution, the applicable lease and user agreements or this Policy;
- commitment by gardeners to work in the communal garden and to demonstrate various skills and knowledge of organic gardening practice before being allocated an individual allotment;
- maintenance of allotment gardens to a minimum standard of aesthetics and orderliness with year-round planting to be encouraged;
- produce to be organically grown and not to be sold for private profit. Any excess produce can be donated;
- the organisation to provide its own Public Liability Insurance;
- monitoring and review of the garden, including performance measures;
- no livestock (eg poultry) permitted in the garden; and
- compliance with best practice for community gardens.

**Lease:**

A lease agreement must be agreed to and entered into between the Council and the incorporated community group for the purpose of developing and maintaining a Community Garden on Council owned open space. The lease will also contain conditions for the use of the site. At the initial establishment of a new garden, a lease will be granted for a 12 month period, with an option for a further three (3) year lease after this period, subject to lease conditions and user agreements being met in the initial twelve (12) months. A restitution clause will be included within the Lease.

**Funding:**

The incorporated community group will also be responsible for appropriate income generation or fund raising to support the operation of the community garden. In part, this will be through the establishment of appropriate membership fees and also through application for funding from external grant providers.

**Staffing:**

Staffing of the Community Garden will be the responsibility of the incorporated community group. This will include responsibility for the recruitment and management of volunteers, consistent with best practice volunteer management principles.

**Implementation:**

On receiving a request from the community for a community garden, an assessment will be undertaken in accordance with this Policy. Such a request will need to be in the form of a detailed proposal which deals with the following issues:

- the basis for a garden (eg individual allotments, a shared communal garden or a combination of these);
- a suggestion for a site, if known, and a site plan for development;
- numbers of people to be involved and whether they are residents of the City of Norwood Payneham & St Peters;
- incorporation and membership of the applicant community group;
- proposed opportunities for public access and use;
- proposed fees and/or membership charges;

- how establishment costs and ongoing costs, such as water and other infrastructure costs, will be met;
- evidence of public liability insurance or the capacity to provide public liability insurance;
- how funding and other income will be generated;
- staffing and management of the garden, including volunteer management;
- proposed materials, equipment, shelter and storage and how these will be available and managed on site; and.
- decommissioning of the community garden.

### REVIEW PROCESS

This Policy will be reviewed within three (3) years.

### INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & [Community Civic Affairs](#), telephone 8366 4555.

### ADOPTION OF THE POLICY

This Policy was adopted by the Council on 13 October 2008.

This Policy was reviewed and adopted by the Council on 5 November 2018.

[This Policy was reviewed and adopted by the Council on 2022.](#)

### TO BE REVIEWED

[November 2021-October 2025](#)



# Attachment D

## Review of Policies

### Naming of Roads and Public Places Policy & Procedure

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



<b>NAME OF POLICY:</b>	Naming of Roads and Public Places Policy & Procedure
<b>POLICY MANUAL:</b>	Governance

## BACKGROUND

Pursuant to Section 219(5) of the *Local Government Act 1999* (the Act), the Council is required to adopt a policy relating to the assigning of names to roads and public places within the City of Norwood Payneham & St Peters (the City). This includes public roads vested in the Council, private roads and any place to which the public has access (for instance, reserves, parks, Council-owned facilities and buildings, and other community land).

The Council is required by the Act to assign a name to a public road created by land division under the ~~*Development Act 1993*~~ *Planning, Development and Infrastructure Act 2016* or the opening of a road under the *Roads (Opening and Closing) Act 1991*. However, the Council may determine to name or change the name of other public or private roads, or public places, within the City at any time in accordance with this Policy. This process may be enlivened upon gaining ownership of land or road, upon request from a member of the public, or where circumstances arise that require the existing name of a road or public place to be changed in the public interest.

This Policy and Procedure outlines when and how the Council will assign or change the name of a road or public place in the City and provides guidelines to assist the Council in the name selection process.

## DISCUSSION

The naming of roads and public places is an important and necessary function of the Council as it enables citizens, visitors and service authorities (including emergency services, utility providers etc) to easily navigate the City and find their intended location. Additionally, the naming of roads and public places presents an opportunity for the Council to recognise the City's cultural heritage and identity, and to contribute to its unique *sense of place*.

The numbering of allotments and buildings adjoining a road, as provided for by Section 220 of the Act, is not included within this Policy and is undertaken separately by the Council.

Arterial roads which are located within the City are managed by the Department of ~~Planning~~, Transport and Infrastructure (~~DPTI~~) and are, therefore, outside the scope of this Policy. The Council will liaise with DPTI in relation to the naming of these roads.

Pursuant to the *Geographical Names Act 1991* (SA), the naming of public places, excluding Council-owned reserves (eg State-owned parks and facilities, suburbs, hospitals or geographical features) is the responsibility of the ~~Attorney General's Department~~ *Minister for Transport, Infrastructure and Local Government* and is not covered by this Policy.

## KEY PRINCIPLES

This Policy is based on the following key principles and objectives:

- to provide clarity and transparency around the naming of roads and public places in the City;
- to provide guidelines for the assigning of names to roads and public places to promote consistency in Council decision-making; and
- to promote the naming of roads and public places that are unique, understandable and recognise the City's cultural heritage and identity where appropriate.

## POLICY

### Definitions

**Act** - *Local Government Act 1999*.

**Road** - a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes a bridge, viaduct or subway, or an alley, laneway or walkway.

**Public Road** - has the same meaning as set out in the *Local Government Act 1999* and includes (without limitation):

- any road that is vested in the Council under that Act or another Act;
- any road that is placed under the Council's care, control and management as a public road; or
- any road or land owned by the Council which is declared by the council to be a public road.

**Private Road** - a road in private ownership.

**Public Place** - a place (including a place on private land) to which the public has access.

### Public Roads

All public roads within the City will be assigned a name by the Council. This does not include 'unmade' road reserves and thoroughfares, the naming of which is discretionary.

Any new public road created by land division under the [Development Act 1993](#) *Planning, Development and Infrastructure Act 2016* or the opening of a road under the *Roads (Opening and Closing) Act 1991* will also be assigned a name by the Council.

### Private Roads

Private roads and laneways that are accessible to the public may be assigned a name at the Council's discretion.

Private roads and laneways that are unformed, unsealed or that are accessed by less than five (5) properties are not required to be named. In these cases, allotment or building numbers will be assigned off the public road which the private road connects to.

Private landowners are not required to seek Council approval to name private roads and laneways.

However, private landowners and developers are encouraged to select suitable road names in accordance with this Policy and to obtain Council endorsement for the name. This will also assist service authorities, who may not recognise road names that have not been formally endorsed by the Council.

Upon formal endorsement of a private road name, or request for a name to be assigned by the Council, the Council will require the installation of road naming signage to the Council's specification and standard. The cost of installation will ordinarily be covered by the Council, however, this remains at the Council's discretion (for instance, the Council may seek to recover the costs from an applicant of larger residential developments).

### **Public Places**

All community land owned by the Council or under the Council's care, control and management will be assigned a name in accordance with this Policy.

All Council-owned facilities and buildings that are made available to the public may also be assigned a name.

### **Changing of Names**

The Council will consider changing the name of a public or private road or a public place where:

- the road or public place is of significance to the Council or the local community (whether due to its size, location, cultural heritage, or other relevant factors);
- the re-naming would assist citizens, visitors or service authorities to navigate the City or locate the relevant road or public place;
- a change in configuration or use of the road or public place requires it to be re-named; or
- the re-naming would otherwise be in the public interest.

Determining whether a change in name is in the 'public interest' will be at the Council's discretion and will involve consideration of the facts and circumstances of each case. It may include consideration of factors such as changing community expectations, cultural or historical considerations, freedom of expression, public safety, and the protection of the rights and freedoms of others.

### **Signage**

Road name signs that identify public and private roads will, as far as practicable, be placed at the commencement or termination of the road and at major road intersections or junctions, and will clearly indicate the road to which they apply. While the Australian Standard stipulates that road name signs should be placed at every intersection, this may not always be practicable.

The Council will be responsible for ordering, procuring and installing all required road and public place signage and will ensure that road naming signage erected is in accordance with the relevant Australian Standard (AS 1742.5 – 1997).

Signage may be erected during construction of a sub-division.

The erection of signage that indicates the location of a public place or facility will involve consideration of the following principles, as set out in the Council's Directional Signage Policy:

- the primary purpose of street sign poles is for the provision of street name signage; and
- the number of signs installed on any one (1) pole shall be limited to ensure that there is no risk of confusion or distraction for drivers of vehicles and to ensure that the amenity of the location is not impaired.

## Principles for Name Selection

In the naming and re-naming of roads and public places, the following principles will be taken into consideration by the Council:

### 1. Uniqueness

A road or public place will have only one name (except where a dual geographical name is assigned to a public place, in accordance with the *Geographical Names Act 1991* and this Policy and Procedure).

A road name or public place name will be unique within a suburb. Duplicate or similar sounding names (eg Paice, Payce or Pace Roads) will be avoided, where practicable, within the same suburb or locality to avoid confusion.

Where practicable, duplication of names in proximity to an adjacent suburb or locality will also be avoided. However, roads or public places crossing council boundaries should have a single and unique name.

Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of council boundaries, landforms and intersecting roads.

### 2. Name Sources

Sources for road and public place names may include:

- early explorers, pioneers, and settlers in the City;
- eminent persons or citizens who have contributed significantly to or given extended service within the local community;
- history and cultural heritage of the locality or the City;
- physical characteristics of the locality (eg landscape, geography, identifiable structures, flora/fauna etc);
- derivatives of an adjoining or nearby road, suburb or place names (eg Osmond Square, nearby Osmond Terrace);
- long-term owners or occupiers of the land, or their use of the land (eg Heanes Lane);
- continuation of a road / place naming theme in the area;
- commemorative names; and
- Aboriginal names (representative of the vocabulary of the original tribal inhabitants of the region).

Names will be selected so as to be appropriate to the physical, historical or cultural character of the area concerned. The origin of each name will be clearly stated and recorded as part of the Council's records.

Where the name selected is a person's name, use of the surname will be preferred. A given name will only be included with a family name where it is essential to identify an individual, or where it is necessary to avoid ambiguity.

The names of living persons will be avoided for the naming of roads or public places, unless there is a likelihood of prolonged public acclaim.

Kaurna names or words from the Kaurna language may be considered in the naming of public places, in consultation with the local Kaurna community.

In order to retain and record both the Aboriginal and European nomenclature heritage of South Australia, the *Geographical Names Act 1991* provides for a dual geographical name (eg a dual Kaurna and European name) to be assigned to a public place.

### 3. Propriety

Names which fall within the following categories, in the reasonable opinion of the Council, will not be used for roads or public places:

- offensive, or likely to cause offence, or discriminatory;
- incongruous (out of place); or
- commercial or associated with a company or business.

### 4. Language and Spelling

Names will be reasonably easy to read, spell and pronounce, particularly to assist service authorities and visitors to the City.

Unduly long names and names composed of two or more words (including double destination names) will be avoided.

Where a road or public place will have the same name as a place or feature with an approved geographical name, care will be taken to ensure that the correct spelling of the official place name is adopted as shown in the SA Government Gazette.

Where the spelling of names has been changed by long-established local usage, unless there is a particular request by the local community to retain the original name, the spelling that is sanctioned by general usage will be adopted.

Abbreviations in names will not be used (for example, the “Creek” in “Wallaby Creek Road” must not be abbreviated). However, “St” will always be used in place of “Saint” and it is acceptable to use “Mt” for “Mount”.

The use of a compass point prefix/suffix or an additional suffix such as “north” or “extension” will be avoided (for example, Lower Portrush Road), particularly where new roads are to be named. Where an existing road is subsequently bisected as a result of traffic management planning or some other reason, it may be appropriate to delineate each half of the road by the addition of a compass point suffix for the purposes of assisting the community and service authorities to locate the appropriate part of the road.

### 5. Form

The apostrophe mark ‘ will be omitted when used in the possessive case in names (eg “Smith’s Road” will be “Smiths Road”).

Names will avoid the use of the possessive “s” unless the euphony becomes too harsh (eg “Devil Elbow”).

The use of hyphens will be avoided in names. However, hyphens may be used when naming a road after a person with a hyphenated name.

### 6. Type of Road – Suffix

Road names will include an appropriate road type suffix conforming to the following guidelines:

- the suffix chosen will be compatible with the class and type of road. Assistance to both motorists and pedestrians is a major consideration in choosing the suffix.
- when a suffix with a geometric or geographic connotation is chosen, it will generally reflect the form of the road, eg:
  - “Crescent” – a crescent or half-moon, rejoining the road from which it starts;
  - “Esplanade” – open, level and often along the seaside or a river.
- for a cul-de-sac, the suffix “Place”, “Close”, “Court” or a suffix of similar connotation will be used.

- “Highway” (HWY) will be specifically reserved for roads associated with the state arterial road network. Its use will be restricted to roads of strategic importance constructed to a high standard.

The following list of suitable road type suffixes is included as an example. Only road types shown in the relevant Australian Standards will be used (see AS 4590:2006).

Alley	Avenue	Boulevard	Bypass
Circle	Circuit	Circus	Close
Court	Crescent	Drive	Arcade
Grove	Lane	Mews	Parade
Parkway	Place	Plaza	Promenade
Road	Row	Square	Street
Terrace	Walk	Way	

## 7. Type of Public Place – Suffix

Names of public places (including for example, reserves, parks, Council-owned facilities and buildings) will include an appropriate place type suffix conforming to the following guidelines:

- The suffix chosen will be compatible with the size and type of place, and any facilities located at the place, eg:
  - “Reserve” – generally associated with larger expanses of open space;
  - “Park” – generally associated with smaller local areas of open space;
  - “Screening Reserve” – generally associated with a narrow strip of road reserve located between developed land and public road to act as a “screen” or “buffer”;
  - “Complex” – generally associated with a cluster of buildings or facilities in one location.

The following list of suitable place type suffixes is included as an example.

Arcade	Buffer Reserve	Car Park	Centre
Complex	Drainage Reserve	Gardens	Green
Grove	Hall	Oval	Park
Plaza	Reserve	Screening	Sportsground
Square	Walk	Walkway	

## Delegation of Power to Assign or Change a Name

Pursuant to Section 44 of the Act, the Council may delegate the power under Section 219 to assign or change a name of a road or public place to the Chief Executive Officer.

This power will be delegated and exercised by the Chief Executive Officer in the following circumstances (or as otherwise determined by the Council):

- land divisions – negotiation of names for new Public Roads created by land division;
- naming of minor roads and laneways (public or private);
- renaming of a road or public place for practical or operational reasons – for instance, to remedy duplicate or similar sounding names, or to implement a continuous name from the logical start of the road to the logical end of the road.

Where an objection regarding a proposed name arises in the above circumstances with relevant stakeholders, or where it is deemed to be in the public interest (in the reasonable opinion of the Chief Executive Officer), the matter will be referred to the Council for its consideration.

The Chief Executive Officer retains the right to refer an assignment or change of name to the Council for its consideration at any time.

DRAFT



## NAMING OF ROADS AND PUBLIC PLACES PROCEDURE

### Initiating the Naming Process

A road naming process will be initiated upon:

- creation of a public road by land division under the *Development Act 1993*; or
- opening of a public road under the *Roads (Opening and Closing) Act 1991*.

A road or public place naming process may also be initiated where:

- the Council gains ownership of new land or road (whether through transfer, compulsory acquisition, vesting, declaration of public road etc);
- a request is received by the Council from an affected land owner or their agent, or a member of the general public;
- the Council resolves that a name change be investigated; or
- Council staff determine that it is in the public interest to investigate a name change.

### Consideration by the Council

Except where the decision to rename a road or public place is undertaken by the Chief Executive Officer acting under delegation in accordance with the Council's *Naming of Roads and Public Places Policy*, a report will be prepared for the consideration of the Council which proposes the assignment or change of name.

The report will outline the reason for initiation of the road or public place naming process, any research or consultation undertaken, and will recommend a suitable name or names for selection by the Council.

### Consultation

#### Roads

Adjacent landowners will be consulted during the process of selecting a new name or changing a name of a public or private road, in accordance with the Council's *Community Consultation Policy*.

Where a private road or laneway is concerned, the Council will also endeavour to notify the owner of the private road (where identifiable after reasonable enquiries).

#### Public Places

Consultation with relevant agencies will be conducted during the process of selecting a new name or changing a name of a public place.

A formal request will be made to the Geographical Names Unit of the [Department of Planning, Transport and Infrastructure - Attorney General's Department](#) where the Council is considering assigning a dual Kurna and European geographical name to a public place.

The Geographical Names Unit may also be consulted to avoid duplication of a road or public place name or similar sounding names within the State.

#### General

In selecting a new name or changing a name of a road or public place, the Council may determine to endorse a potential name or names for community consultation before resolving to assign or change the name of the road or public place.

The assigning or changing of a public place name may also require consultation in accordance with Section 197 or Section 198 of the Act, where it requires the adoption or amendment of a Community Land Management Plan in relation to that public place.

Where a road or public place runs into the area of an adjoining council, the Council will give the adjoining council at least two (2) months' notice of the proposed name or name change (see Section 219(2) of the Act). The Council will consider any representations made by the adjoining Council in response to the notice, before formally resolving to name the road or public place at a subsequent meeting of the Council.

The Council's Cultural Heritage Advisor should be consulted when considering road or place names that reflect the history or cultural heritage of the locality or the City.

The local Kurna community and the relevant authorities will be consulted when considering Kurna names or using words from the Kurna language in the naming of public places and in the development of any associated explanatory text or signage.

### **Notification of Name Assignment or Change**

Upon resolving to assign or change a name of a road or public place, the Council must:

- immediately notify the Register-General, the Surveyor-General and the Valuer-General of the name assigned or changed (in accordance with Section 219(3) of the Act); and
- give public notice of the name assigned or changed by publication of a notice in the SA Government Gazette, in a newspaper circulating within the Council area and on the Council's website (in accordance with Section 219(4) of the Act).

The Council will also provide written notice to all relevant parties, including (where relevant):

- the owner of the road (if a private road, and the owner of the road is identifiable after reasonable enquiries);
- owners of adjacent properties;
- Australia Post;
- Telstra;
- SA Water;
- South Australia Power Network (SAPN);
- SA Police (SAPOL);
- SA Ambulance Service; and
- SA Metropolitan Fire Service and/or Country Fire Service.

The written notice will include the date on which the new name takes effect (see below), and may be sent by email.

### **Effective Date**

The effective date of the assigned or changed name will be the date stated in the Council resolution assigning or changing the name. If no date is stated, the effective date will be the date of the Council resolution.

The effective date will be determined taking into consideration all relevant factors, including:

- the impact on existing property owners, residents, tenants and occupiers (including, for example, the time required for relevant parties to change their address with service providers, and on business stationary and advertising);
- potential confusion for people using maps and street directories that effectively become out of date; or
- the desire of some developers to sell properties "off the plan" and the opportunity for new owners to know their future address at an early stage.

## Council Registers

Following assignment of the road or public place name, the Council will update all relevant registers, including its Public Roads Register (as required by Section 231 of the Act) and Community Land Register (as required by Section 207 of the Act).

## Signage

The Council will be responsible for ordering, procuring and installing all required road and public place signage, in accordance with relevant Australian Standards and Council specifications.

## REVIEW PROCESS

The Council will review this Policy and Procedure within three (3) years of its adoption date.

*Note: Notice of amendments to the Policy must be published in the SA Government Gazette, in a newspaper circulating within the area of the Council, and on the Council's website, as required by Section 219(7) of the Act.*

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Governance & Legal, telephone 8366 4626.

## ADOPTION OF THE POLICY

This Policy and Procedure was adopted by Council on 4 March 2019.

[This Policy was reviewed and adopted by the Council on 2022](#)

## TO BE REVIEWED

[2022](#)

[October -2025](#)

# Attachment E

## Review of Policies

## Order Making Policy

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



City of  
Norwood  
Payneham  
& St Peters

---

**NAME OF POLICY:** Order Making

---

**POLICY MANUAL:** Governance

---

## GENERAL

The City of Norwood Payneham & St Peters (the Council) is responsible for the government and management of its area at a local level. To fulfil its functions, the Council has a range of statutory powers. These powers enable the Council to exercise its regulatory functions by making policies, orders and by-laws.

The Council has resolved to develop a policy in relation the exercise of the Council's order-making powers pursuant to Part II of Chapter 12 of the *Local Government Act 1999* (the Act). The Council is committed to using the order-making powers in such a way as to facilitate a safe and healthy environment, to improve the amenity of the locality, and generally for the good governance of its area.

This Policy is prepared and adopted pursuant to Section 259 of the Act and sets out the guiding principles, process and procedure that the Council will follow in the making of orders.

## DISCUSSION

In considering whether to make an order under Part II of Chapter 12 of the Act, the Council must deal with the particular case on its merits but must also take into account this Policy, which is required to be prepared under Section 259 of the Act.

## SCOPE OF POLICY

Section 254 of the Act provides that the Council may order specified persons to do or refrain from doing a thing under certain circumstances, as listed in Section 254.

Additionally, the Act provides for the making of orders by the Council under Section 216 (power to order the owner of a private road to carry out specified roadworks) and Section 218 (power to require owner of adjoining land to carry out specified work).

This Policy will apply to those circumstances listed in Section 254, 216 and 218 of Act, along with Section 217 of the Act, as set out **Attachment A** to this Policy.

Local nuisances (other than those found in the Act) are contained within the *Local Nuisance and Litter Control Act 2016*. Nuisance and littering actions that fall within the jurisdiction of the *Local Nuisance and Litter Control Act 2016* will be dealt with in accordance with the procedures set out in that Act, and are beyond the scope of this Policy.

## GUIDING PRINCIPLES

The Council will consider (to the extent that it is relevant and necessary) the following principles in the exercise of its powers to make orders within the scope of this Policy:

- the severity of the incident or circumstance;
- the hazard or danger posed to the community;
- the risk to health or safety of the community;
- detraction from the amenity of the locality;
- repeated occurrence of the activity or incident (eg duration, previous offences);
- the impact of any previous actions to deal with the activity or incident;
- the number of complaints received in respect of the matter (if any);
- whether the breach is significant / substantial;
- whether there is sufficient evidence upon which the Council may rely to exercise its order-making powers;
- the availability of more appropriate response by the Council (eg would an informal warning letter be sufficient); and
- any other public interest considerations.

## PROCESS AND PROCEDURE

The Council will take reasonable steps (within available resources) to resolve matters that fall within the scope of this Policy by negotiation and agreement, before issuing an order, except in the case of an emergency (as set out below).

1. **Notice of Intention to Make Order:** Before making an order, except in the case of an emergency, the Council will give notice of its intention to make an order in accordance with Section 255 of the Act by:
  - 1.1 giving the person to whom an order is intended to be directed a notice in writing stating the –
    - proposed action;
    - terms of the proposed order (ie what it requires the person to do or refrain from doing);
    - period within which compliance with the order will be required;
    - penalties for non-compliance; and
    - reasons for the proposed order;
 and
  - 1.2 inviting the person notified of the opportunity to give reason/s within a specified time (of reasonable period), as to why the proposed action should not be taken.
2. Where notice of a proposed order has been given to a person who is not the owner of the relevant land, the Council must take reasonable steps to serve a copy of the notice on the owner of the land.

3. **Making an Order:** After considering the representations made by the person to whom notice of the order is directed, the Council may:
  - make an order in terms of the original proposal; or
  - make an order with modifications from the terms of the original proposal of the original proposal; or
  - determine not to proceed with making an order.
4. An order must be served by the Council on the person to whom it is addressed. If the person to whom the notice and order are addressed is not the owner of the land, the Council must take reasonable steps to serve a copy of the notice and order on the owner of the land.
5. The Council will proceed to make an order without negotiation or notice, in accordance with Section 255(12) of the Act, where the Council considers the circumstance or activity constitutes, or is likely to constitute:-
  - a threat to life; or
  - an immediate threat to public health or public safety; or
  - an emergency situation.
6. The Council may, at the request, or with the agreement, of the person to whom an order is directed, vary any order or may, on its own initiative, revoke an order if satisfied that it is appropriate to do so.

## REVIEW RIGHTS

Pursuant to Section 256 of the Act, a person to whom an order is directed has a right to appeal against the order. Any such appeal must be lodged within fourteen (14) days of that person's receipt of the order. The Council will ensure that reference to this right of review is included in any order issued.

## NON-COMPLIANCE WITH AN ORDER

If an order is not complied with within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review), the Council may (subject to the outcome of any review) take the action required by the order.

The reasonable costs and expenses of the Council in taking such action may be recovered by the Council from the person who failed to comply with the order as a debt.

Where an amount is recoverable from a person by the Council, the Council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid, and, if the amount is not paid by the person within that period, the person is liable to pay interest and the Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with Section 257(5) of the Act.

Where an order is issued by the Council under Section 217 of the Act and the order is not complied with within the time specified in the order, the Council may carry out the action required by the order and recover the cost of doing so as a debt from the owner.

## PENALTIES

Non-compliance with an order of the Council is an offence for which a person may incur statutory penalties provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act.

Where a person fails to comply with an order of the Council issued under Section 217 of the Act, the person is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

## RESPONSIBILITIES & DELEGATIONS

This Policy will be enforced by Authorised Persons who have been appointed (in writing) by the Council under Section 260 of the Act. The Council may also choose to delegate the power to issue orders under Sections 254, 216, 217 and 218 of the Act to other Council Staff.

## REVIEW PROCESS

This Policy will be reviewed by the Council every three (3) years.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is Council's Manager, Governance & Legal, telephone 8366 4626.

## ADOPTION OF THE POLICY

This Policy was adopted by Council on 8 April 2002.

This Policy was reviewed and adopted by Council on 2 September 2019.

[This Policy was reviewed and adopted by Council on 2022.](#)

## TO BE REVIEWED

[October 2025](#)



## ATTACHMENT A

## Local Government Act 1999

## Section 254—Power to make orders

- (1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the Council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.

<b>Column 1</b> <b>To do or to refrain from doing what?</b>	<b>Column 2</b> <b>In what circumstances?</b>	<b>Column 3</b> <b>To whom?</b>
<b>1. Unsightly condition of land</b>  Refer to Local Nuisance and Litter Control Act 2016		
<b>2. Hazards on land adjoining a public place</b>  (1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure.	A hazard exists that is, or is likely to become, a danger to the public.	The owner or occupier of the land.
(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	The owner or occupier of the land.
(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.	The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.	The owner or occupier of the land.
(4) Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.	A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.	The owner or occupier of the land.
<b>Examples—</b> <ul style="list-style-type: none"> <li>• To fill an excavation, or to prevent drainage of water across the road.</li> <li>• To construct a retaining wall or to remove or modify a fence.</li> <li>• To fence land to prevent the escape of animals.</li> <li>• To remove a structure or vegetation near an intersection.</li> </ul>		
<b>3. Animals that may cause a nuisance or hazard</b>  Refer to Local Nuisance and Litter Control Act 2016		

<p><b>4. Inappropriate use of vehicle</b></p> <p><i>To refrain from using a caravan or vehicle as a place of habitation.</i></p>	<p><i>A person is using a caravan or vehicle as a place of habitation in circumstances that—</i></p> <p>(a) <i>present a risk to the health or safety of an occupant; or</i></p> <p>(b) <i>cause a threat of damage to the environment; or</i></p> <p>(c) <i>detract significantly from the amenity of the locality.</i></p>	<p><i>The owner or occupier of the land or a person apparently occupying the caravan or vehicle.</i></p>
--	--	--

(2) A reference in the table to an animal or animals includes birds and insects.

**Section 216—Power to order owner of private road to carry out specified roadwork**

- (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
- (a) any proposal to make an order; and
- (b) if an order is made, any order,
- under subsection (1).

**Section 217—Power to order owner of infrastructure on road to carry out specified maintenance or repair work**

- (1) A council may, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, require the owner—
- (a) to carry out specified work by way of maintenance or repair; or
- (b) to move the structure or equipment in order to allow the council to carry out roadwork.
- (2) If the order is not complied with within a reasonable time fixed in the order—
- (a) the council may itself take the action required by the order and recover the cost of doing so as a debt from the owner; and
- (b) the owner is guilty of an offence and liable to a penalty not exceeding \$5 000.
- (3) Subsection (1) and (2) do not apply to the owner of electricity infrastructure, public lighting infrastructure or gas infrastructure if the Commission has determined, on application by the owner, that there are reasonable grounds for not requiring the owner to take the action specified in the order.
- (4) In this section—

**Commission** means the Essential Services Commission established under the *Essential Services Commission Act 2002*;

**electricity infrastructure** has the same meaning as in the *Electricity Act 1996*;

**gas infrastructure** has the same meaning as in the *Gas Act 1997*, but does not include a transmission pipeline within the meaning of the *Petroleum Act 2000*;

**owner** of a structure or equipment includes a lessee or licensee;

**public lighting infrastructure** has the same meaning as in the *Electricity Corporations (Restructuring and Disposal) Act 1999*.

**Section 218—Power to require owner of adjoining land to carry out specified work**

- (1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—
  - (a) any proposal to make an order; and
  - (b) if an order is made, any order,under subsection (1).



# Attachment F

## Review of Policies

### Plaques, Monuments & Memorials Policy

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**




---

**NAME OF POLICY:** Plaques, Monuments & Memorials Policy

---

**POLICY MANUAL:** Governance

---

## BACKGROUND

The Council acknowledges the need to commemorate events, organisations, groups or people who have made significant contributions to our City. The Council also recognises that residents, at times, wish to remember loved ones who have passed and have made a significant contribution to the local community.

Commemorations which are initiated by both the Council can be achieved through the dedication of a plaque, monument or memorial, however the Council has determined to ensure the appropriateness of such installations through the adoption of a policy.

This Policy sets out the criteria for Council staff to determine the appropriateness and merit of each application and guides decisions which are required to be made in respect to plaques, monuments and memorials within the City to ensure a consistent approach.

## DISCUSSION

The purpose of this Policy is to provide a clear and transparent framework to sensitively deal with the approval, placement, installation, alteration, maintenance and removal of a range of plaques, monuments and memorials that commemorate an event, organisation, group or person in the City of Norwood Payneham & St Peters.

This Policy reflects the Council's desire to commemorate events, organisations, groups and people who are meaningful to the City, balanced with the Council's commitment to providing the ongoing enjoyment of uncluttered public space to the community.

The Policy applies to all requests to commemorate an event, organisation, group or person through the installation of a plaque, monument or memorial in the City of Norwood Payneham & St Peters on Council owned or managed community land.

## KEY PRINCIPLES

This Policy is based on the following key principles and objectives:

- to provide a mechanism for the community to commemorate events that are meaningful to the City and to commemorate organisations, groups or people that have a connection with the City of Norwood Payneham & St Peters;
- to provide clarity and transparency around the naming of plaques, monuments and memorials in the City;
- to provide a framework for reviewing applications made by the Council and the community for the installation of plaques, monuments or memorials;
- to introduce uniformity and consistency in Council decision-making and in the size and style of the plaques, monuments and memorials that are installed in the City;
- to respect the intended purpose of each public space in the City and to ensure it is primarily used as a public space for the community, not a memorial space (unless otherwise approved by the Council);
- to ensure there is not an oversaturation in the placement of plaques, monuments or memorials in any one location and to minimise the incidence of plaques, monuments and memorials in open space;
- to minimise the risks and potential impact of plaques, monuments and memorials;

- to ensure that the placement of any plaques, monuments or memorials does not present any safety risks to the community; and
- to ensure plaques, monuments and memorials are well maintained.

## POLICY

### Scope

This Policy applies to all new plaques, monuments and memorials on Council owned or managed land in the City. Any changes to existing plaques, monuments and memorials must also comply with this policy.

This Policy does not apply to:

- any plaque, monument or memorial on privately owned land;
- signage, display boards or banners that do not relate to plaques, monuments or memorials;
- works of art (not in the form of a monument or memorial) that do not involve a commemoration, the acquisition, maintenance and disposal of which is covered under the Council's *Public Art Policy*;
- the naming of parks, roads and public facilities which is covered under the Council's *Naming of Roads and Public Places Policy & Procedure*;
- the Council's Historic Plaques and Signs Program;
- awards covered by the Council's *Civic Recognition Policy* ; and
- plaques recognising the opening of a public building or space. These will be determined as part of the individual project.

### Definitions

**Plaques** – A flat tablet that includes text that commemorates an event, person, organisation or group.

**Monuments** – A physical object or structure, such as a statue or sculpture that is designed to commemorate an event, person, organisation or group.

**Memorials** – An object or feature designed to commemorate an event, person, organisation or group. It could be a sculptural or artistic work, or a water, horticultural or landscape element – that may include a monument structure.

### Who Can Submit a Nomination?

- Ratepayers of the City of Norwood Payneham & St Peters
- Residents and business owners within the City of Norwood Payneham & St Peters.
- People who work and are employed in the City of Norwood Payneham & St Peters.
- Members of any group or association located in the City of Norwood Payneham & St Peters.
- Individual Elected Members of the City of Norwood Payneham & St Peters.

### General Guidelines

- The design, construction or installation of any plaque, monument or memorial on Council land, must be approved by the Council.
- The Council will only consider applications that have been submitted via the formal application process.
- The lodgement of an application does not guarantee approval.
- A new plaque, monument or memorial should not commemorate a person, organisation, group or event that has already been commemorated elsewhere in the City.
- The proposed plaque, monument or memorial must demonstrate cultural sensitivity and will not cause offence.
- The long term viability and maintenance of the plaque, monument or memorial, will not significantly impact the Council's maintenance resources.
- Once installed, a plaque (including the asset on which it is located), monument or memorial installed on Council owned or managed land, will become the property of the City of Norwood Payneham & St Peters. It will be included in the Council's *Asset Management Register* and managed in accordance with the Council's policies and procedures.

- All new plaques, monuments and memorials will form part of the standard maintenance schedule consistent with its location. The Council will be responsible for maintaining all plaques, monuments and memorials post-installation (excluding Roadside Fatality Memorials). No additional special care of plaques, monuments or memorials, above and beyond the standard level of maintenance provided in that location will be provided by the Council.
- An existing plaque, monument or memorial should not be taken as a precedent for future approvals.
- Branding and images are not permitted on plaques, but may be considered in the development of monuments or memorials.
- Logos will only be permitted for community groups and/or sporting associations.
- The Council does not guarantee the retention of any plaque, monument or memorial in perpetuity.

## Plaques

Principles for the approval of plaques:

- Plaques cannot be installed in isolation or affixed to existing Council assets. Plaques can only be fixed to new assets.
- Plaques will not be permitted to be attached to trees or near trees (as determined by the Council's City Arborist).
- Plaques may be installed as part of a larger monument or memorial.
- Only one (1) plaque may be affixed per asset.
- The design and specification of any plaque will be determined by the Council.
- Plaques will be purchased, engraved and installed by the Council at the cost of the applicant.
- In the case that a plaque is vandalised, damaged or in a deteriorated condition, the Council will not be responsible for its replacement or replacement costs.
- Plaques will remain in place for the life of the asset that it is attached to (unless relocated or removed in accordance with this Policy).

## Assets

Principles for the approval of plaques on assets:

- Plaques are only permitted to be fixed to the following types of assets:
  - Seating/bench
  - Picnic table
- Assets will be selected from the standard suite of furniture specified by Council for that particular location.
- The cost of the new asset will be borne by the applicant.
- The location selected for the asset to be installed is at the sole discretion of the Council.
- In the case that an asset is vandalised, damaged or in a deteriorated condition, the Council will not be responsible for its replacement or replacement costs.
- Opportunities to place more assets including seating (or other forms of park or street furniture) is limited in many areas of the City and there is no guarantee that the Council will be able to accommodate all requests.

## Monuments

For the purposes of this Policy, monuments will be subject to the same principles and criteria as memorials.

## Memorials

In the case of a monument or memorial, successful applicants will be required to work collaboratively with the Council on development of their concept. This includes collaborating on artist selection, design, durability, environmental sustainability, risk mitigation and maintenance plans.

External experts may be required to provide advice on particular elements of an application such as the historical accuracy, wording or artistic merit.



## Landscape Memorials

Principles for the approval of landscape memorials:

- Commemorative landscape memorials must comprise selections from the Council's suitable species list.
- All purchasing, installation and maintenance works are to be undertaken by the Council. A level of maintenance consistent with the location will be provided.
- Ceremonies associated with landscape memorials must be coordinated with and pre-approved by the Council.
- In the case that a landscape memorial is vandalised or dies, the Council will not be responsible for its replacement or replacement costs.

## War Memorials

War memorials commemorate the people who served in and died as a result of war. All war memorial applications will be referred to the Council for its consideration and approval in line with the following guidelines

- wherever possible, any war memorial and the remembrance of any future conflict should be made at an existing war memorial site (in consultation with the relevant Ex-Services Organisation); and
- where an application for a new war memorial is made on a site not currently recorded or used as a war memorial site, the application will be referred to the Council's Cultural Heritage Advisor for comment prior to the Council's consideration.

## Roadside Fatality Memorials

The Council recognises that members of the community may wish to mark the location of a fatal road crash and commemorate the death of individuals with a memorial. While the Council does not encourage or endorse the installation of roadside memorials, it respects the need to establish them.

Roadside Fatality Memorials will be managed in accordance with the *Government of South Australia's, Roadside Memorials Operational Instruction – 19.15*.

The Council reserves the right to remove a Roadside Fatality Memorial if:

- it is impacting the safety of road users or pedestrians;
- is considered an impediment to service providers with assets in the road reserve;
- it is not being appropriately maintained; or
- if after a period of 13 months, the Council has been unable to contact the persons involved in establishment of the memorial to request the removal of the memorial, the Council may remove the memorial.

## Location

The location of plaques, monuments and memorials is to be at the discretion of the Council following consideration of masterplans, safety, traffic and pedestrian mobility, and the primary use/purpose of the location.

Plaques, monuments and memorials will not be permitted in the following locations:

- on existing Council infrastructure;
- public spaces that are scheduled for major redevelopment works within two (2) years from the date of the application;
- where it may distract drivers or interfere with the role of any traffic control item;
- where the nature of a plaque, monument or memorial negatively affects its location;
- where there is no connection to the City of Norwood Payneham & St Peters; and
- where the location is deemed to be at capacity in terms of infrastructure (e.g. seating).

The Council may negotiate an alternate location for the plaque, monument and memorial, with the applicant, as part of the application process.

All plaques, monuments and memorials must be located in accordance with an endorsed Community Land Management Plan and other relevant Council policies and guidelines.

Approval from other responsible authorities may be required if a plaque, monument or memorial is proposed on land controlled by legislation.

## Eligibility

The Council does not generally encourage the installation of plaques, monuments and memorials on public land on the basis that space for plaques, monuments and memorials is limited. Applications therefore will be considered on the following basis:

For events:

- an event that is highly significant (i.e. of local, state or national significance) to a particular site within the City and to its development.

For organisations, groups or individuals:

- when applying for a monument or memorial, the organisation, group or individual must be deemed to have made a significant contribution to the cultural, political, economic or social life of the City of Norwood Payneham & St Peters; and
- when applying for a plaque, the organisation, group or individual must have been located, lived or served the City of Norwood Payneham & St Peters for a minimum of 10 years.

The commemoration of domestic pets and animals will not be permitted on public land in any form.

## Costs

All costs associated with a plaque (including the asset on which it is located), monument or memorial will be borne by the applicant. This includes all purchase, fabrication and installation costs.

The Council may choose to contribute grant funding or services in-kind at its absolute discretion.

The Council will be responsible for all associated maintenance costs at its absolute discretion.

## Consultation

In assessing applications for a monument or memorial, the Council may choose to undertake a period of community consultation consistent with the terms of its *Public Consultation Policy*.

## Relocation

The Council reserves the right to temporarily remove or relocate plaques, monuments or memorials in the event of other works at the site. Care will be taken to ensure that individuals and groups associated with the plaque, monument or memorial are advised in advance of the relocation or temporary removal.

## Removal

Plaques, monuments and memorials may also be removed by the Council if:

- the area in which it is located is being redeveloped;
- the structure or support on which the item is located is required to be removed or permanently altered;
- the use of the area in which the plaque, monument or memorial is placed changes significantly in character and it is no longer deemed suitable for the site; and/or
- it has been placed on Council owned or controlled land without the prior written approval of the Council.

Where the plaque, monument or memorial has been removed by the Council due to its poor condition, the applicant will be advised and may re-apply for a new plaque, monument or memorial to be installed at the applicant's cost as a replacement.

## Restoration

The restoration of existing plaques, monuments or memorials will be at the absolute discretion of the Council and in accordance with the Council's Asset Renewal Program.

The addition of new plaques to existing monuments and memorials will only be considered if there is a clear connection to the original commemoration.

### **Council Registers**

Following assignment of a plaque, monument or memorial, the Council will update all relevant registers including its *Asset Management Register* and *Community Land Register* (as required by Section 207 of the Act)

### **REVIEW PROCESS**

The Council will review this Policy within three (3) years of the adoption date of the Policy.

### **INFORMATION**

The contact officer for further information at the City of Norwood Payneham & St Peters is Council's General Manager, Governance & Civic Affairs, telephone 8366 4549.

### **ADOPTION OF THE POLICY**

This Policy was adopted by Council on 2 September 2019.

This Policy was reviewed and adopted by Council on \_\_\_\_\_ 2022.

### **TO BE REVIEWED**

October 2025

# Attachment G

## Review of Policies

### Public Interest Disclosure Policy & Procedure

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



City of  
Norwood  
Payneham  
& St Peters

---

**NAME OF POLICY:** Public Interest Disclosure Policy & Procedure

---

**POLICY MANUAL:** Governance

---

## 1. BACKGROUND

The City of Norwood Payneham & St Peters (the Council) is committed to its obligations to act as a representative, informed and responsible public authority and supports its officers, employees and Elected Members, to uphold the values of honesty, integrity, accountability and transparency, for the purposes of fostering community confidence and trust in the Council and in Local Government generally.

Through this Policy & Procedure, the Council is giving effect to its obligations under the *Public Interest Disclosure Act 2018* (the Act), to encourage and facilitate disclosures of Public Interest Information, by ensuring that proper procedures are in place for making and dealing with such Disclosures and by providing protections, in accordance with the Act, for persons who make Disclosures.

The Act replaces the former *Whistleblowers Protection Act 1993*, which was repealed by the commencement of the new Act on 1 July 2019. Disclosures of Public Interest Information about matters that occurred before 1 July 2019 will be afforded the protections under the new Act.

## 2. SCOPE

This Policy & Procedure applies to all officers, employees, and Elected Members of the Council, as well as to all persons who make an Appropriate Disclosure of Public Interest Information to a Relevant Authority at the Council for the purposes of the Act.

This Policy & Procedure is designed to act in conjunction with the Council's existing Codes, Policies and Procedures, including (without limitation):

- Fraud & Corruption Prevention Policy;
- Code of Conduct for Council Members;
- Behaviour Standards Policy & Code of Conduct for Council Employees; and
- Review of Decisions Policy.

The Appropriate Disclosure of Public Interest Information by a Public Officer under the Act, does not negate the obligations on the Public Officer under the *Independent Commissioner Against Corruption Act 2012* (SA) (ICAC Act) to report matters reasonably suspected of involving corruption, or serious or systemic misconduct or maladministration, in public administration, to the Office for Public Integrity (OPI).

However, where a Public Officer makes a report direct to the OPI it may also be treated as an Appropriate Disclosure under the Act, as the OPI is a Relevant Authority for the purposes of the Act.

### 3. PURPOSE

- 3.1 This Policy & Procedure has been developed to ensure that the Council, in meeting its obligations under the Act, encourages and facilitates Appropriate Disclosures of Public Interest Information and, in doing so, provides protections in accordance with the Act for persons making such Disclosures.
- 3.2 This Policy & Procedure:
- 3.2.1 provides a process by which an Appropriate Disclosure of Public Interest Information may be made by a person to a Relevant Authority at the Council;
  - 3.2.2 specifies the manner in which the Relevant Authority at the Council will receive such a Disclosure, including the manner in which the information may be safely received and stored;
  - 3.2.3 sets out the criteria that will be applied in the assessment of an Appropriate Disclosure of Public Interest Information and the manner in which the details of the assessment will be securely stored; and
  - 3.2.4 specifies the manner in which an Informant will be notified as to action taken in respect of an Appropriate Disclosure of Public Interest Information.
- 3.3 The Council recognises its responsibilities under the Act to not only support persons who make an Appropriate Disclosure of Public Interest Information, but also to those persons to whom the information relates.

### 4. DEFINITIONS

- 4.1 **Act** means the *Public Interest Disclosure Act 2018 (SA)*.
- 4.2 **Appropriate Disclosure** means a disclosure of Public Interest Information made in the manner described in clause 5 of this Policy.
- 4.3 **Chief Executive Officer** means the Chief Executive Officer of the Council, being the principal officer of the Council for the purposes of the Act.
- 4.4 **Council** is a comprehensive term and is to be read, as necessary, as encompassing officers, employees and Elected Members of the Council.
- 4.5 **Detriment** takes its meaning from section 9(7) of the Act and includes loss or damage (including damage to reputation); or injury or harm (including psychological harm); or intimidation or harassment; or discrimination, disadvantage or adverse treatment in relation to a person's employment; or threats of reprisal.
- 4.6 **Environmental and Health Information** is information that raises a potential issue of a substantial risk to the environment, or to the health or safety of the public generally, or a significant section of the public, whether occurring before or after the commencement of the Act.
- 4.7 **ICAC Act** means the *Independent Commissioner Against Corruption Act 2012 (SA)*.
- 4.8 **ICAC Guidelines** means the *Public Interest Disclosure Guidelines* published by the ICAC/OPI.

- 4.9 **Independent Assessor** means the person responsible for investigating an Appropriate Disclosure referred by a Responsible Officer. The Independent Assessor will be appointed by the Responsible Officer on a case-by-case basis (depending upon the nature of the Disclosure) in accordance with clause 3.4 of the Procedure. The Council may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case, the Responsible Officer must have regard to this list in appointing the Independent Assessor.
- 4.10 **Informant** means a person who makes an Appropriate Disclosure of Public Interest Information under the Act.
- 4.11 **OPI** means the Office for Public Integrity established under the ICAC Act.
- 4.12 **Public Administration Information** is information that raises a potential issue of:
- 4.12.1 Corruption in Public Administration – as defined in the ICAC Act and including bribery of corruption of Public Officers, threats or reprisals against Public Officers or abuse of public office; or
- 4.12.2 Misconduct in Public Administration – as defined in the ICAC Act and including contravention of a code of conduct by a Public Officer while acting in his or her capacity as a Public Officer; or
- 4.12.3 Maladministration in Public Administration – as defined in the ICAC Act and including conduct that results in an irregular or unauthorised use of public money or a substantial mismanagement of public resources,  
whether occurring before or after the commencement of the Act.
- 4.13 **Public Interest Disclosure** and **Disclosure** are used interchangeably in this Procedure and mean an Appropriate Disclosure of Public Interest Information under the Act.
- 4.14 **Public Interest Information** means:
- 4.14.1 Environmental and Health Information; or
- 4.14.2 Public Administration Information.
- 4.15 **Public Officer** has the same meaning as in the ICAC Act and includes officers, employees and Elected Members of the Council.
- 4.16 **Recipient** includes a Relevant Authority to whom an Appropriate Disclosure has been made, a Relevant Authority to whom such a Disclosure is referred (which includes a Responsible Officer or the Chief Executive Officer).
- 4.17 **Regulations** means the *Public Interest Disclosure Regulations 2019*, including as amended from time-to-time.
- 4.18 **Relevant Authority** is defined at section 5(5) of the Act and includes, but is not limited to;
- 4.18.1 where the information relates to a Public Officer, a person who is responsible for the management or supervision of the Public Officer, or a Responsible Officer; and
- 4.18.2 where the information relates to a location within the area of the Council, a member, officer or employee of the Council.
- 4.19 **Responsible Officer** means a person designated as a Responsible Officer by the Chief Executive Officer under section 12 of the Act and is also a Relevant Authority for purposes of the Act.

## 5. MAKING AN APPROPRIATE DISCLOSURE

(See Section 5 of the Act)

- 5.1 The Act establishes a scheme to encourage and facilitate the Appropriate Disclosure of Public Interest Information to a Relevant Authority.
- 5.2 Subject to the provisions of the Act, if a person makes an Appropriate Disclosure of Public Interest Information to a Relevant Authority, the person will not be subject to any liability as a result of that Disclosure and is entitled to have their identity kept confidential.
- 5.3 Informants who make a Public Interest Disclosure must provide sufficient detail and evidence to the Relevant Authority for the matter to be assessed.
- 5.4 Public Interest Information means:
  - 5.4.1 Environmental and Health Information; and
  - 5.4.2 Public Administration Information.
- 5.5 Immunity for an Appropriate Disclosure of Public Interest Information will follow if:
  - 5.5.1 a person makes an Appropriate Disclosure of Environmental and Health Information; or
  - 5.5.2 a Public Officer makes an Appropriate Disclosure of Public Administration Information.
- 5.6 Whilst anyone can make a disclosure of Public Administration Information, **only Public Officers** who make such a disclosure are eligible for the protections provided under the Act.

### Environmental and Health Information

- 5.7 A person makes an Appropriate Disclosure of Environmental and Health Information for the purposes of the Act if the Disclosure is made to a Relevant Authority and the person:
  - believes on reasonable grounds that the information is true; or
  - not being in a position to form such a belief, believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated.
- 5.8 Where the information relates to a location within the area of the Council, a person may make a Disclosure to an elected member, officer or employee of the Council.
- 5.9 Where the information relates to a risk to the environment, a person should consider making the Disclosure to the Environment Protection Authority.

### Public Administration Information

- 5.10 A Public Officer makes an Appropriate Disclosure of Public Administration Information for the purposes of the Act, if the Disclosure is made to a Relevant Authority and the Public Officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration, as those terms are defined under the ICAC Act.



- 5.11 Where the information relates to a Public Officer, a person who is designated under the ICAC Guidelines or a person who is responsible for the management or supervision of that Public Officer or a Responsible Officer, are relevant authorities for the purposes of the Act.
- 5.12 For the avoidance of doubt, where the Public Administration Information relates to a location within the area of the Council, an elected member, officer or employee of the Council **are also** Relevant Authorities for the purposes of the Act.
- 5.13 In all cases, the OPI is a Relevant Authority for the purposes of making an Appropriate Disclosure of Public Interest Information.
- 5.14 The South Australian Ombudsman is a Relevant Authority for the purposes of making an Appropriate Disclosure of Public Interest Information where the information relates to an agency to which the *Ombudsman Act 1972* applies (including the Council).

### Scope of Authority

- 5.15 If the Appropriate Disclosure of Public Interest Information **does not** pertain to a Public Officer of the Council, or a location within the area of the Council, and, accordingly, the recipient Public Officer of the Council is not a Relevant Authority for the purposes of the Disclosure, they are still required to:
- 5.15.1 advise the Informant to report the Public Interest Information to a Relevant Authority;
- 5.15.2 keep the details of the Public Interest Information and the Disclosure confidential;
- 5.15.3 comply with the requirements relating to protection for Informants and victimisation as set out in this Policy & Procedure and the Act.

### Responsible Officer Contact Details

- 5.16 An Appropriate Disclosure of Public Interest Information can be securely received by the Responsible Officer of the Council in person, by telephone, in writing or via email. The relevant contact details are:

General Manager, Governance & ~~Community~~ Civic Affairs

- Telephone: 8366 4549
- Email: [pid@npsp.sa.gov.au](mailto:pid@npsp.sa.gov.au)
- Address: PO Box 204, Kent Town SA 5071

Manager, Governance ~~&~~ Legal ~~&~~ Property

- Telephone: 8366 4~~626507~~
- Email: [pid@npsp.sa.gov.au](mailto:pid@npsp.sa.gov.au)
- Address: PO Box 204, Kent Town SA 5071

- 5.17 Where a Disclosure is made in writing all correspondence should be clearly marked CONFIDENTIAL and addressed to the Responsible Officer.
- 5.18 Where a Disclosure is made by telephone, the Responsible Officer must take notes of the conversation and, where possible ask the Informant to verify and sign the notes.

**Anonymity**

- 5.19 Informants may choose to make a Public Interest Disclosure without revealing their identity (for instance, by making an Appropriate Disclosure to a Relevant Authority in person, without providing their name).
- 5.20 There are only limited circumstances under the Act in which the Informant's identity can be lawfully disclosed.
- 5.21 Subject to the provisions of the Act and the Guidelines, ~~the Council cannot~~ provide any guarantee that the identity of the Informant will not be required to be disclosed in the lawful management of the Disclosure.
- 5.22 If an Informant wishes to receive updates on any action taken regarding the Disclosure, the Informant will be required to disclose their identity.
- 5.23 If the Informant's identity becomes known or is revealed in the course of taking action in relation to the Disclosure, the Act provides various protections for the Informant.

**CHIEF EXECUTIVE OFFICER'S STATEMENT**

Pursuant to Section 12(4) of the Act and Guideline 4 of the ICAC Guidelines:

*As the Chief Executive Officer of the City of Norwood Payneham & St Peters (the Council), I am also the Principal Officer of the Council for the purposes of the Public Interest Disclosure Act 2018 (the Act).*

*In giving effect to my role as Chief Executive Officer, I have caused the preparation of this Policy & Procedure which sets out the process for a person (an Informant) who wishes to make an Appropriate Disclosure of Public Interest Information to the Council under the Act. It also sets out the process for officers, employees and Elected Members of the Council in dealing with such Disclosures.*

*The Council is committed to the protection of Informants, as well as to the genuine and efficient consideration and action of Appropriate Disclosures of Public Interest Information made under the Act.*

*In my capacity as Chief Executive Officer and Principal Officer, I expect that all Appropriate Disclosures of Public Interest Information made to a Relevant Authority at the Council will be dealt with in the strictest confidence and with the utmost priority.*

*In preparing this Policy & Procedure, the Council is giving effect to its obligations under the Act to encourage and facilitate disclosures of Public Interest Information by ensuring that proper procedures are in place for making and dealing with such Disclosures and by providing protections for persons who make Disclosures in accordance with the Act.*

Mario Barone PSM  
**CHIEF EXECUTIVE OFFICER**

## PUBLIC INTEREST DISCLOSURE PROCEDURE

This Procedure sets out the processes to be followed by a Relevant Authority of the Council to whom an Appropriate Disclosure of Public Interest Information is made.

### 1. ASSESSMENT OF A DISCLOSURE

(See Section 7 of the Act; ICAC Guideline 1)

#### General

- 1.1 A Relevant Authority of the Council to whom an Appropriate Disclosure of Public Interest Information is made, must assess the information as soon as practicable after its disclosure.
- 1.2 If the Relevant Authority of the Council who receives the Disclosure is an officer, employee or elected member, the Recipient must refer the Disclosure to a **Responsible Officer** of the Council (or the Chief Executive Officer, in circumstances where the disclosure relates to the Responsible Officer(s)) for assessment.
- 1.3 If the Disclosure relates to the Chief Executive Officer (or a person acting in that position), the Responsible Officer will immediately refer the Disclosure to the Ombudsman for investigation, as the Ombudsman deems appropriate.
- 1.4 Where the identity of the Informant is known to the Responsible Officer, or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure within two (2) business days and in doing so, will provide a copy of this Policy & Procedure to the Informant.

#### Initial Assessment

- 1.5 The criteria that will be applied to the initial assessment of the information, which is the subject of the Disclosure, will include (but will not necessarily be limited to), whether the information:
  - 1.5.1 relates to information within the scope of the Act, namely whether it pertains to Environmental and Health Information and/or Public Administration Information;
  - 1.5.2 raises matters that are within the Council's scope of authority (ie whether the Recipient is a Relevant Authority for the purposes of the Act, as set out at clause 5.15 of the Policy), including if the information relates to a location within the area of the Council, or to an officer, employee or elected member of the Council;
  - 1.5.3 justifies the taking of further action, include consideration of whether:
    - 1.5.3.1 the information relates to a matter that has already been investigated or acted upon by a Relevant Authority (whether by the Council or another Relevant Authority) and there is no reason to re-examine the matter; or
    - 1.5.3.2 there is sufficient evidence to facilitate an assessment of the Public Interest Information or
    - 1.5.3.3 there is other good reason why action should not be taken in respect of the matter; and
  - 1.5.4 gives rise to a concern of imminent risk of serious physical injury or death to any person, or the public generally, in which case, the Relevant Authority will need to give immediate consideration to the matters set out at clause 1.9 below.

- 1.6 Nothing in this Procedure, or under the Act, prevents a Responsible Officer of the Council (or the Chief Executive Officer of the Council, in circumstances where the Disclosure relates to the Responsible Officer(s)) from obtaining legal advice from the Council's legal advisors or other consultants, or from seeking guidance from the OPI or SAPOL as to the best course of action to pursue.
- 1.7 In giving effect to the above, consideration must be carefully given as to whether the identity of the Informant is required to be disclosed, noting that Section 8 of the Act requires that the identity of an Informant is to be kept confidential, **except so far as may be necessary to ensure that the matters to which the information relates are properly investigated.**
- 1.8 The Responsible Officer of the Council responsible for the assessment and management of the Disclosure will observe the principles of natural justice throughout the assessment process. The assessment will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.
- 1.9 Following the assessment of the information, subject of the Disclosure:
- 1.9.1 if the content of the Disclosure gives rise to a concern of imminent risk of serious physical injury or death to any person, or the public generally, the Responsible Officer must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (including, without limitation, South Australia Police, SafeWorkSA, SA Ambulance or the Environment Protection Authority);
- 1.9.2 if the Responsible Officer forms a reasonable suspicion that the matter(s) the subject of the Disclosure involve(s) corruption in public administration, or serious or systemic misconduct or maladministration, the Responsible Officer **must** also comply with his or her reporting obligations under the ICAC Act; and
- 1.9.3 in the event that the Responsible Officer determines that the Disclosure warrants further investigation by the Council, the Responsible Officer may appoint an Independent Assessor for this purpose under clause 3.4 of this Policy.

## 2 NOTIFYING THE OPI OF A DISCLOSURE

*(See Section 7 of the Act; ICAC Guideline 1)*

- 2.1 Following receipt and assessment of a Public Interest Disclosure, irrespective of whether the Responsible Officer determines that further action is, or is not, required, the Responsible Officer, **must** notify the OPI as soon as reasonably practicable that they are in receipt of a Public Interest Disclosure.
- 2.2 Notification is to occur by way of the notification form on the ICAC website ([www.icac.sa.gov.au](http://www.icac.sa.gov.au)) and **must include** the following information:
- 2.2.1 the date the Disclosure was received;
- 2.2.2 the name and contact details of the Recipient of the Disclosure (being the Relevant Authority with the Council who initially received the Disclosure);
- 2.2.3 a summary of the content of the Disclosure;
- 2.2.4 the assessment made of the Disclosure;

- 2.2.5 the action taken by the Recipient of the Disclosure, including:
- 2.2.5.1 whether the Disclosure was referred to another Relevant Authority (including to a Responsible Officer, or the Chief Executive Officer of the Council), public authority, Public Officer, or another person; and
  - 2.2.5.2 if the Disclosure was referred to another Relevant Authority, public authority, Public Officer or another person:
    - 2.2.5.2.1 the date of the referral;
    - 2.2.5.2.2 the identity of that Relevant Authority, public authority, Public Officer or another person;
    - 2.2.5.2.3 the manner of the referral; and
    - 2.2.5.2.4 the action to be taken by that Relevant Authority, public authority or Public Officer or another person (if known).
  - 2.2.6 whether the identity of the Informant is known only to the Recipient of the Disclosure, or if the identity of the Informant has been communicated to another Relevant Authority, public authority, Public Officer or other person (and if so, the reasons why such communication was made); and
  - 2.2.7 if no action was taken by the Recipient of the Disclosure, the reasons why.
- 2.3 The Recipient of the Disclosure must retain the unique reference number issued by the OPI upon making a notification and must provide this unique reference number to any other person or Relevant Authority to whom the Disclosure is referred.

### 3 NOTIFICATION OF ASSESSMENT

*(See Section 7 of the Act; ICAC Guideline 1)*

#### Informant

- 3.1 If the Responsible Officer assesses the content of the Disclosure as **requiring no further action**, the Responsible Officer must notify the Informant (if his or her identity is known) **within thirty (30) days** after the Informant made the Disclosure, that:
- 3.1.1 an assessment of the information has been made;
  - 3.1.2 no action is being taken in relation to the information; and
  - 3.1.3 the reasons why no action is being taken in relation to the information.
- 3.2 If the Responsible Officer assesses the content of the Disclosure as **requiring further action**, the Responsible Officer must notify the Informant (if his or her identity is known) **within thirty (30) days** after the Informant made the Disclosure:
- 3.2.1 that an assessment of the information has been made;
  - 3.2.2 of the action being taken in relation to the information;
- and must ensure that:
- 3.2.3 such action as appropriate in the circumstances is taken to ensure the matter(s), subject of the Disclosure, are properly addressed; or

- 3.2.4 if such action consists of referring the Disclosure (whether to the Chief Executive Officer of the Council, or to another Relevant Authority, or to an Independent Assessor), such information as is necessary to enable action to be taken is communicated to the most appropriate person or Relevant Authority to take such action.

**Note:** the Responsible Officer may, in the first instance, determine to provide notification to the Informant by telephone or email (where provided). Where providing written notification, the Responsible Officer will endeavour to do so within twenty-three (23) days after the Informant made the Disclosure, to allow for delivery times by ordinary post.

#### Chief Executive Officer

- 3.3 The Responsible Officer must report the outcome of his/her determination under clauses 3.1-3.2 to the Chief Executive Officer (unless the Disclosure relates to the Chief Executive Officer, in which case it is to be dealt with pursuant to clause 1.3 of the Procedure).
- 3.4 Where the Responsible Officer determines that the Disclosure warrants further investigation, the Responsible Officer will, having regard to available resources, appoint the Independent Assessor and refer the Disclosure to the Independent Assessor for investigation.

## 4 REVIEW OF ASSESSMENT

(See Section 12 of the Act; ICAC Guideline 4)

- 4.1 If an Informant is dissatisfied with the manner in which his or her Disclosure has been managed, or otherwise believes that his or her Disclosure has been dealt with inappropriately, the Informant may contact a Responsible Officer at the Council, (or the Chief Executive Officer if their concern pertains to the Responsible Officer(s)) to express their concern at the first instance.
- 4.2 Following which, the Responsible Officer (or the Chief Executive Officer), will review the Disclosure and confirm with the Informant the assessment made, and the action to be taken.
- 4.3 If the Informant remains dissatisfied following the further assessment made by a Responsible Officer (or the Chief Executive Officer, as the case may be), it is open to the Informant to make the Public Interest Disclosure to an alternative Relevant Authority, such as the Ombudsman or the OPI.

## 5 NOTIFICATION OF ACTION TAKEN

(See Section 7 of the Act; ICAC PID Guideline 2)

**Note:** the Responsible Officer **will not** be responsible for investigating disclosures of Public Administration Information **in the absence of a direction to do so from the Manager OPI or the ICAC.**

#### OPI and Informant

If action is taken by the Council in response to the receipt of a Public Interest Disclosure, or if such action consists of referring the Disclosure to another person, the Responsible Officer, or the person to whom the Disclosure is referred, must:

- 5.1 as soon as reasonably practicable, provide the **OPI** with information in relation to the outcome of the action taken by way of the online notification form ([www.icac.sa.gov.au](http://www.icac.sa.gov.au)) detailing:
- 5.1.1 the unique identification number issued by the OPI upon notification of the original Disclosure;
  - 5.1.2 the name and contact details of the notifier;
  - 5.1.3 the name and contact details of the person or authority responsible for taking the action;
  - 5.1.4 what (if any) findings were made in respect of the Disclosure;
  - 5.1.5 the nature of the action taken (if any);
  - 5.1.6 the outcome of any action taken;
  - 5.1.7 whether the identity of the Informant was disclosed to a person other than the original Recipient of the Disclosure; and
  - 5.1.8 whether the Informant was notified of the action taken and, if so, when that notification was made;
- and
- 5.2 **within ninety (90) days** after the Informant made the Disclosure, take reasonable steps to notify the **Informant** (if their identity is known) of the outcome of that action (or such longer period as may be specified by written notice given within the period of ninety (90) days).

#### **Chief Executive Officer**

- 5.3 If action is taken in response to the receipt or referral of a Public Interest Disclosure, the Responsible Officer (or the Independent Assessor, where relevant) must prepare a report in relation to the outcome of the action taken, which must contain the following information (Final Report):
- 5.3.1 the information the subject of the Disclosure;
  - 5.3.2 an account of all relevant information received including any evidence that could not be substantiated or was otherwise not relied upon, and the reasons why;
  - 5.3.3 the conclusions reached and the reasons for them;
  - 5.3.4 any recommendations arising from the conclusions; and
  - 5.3.5 any remedial action which should be taken by the Council,
- and which will be accompanied by:
- 5.3.6 the transcript or other record of any verbal evidence taken, including tape recordings; and
  - 5.3.7 all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the assessment of the Disclosure.
- 5.4 The Final Report must be provided to the Chief Executive Officer to action as he/she considers appropriate.



## 6 CONFIDENTIALITY

*(See Section 8 of the Act; ICAC PID Guideline 3)*

- 6.1 In accordance with section 8 of the Act, it is a **criminal offence** for a person to whom a Public Interest Disclosure has been made, or a person to whom such a Disclosure is referred, or who otherwise knows that such a Disclosure has been made, to knowingly divulge the identity of an Informant without the consent of the Informant, unless:
- 6.1.1 it is necessary to divulge the identity of the Informant to ensure that the matters to which the information relates are properly investigated;
  - or
  - 6.1.2 the Recipient of the Public Interest Disclosure, or other Relevant Authority of the Council to whom a Disclosure has been referred, believes on reasonable grounds that it is necessary to divulge the identity of the Informant to prevent or lessen an imminent risk of serious harm to any person; and
  - 6.1.3 the identity of the Informant is divulged to a person or authority that the Recipient, or other Relevant Authority of the Council to whom a Disclosure has been referred, believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious harm;
  - or
  - 6.1.4 the Recipient of the Public Interest Disclosure, or other Relevant Authority of the Council to whom a Disclosure has been referred, has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the Recipient or other Relevant Authority (as the case may be) must disclose the identity of the Informant to the OPI.

## 7 PROTECTION FOR INFORMANTS

*(See Sections 9, 12 of the Act; ICAC PID Guideline 4)*

- 7.1 In accordance with section 12 of the Act, the CEO must ensure there are risk management steps for assessing and minimising detrimental action against people as a result of a Public Interest Disclosure, and Detriment to people against whom allegations are made in a Public Interest Disclosure.
- 7.2 The Council commits to providing the same protections to persons against whom allegations are made in a Public Interest Disclosure as to Informants, which will include, but not necessarily be limited to:
- 7.2.1 keeping the identity of the Informant, and the subject of the Disclosure, confidential;
  - 7.2.2 flexibility as to when and where meetings are held, if and when necessary;
  - 7.2.3 the opportunity to make reasonable requests in relation to how and when the Relevant Authority of the Council makes contact with them in relation to the Disclosure, to minimise the potential for the person to be subject to Detriment;
  - 7.2.4 at any time the Relevant Authority of the Council is required to communicate with the person the subject of a Disclosure and/or other witnesses for the purposes of the assessment, the Relevant Authority will ensure that the relevant person is aware of the reason for and purpose of the communication, and such notification will be provided to the relevant person at least 48 hours before such communication is to take place; and

7.2.5 during any interview with the Relevant Authority of the Council, the person who is the subject of a Disclosure may be accompanied by any person providing support to him / her (including a lawyer) as he / she considers fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person the subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.

7.3 A person who causes Detriment to another on the ground that the other person (or a third person) has made or intends to make a Public Interest Information Disclosure commits an act of victimisation and may face a maximum penalty of \$20,000 or two (2) years imprisonment, pursuant to Section 9 of the Act.

## **8 FALSE OR MISLEADING DISCLOSURES**

*(See Section 10 of the Act)*

A person who makes a Disclosure of Public Interest Information knowing that it is false or misleading will not be protected by the Act and may be liable to a maximum penalty of \$20,000 or two (2) years imprisonment, pursuant to Section 10 of the Act.

## **9 SECURE RECEIPT AND STORAGE**

*(See Section 12 of the Act; ICAC PID Guideline 4)*

9.1 The Responsible Officer(s) of the Council are required to ensure, so far as reasonably practicable, that all information in relation to a Public Interest Disclosures is received and stored in a secure and confidential manner.

9.2 The details of a Public Interest Disclosure and its assessment (including written documents, electronic files, film, photographs, disks or other objects that contain information), will be securely stored in confidential electronic and/or hard copy files by the Council and will only be accessible by the Responsible Officer(s) of the Council (or the Chief Executive Officer, in circumstances where the Disclosure relates to the Responsible Officer(s)). All such information will be recorded in a register which is to remain confidential and be securely stored.

9.3 The Recipient of the Public Interest Disclosure and the Responsible Officer (or other Relevant Authority of the Council to whom a Disclosure has been referred) must ensure that accurate records of the assessment process are maintained, including notes of all discussions, phone calls, and interviews. It is recommended that the interviewee sign written records of interviews and interviews be taped, but only where the interviewee has consented to this. Witness statements should also be signed.

9.4 In giving effect to their responsibilities, a Responsible Officer may also employ security measures including, but not limited to:

9.4.1 keeping all printed material in secure files that are clearly marked as "CONFIDENTIAL";

9.4.2 keeping all printed material in a locked cabinet that is only accessible to the Responsible Officer(s) of the Council (or the Chief Executive Officer, in circumstances where the Disclosure relates to the Responsible Officer(s));

9.4.3 assigning specific password protections to all electronic material, which are provided to only the Responsible Officer(s) of the Council (or the Chief Executive Officer, in circumstances where the Disclosure relates to the Responsible Officer(s));

- 9.4.4 ensuring that all electronic material is only accessible by the Responsible Officer(s) of the Council (or the Chief Executive Officer, in circumstances where the Disclosure relates to the Responsible Officer(s));
- 9.4.5 conducting all telephone calls and meetings in relation to a Public Interest Disclosure privately and in the strictest of confidence; and
- 9.4.6 creating a secure and confidential email address for the receipt of Public Interest Disclosures.

## 10 INFORMATION TO THE ELECTED MEMBERS

- 10.1 As a matter of discretion, the Responsible Officer may inform the Elected Members of the Council, on a confidential basis, of the fact that an assessment of a Public Interest Disclosure took place and the outcome of the investigation.
- 10.2 Factors which the Responsible Officer will take into account in determining whether to inform the Elected Members under clause 10.1 and the level of information provided will depend on factors such as:
  - 10.2.1 the identity of the person subject of the Disclosure; and
  - 10.2.2 the nature of the impact of any action taken in relation to the Disclosure upon the Council's operations and/or budget.
- 10.3 In the event that the Public Interest Disclosure and assessment process is confined only to issues impacting upon Council staff and human resource processes, it is at the discretion of the Responsible Officer to inform the Elected Members of the Disclosure and/or the assessment or action undertaken in relation to the Disclosure, as these matters fall outside the roles and responsibilities of Elected Members under the *Local Government Act 1999*.

## REVIEW PROCESS

The Council will review this Policy & Procedure within three (3) years of the adoption date, or as required as a consequence of amendments to the Act, Regulations, ICAC Guidelines or the public integrity statutory framework generally.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Civic, telephone 8366 4549 or email [lmara@npsp.sa.gov.au](mailto:lmara@npsp.sa.gov.au)

## ADOPTION OF THE POLICY & PROCEDURE

This Policy & Procedure was adopted by the Council on 5 August 2019.

This Policy & Procedure was reviewed and adopted by the Council on \_\_\_\_\_ 2022.

## TO BE REVIEWED

October 2025

# Attachment H

## Review of Policies

### Removal and Impounding of Vehicles Policy

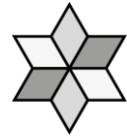
---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters



City of  
Norwood  
Payneham  
& St Peters

---

**NAME OF POLICY:** Removal and Impounding of Vehicles

---

**POLICY MANUAL:** Governance

---

## BACKGROUND

Local Government is charged with various legislative responsibilities which are aimed at protecting citizens and the community generally. In discharging its legislative responsibilities, the Council must deal with both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other parties to comply with the law, Council staff are required to carry out activities which are aimed at enforcing compliance with the legislation.

This Policy relates specifically to situations when the removal of vehicles may be required as provided for under Section 237 of the *Local Government Act 1999*.

The purpose of this Policy is therefore to provide a framework for the identification, removal and disposal of abandoned vehicles.

This Policy provides the framework for dealing with vehicles which have been reported to the Council as being abandoned or left on public roads, in public places or on Local Government land, to ensure such matters are dealt with lawfully and in a fair, consistent and transparent manner.

## KEY PRINCIPLES

### Proportionality

A proportionate response means that the Council's actions will be scaled to the seriousness of the breach.

To this end, the Council recognises that most citizens want to comply with the law and will assist with compliance by being open, helpful, offering informal advice and providing the chance to discuss compliance issues.

Attention will be focussed on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the infringement, the Council will minimise the costs to the person or body infringing the law, by enforcing the minimum action necessary to secure compliance. Prosecution will generally be used as a last resort, or for continuous serious offences.

### Consistency

The Council will take a similar approach in similar cases to achieve similar outcomes. While decisions in respect to enforcement issues requires the use of professional judgement and discretion to assess varying circumstances, Council staff will:

- follow standard operating procedures wherever possible;
- ensure fair, equitable and non-discriminatory treatment; and
- record any deviation from standard operating procedures and the reasons for the decision.

### Transparency

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

In educating the community at large and dealing with duty holders, the Council will make a clear distinction between what is legally required and what is desirable but not compulsory.

The Council's staff will be open to discussing potential and actual compliance failures, before, during and after formal action has been taken.

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

Where it is not practical to give notice, the reasons why will be recorded by Council staff in accordance with the Council's Records Management protocols.

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

### Scope

This Policy applies to:

- vehicles which have been classified as abandoned under Section 236 of *the Local Government Act 1999*;
- the removal and disposal of vehicles pursuant to Section 237 of the *Local Government Act 1999*; and
- the removal and disposal of vehicles pursuant to Section 40N of the *Road Traffic Act 1961*.

### Definitions

- *Abandonment* for the purposes of this Policy, refers to the relinquishment or renunciation of an interest, claim, possession or right, especially with the intent of never again resuming or reasserting it.
- *Authorised Officer* for the purpose of the *Road Traffic Act 1961*, refers to an Authorised Person appointed pursuant to the provisions of Section 260 of the *Local Government Act 1999*.
- *Authorised Persons* refers to a person appointed by the Council as an authorised person pursuant to Section 260 of the *Local Government Act 1999*.
- *Delegation* refers to the assignment by the Council of the authority for an officer to make decisions or undertake specific tasks.

- *Public Place* means a place to which the public has access, as defined in Section 4 of the *Local Government Act 1999*.
- *Public road* refers to a road as defined in Section 4 or the *Local Government Act 1999*.

## POLICY

### 1. Local Government Act Requirements

#### 1.1 Introduction

1.1.1 The *Local Government Act 1999*, provides the Council with the authority to:

- expiate or prosecute a person who abandons a vehicle on a public road or public place (refer to Section 236 of the *Local Government Act 1999*); and
- impound and sell vehicles that are left on public roads or public places, or local government land, for longer than 24 hours (refer to Section 237 of the *Local Government Act 1999*).

#### 1.2 Abandonment of Vehicles

- 1.2.1 Owners of vehicles will not be expiated or prosecuted under Section 236 of the *Local Government Act 1999*, unless abandonment can be clearly establishment together with the identity of the person who abandoned the vehicle.
- 1.2.2 The removal of a vehicle that is deemed to have been abandoned under Section 236, will be undertaken in accordance with the requirements of Section 237 of the *Local Government Act 1999*.

#### 1.3 Removal of Vehicles

1.3.1 Vehicles will not be impounded by the Council if the vehicle is:

- stolen as this is a SAPOL matter; or
- simply because the vehicle has been parked for more than 24 hours on a public road or public land.

1.3.2 Council staff will endeavour to and exhaust all avenues to have all vehicles which are left on a public road or in a public place or on Local Government Land, removed by the owner of the vehicle. All avenues to locate the owners of the vehicles and have the owner remove their vehicle, will be exhausted prior to resorting to impoundment of the vehicle.

1.3.3 If an unregistered vehicle is reported for being on a road, in breach of Section 9 of the *Motor Vehicles Act 1961*, Council staff will initially notify SAPOL and request action by SAPOL for the vehicle to be moved. Removal by the Council can occur after this has been done, where SAPOL have not acted, consistent with the requirements of this Policy.

1.3.4 Owners who have been identified and contacted, must be advised of the requirements of the *Local Government Act 1999* and be given a reasonable amount of time to remove their vehicles. Council staff will follow up any verbal requests of an owner with a letter explaining the Council's requirements and confirming the agreed time within which to remove the vehicle.

1.3.5 Where an owner cannot be contacted personally, a letter will be sent to the address of the last registered owner, requesting the owner to remove the vehicle or contact the Council office within seven (7) working days if the vehicle cannot be removed.

1.3.6 A prescribed warning notice must be placed on a vehicle before impoundment occurs.

## 2. Road Traffic Act Requirements

### 2.1 Introduction

- 2.1.1 Section 40N of the *Road Traffic Act 1961*, applies to vehicles which are left unattended or broken down on any road where the vehicle is:
- causing harm, or creating a risk of harm, to public safety, the environment or road infrastructure; or
  - causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
  - obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.
- 2.1.2 An *event* is defined in Section 33 of the *Local Government Act 1999*, as an organised sporting, recreational, political, artistic, cultural or other activity and includes a street party.
- 2.1.3 Removing a vehicle under these circumstances, is regarded by the Council as being a SAPOL matter. If a matter is reported to the Council, SAPOL must be advised immediately of the location of the vehicle and a request will be made for the vehicle to be moved. Where SAPOL contact the Council and request such a vehicle to be moved, advice will be provided to SAPOL that this is a SAPOL rather than a Council responsibility.
- 2.1.4 Further action by the Council is not normally required. However, it is recognised that under certain circumstances SAPOL may choose not to move dangerous or obstructive vehicles and in such cases, removal may be authorised, subject to the authorising officer being satisfied that Section 40N allows removal under the circumstances and the requirements of this Policy observed at all times.
- 2.1.5 The removal of stolen vehicles is a SAPOL matter and the Council staff will not be involved, apart from notifying SAPOL in the first instance.

## 3. Removal, Reclaim and Disposal of Vehicles

### 3.1 Towing a Vehicle

- 3.1.1 Prior to the towing of a vehicle, authorisation must be obtained in writing from the [General Manager, Governance & Community Affairs Team Leader, Regulatory Services](#).
- 3.1.2 An owner is entitled to the return of goods which are left in an impounded vehicle and the goods can be claimed by the owner by providing proof of ownership.

### 3.2 Notice of Removal

- 3.2.1 Owners of vehicles must be notified in writing of the removal of their vehicles and the place to where their vehicles have been moved and this must occur as soon as practicable after the vehicle is impounded. This notice must be served personally, whenever possible, but if the owner is unknown or cannot be found, an advertisement in a state newspaper must be placed within fourteen (14) days of a vehicle being removed.
- 3.2.2 Where personal service has not been possible, the notice may be sent to the owner by person-to-person registered post, requiring delivery only to the person named and their signature to acknowledge receipt of the notice.

### 3.3 Reclaiming a Vehicle

- 3.3.1 An owner of a vehicle which has been impounded, is entitled to take possession of the impounded vehicle when all expenses associated with the removal, custody, maintenance and advertising/notification are paid in full.



Proof of ownership must be sighted prior to release of a vehicle and release of the vehicle requires the owner to sign a release form.

3.3.2 The Council will not profit from the exercise of statutory powers and as such, the expenses levied on the owner of an impounded vehicle, must not exceed the expenses which are incurred by the Council.

3.3.3 A vehicle must be sold when payment in full does not occur within the time frames set under the *Local Government Act 1999* and *Road Traffic Act 1961*.

#### 3.4 Disposal of Vehicles

3.4.1 When a vehicle has been impounded and the Council has complied with all statutory requirements in relation to contacting the owner and/or advertising in a state wide newspaper, the Council may dispose of the vehicle.

3.4.2 The disposal process must not be commence until after the statutory time frames have passed following the service of a notice to the owner or advertisement appearing in a State newspaper.

3.4.3 All vehicles will be sold by auction by an automotive auctioneering company, except as provided below.

3.4.4 All vehicle disposals must be authorised in writing by the General Manager, Governance & [Community-Civic Affairs](#).

3.4.5 Disposal of a vehicle may occur other than by way of auction, but this can only occur when the proceeds of sale are unlikely to exceed the costs incurred in removing, holding and selling the vehicle. The costs incurred in selling a vehicle include:

- advertising;
- sales commission;
- costs associated with preparing a vehicle for sale, including having an ignition key cut; and
- costs associated with towing a vehicle to the premises of a motor vehicle auctioneer.

3.4.6 Any goods in the vehicle at the time of impounding must not be sold with the vehicle. Disposal of all unclaimed goods must be in accordance with the requirements of the *Unclaimed Goods Act 1987*.

#### 4. **Unclaimed Goods Act Requirements**

4.1 Goods which remain unclaimed must be dealt with in accordance with the provisions of the *Unclaimed Goods Act 1987* and associated regulations. This Act requires the Council to request collection of the goods by the owner within forty two (42) days, using the notice included in the regulations.

4.2 Subject to these requirements and it being at least three (3) months following the Council taking possession of the goods, the Council will either sell the goods or dispose of the goods as it sees fit, where the proceeds from the sale would be insufficient to defray the costs of sale.

4.3 A value must be established for goods prior to being offered for sale, by way of an independent valuation, depending on the value and nature of the goods. The value established for goods must be approved by the General Manager, Governance & Community Affairs.

4.4 The *Unclaimed Goods Act 1987*, also requires a court authorisation where the value of the goods exceeds \$1,000 and sale by public auction where the value of the goods is between \$200 and \$1,000.

- 4.5 The owner of the vehicle and SAPOL will be notified using the form included in the regulations where sale by public auction occurs.
- 4.6 The Council will retain reasonable costs associated with the sale, storage and maintenance of goods from the proceeds of any sale but will remit any surplus to State Treasury.

## 5. Transparency and Accountability

- 5.1 The Council will not profit from the exercise of statutory powers and as such, costs levied on the owner of an impounded vehicle will not exceed the expenses incurred.
- 5.2 All the costs associated with holding a vehicle longer than one (1) month will be carried by Council and will not be passed on to a vehicle owner.

## 6. External Parties Used by Council

- 6.1 Where external parties (ie contractors) are used to tow, store, value and sell vehicles, the General Manager, [Urban Planning & Environment Governance & Community Affairs](#) will ensure that the costs are reasonable and competitive and evidence of this must be available for audit purposes.
- 6.2 Formal agreements must be in place with the external parties (ie contractors) that provide these services. The storage company's responsibility for costs associated with damage to a vehicle being stored must be covered in an agreement.

## REVIEW PROCESS

The Council will review this Policy within three (3) years of the adoption date of the Policy.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is Council's Team Leader, Regulatory Services, telephone 8366 4540.

## ADOPTION OF THE POLICY

This Policy was adopted by Council on 7 June 2010.

This Policy was reviewed and adopted by the Council on 3 June 2019.

[This Policy was reviewed and adopted by the Council on 2022.](#)

## TO BE REVIEWED

[October 2025](#)

# Attachment I

## Review of Policies

### Temporary Road Closures for Non-Council Initiated Road Events Policy

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



City of  
Norwood  
Payneham  
& St Peters



City of  
Norwood  
Payneham  
& St Peters

**NAME OF POLICY:** Temporary Road Closures for Non-Council Initiated Road Events

**POLICY MANUAL:** Governance

## BACKGROUND

The City of Norwood Payneham & St Peters recognises the importance of festivals, functions and civic events to the community. Events bring a vast array of economic, social and cultural benefits to the local community. Large events deliver substantial economic benefit and provide the opportunity to develop the City as a tourism and leisure destination on a local, national and international level.

At the same time, given the limited resources which are available to the Council and to ensure that there is consistency and transparency in respect to the arrangements which are entered into with [external](#) event organisers and to ensure that responsibilities are clearly defined, the Council has adopted this Policy.

## DISCUSSION

The City of Norwood Payneham & St Peters has developed this Policy to assist and provide clarity, consistency and transparency in respect to responsibilities associated with temporary road closures associated with non-Council initiated events.

For the purpose of this Policy, an event is defined as “*any activity, public or private, whereby a large gathering of people is organised and which uses a public thoroughfare or public amenity for other than its dedicated purpose*”. These can include but ~~is~~[are](#) not limited to community events and festivals, concerts, parades, expositions, exhibitions and so on.

This Policy deals specifically with non-Council initiated events which require a temporary road closure or “rolling” closure and which must be approved as required by Section 33 of the *Road Traffic Act 1961*.

## POLICY

Temporary road closures are appropriate and indeed necessary, when an event or festival is proposed. For example, a temporary road closure may be necessary where there is the likelihood of many people walking or crossing a road which in turn may create a safety hazard.

Organisers of an event are required, where necessary and [where](#) required by the relevant legislation, to provide the Council with an Event Traffic Management Plan. In respect to an Event Traffic Management Plan, there are certain standards which must be met and the Council will assist by providing event organisers with advice in respect to the preparation of an Event Traffic Management Plan.

Depending upon the complexity of the road closure and its impact on traffic management and local residents and businesses, organisers may be required to engage a suitably qualified traffic management consultant or contractor, to prepare an Event Traffic Management Plan and to implement the approved Plan.

Organisers of events will also be required to organise the payment for all costs associated with the closure, including signage and barricades and engagement of a traffic management consultant or contractor. ~~Where if a road is closed, all~~ barricades ~~are required may require~~ a qualified traffic controller ~~may be required to be in attendance at all times~~. This will ensure proper management of the road closure and allows emergency service access to be co-ordinated. Access by patrons to the event must also be arranged so that there is no (or at least only minimal) disruption to neighbouring businesses or residents.

Organisers of events will also be required to arrange for written notification to be sent to all residents and businesses which are considered by the Council to be affected by the temporary road closure, and will be required to meet all costs regarding this requirement. Event organisers are also required to meet the costs associated with the placement of notices in newspapers, as required.

## REVIEW PROCESS

This Policy will be reviewed every three (3) years.

## INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's [Coordinator, Events & Marketing Team Leader, Customer & Regulatory Services](#), telephone 8366 458256.

## ADOPTION OF THE POLICY

This Policy was adopted by the Council on 7 December 2009.

This Policy was reviewed and amended by the Council on 1 April 2019.

[This Policy was reviewed and amended by the Council on 2022.](#)

## TO BE REVIEWED

[October 2025 April 2022](#)

# Attachment J

## Review of Policies

### Tennis Facilities Policy

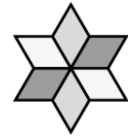
---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



City of  
Norwood  
Payneham  
& St Peters

---

**NAME OF POLICY:** Tennis Facilities

---

**POLICY MANUAL:** ~~Service~~Governance

---

## BACKGROUND

The Council recognises that by encouraging individuals within the community to participate in recreation and sporting activities, significant social, health and economic benefits will be achieved.

The purpose of this Policy, is to provide a clear direction in relation to the future provision, maintenance, management and community access to tennis facilities within the City of Norwood Payneham & St Peters.

This Policy does not relate to buildings utilised by tennis clubs/associations.

## POLICY STATEMENT

The Council recognises that it is important for community development and wellbeing perspective that the City has well developed and maintained community/recreational facilities.

The Council will work in partnership with tennis clubs or associations, to meet both the competitive and informal tennis needs of the community. The Council will seek to meet these needs in the most efficient and cost effective manner and by taking into consideration all other competing demands upon the Council resources.

## KEY PRINCIPLES

The City of Norwood Payneham & St Peters Tennis Facilities Policy, is guided by the following key principles:

**Equity** – the Council will promote (equality of) opportunities to participation.

**Access** – the Council is committed to removing barriers to participation and use of tennis facilities.

**Participation** – the Council will encourage active involvement in community life.

**Inclusion** – the Council values diversity and seeks to include people regardless of gender, age, race, socio-economic status or disability.

**Collaboration** – the Council will seek a partnership approach to achieving shared goals.

## POLICY GUIDELINES

The City of Norwood Payneham & St Peters Tennis Facilities Policy will be implemented in accordance with the following guidelines:

### 1. Public Access

The Council will seek to increase access to tennis facilities that are available on a restricted and unrestricted basis to the general public, through a range of strategies, including:

- (a) increasing unrestricted access for the general public to non-club tennis courts free of charge by making more efficient use of existing tennis courts. The responsibility for the management and maintenance of these courts, will rest with the Council; and
- (b) requiring clubs or associations that lease Council owned tennis courts, to make the courts available to the general public at times that the club or association does not require the courts. Where clubs or associations intend to charge a hire fee for use of the courts, the proposed hire fees must be approved by the Council.

### 2. Lease Requirements

The Council may grant a lease to a club or association for a Council owned tennis facility having taken the following matters into consideration:

- (a) that the club or association is incorporated under the Associations Incorporation Act (1985);
- (b) that the club or association is a not-for-profit organisation and open to public membership;
- (c) that the club or association can satisfy the Council of its long-term financial viability;
- (d) that the club or association does not hold a Gaming Machines Licence nor is it associated with an organisation that is a holder of a Gaming Machines Licence and derives a benefit from that association;
- (e) that the club or association adopts policies and practices that encourage a philosophy of participation regardless of gender, age, race, socio-economic status or disability; and
- (f) that Council has no obligation to provide a tennis facility for a club or association.

### 3. Maintenance

- (a) The club or association will be responsible for all costs associated with the on-going maintenance of the leased or licensed tennis court facilities. The club's or association's on-going maintenance responsibilities will be specified in a Maintenance Schedule that will be included as an annexure to any lease agreement.
- (b) The Council will be responsible for all costs associated with the structural maintenance of the leased or licensed tennis court facilities. The Council's structural maintenance responsibilities will be specified in a Maintenance Schedule that will be included as an annexure to any lease or licence agreement.

### 4. Lease Fee Structure

Where a club funds 100% of the initial construction of new courts and subject to the construction of the new courts being in accordance with the Council's Tennis Facilities Strategy, the club will not be required to contribute to the Council's Tennis Courts Maintenance and Development Fund.

At the end of the useful life of the courts, the Council will determine whether to re-construct the courts.

A decision to reconstruct the courts will be subject to consideration of a number of factors including whether the reconstruction of the courts accords with the Tennis Facilities Strategy and the merits of the situation (eg, taking into account the need for the courts in that location).



If the Council makes a decision to reconstruct the courts, then the club which manages or owns the courts, will be required to enter into arrangements with the Council to contribute financially to the Council's Tennis Court Maintenance and Development Fund.

In order to enact the provisions of the Tennis Facilities Policy, the respective club must enter into a Lease Agreement with the Council, which will set out the obligations of both parties and in particular, agreement to the primary objective of the Policy, which will require the club to contribute to the Council's Tennis Facilities Fund. One of the subsidiary requirements of the Lease arrangements will also require the club to allow community access to the courts, when the Club does not require the courts (in accordance with the Public Access requirements set out within this Policy).

Clubs will be required to contribute funds based on a formula of recovering 50% of the capital reconstruction cost of tennis courts, based on the expected life cycle of the courts.

The 50% of the capital reconstruction costs will be recovered from the club via an annual payment over the expected life of the courts (which is normally expected to be 20 years).

In addition, and in accordance with this Policy, the club will be responsible for the costs associated with resurfacing of the courts (plexi-pave or similar approved surface), every 7-8 years following the reconstruction.

## 5. Shared Use

Shared Facilities present an opportunity for a group to reduce its costs by sharing the cost burden with others.

The Council encourages the shared use of facilities where:

- (a) appropriate legal agreements are put in place;
- (b) each group will be responsible for payment of a fee to the Council representing their share of the cost of maintenance and outgoings relating to the facility;
- (c) the proportion of each groups costs will be determined on the anticipated use of the facility by each of the groups; and
- (d) an appropriate management structure is put in place comprising members from each user group.

## 6. Tennis Facilities Fund

The payment of the contribution to the reconstruction costs will be separately identified in the Council's financial accounts and will be used to fund future court upgrade/reconstructions. Interest on the accumulated funds will be calculated quarterly and allocated to the account.

## REVIEW PROCESS

This Policy will be reviewed every three (3) years.

## INFORMATION

The Contact Officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Civic Affairs, telephone 8366 4549.

## ADOPTION OF THE POLICY

This Policy was adopted by Strategy & Policy Committee on 7 March 2005.

This Policy was amended by the Council on 7 November 2005.

This Policy was reviewed by the Council on 4 November 2019.

This Policy was reviewed by the Council on \_\_\_\_\_ 2022.

## TO BE REVIEWED

October 2025.

## TENNIS/NETBALL COURT MAINTENANCE

Asset	Responsible Party	Issue	Task Description	Timeliness
Chainmesh fencing	Lessee	Maintenance	Inspect, tighten strainer lines and repair/replace fencing if bulging and/or damaged.	Ongoing
Court lighting	Lessee	Installation	Lessee to install subject to Council approval and development authorisation	As required
	Lessee	Maintenance	General maintenance as required including: maintain light poles and wires in a safe condition all electrical circuitry and wiring to comply with relevant legislation, codes and standards at all times replace globes when required	Ongoing, with a formal inspection by a qualified electrician at least once a year
Court line marking	Lessee	Maintenance	Inspect and professionally line mark as required	Ongoing
Posts & on court furniture	Lessee	Maintenance	Maintain in good condition and repair/replace as necessary. Any uprooting of the posts or cracking of the pavement caused by the posts are to be made good at the Lessee's expense	As required
Playing surface (including run-off areas bounded by the chainmesh fencing)	Lessee	Cleaning, care and maintenance	Comply with the instructions/guidelines issued by the surface contractor. Ensure that the playing surface is swept and cleaned regularly and that players wear the correct type of footwear (in good condition) to minimise slips and potential damage to the playing surface. Debris and dirt are to be removed and properly disposed of, not merely swept to one side. Leaves and other materials likely to stain and/or corrode the surface to be washed off with a gentle cleaning liquid.	Ongoing care and sweeping/cleaning at least weekly
	Lessee	Resurfacing	Resurface the courts with acrylic sealer and re-line mark	As required, and in any case within 7-8 years of the previous resurfacing
Court pavement	Council	Replace pavement	If required replace pavement, re-profile, reseal with bitumen, resurface with acrylic sealer and line mark. Exact timing of works to be mutually agreed between the parties.	As required, (expected to be within 20 years of the previous reconstruction)

**Section 2 – Corporate & Finance**  
**Reports**

## 11.2 MONTHLY FINANCIAL REPORT – AUGUST 2022

---

**REPORT AUTHOR:** Financial Services Manager  
**GENERAL MANAGER:** General Manager, Corporate & Community Services  
**CONTACT NUMBER:** 8366 4585  
**FILE REFERENCE:** qA487800  
**ATTACHMENTS:** A

---

### **PURPOSE OF REPORT**

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended August 2022.

### **BACKGROUND**

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

### **RELEVANT STRATEGIC DIRECTIONS AND POLICIES**

Not Applicable.

### **FINANCIAL AND BUDGET IMPLICATIONS**

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$861,695 for the 2022-2023 Financial Year.

For the period ended August 2022, the Council's Operating Surplus is \$2,055,000 against a budgeted Operating Surplus of \$1,905,000, resulting in a favourable variance of \$150,000.

### **EXTERNAL ECONOMIC IMPLICATIONS**

Not Applicable.

### **SOCIAL ISSUES**

Not Applicable.

### **CULTURAL ISSUES**

Not Applicable.

### **ENVIRONMENTAL ISSUES**

Not Applicable.

### **RESOURCE ISSUES**

Not Applicable.

### **RISK MANAGEMENT**

Not Applicable.

## CONSULTATION

- **Elected Members**  
Not Applicable.
- **Community**  
Not Applicable.
- **Staff**  
Responsible Officers and General Managers.
- **Other Agencies**  
Not Applicable.

## DISCUSSION

For the period ended August 2022, the Council's Operating Surplus is \$2,055,000 against a budgeted Operating Surplus of \$1,905,000, resulting in a favourable variance of \$150,000.

Employee expenses are \$403,000 favourable to the adopted Budget. The driving factors behind this variance are as follows:

- budgeted staff positions that were vacant at the commencement of the financial year (\$150,000). Some of these positions are now filled and others are currently undergoing recruitment. Where required, activities and functions have been back filled by utilisation of temporary staff or consultants;
- timing variance is related to Annual Leave being taken as compared to the Budget expectations; and
- additional staffing hours worked to backfill staff who have taken Sick Leave due to illness.

There are no individually significant variances to the Budget. The variances are primarily due to expenditure timings compared to actual expenditure which is not uncommon for the beginning of the Financial Year. The Monthly Financial report is contained in **Attachment A**.

## OPTIONS

Not Applicable.

## CONCLUSION

Not Applicable.

## COMMENTS

Not Applicable.

## RECOMMENDATION

That the August 2022 Monthly Financial Report be received and noted.

## **Attachments – Item 11.2**

# Attachment A

## Monthly Financial Report August 2022

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)

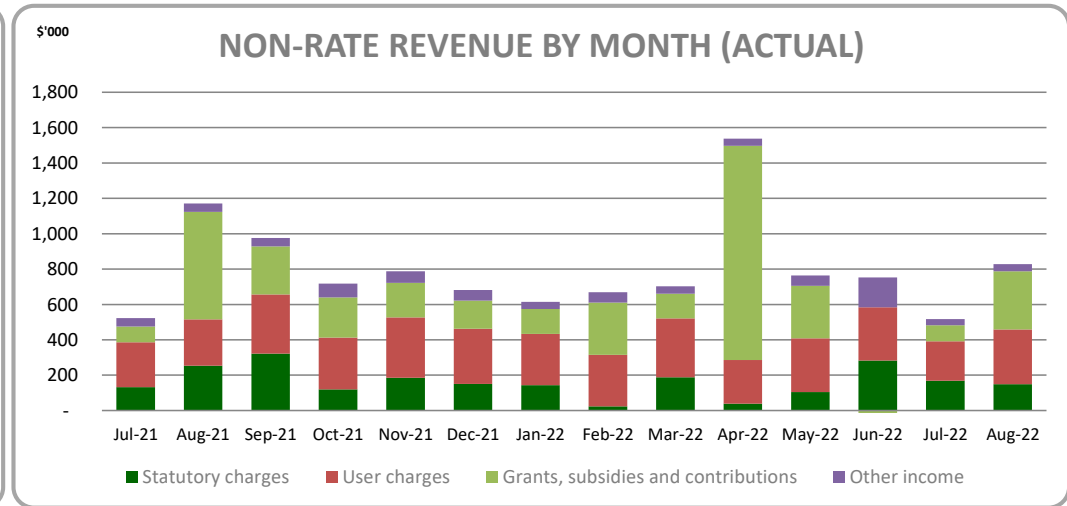
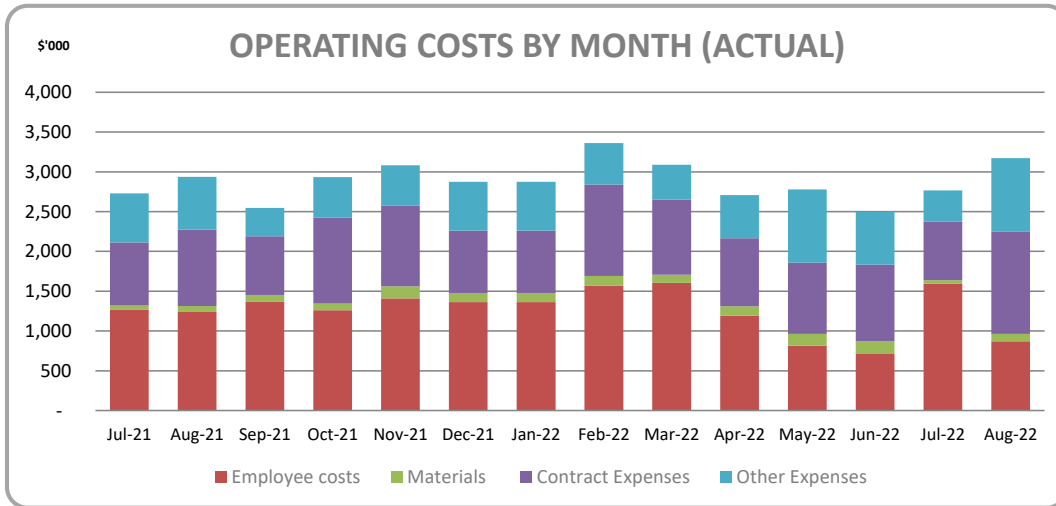


*City of*  
**Norwood  
Payneham  
& St Peters**

CITY OF NORWOOD PAYNEHAM & ST PETERS

Financial Performance for the period ended 31 August 2022					
LYTD Actual		YTD Actual	YTD Revised	Var	Var %
\$'000		\$'000	Budget \$'000	\$'000	
	<b>Revenue</b>				
6,308	Rates Revenue	6,647	6,653	(6)	(0%)
385	Statutory Charges	317	312	5	2%
516	User Charges	533	568	(35)	(6%)
698	Grants, Subsidies and Contributions	420	417	3	1%
2	Investment Income	7	8	(1)	(10%)
94	Other	69	70	(2)	(3%)
2	Reimbursements	4	3	1	36%
<b>8,004</b>	<b>Total Revenue</b>	<b>7,996</b>	<b>8,032</b>	<b>(36)</b>	<b>(0%)</b>
	<b>Expenses</b>				
2,507	Employee Expenses	2,460	2,863	403	14%
1,635	Contracted Services	1,952	1,806	(146)	(8%)
76	Energy	92	82	(9)	(11%)
132	Insurance	151	135	(16)	(12%)
143	Legal expense	66	27	(39)	(147%)
42	Materials	48	72	25	34%
82	Parts, Accessories and Consumables	93	141	48	34%
19	Water	71	68	(3)	(4%)
1,028	Sundry	936	846	(89)	(11%)
-	Depreciation, Amortisation and Impairment	-	-	-	-
23	Finance Costs	72	86	14	16%
105	Net Loss - Joint Ventures & Associates	-	-	-	-
<b>5,791</b>	<b>Total Expenses</b>	<b>5,941</b>	<b>6,127</b>	<b>186</b>	<b>3%</b>
<b>2,213</b>	<b>Operating Surplus/(Deficit)</b>	<b>2,055</b>	<b>1,905</b>	<b>150</b>	<b>8%</b>

Summary of Net Cost of Divisions for the period				
Division	YTD Actual	YTD Budget	Var	Var %
	\$'000	\$'000	\$'000	
Chief Executive Office	(650)	(684)	34	5%
Corporate Services	(832)	(821)	(11)	-1%
Governance and Community Affairs	(212)	(290)	78	27%
Urban Planning and Environment	(529)	(478)	(51)	-11%
Urban Services	(2,368)	(2,475)	107	4%
<b>Operating Surplus/(Deficit) (before Rate Revenue)</b>	<b>(4,592)</b>	<b>(4,749)</b>	<b>157</b>	<b>3%</b>
<b>Rate Revenue</b>	<b>6,647</b>	<b>6,653</b>	<b>(6)</b>	<b>0%</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,055</b>	<b>1,905</b>	<b>150</b>	<b>8%</b>

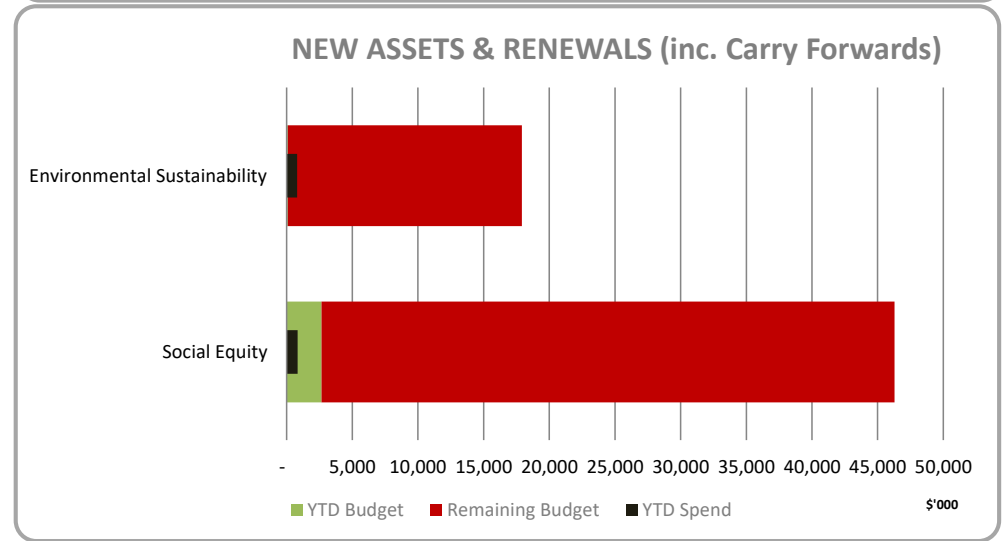
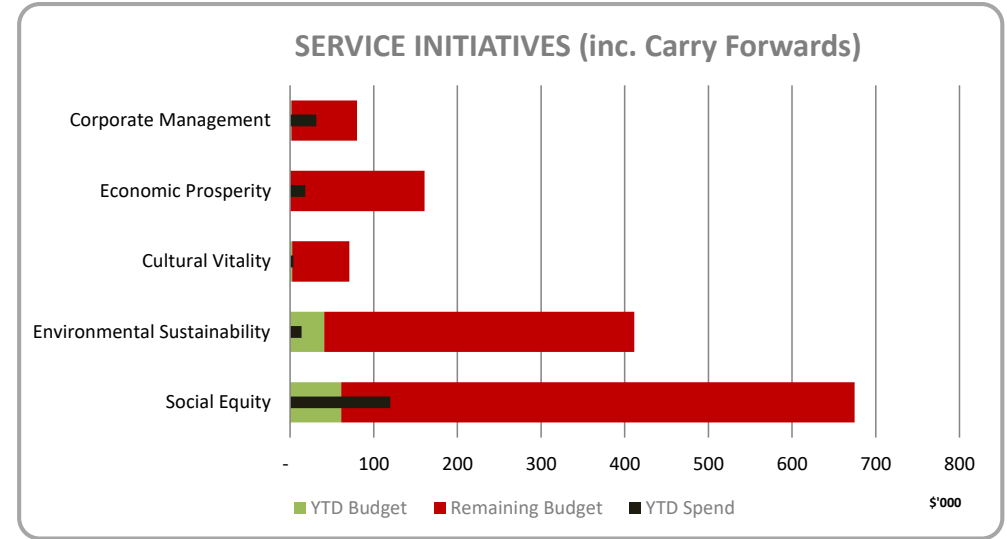




CITY OF NORWOOD PAYNEHAM & ST PETERS

Project Summary for period ended 31 August 2022

	YTD Actual	YTD Budget	Remaining Budget
	\$'000	\$'000	\$'000
<b>Operating Projects</b>			
<b>Income</b>			
Social Equity	362	362	362
Environmental Sustainability	4	-	56
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
<b>Total Income</b>	<b>367</b>	<b>362</b>	<b>418</b>
<b>Expenses</b>			
Social Equity	120	733	614
Environmental Sustainability	14	384	370
Cultural Vitality	4	72	68
Economic Prosperity	18	179	161
Corporate Management	31	78	47
<b>Total Expenses</b>	<b>187</b>	<b>1,447</b>	<b>1,260</b>
<b>Net Cost of Operating Projects</b>	<b>180</b>	<b>(1,085)</b>	<b>(842)</b>
<b>Capital Projects</b>			
<b>Income</b>			
Social Equity	-	23	(5,395)
Environmental Sustainability	-	-	(6,676)
Cultural Vitality	-	-	-
Economic Prosperity	-	-	-
Corporate Management	-	-	-
<b>Total Income</b>	<b>-</b>	<b>23</b>	<b>(12,071)</b>
<b>Expenses</b>			
Social Equity	1,539	2,665	43,627
Environmental Sustainability	-	95	17,825
Cultural Vitality	18	46	363
Economic Prosperity	117	489	-
Corporate Management	8	24	262
<b>Total Expenses</b>	<b>1,682</b>	<b>3,319</b>	<b>62,077</b>
<b>Net Cost of Capital Projects</b>	<b>(1,682)</b>	<b>(3,297)</b>	<b>(74,148)</b>

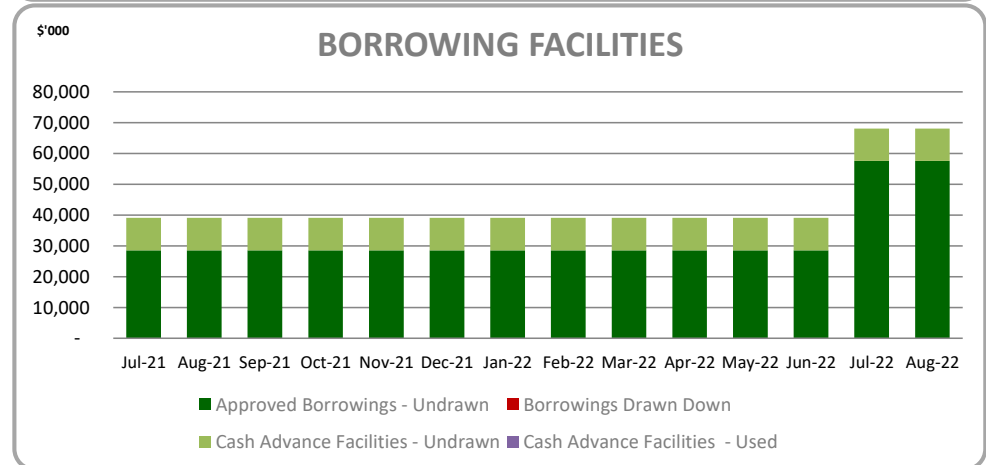
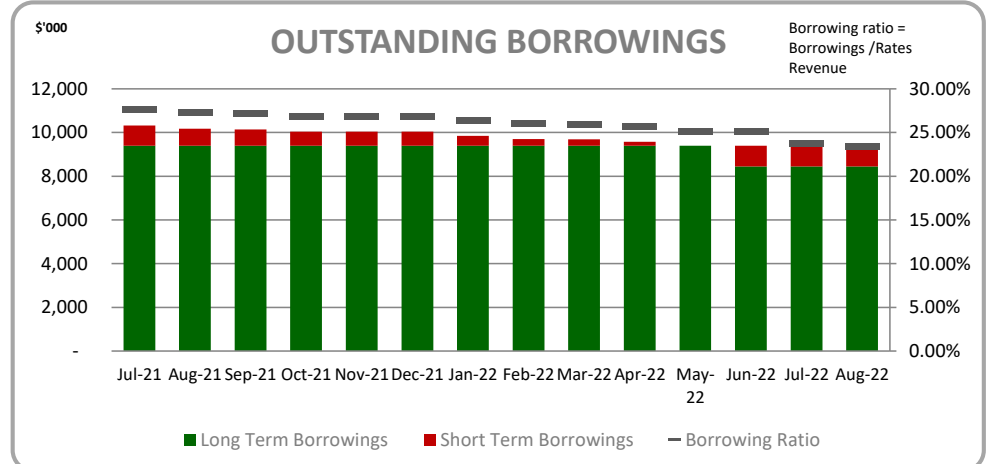
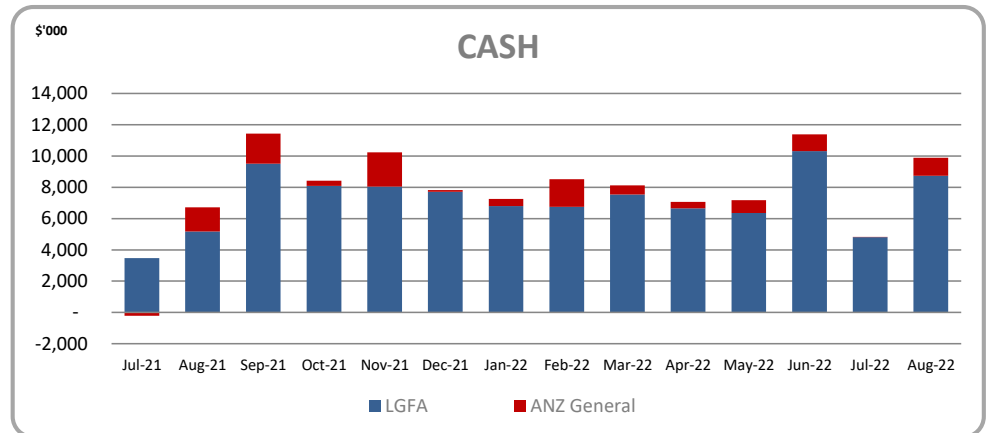


CITY OF NORWOOD PAYNEHAM & ST PETERS

Statement of Financial position as at 31 Aug 2022

	Aug-22	Jul-22	Movement	June 2022
	Actual	Actual		
	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Bank and Cash	9,896	4,829	5,067	11,391
Accounts receivables	34,648	42,179	(7,532)	3,136
Less : Provision for Bad Debts	(349)	(349)	-	(349)
<b>Total Current Assets</b>	<b>44,195</b>	<b>46,660</b>	<b>(2,465)</b>	<b>14,179</b>
<b>Non-current Assets</b>				
Financial Assets	-	-	-	-
Investments in Joint Ventures	2,017	2,017	-	1,817
Infrastructure, Property, Plant and Equipment	513,820	512,288	1,532	512,489
<b>Total Non-current Assets</b>	<b>515,836</b>	<b>514,304</b>	<b>1,532</b>	<b>514,306</b>
<b>Total Assets</b>	<b>560,031</b>	<b>560,964</b>	<b>(933)</b>	<b>528,485</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Trade and Other Payables	41,751	43,475	(1,724)	11,884
Borrowings	945	945	-	945
Provisions	1,713	1,713	-	1,713
<b>Total Current Liabilities</b>	<b>44,409</b>	<b>46,132</b>	<b>(1,724)</b>	<b>14,542</b>
<b>Non-current Liabilities</b>				
Borrowings	8,295	8,447	(151)	8,447
Provisions	2,645	2,678	(33)	2,869
Investments in Joint Ventures	866	866	-	866
<b>Total Non-current Liabilities</b>	<b>11,806</b>	<b>11,990</b>	<b>(184)</b>	<b>12,181</b>
<b>Total Liabilities</b>	<b>56,215</b>	<b>58,123</b>	<b>(1,908)</b>	<b>26,723</b>
<b>NET ASSETS</b>	<b>503,817</b>	<b>502,841</b>	<b>975</b>	<b>501,761</b>
<b>EQUITY</b>				
Accumulated Surplus	64,609	63,634	975	62,554
Asset Revaluation Reserves	439,208	439,208	-	439,208
<b>TOTAL EQUITY</b>	<b>503,817</b>	<b>502,841</b>	<b>975</b>	<b>501,761</b>

Key areas to highlight YTD : Nil



**Section 3 – Governance & General  
Reports**

---

### 11.3 CHIEF EXECUTIVE OFFICER'S REPORT - AMENDMENT OF COUNCIL DECISION - PROVISION OF LEGAL ADVICE - CR SCOTT SIMS

---

**REPORT AUTHOR:** Acting Chief Executive Officer  
**GENERAL MANAGER:** Not Applicable  
**CONTACT NUMBER:** 8366 4539  
**FILE REFERENCE:** qA1055  
**ATTACHMENTS:** Nil

---

#### PURPOSE

Regulation 21(1) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), provides for the Chief Executive Officer to submit a report to the Council recommending the revocation or amendment of a resolution passed since the last General Election of the Council. This is a procedural provision of an administrative nature which operates in the same manner as the Rescission Motion provisions of Regulation 12 of the Regulations, but without the requirement for a Notice of Motion 7 clear days' notice before the meeting at which it is to be considered.

Accordingly, the Chief Executive Officer, by virtue of this report, may recommend to the Council a revocation or amendment of a previous Council decision.

#### BACKGROUND

At its meeting held on 5 September 2022, the Council considered a report regarding the legal advice which was obtained by Cr Sims from KelledyJones Lawyers in August 2019. The legal advice related to the following:

- Terms of Reference for the Chief Executive Officer's Performance Review Committee;
- the process associated with the Chief Executive Officer's Performance Review; and
- conducting an Organisation Review.

Following consideration of the matter, the Council resolved the following:

1. *That the Council acknowledges the legal advice which has been provided by KelledyJones Lawyers at the request of the General Manager, Governance & Civic Affairs, on behalf of the Council.*
2. *That having considered the legal advice provided to Cr Scott Sims on 2 August 2019, and his actions associated with that advice, the Council censures Cr Sims on the basis that, without Council endorsement, he:*
  - a) *made an unauthorised approach to the Local Government Association of South Australia HR Consulting Services (LG Commercial) in 2019 seeking proposals for both a Chief Executive Officer Performance Review and an Organisational Review; and*
  - b) *sought the proposals for a Chief Executive Officer Performance Review and an Organisational Review from LG Commercial as referred to in Part 1 and in doing so, falsely claimed that he was acting on behalf of and at the request of the Mayor; and*
  - c) *sought to pre-determine the composition of the Chief Executive Officer's Performance Review Committee prior to the matter being formally considered by the Council; and*
  - d) *has made unauthorised approaches to KelledyJones Lawyers between 22 and 30 August 2022 in respect to the Council resolution of 22 August 2022 which required a copy of the legal advice provided to Cr Sims on 2 August 2019 to be provided to the Council; and*
  - e) *has threatened to report Ms Tracey Riddle, of KelledyJones Lawyers, to the Legal Profession Conduct Commission; and*
  - f) *as a consequence of the above actions has brought the Council into disrepute.*

3. *That Cr Sims reimburse the Council all legal costs associated with his unauthorised approaches to KelledyJones Lawyers (between 22 and 30 August 2022), in relation to the Council resolution made on 22 August 2022, with regard to the provision of legal advice obtained by Cr Sims on 2 August 2019.*

In respect to the approach made to LGA Commercial, the Council was advised that “*the Executive Director, LGA Commercial stated that Cr Sims had advised that he was ‘acting on behalf of the Mayor and that the Mayor required the proposal’*”.

Whilst this statement was made by the Executive Director, LGA Commercial, the LGA Commercial staff member who discussed the proposal with Cr Sims advised that Cr Sims stated that “*he was acting on behalf of 8 or 9 Elected Members, that he had been elected as spokesperson for the group and would be meeting with the Mayor to present the proposal*”.

The proposed amendment to the resolution as set out above is therefore to correct the public record in respect to this matter.

The Acting Chief Executive Officer’s Recommendation below, seeks to amend part 2(b) of the resolution which was made by the Council at its meeting held on 5 September 2022, as follows:

- a) *sought the proposals for a Chief Executive Officer Performance Review and an Organisational Review from LGA Commercial as referred to in Part 1 and in doing so, falsely claimed that he was acting on behalf of a group of Elected Members who had elected him as spokesperson for the group; and*

The Recommendation may be resolved by the Council by way of a motion being moved, seconded and passed by a simple majority vote at the meeting.

## **RECOMMENDATION**

That the Council resolution made at its meeting held on 5 September 2022, in respect to the provision of legal advice obtained by Cr Sims be amended as follows:

1. *That the Council acknowledges the legal advice which has been provided by Kelledy Jones Lawyers at the request of the General Manager, Governance & Civic Affairs, on behalf of the Council.*
2. *That having considered the legal advice provided to Cr Scott Sims on 2 August 2019, and his actions associated with that advice, the Council censures Cr Sims on the basis that, without Council endorsement, he:*
  - a) *made an unauthorised approach to the Local Government Association of South Australia HR Consulting Services (LGA Commercial) in 2019 seeking proposals for both a Chief Executive Officer Performance Review and an Organisational Review; and*
  - b) *sought the proposals for a Chief Executive Officer Performance Review and an Organisational Review from LGA Commercial as referred to in Part 1 and in doing so, falsely claimed that he was acting on behalf of a group of Elected Members who had elected him as spokesperson for the group; and*
  - c) *sought to pre-determine the composition of the Chief Executive Officer’s Performance Review Committee prior to the matter being formally considered by the Council; and*
  - d) *has made unauthorised approaches to KelledyJones Lawyers between 22 and 30 August 2022 in respect to the Council resolution of 22 August 2022 which required a copy of the legal advice provided to Cr Sims on 2 August 2019 to be provided to the Council; and*
  - e) *has threatened to report Ms Tracey Riddle, of KelledyJones Lawyers, to the Legal Profession Conduct Commission; and*
  - f) *as a consequence of the above actions has brought the Council into disrepute.*

3. *That Cr Sims reimburse the Council all legal costs associated with his unauthorised approaches to KelledyJones Lawyers (between 22 and 30 August 2022), in relation to the Council resolution made on 22 August 2022, with regard to the provision of legal advice obtained by Cr Sims on 2 August 2019.*

## 11.4 ELECTION FOR THE POSITION OF PRESIDENT OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA

---

**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2219  
**ATTACHMENTS:** A - B

---

### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the postal ballot required to be undertaken for the position of President of the Local Government Association of South Australia (LGA) and determine the Council's preferred candidate for the position.

### BACKGROUND

In July 2022, the LGA called for nominations for the position of President of the LGA. The LGA has now forwarded correspondence to the Council advising that the LGA has received five (5) nominations for the position of President of the LGA.

In accordance with the LGA Constitution, the LGA is required to conduct a postal ballot to determine the successful candidate for the position.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

The role of the President of the LGA is to:

- provide leadership to the LGA Board of Directors;
- chair meetings of the LGA Board of Directors;
- preside at meetings of the LGA (ie Ordinary Meetings, Annual General Meetings; etc);
- to act as the principal spokesperson of the LGA; and
- represent the LGA externally to government, stakeholders, etc.

The term of office for the new President is a two (2) year term, commencing from the 2022 LGA Annual General Meeting (ie 28 October 2022), and concluding at the 2024 LGA Annual General Meeting.

The LGA *Constitution and Rules* stipulate a long-standing protocol that the position of President alternates between metropolitan councils (now referred to as GAROC), and rural councils (now referred to as SAROC), every two (2) years.

As the current President, Mayor Angela Evans is from a metropolitan council (ie, the City of Charles Sturt), nominees were invited from eligible rural councils, (ie members of SAROC).

The five (5) nominees for the Position, in the order as set out on the Ballot Paper, are:

- Mayor Keith Parkes, Alexandrina Council;
- Mayor Caroline Phillips, District Council of Karoonda East Murray;
- Mayor Brett Benbow, Port Augusta City Council;
- Mayor Bill O'Brien, Light Regional Council; and
- Mayor Erika Vickery, Naracoorte Lucindale Council.

A copy of the Ballot Paper and Candidate Information for each Candidate is contained within **Attachment A**.

In accordance with the LGA Constitution, the Council must determine its preferred Candidate by marking the Ballot Paper with a cross, ie “X”, in the square opposite the name of the Candidate the Council wishes to elect.

Two (2) of the five (5) Candidates have written to the Council seeking the Council's support of their nomination for the position of President of the LGA:

- Mayor Erika Vickery OAM, Naracoorte Lucindale Council; and
- Mayor Bill O'Brien, Light Regional Council.

A copy of the correspondence received, as listed above, is contained within **Attachment B**.

The Ballot Paper must be forwarded to the Local Government Association to be received by the Returning Officer no later than 5.00pm on Monday, 17 October 2022.

### **RECOMMENDATION**

The Council determines the following candidate for the position of President of the Local Government Association of South Australia:

- -----



## **Attachments – Item 11.4**

# Attachment A

## Election for the Position of President of the Local Government Association of South Australia

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

# Ballot Paper

## Election for LGA President 2022-2024

1 Person Required

**Ballot closes 5:00pm Monday 17 October 2022**

**Important Note:** In accordance with Clause 29.5.4 of the LGA Constitution, the Delegate of a Member Council (or in the Delegate's absence, the chair of the meeting for that Member Council) shall mark the ballot paper with an "X" next to the candidate that the Member Council wishes elected, then seal the ballot paper in the envelope marked "Ballot Paper" and place it inside the envelope marked "Returning Officer". The name of the Member council must be indicated on the inside flap of the envelope marked "Returning Officer" and the envelope must then be sealed and delivered to the Returning Officer.

- |                          |  |       |
|--------------------------|--|-------|
| <input type="checkbox"/> | <b>PARKES, Keith</b><br><i>Alexandrina Council</i>                           | Mayor |
| <input type="checkbox"/> | <b>PHILLIPS, Caroline</b><br><i>District Council of Karoonda East Murray</i> | Mayor |
| <input type="checkbox"/> | <b>BENBOW, Brett</b><br><i>Port Augusta City Council</i>                     | Mayor |
| <input type="checkbox"/> | <b>O'BRIEN, Bill</b><br><i>Adelaide Plains Council</i>                       | Mayor |
| <input type="checkbox"/> | <b>VICKERY, Erika</b><br><i>Naracoorte Lucindale Council</i>                 | Mayor |



Issuing Officer  
Initial



## LGA President Candidate Information Sheet

<b>Name</b>	Mayor Keith Parkes
<b>Council</b>	Alexandrina Council
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• Current Mayor Alexandrina Council since 2014</li> <li>• Elected member Alexandrina Council 2010-2014</li> <li>• LGA of SA Board director 2016 - current. Deputy Board Member 2014-2016</li> <li>• SAROC Committee member 2016 - current. Deputy Committee member 2014-2016</li> <li>• Southern &amp; Hills LGA President 2016 - current. Member since 2014</li> <li>• Chair Local Government Transport Advisory Panel (Special Local roads)</li> <li>• Board Director LGA of SA Audit &amp; Risk Committee</li> <li>• Member LGA of SA Nominations Committee</li> <li>• Chair South Australian Coastal Council's Alliance</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<p>Strong and effective local government has never been more important to the communities of South Australia. I bring to the role of President of the LGA of SA the skill and experience to help drive the LGA's current Strategic Plan and its emphasis on providing evidence-based advocacy for our members and their respective communities in what has become challenging socioeconomic times.</p> <p>South Australian communities face a broad range of new and emerging challenges that require sound local government leadership. These include water and energy management issues, the undeniable impact of climate change, the rising cost of living, homelessness, our ageing population and much more. Climate change is of particular concern to me and I would relish the opportunity to help drive the urgent and sustained action required to reduce emissions and manage the impacts of climate change as identified in the LGA Climate Commitment Action Plan 2021- 23.</p> <p>I am a firm believer in harnessing the collective energy of all levels of government including advocacy on the reinstatement of financial assistance grants to the appropriate share of GDP. Now is the time to build a strong, collaborative relationship with our new State Government. I have good existing relationships but also have the capacity and means to build new relationships to strengthen the bond between the LGA and the new regime to address the challenges we face and fully explore, inter alia, innovative approaches such as the diversification of revenue options for local government or the procurement of support for councils around the impacts of climate change.</p>



<b>Name</b>	Mayor Keith Parkes
<b>Council</b>	Alexandrina Council
<b>Local Government Policy Views &amp; Interests cont.</b>	<p>Our relationship with the State Government needs to be dedicated and proactive to contribute meaningfully to policy and legislative development through the State-Local Government Relations Agreement and I am well disposed to deliver on the President's role in this. My extensive experience in local government and my comprehensive knowledge of the challenges faced by both metro and regional councils will allow me to drive initiatives to improve council sustainability, enhance the quality of life of South Australians through shaping better neighbourhood development and by improving infrastructure and access to infrastructure and public services. I am also passionate about enabling economic development through the implementation of programs that produce positive local outcomes and will advocate enthusiastically for this. I have a strong understanding of the issues facing SA councils and am particularly au fait with the impacts of seasonal and mobile populations and their connection with financial assistance and other grant opportunities. I will also continue to firmly oppose rate capping now more than ever.</p> <p>I am also a firm believer in looking inward as an organisation and am committed to fostering effective local government innovation as a collaboration between elected bodies and administrations.</p> <p>I believe I have the leadership experience in local government, as well as strong business acumen through my many years as a business owner, to inform such a role and have demonstrated such in my commitment and work ethic to the role of Mayor of Alexandrina Council and the LGA of SA as a board director.</p>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Extensive commercial business experience as an Owner /Director of my own business until 2014</li> <li>• Member Australian Institute of Company Directors (course completed 2018)</li> <li>• Chair Goolwa to Wellington Local Action Planning Association</li> <li>• SA representative Australian Coastal Councils Association</li> </ul>

## LGA President Candidate Information Sheet

<b>Name</b>	Mayor Caroline Phillips
<b>Council</b>	District Council of Karoonda East Murray
<b>Local Government Experience &amp; Knowledge</b>	<p>Caroline Phillips is a Murraylands resident and is the currently the Mayor of the District Council of Karoonda East Murray (DCKEM)</p> <ul style="list-style-type: none"> <li>• DCKEM Elected Member Appointed 2010</li> <li>• DCKEM – Deputy Mayor 2014-2018</li> <li>• DCKEM Mayor 2019-2022</li> <li>• MRLGA Vice President – Appointed 2021</li> <li>• SAROC Committee Member – Appointed 2021</li> </ul> <p>Current Board Director Experience</p> <ul style="list-style-type: none"> <li>• Netball South Australia - Appointed 2018</li> <li>• Tourism industry Council of South Australia – Appointed 2019</li> <li>• Landscapes SA Murraylands Riverland – Appointed 2021</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<p>Caroline is an active leader in her community and the broader district with a focus on building capacity, capability and resilience. In one of the smallest councils in the State, Caroline's leadership has delivered short, medium and long term strategies that are equally applicable across the entire sector – something which she is keen to share. In each case these have delivered positive outcomes to her community in times of extreme challenge.</p> <p>An energetic, positive leader who thrives on collaboration and considered change management, Caroline has fostered and developed strategic connections across State and Federal Governments and private enterprise and is well respected within each of these environments.</p> <p>Caroline is a strong advocate for youth opportunities, early childhood and intervention programs and childcare accessibility.</p> <p>Caroline interests in local government policy focusses on what is reasonable, achievable and sustainable within the sector. She is a hands on leader and learner who actively shares knowledge across the sector.</p>



<b>Name</b>	Mayor Caroline Phillips
<b>Council</b>	District Council of Karoonda East Murray
<b>Other Information</b>	<p>Caroline has worked in marketing and communications in the public and private sectors for more than twenty years. She holds professional qualifications in Marketing and a Bachelor of International Business.</p> <p>She is passionate about building and develop local communities, and has extensive experience working with the South Australian Tourism Commission, including holding the position of Regional Tourism Manager in the Murraylands and Riverland regions of SA.</p> <p>Caroline is currently a board member of the Tourism Industry Council of South Australia, Netball South Australia and Murraylands Riverland Local Government Association.</p> <p>Mayor Phillips also works as an independent marketing consultant servicing small business clients across regional South Australia and is a partner in a dryland farming venture with her husband.</p> <p>She lives at Wynarka on her family property with husband Troy and daughters Ruby (12) and Lucy (10)</p> <p>Personal mission statement:</p> <p><i>To inspire and develop the next generation of change makers so that communities can thrive.</i></p>



## LGA President Candidate Information Sheet

<b>Name</b>	Mayor Brett Benbow
<b>Council</b>	Port Augusta City Council
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• 2018 (Nov) — current — Mayor — Port Augusta City Council</li> <li>• 2014 — 2018 (Nov) — Deputy Mayor - Port Augusta City Council</li> <li>• 2010 — 2018 — Councillor — Port Augusta City Council</li> </ul> <p>Mayor Benbow is now in his third term representing the Port Augusta Community and has gained significant local government experience during this time as Council has undertaken major projects whilst delivering a wide range of services to the community</p>
<b>Local Government Policy Views &amp; Interests</b>	<p>Mayor Benbow is a long-term resident of Port Augusta, having lived in the town his entire life 60 years, raised a family of 3 and happily married to his wife Kristen who is a long-term resident and is the Manager of a prominent local Hotel. Mayor Benbow is dedicated to serve for the betterment of the City and giving back to the Community and eager to support growth of the youth of the City and to ensure renewable sector continues to flourish within the City and region.</p> <p>Mayor Benbow is passionate about the local government policy framework providing a consistent structure for matters to be resolved. Local Government provides an opportunity for local decision making and change to occur in a structured and informed manner. The Elected body can shape and develop policy to create positive outcomes and provide clarity and strategic direction for the Community.</p> <p>Mayor Benbow has seen the City evolve in the past, and can see the potential the City has as it continues to reinvent itself as a regional hub. There are many great opportunities for Port Augusta and the Upper Spencer Gulf region in the near future, and Mayor Benbow is eager to see these evolve into great things for our Community and City. It is an amazing and fulfilling experience to be able to promote these opportunities and develop the relationships to occur.</p>
<b>Other Information</b>	<p>Mayor Benbow's working career excess of 39 years within the Railway Industry in various senior roles. Mayor Benbow has been active within Community Sporting Groups throughout his life, taking on a variety of roles for sports including Basketball, Football, Golf, Soccer, Cricket, Darts and the Port Augusta Racing Club</p>





## LGA President Candidate Information Sheet

<b>Name</b>	Mayor Bill O'Brien
<b>Council</b>	Light Regional Council
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• Mayor, Light Regional Council, 2010 to 2022</li> <li>• General Manager (CEO), Central Darling Shire, NSW, 2001 to 2008</li> <li>• Various Tourism and Economic Development roles at DC Kapunda 1992 to 1996 (SA) and DC Kapunda &amp; Light 1996 to 1999 SA; and Central Darling Shire in 2000 (NSW)</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<ul style="list-style-type: none"> <li>• Community representation, and Youth representation.</li> <li>• Strong and inclusive leadership.</li> <li>• Supports regional representation through Legatus Group, SAROC and LGA.</li> <li>• Ensuring that local government has sound financial management, economic, tourism and community development.</li> <li>• First Nations Reconciliation engagement and programs.</li> </ul>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Current Committee member of Kapunda Meals on Wheels.</li> <li>• Current Board Member Kapunda and Eudunda Health Advisory Council.</li> <li>• Current Committee Member the Pines Recreational Park Committee.</li> <li>• Current President U3A Kapunda and District.</li> <li>• Past President Kapunda Rotary Club.</li> <li>• Past Board Member Barossa Tourism Incorporated.</li> <li>• While at Central Darling Shire (NSW) the Council was winner of the AR Bluett Award for excellence in Local Government (regional councils), in addition to being awarded the Premier's Gold Award for contribution to Regional NSW (Western Division).</li> <li>• Early career included 6 years serving as a member of the RAAF at various postings across Australia.</li> </ul>



## LGA President Candidate Information Sheet

<b>Name</b>	Mayor Erika Vickery OAM
<b>Council</b>	Naracoorte Lucindale Council
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• Elected Member of Naracoorte Lucindale Council since 2000 and Mayor since 2010</li> <li>• President of the Limestone Coast Local Government Association since 2014</li> <li>• Chairperson of the South Australia Regional Organisation of Council since 2015</li> <li>• Board Member of the Local Government Association SA</li> <li>• Board Member of the Australian Local Government Association</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<p>Clear and open communication with member councils, strong and positive advocacy for local government across all levels of government, assist member councils to implement local government reforms, development of capacity building to ensure future sustainability for local government, ongoing accountability and transparency through pursuit of best practice and continuous improvement.</p> <p>Interests include: economic development and regional growth, community wellbeing, community engagement and communication, and the arts and culture.</p>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Board Member of Regional Development Australia Limestone Coast</li> <li>• Board Member Country Arts SA (and member of Governance &amp; Finance Committee)</li> <li>• Board Member of Australian Migrant Resource Centre</li> <li>• Board Member of the SA Local Government Grants Commission and Boundaries Commission</li> <li>• Awarded OAM in 2017 for services to Local Government and the community</li> <li>• Partner in family farming enterprise</li> </ul>

# Attachment B

## Election for the Position of President of the Local Government Association of South Australia

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



Naracoorte Lucindale Council

*Better by Nature*

6 September 2022

Dear Mayor and Elected Members,

I am writing to ask for your support for my nomination for the position of LGA President.

I am the Mayor of the Naracoorte Lucindale Council and the President of the Limestone Coast Local Government Association. Through these roles I am a board member of the LGA and ALGA, and Chairman of SAROC and the LGA Research and Development Advisory Committee. I also hold the positions as LGA nominee for the Country Arts SA Board and the SA Grants and Boundaries Commissions. I have held an elected position on Council for 22 years and been involved directly in the LGA for 7 years.

I recognise that the LGA needs strong, consultative, and accountable leadership, and I believe that I am the best candidate to help deliver that outcome as I have the skills and experience gained through Council and in my roles at the LGA, SAROC and ALGA. I have the knowledge, strength and determination to ensure projects that assist councils (such as housing, workforce, planning, coastal management, climate adaption) are undertaken for the benefit of the local government sector.

I am abreast of the depth of the reform process and legislative changes that are currently in front of local government and will make sure that Councils are fully informed and able to implement the myriad of changes progressively being introduced.

The LGA needs to continually be focused on representing the needs of its member Councils and it must keep its performance in this regard under constant review. I recognise and acknowledge that the LGA is a member organisation, and those members need to be the drivers of the future direction for the organisation. This always means constructive communication. Through my roles I know the importance of sound communication and have demonstrated the ability to deliver.

As President of the LGA, I will provide strong, accountable and energetic leadership, driving the opportunities for change while balancing the strengths which we already have as an organisation. I would appreciate your support in my bid to do so.

I welcome anyone who would like to talk to me further to please contact me on 0427622133 or [erika.vickery@nlc.sa.gov.au](mailto:erika.vickery@nlc.sa.gov.au), should you wish to discuss any aspect of the information I have provided.

Yours Sincerely,

Mayor Erika Vickery OAM

DeGaris Place (PO Box 555) Naracoorte SA 5271  
 Telephone (08) 8760 1100  
 Email [council@nlc.sa.gov.au](mailto:council@nlc.sa.gov.au)  
[www.naracoortelucindale.sa.gov.au](http://www.naracoortelucindale.sa.gov.au)





Dear Mayor & Councillors,

I feel both honoured and humbled to be nominated for the position as South Australian Local Government Association - President to be decided at the forthcoming election in October 2022 and write seeking your Council's support for my nomination.

My involvement and career in Local Government spans over a 25-year period and includes being CEO (General Manager) of Central Darling Shire Council, in Western NSW and being the largest Shire in the State, living in Wilcannia for 8 years. In that time the Council came from being almost dysfunctional to winning the A.R Bluett Award for Excellence in Local Government. I was also a recipient of a NSW Premiers Award for my contribution to Regional NSW. My working life has included 6 years in the RAAF and owning a number of small businesses.

My wife and I returned to our home town Kapunda in 2008 and I was privileged to be elected Mayor of Light Regional Council in 2010. It has been a remarkable journey leading this Council to become one of the most progressive in the state. I am most grateful for the support and encouragement I have received from Council members and staff, and our State and Federal MPs.

Local Government will continue to need a strong presence as part of a 'collective' government into the future including Local Government Reforms and Planning legislation. Should I be elected, I would endeavour to lead the organisation in an inclusive and straight forward manner, always ensuring the members are listened to and action taken when required. I would also continue to build on the excellent working relationship with staff that currently exists.

My values include respect, honesty, integrity, building strong relationships and taking an inclusive approach and empowering those around me. Most importantly I care and would demonstrate a firm commitment to addressing the many challenges faced by both the business sector and our communities.

I know in my heart I have always acted with honesty and integrity and a sense of fairness, I enjoy communicating and engaging with members of the community at all levels and others who I meet with an open mind and friendly manner in order to make things happen. In doing so I have enjoyed incredible support throughout my time in Local Government and beyond.

Thank you for taking time to read this letter and I do hope you will consider my application as worthy of your support and please feel free to contact me should you have any questions on Mobile 0488 025 862.

Kind regards

Bill O'Brien JP  
Mayor

12 September 2022

Email [light@light.sa.gov.au](mailto:light@light.sa.gov.au)  
Post PO Box 72, Kapunda SA 5373  
Phone 08 8525 3200  
Web [light.sa.gov.au](http://light.sa.gov.au)

Principal Office  
93 Main Street  
Kapunda SA 5373

Kapunda Public Library  
and Visitor Information Centre  
51-53 Main Street  
Kapunda SA 5373

Freeling Public Library  
and Customer Service Centre  
7 Hanson Street  
Freeling SA 5372

Planning and  
Development Services  
12 Hanson Street  
Freeling SA 5372

Operations Centre  
11 Stephenson Street  
Freeling SA 5372

## 11.5 ELECTION OF MEMBERS OF THE LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA GREATER ADELAIDE REGION ORGANISATION OF COUNCILS (GAROC)

---

**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA59226  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the postal ballot required to be undertaken in order to determine the membership of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (the GAROC).

### BACKGROUND

In July 2022, the Local Government Association of South Australia (LGA), forwarded correspondence to the Council inviting nominations for appointment of Members to the Greater Region of Adelaide Organisation of Councils (GAROC), which is represented by the following councils:

- Adelaide Hills Council;
- City of Burnside;
- Campbelltown City Council;
- City of Charles Sturt;
- Town of Gawler;
- City of Holdfast Bay;
- City of Marion;
- City of Mitcham;
- City of Norwood Payneham & St Peters;
- City of Onkaparinga;
- City of Playford;
- City of Port Adelaide Enfield;
- City of Prospect;
- City of Salisbury;
- City of Tea Tree Gully;
- City of Unley;
- Town of Walkerville; and
- City of West Torrens.

Following consideration of the matter, the Council declined the opportunity to forward a nomination to the LGA for appointment to the GAROC.

Notwithstanding this, the LGA has received four (4) nominations for the two (2) positions allocated to the East Regional Grouping of Councils for appointment to the GAROC.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

### DISCUSSION

The role of the GAROC is to provide regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

At the close of nominations the LGA received a total of four (4) nominations from councils within the East Regional Grouping of Councils for the two (2) positions. In accordance with the Terms of Reference for the GAROC an election now needs to be conducted to determine the successful candidates to be appointed to the GAROC. The two (2) candidates with the highest number of votes will be appointed to the GAROC.

The term of the GAROC members will commence at the conclusion of the 2022 LGA Annual General Meeting which will be held on 28 October 2022.

The Council must determine by resolution which two (2) candidates it wishes to elect and the voting must be recorded on the Ballot Paper. The Ballot Paper must be returned to the LGA by 17 October 2022.

The nominees, as they appear on the Ballot Paper are as follows:

- Mayor Elizabeth Fricker, Town of Walkerville;
- Mayor Jan-Claire Wisdom, Adelaide Hills Council;
- Cr Anna Leombruno, Campbelltown City Council; and
- Cr Don Palmer, City of Unley.

A copy of the Ballot Paper and the Candidate Information for each Candidate is contained within **Attachment A**.

### **RECOMMENDATION**

The Council determines the following candidates in order of preference for appointment to the Greater Region of Adelaide Organisation of Councils:

1. -----
2. -----

## **Attachments – Item 11.5**



# Attachment A

## Election of Members of the Local Government Association of South Australia Greater Adelaide Region Organisation of Councils (GAROC)

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



# Ballot Paper

## Election for GAROC Regional Grouping Metro East 2022-2024

2 Persons Required

**Ballot closes 5:00pm Monday 17 October 2022**

**Important Note:** In accordance with Clause 4.4.5(d) of the GAROC Terms of Reference, the chair of the meeting for that Member Council shall mark the ballot paper with an "X" next to the two (2) candidates that the Member Council wishes elected, then seal the ballot paper in the envelope marked "Ballot Paper" and place it inside the envelope marked "Returning Officer". The name of the Member Council must be indicated on the inside flap of the envelope marked "Returning Officer" and the envelope then sealed and delivered to the Returning Officer.

FRICKER, Elizabeth Mayor Town of Walkerville

WISDOM, Jan-Claire Mayor Adelaide Hills Council

LEOMBRUNO, Anna Councillor Campbelltown City Council

PALMER, Don Councillor City of Unley



Issuing Officer  
Initial



## Candidate Information Sheet – GAROC East

<b>Name</b>	Mayor Elizabeth Fricker
<b>Council</b>	Corporation of the Town of Walkerville
<b>Local Government Experience &amp; Knowledge</b>	<p>As a long-term Councillor of the Town of Walkerville – and with an extensive background in relation to business, boards and financial management – I would bring a raft of experience to the table at GAROC through both my Local Government involvement and private career endeavours.</p> <p>I have learnt that a leader must be adaptable, collaborative, innovative and prepared to give both their time and determination to the cause. A leader does not shy away from conflict, but is prepared to make tough decisions for the overarching benefit of the community. It is essential to take risks and embrace change as opportunity presents. I see this as no different to being a member of a board such as GAROC, where I would bring my Local Government knowledge and wealth of various past experience to represent the eastern region.</p> <p>Local Government has been the epitome of adaptive in delivering information, services, programs and events in order to cater for our communities – particularly with limited resources. Town of Walkerville – being the smallest Council in metropolitan Adelaide – is case in point. In the past six months alone, we have been recognised by the community for our innovative methods to increase eco-friendly products, praised by our peers for our quirky out-of-the-box public educational signage and we have been featured in national publication Government News for our ability to use predictive technology to monitor infrastructure, resulting in less costly and more efficient asset management. I am proud to lead both an Elected Body and Administrative team, who echo the values of adaptability, responsibility and creativity.</p> <p>As Mayor of the Town of Walkerville, I understand the importance of being able to quickly adapt to specific situations and circumstances in order to meet the needs of residents and businesses. This has been relevant since I was elected to Council in November 2014. In November 2016, I was appointed Deputy Mayor by the Council and in 2018, I was elected unopposed by the community as Mayor.</p> <p>As part of my role, I regularly attend meetings with my fellow Eastern Region Alliance (ERA) Mayors on a monthly basis to discuss broader issues across the district. I also attend the quarterly meeting of the ERA Mayors and CEOs. This is paramount for collaboration, staying engaged with our neighbouring communities and keeping abreast with the issues that not only affect our region, but the wider sector.</p>

<b>Name</b>	Mayor Elizabeth Fricker
<b>Council</b>	Corporation of the Town of Walkerville
<b>Local Government Experience &amp; Knowledge cont.</b>	<p>Furthermore, I have been a member of Council's Audit Committee since 2014, Strategic Planning and Development Policy Committee (2014 to 2018) and CEO Performance Review Committee (November 2016 to present). I am the Presiding Member of the Women of Walkerville Foundation Committee, which was formed in order to raise funds for the betterment of the community. My role on these committees has provided me with a greater insight and knowledge across Local Government, all the while allowing me to cast my thoughts and decisions to make an impact on the future of our Township.</p> <p>I have attended a number of training forums run by the Local Government Association (LGA) for Elected Members. I have also actively involved myself in almost every consultative forum run by the LGA and the Office of Local Government in relation to planning reform and rates capping, including the South Australian Productivity Commission inquiry into Local Government costs and efficiency.</p> <p>Prior to my time in Local Government, I gained high-end strategic skills in my experience on a private board, managing a dealership in regional SA and completing a Master of Business Administration. This has allowed me to understand investment and the importance of financial management, which is always in the back of my mind as part of a sound decision-making process.</p>
<b>Local Government Policy Views &amp; Interests</b>	<p>I am passionate about the below key areas:</p> <ul style="list-style-type: none"> <li>• Environmental sustainability and introducing eco-friendly methods into Local Government;</li> <li>• Indigenous affairs;</li> <li>• Public safety;</li> <li>• Affordable housing;</li> <li>• Planning reforms;</li> <li>• Open and transparent governance;</li> <li>• Waste management;</li> <li>• Active ageing and wellbeing;</li> <li>• Social inclusion and diversity;</li> <li>• Genuine community engagement;</li> <li>• Financial sustainability;</li> <li>• Appropriate management of assets;</li> <li>• Open spaces.</li> </ul>



<b>Name</b>	Mayor Elizabeth Fricker
<b>Council</b>	Corporation of the Town of Walkerville
<b>Local Government Policy Views &amp; Interests cont</b>	<p>I am a strong advocate for providing diverse services and programs to our community, with a focus on the most vulnerable groups in the district.</p> <p>I firmly believe in the protection of heritage areas and the retention of trees, particularly in areas of infill development.</p> <p>I have also taken great interest in waste management and the impact of land infill.</p> <p>In addition, I have an interest in finding the most responsible and effective ways to not only promote, but enact environmental sustainability and eco-friendly methods into everyday use. In Walkerville, we have recently stopped the use of corflute material and replaced it with a 100% cellulose fibre product that is fully recyclable. We are also using 100% recycled plastic bottle materials to manufacture our new street sign covers.</p>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Bachelor of Arts with a Major in Economics and Politics;</li> <li>• Master of Business Administration;</li> <li>• Fellow of Australian Institute of Company Directors;</li> <li>• Board Member of RA Jordan, a private plumbing company operating in South Australia and the Northern Territory;</li> <li>• Previously filled casual vacancies on Women's and Children's Hospital Board;</li> <li>• Previously managed large Agricultural Dealership in country South Australia.</li> </ul>



## Candidate Information Sheet – GAROC East

<b>Name</b>	Mayor Dr Jan-Claire Wisdom
<b>Council</b>	Adelaide Hills Council (AHC)
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• 2018-Elected Mayor of Adelaide Hills Council</li> <li>• 2010-2018 Elected Member AHC (Deputy Mayor for 5 years)</li> <li>• 2018-2020 Board Member LGASA</li> <li>• 2017-current Member of GAROC (and previously MLGG)</li> <li>• 2017-current Board Member of Southern &amp; Hills LGA</li> <li>• 2012-current Member of AHC CEO Performance Review Panel since 2012 (Chair 2 years) and previously CEO Selection Panel</li> <li>• 2012-2019 State Libraries Board Member (Ministerial appointment)</li> <li>• 2018-Member Selection Panel for Director of State Library of SA</li> <li>• Member of many AHC Committees and Advisory Groups</li> <li>• Key knowledge/skills: Strategic Planning, Leadership, Collaboration and Partnerships, Advocacy, Public Speaking, Policy Development and Review, Communications, Community Development</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<p>Support</p> <ul style="list-style-type: none"> <li>• Local Government enhanced role in disaster preparedness, recovery and community resilience building</li> <li>• Establishment of State-Local Government Climate Change Partnership for practical action on adaptation and mitigation</li> <li>• Renewing Regional Climate Partnership sector agreements</li> <li>• Making standardised and accessible climate-related data for use by Local Government to improve planning</li> <li>• Making 50% of Councils' contributions to the Green Industry Fund available to Local Government to aid transition to circular economy</li> <li>• LG partnerships to alleviate housing supply and affordable housing crisis</li> <li>• Benchmarking</li> <li>• Performance Review of GAROC's effectiveness (I have proposed this to LGASA)</li> </ul>



<b>Name</b>	Mayor Dr Jan-Claire Wisdom
<b>Council</b>	Adelaide Hills Council (AHC)
<b>Local Government Policy Views &amp; Interests cont</b>	<p>Interests</p> <ul style="list-style-type: none"> <li>• Increased action by Local Government on climate change initiatives (including cross-Council partnerships) to: transition to renewables, achieve carbon zero, develop carbon credit markets across LG sector</li> <li>• Advocacy for increased Heritage Protection</li> <li>• Advocacy for measures to increase tree canopy coverage across metropolitan areas</li> <li>• Sustainable Public Library funding and minimising cost shifting</li> <li>• Building local government, university and industry sector collaboration</li> <li>• Greater role for local government in tourism development</li> </ul> <p>Developing improved community engagement processes</p>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Fellow of the Governor's Leadership Foundation (2015)</li> <li>• Excellence in Local Government Leadership Award (2014)</li> <li>• Governor, Glenunga International High School (2009-13)</li> <li>• Qualifications:             <ul style="list-style-type: none"> <li>- Doctor of Philosophy (PhD) in Sociolinguistics/Policy Analysis</li> <li>- Masters in Communications</li> <li>- Degree in English Language and Philosophy</li> <li>- Post-graduate degrees in both Library and Information Studies, and also Journalism</li> </ul> </li> <li>• Currently Adjunct Research Fellow in Business School of UniSA</li> <li>• Previously: Chartered Librarian, Systems and Business Analyst, Journalist, Management Consultant, small business owner/operator, Academic (lecturer and researcher), and served 10 years as Defence Force reservist in Army Intelligence Corps (British and Australian forces).</li> </ul>

## Candidate Information Sheet – GAROC East

<b>Name</b>	Councillor Anna Leombruno
<b>Council</b>	Campbelltown City Council
<b>Local Government Experience &amp; Knowledge</b>	<ul style="list-style-type: none"> <li>• 2022 to present President, Campbelltown Historical Society Inc</li> <li>• 2022 to present Climate Solutions Advisory Committee</li> <li>• 2021 to present Chair, Service Clubs Advisory Committee</li> <li>• 2018 to 2020 Deputy Mayor Campbelltown Council</li> <li>• 2017 to present Member of Council Assessment Panel</li> <li>• 2014 to 2017 Member of Development Assessment Panel</li> <li>• 2105 to 2016 Campbelltown Child Friendly Committee</li> <li>• 2014 to 2016 CEO Panel Review Committee</li> <li>• 2014 to 2018 Sesquicentennial Advisory Committee</li> <li>• 2011 to present Community Rep, Charles Campbell College Governing Council</li> <li>• 2011 to 2013 (Chair 2013) St Francis of Assisi School Governing Council</li> <li>• 2010 to 2016 (Chair from 2014) Campbelltown Leisure Centre Redevelopment Committee</li> <li>• 2010 to 2014 Outlook Publication Committee</li> <li>• 2010 to 2014 Campbelltown Service Club Advisory Committee</li> <li>• 2010 to 2014 Strategic Planning and Policy Development Committee</li> <li>• 2010 to 2014 Sister City Committee</li> <li>• 2010 to present Councillor, Campbelltown City Council</li> </ul>
<b>Local Government Policy Views &amp; Interests</b>	<p>Gone are the days were Councils are merely responsible for roads, rates and rubbish....</p> <ul style="list-style-type: none"> <li>• Local Government has an important responsibility to our constituents to provide and maintain its many services such as waste management, roads, footpaths, libraries, assets, infrastructure, sports and arts facilities and to also deliver various programs that assist and are of interest to both our young, elderly, disabled and vulnerable.</li> <li>• It is vital that Local Government continues to build strong relationships with other Councils and both the State and Federal Governments. Strong relationships will lead to stronger voices and better outcomes.</li> </ul>



<b>Name</b>	Councillor Anna Leombruno
<b>Council</b>	Campbelltown City Council
<b>Local Government Policy Views &amp; Interests cont</b>	<ul style="list-style-type: none"> <li>• We should encourage Councils to work collaboratively together in sharing knowledge and resources with the intent to reducing our running costs and to benefit our communities which includes our many volunteers and local community groups.</li> <li>• In recent times Local Government has come under increased scrutiny in regards to development, in particular what has been viewed as the over development and urban infill and the impact it has had on the community. The most notable impact has been the loss of tree canopy and the flow on effect has lead to environmental issues such as heat mapping.</li> <li>• When it comes to matters relating to commitment to climate change issues, environmental issues and significant tree protection, all these weigh heavily on Councils and it is imperative that Local Government are making decisions that best serve the community.</li> <li>• Environment issues and sustainability: Covid has definitely brought it's fair share of challenges for everyone, both personally and professionally. Many families and businesses have felt the impact of Covid and Council's were not immune to this either. This, along with other recent world events, has seen the escalating costs to many of our goods and services. The increase in building materials has been particularly noticeable as Council's look to balance the need to continue providing vital services to our residents along with maintaining our current assets and delivering on new initiatives. In light of these and other recent changes seen around the world, it is important that we are also prepared and have policies in place to cope with the current changes in climate and the ongoing challenges faced around the world.</li> </ul> <p>My commitment as a GAROC member will be to explore and consider all issues so that decisions are based on best case scenarios for our Councils and the community.</p>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• With over 20 years in the Insurance industry I am well versed in matters pertaining to Liability and Negligence.</li> <li>• 2017 Diploma Local Government Association (LGA50712EM)</li> <li>• 2011 ALGWA Inaugural Metropolitan Winner Grace Benny Award (recognising females in LG)</li> <li>• 2010 Certificate IV Community Services</li> <li>• 2009 Certificate III Community Services</li> </ul>



<b>Name</b>	Councillor Anna Leombruno
<b>Council</b>	Campbelltown City Council
<b>Other Information <i>cont</i></b>	<ul style="list-style-type: none"> <li>• 2008 Certificate IV Business (Frontline management) BSB41004</li> <li>• 2005 Certificate III Financial Services (FNB30199)</li> <li>• 2003 People's Choice Award Regional Winner South Australia – Insurance Australia Group</li> <li>• 1987 General Insurance Principals A &amp; B (Business Law, Communications)</li> </ul>



## Candidate Information Sheet – GAROC East

Name	Deputy Mayor Don Palmer
Council	City of Unley
Local Government Experience & Knowledge	<p>I have been a member of the City of Unley since the 2010 periodic elections. During this time, I have participated in and held the following positions:</p> <p><b>Deputy Mayor 2017 &amp; 2022</b></p> <p>As Deputy Mayor in 2017 I participated in the Metropolitan Local Government Group and the Eastern Regional Alliance.</p> <p><b>Presiding Member</b></p> <p>Development, Planning and Strategy Committee 2015-16. This committee managed the biggest development plan changes in the history of Unley.</p> <p>Strategic Property Committee 2018-2022</p> <p><b>Member</b></p> <p>Development, Planning &amp; Strategy Committee 2013-14          Development Assessment Panel 2011-2014          Unley Business and Economic Development Committee 2012-2018          CEO Performance Review Committee 2017-18</p> <p><b>I also note my extensive leadership experience outside of Local Government.</b></p> <p>I have managed and/or owned several building industry businesses. As a member of the MBA and HIA I have served on various committees. I have been an Area Co-ordinator for Neighbourhood Watch, Secretary for a Caravan Club, President for a brief stint of the Association of Caravan Clubs SA.</p> <p>I have also served on the Parish Councils of two Anglican Parishes and as Warden for some fifteen years at St Augustine's Anglican Church at Unley. Likewise, I have served on the Diocesan Administration and Resources Executive at the Adelaide Anglican Diocese. I am currently also both a member of Diocesan Council of the Adelaide Diocese of the Anglican Church of Australia and their Community Engagement Missionary Unit.</p>

<b>Name</b>	Deputy Mayor Don Palmer
<b>Council</b>	City of Unley
<b>Local Government Policy Views &amp; Interests</b>	<p><b>Leadership</b></p> <p>As I did in my business career, I have always taken an interest in the industry in which I am participating, at this time the local government industry. I am a firm believer that the strength of an association is in the participation of its members.</p> <p>I am also a firm believer in aiming to be part of the solution rather than the problem. To be someone seeking answers to issues rather than sitting back and criticising those taking the responsibility to seek the answers.</p> <p>The LGA needs people willing to take on this responsibility. I stand ready to take on this role of leadership on your behalf. As new blood I will also bring a fresh perspective to a fresh executive structure.</p> <p><b>Reform</b></p> <p>As Unley's representative previously on the MLGG and ERA I have participated in the debate on the LGA's new structure. I back the new structure and look forward to advancing the reforms that the LGA executive have identified.</p> <p>The local government industry needs to seek change and reform. We need to be the driver of change. This will require us to recognise where change is needed, and work with the Government to effect purposeful change. We need to be proactive to drive the reform and not be reactive to third parties.</p> <p><b>Image</b></p> <p>The local government industry needs also to work on changing the image of the industry to our ratepayers. It will not be enough to speak of the need for change. It is another to push the change and be the driver of change. We need mostly to be seen to be driving the change.</p> <p>To achieve this, we need to be seen as a sector responsive to our ratepayers needs. Once again this requires us to be proactive, to undertake to understand what our ratepayers are seeking, and demonstrate that we do understand and that we are responsive.</p> <p><b>Membership Participation</b></p> <p>If the LGA is to be strong we need the LGA membership to be engaged.</p> <p>GAROC will certainly need to provide the leadership to achieve the above aims. The general industry membership however needs to step up to the plate as well. As an association is only as strong as its membership, we all need to participate.</p>



<b>Name</b>	Deputy Mayor Don Palmer
<b>Council</b>	City of Unley
<b>Local Government Policy Views &amp; Interests <i>cont.</i></b>	<p>We all need to work toward bridging the gap that exists between some of us and the LGA.</p> <p>I look forward to having the opportunity to provide a positive contribution to the local government industry to the betterment of the South Australian local government community.</p> <p>The South Australian local government industry needs to continually re-invent itself and to present as relevant to today's communities. We need to leave a legacy for the future. I stand ready to contribute.</p>

## 11.6 LOCAL GOVERNMENT FINANCE AUTHORITY (LGFA) - ELECTION FOR THE POSITIONS OF REPRESENTATIVE MEMBERS OF THE BOARD OF TRUSTEES

---

**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA2181  
**ATTACHMENTS:** A - B

---

### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the election process and candidates, who have nominated for election to the positions of Representative Members of the Board of Trustees of the Local Government Finance Authority.

### Local Government Finance Authority Board

As Elected Members will recall, in July 2022, the Local Government Finance Authority (LGFA) called for nominations from Councils to fill the two (2) Representative Member positions of the Board of Trustees of the Local Government Finance Authority Board.

The LGFA has received six (6) nominations for the two (2) Representative Member positions on the Board. An election therefore will now be conducted, by postal ballot, to determine the positions.

The six (6) nominees for the two (2) positions, in the order as set out on the Ballot Paper, are:

- Mr Nathan Cunningham, Chief Executive Officer, District Council of Yankalilla;
- Dr Nigel Graves, Manager, Finance, Light Regional Council;
- Mr Mark Gray, Manager, Finance, City of Port Adelaide Enfield;
- Ms Annette Martin, Manager, Financial Services, City of Charles Sturt;
- Mr Michael Sedgman, Chief Executive Officer, Rural City of Murray Bridge; and
- Cr John Smedley, City of Holdfast Bay.

A copy of the Ballot Paper and Candidate information is contained within **Attachment A**.

Mr Michael Sedgman, Chief Executive Officer, Rural City of Murray Bridge (one (1) of the six (6) Candidates), has written to the Council seeking the Council's support of his nomination for appointment to the LGFA Board.

A copy of the correspondence received, as listed above, is contained within **Attachment B**.

In order to comply with the Rules of the Authority, the casting vote of the Council must be conducted as follows:

1. The voting must be on the official ballot paper; and
2. The Council, must by resolution, determine which candidates (being not more than two (2)) they wish to vote for.

All votes are to be forwarded to the Returning Officer by Friday, 14 October 2022.

### RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

**RECOMMENDATION**

That the Council determines:

1. \_\_\_\_\_; and
2. \_\_\_\_\_

as its preferred candidates for the Representative Members for the Board of Trustees of the Local Government Finance Authority.

## **Attachments – Item 11.6**



# Attachment A

## Local Government Finance Authority (LGFA) Election for the Positions of Representative Members of the Board of Trustees

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



**LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA**

**BALLOT PAPER**

**REPRESENTATIVE BOARD MEMBER**

Two (2) Required:-

Place "X" next to two names you wish to vote for.

**CUNNINGHAM, N.**

**GRAVES, N.**

**GRAY, M.**

**MARTIN, A.**

**SEDGMAN, M.**

**SMEDLEY, J.**

**CLOSING DATE: 5.00 PM at the office of the LGFA, Friday 14 October 2022**

**NAME:** NATHAN CUNNINGHAM  
**OCCUPATION:** Chief Executive Officer  
**QUALIFICATIONS & AWARDS:** Bachelor of Urban and Regional Planning  
**CURRENT POSITION IN LOCAL GOVERNMENT:** Chief Executive Officer  
District Council of Yankalilla  
**PERIOD IN LOCAL GOVERNMENT** 21 years

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

*Past:*

**The Eastern Health Authority**

- Board Member

*Present:*

**City of Adelaide**

- Presiding Member Assessment Panel

**City Port Adelaide Enfield**

- Presiding Member Assessment Panel

**City of Onkaparinga**

- Presiding Member Assessment Panel

**Adelaide Plains Council**

- Presiding Member Assessment Panel

**NAME:** DR NIGEL GRAVES

**OCCUPATION:** Manager, Finance

**QUALIFICATIONS & AWARDS:** Fellow of GPA Australia  
Graduate Member of the Australian Institute of Company Directors  
PhD (thesis - local government financial performance)  
Graduate Certificate in Business Research  
Master of Business Administration (Adelaide)  
Bachelor of Business (Accountancy)  
Diploma in Local Government Administration (SA)

**CURRENT POSITION IN LOCAL GOVERNMENT:** Manager, Finance  
Light Regional Council

**PERIOD IN LOCAL GOVERNMENT** 25 years

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

*Past:*

Local Government Financial Management Group

CPA Public Sector Committee (NT)

*Present:*

UNE Centre for Local Government

**NAME:** MR MARK GRAY

**OCCUPATION:** Manager Finance

**QUALIFICATIONS & AWARDS:** Master of Business Administration (Adelaide)  
Fellow Certified Practising Accountant  
Bachelor of Business (Accounting)  
Executive Leaders Program (LG Professionals)  
PRINCE2 'Practitioner' (Project Management)

**CURRENT POSITION IN LOCAL GOVERNMENT:** Manager Finance  
City of Port Adelaide Enfield

**PERIOD IN LOCAL GOVERNMENT**

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

30+ years post-graduate finance and leadership experience across Commercial, Not-for-Profit and Local Government sectors.

Extensive experience managing Treasury functions of multi-national corporations, including \$1 Billion foreign currency hedge book, \$600 million debt facility and related interest rate exposures.

**NAME:** ANNETTE MARTIN

**OCCUPATION:** Manager Financial Services

**QUALIFICATIONS & AWARDS:** B.A. Accountancy  
 Certified Practising Accountant (CPA)  
 Graduate Australian Institute of Company Directors (GAICD)

**CURRENT POSITION IN LOCAL GOVERNMENT:** Manager Financial Services  
 City of Charles Sturt

**PERIOD IN LOCAL GOVERNMENT** 22 years

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

*Past:*

**SALGFMG**

- President SALGFMG 2010-14
- Chair and/or active member of SALGFMG work groups for projects such as development of internal financial controls framework, asset management and financial management addressing updates of information papers, development of model financial statements and harmonisation of reporting, development of long term financial plans, and industry ratios for financial sustainability
- SALGFMG nominee on working parties for Grants Commission 2012-13 and CPA Guide Valuation and Depreciation for public and not for profit sectors under AASB accounting standards 2015-16

**Local Government Inquiry Reference Group**

- Member for the South Australian Productivity Commission

*Present:*

**Local Government Finance Authority of South Australia**

- Board member
- Audit and Risk Committee member

**South Australian Local Government Financial Management Group (SALGFMG)**

- Executive member
- Representative on a number of working parties
- Life member for services to industry

**City of Unley**

- Independent member of Audit and Risk Committee

**Municipal Council of Roxby Downs**

- Independent member of Audit and Risk Committee

**NAME:** MICHAEL SEDGMAN

**OCCUPATION:** Chief Executive Officer

**QUALIFICATIONS & AWARDS:** Master of Commercial Law (Deakin) 2007  
 Master of Business Administration (Deakin) 2005  
 Bachelor of Commerce (Deakin) 1987  
 Fellow of CPA Australia - FCPA  
 Fellow of Governance Institute of Australia - FGIA  
 Fellow of Chartered Institute of Secretaries - FCIS

**CURRENT POSITION IN LOCAL GOVERNMENT:** Chief Executive Officer  
 Rural City of Murray Bridge

**PERIOD IN LOCAL GOVERNMENT** 24 years

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

*Past:*

- Local Government Association Workers Compensation Scheme 2011-15
- Local Government Association Mutual Liability Scheme 2009-2015
- Waste Care SA 2010-13
- South Australian Local Government Consulting 2006-09
- Yarra-Melbourne Regional Library Corporation 1999-2004 and 2006
- Inner Northern Group Training Limited 2000-04

*Present:*

**Local Government Finance Authority of South Australia**

- Board Trustee since January 2019
- Audit and Risk Committee member 2019-20
- Chair/Presiding Member since February 2021

**Overview Committees of**

- LGFA Asset Mutual Fund
- Income Protection Fund  
2017 - Present
- Murray River Lakes & Coorong Tourism Alliance 2016 – Present

**NAME:** JOHN SMEDLEY

**OCCUPATION:** Finance Consultant  
Previously 40+ years in Senior Business/Corporate Banking and Finance roles with various Bank and Non-Bank institutions, including NAB, Westpac, Citibank and Bendigo Adelaide Bank.

**QUALIFICATIONS & AWARDS:** Master of Business Administration (University of Adelaide)  
Fellow of Financial Services Institute of Australasia  
Diploma in Banking & Finance  
Diploma in Mortgage & Finance Banking

**CURRENT POSITION IN LOCAL GOVERNMENT:** Deputy Mayor / Councillor  
City of Holdfast Bay

**PERIOD IN LOCAL GOVERNMENT** 8 years

**OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:**

*Present:*

**City of Holdfast Bay**

- Audit Committee Chair
- Executive Committee member
- Glenelg Oval Consultative Committee
- Adelaide Airport Consultative Committee

**Southern Regional Waste Resource Authority (SRWRA)**

- Board member



# Attachment B

## Local Government Finance Authority (LGFA) Election for the Positions of Representative Members of the Board of Trustees

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**

**From:** Michael Sedgman <M.Sedgman@murraybridge.sa.gov.au>

**Sent:** Thursday, 15 September 2022 3:21 PM

**To:** Dylan Strong <dstrong@bbc.sa.gov.au>; tsiviour@renmarkparinga.sa.gov.au; David Beaton <dbeaton@lwdc.sa.gov.au>; Ben Scales <bscales@mid-murray.sa.gov.au>; Bridget Mather <bmather@coorong.sa.gov.au>; Matthew Sherman <matthew.sherman@southernmallee.sa.gov.au>; Nat Traeger <ceo@kingstondc.sa.gov.au>; Larwood, Deb <deb@kimba.sa.gov.au>; psutton@charlessturt.sa.gov.au; nigel.morris@alexandrina.sa.gov.au; 'Terry Crackett (tcrackett@ahc.sa.gov.au)' <tcrackett@ahc.sa.gov.au>; justin.robby@cttg.sa.gov.au; jharry@salisbury.sa.gov.au; Sam Green <sgreen@playford.sa.gov.au>; Clare Mockler <C.Mockler@cityofadelaide.com.au>; astuart@mountbarker.sa.gov.au; Matthew Pears <mpears@mitchamcouncil.sa.gov.au>; Ben Gower <bjg@wattlerange.sa.gov.au>; dstevenson <dstevenson@goyder.sa.gov.au>; Mario Barone <MBarone@npsp.sa.gov.au>

**Subject:** Election of LGFA Board Members

Good Afternoon Colleagues

As you would be aware the Local Government Finance Authority has issued ballot papers to fill the two representative board member positions of the LGFA.

The ballot papers were issued by the LGFA on 1 September 2022 and were accompanied by the profiles of the six nominees to fill the two board member positions, including my own. On Tuesday 6 September 2022 the LGFA provided advice that one of the nominees, Nathan Cunningham had withdrawn his nomination for the LGFA Board.

As you may be aware I have been a LGFA Board Trustee since January 2019 and LGFA Chair / Presiding Member since February 2021. I have a keen interest in good governance and sustainable financial management in the Local Government sector in South Australia and believe I can bring a solid background of experience in Local Government to the role of a board member of the LGFA.

I therefore seek your support and the support of your Chamber in your Council's resolution of the nominees they wish to elect to the LGFA Board. I have attached a copy of my profile in support of my nomination and would be most pleased to receive the support of both myself and the other current sitting member Annette Martin through your Council's resolution.

Thank you and regards,

Michael

---

**Michael Sedgman**

**Chief Executive Officer**  
**Office of CEO**

M.Sedgman@murraybridge.sa.gov.au  
Phone: 08 8539 1174  
Mobile: 0412 205 230  
facebook.com/ruralcitymurraybridge  
Murray Bridge SA 5253



*Bridge to Opportunity*

The *City of*  
**MURRAY  
BRIDGE**

---

[www.murraybridge.sa.gov.au](http://www.murraybridge.sa.gov.au) • [view disclaimer](#)

We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.

## 11.7 REVIEW OF CONFIDENTIAL ITEMS

---

**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA65013  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of the report is to present information to the Council regarding the review of the Confidential Items.

### BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), Council (and Committee) meetings are open to the public and attendance is encouraged and welcomed.

There are, however, times where the Council (or the Committee), believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter in accordance with Section 90(3) of the Act.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision making.

In addition to the above, the Act requires the Council to specify the duration of the order (ie determine a suitable period for which the item will remain confidential), and either impose a “release” date or event which will trigger the release of the item or a period after which the Council will review the order and determine if in fact the item should remain confidential.

In accordance with the Act, a review of the Council’s Confidential Items as at 30 June 2022, has been undertaken. A summary of all Confidential Items is set out in the Register of Confidential Items which details the date of the order, the grounds upon which the order was made and whether or not the document has become public by virtue of the resolution.

A copy of the Register of Confidential Items is contained within **Attachment A**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### DISCUSSION

A review of the Confidential Items as at 30 June 2022 has been undertaken.

The Council’s last review of the Confidential Items was conducted in February 2022 for the period ending 31 December 2021. A total of 23 items have been considered by the Council in “camera” since that time and therefore, these items have been included in the Register of Confidential Items.

22 items are no longer confidential by virtue of the Council’s original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment A.

There are no items which require the Council’s consideration at this time in terms of whether the Council wishes to release the item or determine that the item should remain confidential, in accordance with the Act, on the basis that the Council has determined that the confidential items as set out in Attachment A are confidential and the Council has determined by virtue of the Council’s original resolution either a specified a time and/or an event to trigger the release of the items.

## **OPTIONS**

The annual review in accordance with Section 91(9) of the Act is simply an administrative review. This does not mean that every confidentiality order needs to be remade. The only orders that need to be remade are those where the existing order is due to expire and the documents have been assessed against the relevant ground contained in Section 90(3) and determined to be required to remain confidential.

This report, therefore, is presented to the Council for information purposes only.

## **CONCLUSION**

The review of the Council's confidentiality orders ensures compliance with the legislative requirements as set out in Sections 90 and 91 of the *Local Government Act 1999*.

## **COMMENTS**

Nil.

## **RECOMMENDATION**

That the report be received and noted.

## **Attachments – Item 11.7**

# Attachment A

## Review of Confidential Items

---

City of Norwood Payneham & St Peters  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



*City of*  
**Norwood  
Payneham  
& St Peters**



City of  
Norwood  
Payneham  
& St Peters

# Confidential Items Register

as at 30 June 2022

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
<b>2018</b>							
1. Council 2/7/18	14.1	Tender Selection – Annual Pruning and Removal Of Council Trees	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
2. Council 2/7/18	14.2	Tender Selection Report - Capital Works Brick Paved Footpath Reconstruction 2018-2019	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2023
3. Council 6/8/18	14.1	Adoption of Confidential Minutes of the Audit Committee Meeting held on 26 February 2018 (Appointment of Auditor)	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2023
4. Council 22/8/18	3.1	Extinguishment of Easement & Re-Alignment of Stormwater Pipe – Joslin	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2023
5. Council 12/9/18	4.2	Tender Selection Report - New Clubrooms & Members Facilities at Norwood Oval - Demolition Package	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	September 2023
6. Council 3/12/18	14.1	Written Notice of Motion – Purchase of Land	Section 90(2) and (3)(b)	Retain in confidence	Until the matter is finalised		When the matter is finalised
<b>2019</b>							
7. Council 4/3/19	14.1	Tender – Supply and Implementation of an Electronic Document and Records Management Solution	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report confidential.	March 2024



## Confidential Items Register

	<b>Meeting &amp; Date</b>	<b>Item</b>	<b>Subject</b>	<b>Grounds for Confidentiality</b>	<b>Outcome of Review</b> (Retained in Confidence/Released)	<b>Period to be Retained in Confidence</b>	<b>Comments</b>	<b>To be Released</b>
8.	Council 17/4/19	3.1	Tender – Norwood Oval Main Works Package for the new Clubrooms & Members Facilities	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report confidential.	April 2024
9.	Council 6/5/19	14.1	East Waste Recycling Contract	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	May 2024
10.	Council 1/7/19	14.1	Tender Selection Report – Capital Works Construction of Bluestone & Concrete Kerbing – 2019-2020	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2024
11.	Council 1/7/19	14.3	Review of 2018-2019 Confidential Items	Section 90(2) and (3)(g)	Retain in confidence	5 years		July 2024
12.	Council 5/8/19	14.1	Appointment of Independent Member to the Audit Committee	Section 90(2) and (3)(a)	Retain report and attachments in confidence	5 years	The report and attachments be kept confidential for a period not exceeding five (5) years  Minutes released following the announcement of the appointment	August 2024
13.	Council 8/10/19	14.1	Establishment of the CEO's Performance Review Committee	Section 90(2) and (3)(a)	Retain report and attachments in confidence	5 years	The report and attachments be kept confidential for a period not exceeding five (5) years  Minutes released following the announcement of the appointment	October 2024

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
14.	Council 13/11/19	3B.1	Tender Selection Report - Syd Jones Reserve Upgrade Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	November 2024
15.	Council 2/12/19	14.1	Tender Selection Report – Redevelopment of East Adelaide Payneham Tennis Courts 2019-2020	Section 90(2) and (3)(k)	At its meeting held on 7 September 2020 the Council resolved to retain this matter in confidence until July 2024	4 years	Minute Released. Report to be kept confidential.	July 2024
<b>2020</b>								
16.	Council 20/1/2020	14.1	East Waste	Section 90(2) and (3)(a)	Retain report and attachments in confidence	5 years	The report and attachments be kept confidential for a period not exceeding five (5) years.  Minutes released following the announcement of the appointment.	January 2025
17.	Council 3/2/2020	14.1	Tender Selection Report - River Torrens Linear Park Maintenance	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2025
18.	Council 3/2/2020	14.2	Tender Selection Report - Linde Reserve Apron Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2025
19.	Council 3/2/2020	14.3	Tender Selection Report - Little Wakefield Street & Chapel Street Streetscape Projects	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2025

## Confidential Items Register

	<b>Meeting &amp; Date</b>	<b>Item</b>	<b>Subject</b>	<b>Grounds for Confidentiality</b>	<b>Outcome of Review</b> (Retained in Confidence/Released)	<b>Period to be Retained in Confidence</b>	<b>Comments</b>	<b>To be Released</b>
20.	Council 3/2/2020	14.4	Tender Selection Report - Trinity Valley Stormwater Drainage Design Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2025
21.	Council 2/3/2020	14.1	Tender Selection Report - Street and Footpath Sweeping Program	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	March 2025
22.	Council 2/3/2020	14.2	Tender Selection Report - Line Marking Services	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	March 2025
23.	Council 2/3/2020	14.3	Tender Selection Report - Beulah Road Bicycle Boulevard Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	March 2025
24.	Council 2/3/2020	14.4	Norwood Oval Redevelopment Project	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	March 2025
25.	Council 6/4/2020	14.1	Purchase of Property	Section 90(2) and (3)(b)	Retain in confidence	Until the matter is finalised		When the matter is finalised
26.	Council 22/4/2020	3.1	Tender Selection Report – Payneham Oval Unisex Changerooms	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	April 2025
27.	Council 6/5/2020	14.1	Purchase of Property	Section 90(2) and (3)(b)	Retain in confidence	Until the matter is finalised		When the matter is finalised
28.	Council 1/6/2020	14.1	ERA Water- Appointment of Independent Chair	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	June 2025

## Confidential Items Register

	<b>Meeting &amp; Date</b>	<b>Item</b>	<b>Subject</b>	<b>Grounds for Confidentiality</b>	<b>Outcome of Review</b> (Retained in Confidence/Released)	<b>Period to be Retained in Confidence</b>	<b>Comments</b>	<b>To be Released</b>
29.	Council 17/6/2020	4.1	Norwood Oval: Sir ET Smith Stand Structural Remediation Works	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	June 2025
30.	Council 6/7/2020	14.2	Tender Selection Report – Home Support Program	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2025
31.	Council 6/7/2020	14.3	ERA Water Audit Committee - Appointment of Independent Member	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2025
32.	Council 3/8/2020	14.1	Flood Mitigation Works - 27 Stannington Avenue, Heathpool	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2025
33.	Council 3/8/2020	14.2	Eastern Health Authority (EHA) Audit Committee – Appointment of Members	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2025
34.	Council 3/8/2020	14.3	Eastern Region Alliance (ERA) Water – Appointment of Independent Chairperson	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2025
35.	Council 3/8/2020	14.4	Tender Selection Report – Road Resealing 2020-2021	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2025
36.	Council 3/8/2020	14.5	Tender Selection Report – Payneham Memorial Swimming Centre Main Pool – Stage 2 Refurbishment Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2025
37.	Council 3/8/2020	14.6	Purchase of Property	Section 90(2) and (3)(b)	Until the matter is finalised			When the matter is finalised

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
38.	Council 7/9/2020	14.1	Tender Selection Report - Redevelopment of Buttery Reserve Tennis Courts	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	September 2025
39.	Council 7/9/2020	14.2	Review of Confidential Item - Purchase of Property	Section 90(2) and (3)(b)	Retain in confidence	Until the matter is finalised		When the matter is finalised
40.	Council 7/9/2020	14.3	Review of Confidential Item - Tender Selection Report – Redevelopment of East Adelaide Payneham Tennis Courts 2019-2020	Section 90(2) and (3)(k)	Retain in confidence	4 years	Minute Released. Report to be kept confidential.	September 2024
41.	Council 6/10/2020	14.1	68 Lewis Road, Glynde Proposed Boundary Realignment	Section 90(2) and (3)(b)	Matter is now finalised.			Released
42.	Council 6/10/2020	14.2	Trinity Gardens Bowling	Section 90(2) and (3)(d)		Until the matter is finalised	At its meeting held 6 September 2021, the Council reviewed this order and resolved to retain the matter in confidence until finalised.	When the matter is finalised
43.	Council 6/10/20	14.3	The Parade/George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is now finalised.			Released
44.	Council 2/11/20	14.1	Appointments to the Norwood Parade Precinct Committee	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	November 2025
45.	Council 11/11/20	3.1	The Parade/George Street Scramble Crossing – Legal Proceedings	Section 90(2) and (3)(h)	Matter is now finalised			Released

## Confidential Items Register

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
46. Council 30/11/20	3.1	68 Lewis Road, Glynde – Proposed Boundary Realignment and Vesting of Portion of Footpath	Section 90(2) and (3)(b)	Matter is now finalised			Released
47. Council 7/12/20	14.2	Tender Selection Report – Kent Town Streetscape Upgrades	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	December 2025
48. Council 7/12/20	14.3	Tender Selection Report - Third Creek Drainage – Stage 2-B Henry Street to Bridge Road	Section 90(2) and (3)(b)	At its meeting held 6 September 2021, the Council reviewed this order and resolved that this matter be kept confidential until September 2026			September 2026
49. Council 7/12/20	14.4	Eastern Region Alliance (ERA) Water – Appointment of Independent Chairperson	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	December 2025
<b>2021</b>							
50. Council 18/1/21	14.1	Langman Grove Road Reconstruction Project	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	January 2026
51. Council 18/1/21	14.2	49 George Street, Norwood	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	January 2026
52. Council 18/1/21	14.4	Elected Member Related Matters – AWU EB Negotiations	Section 90(2) and (3)(a)	Retain in confidence	5 years		January 2026

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
53.	Council 1/2/21	14.1	Marian Road Roundabout & Drainage Upgrade Project	Section 90(2) and (3)(b)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2026
54.	Council 1/2/21	14.2	Tender Selection Report - Second Creek Outlet Gross Pollutant Trap (GPT) & River Torrens Linear Park Shared Path Upgrade Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2026
55.	Council 1/3/21	14.1	Council Related Matter Questions With Notice	Section 90(2) and (3)(a)	Retain in confidence	2 years		March 2023
56.	Council 1/3/21	14.2	Staff Related Matter - 2020 Chief Executive Officer's Performance Review Report	Section 90(2) and (3)(a)				Released
57.	Council 7/6/21	13.3	Eastern Health Authority Board of Management – Withdrawal by Town of Walkerville	Section 90(2) and (3)(d)	Retain in confidence	Until the matter is finalised		When the matter is finalised
58.	Council 5/7/21	14.1	Tender Selection Report – Construction of Brick Paved Footpaths 2021-2022	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2026
59.	Council 5/7/21	14.2	49 George Street, Norwood – Further Expressions of Interest & Draft Lease	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute to be released when the matter is finalised.  Report to be kept confidential.	Minute Released.  July 2026
60.	Council 5/7/21	14.3	Eastern Region Alliance (ERA) Water Board – Appointment of Independent Chairperson	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	July 2026

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
61.	Council 5/7/21	14.4	Questions With Notice – Elected Member Related Matter – Local Government Employees Enterprise Agreement (Australian Workers Union) Negotiations	Section 90(2) and (3)(a)	Retain in confidence	5 years		July 2026
62.	Council 5/7/21	14.5	Eastern Region Alliance (ERA) Water – Verbal Update	Section 90(2) and (3)(b)	Retain in confidence	12 months		Released July 2022
63.	Council 5/7/21	14.6	East Waste – Green Waste Contract – Verbal Update	Section 90(2) and (3)(d)	Retain in confidence	12 months		Released July 2022
64.	Council 5/7/21	14.7	The Parade & George Street Scramble Crossing - Verbal Update	Section 90(2) and (3)(h)	Matter is finalised			Released
65.	Council 12/7/21	3.1	The Parade & George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is finalised			Released
66.	Council 2/8/21	13.1	East Waste - Verbal Update	Section 90(2) and (3)(d)	Retain in confidence	12 months		Released August 2022
67.	Council 2/8/21	13.2	The Parade & George Street Scramble Crossing - Verbal Update	Section 90(2) and (3)(h)	Matter is finalised			Released
68.	Council 2/8/21	14.1	Residual & Hard Waste Disposal Contract	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	August 2026



## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
69.	Council 2/8/21	14.2	Questions with Notice Elected Member Related Matter - Local Government Employees Enterprise Agreement (Australian Workers Union) Negotiations	Section 90(2) and (3)(a)	Retain in confidence	5 years		August 2026
70.	Council 18/8/21	2.1	The Parade & George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is finalised			Released
71.	Council 6/9/21	14.1	Review of Confidential Item - Trinity Gardens Bowling Club	Section 90(2) and (3)(d)		Until the matter is finalised		When the matter is finalised
72.	Council 6/9/21	14.2	Review of Confidential Item - Third Creek Drainage Upgrade - Stage 2B Henry Street	Section 90(2) and (3)(b)	Retain in confidence	5 years		September 2026
73.	Council 6/9/21	14.3	Notice of Motion - Purchase Of Property	Section 90(2) and (3)(b)	Until the matter is finalised			When the matter is finalised
74.	Council 6/9/21	14.4	East Waste Kerbside Recycling Material	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	September 2026
75.	Council 27/9/21	2.1	The Parade & George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is finalised			Released
76.	Council 5/10/21	13.2	East Waste - Verbal Update	Section 90(2) and (3)(d)	Retain in confidence	12 months		Released

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
77.	Council 5/10/21	14.1	Notice of Motion - Code Amendment Inter-War Heritage Housing	Section 90(2) and (3)(m)	Retain in confidence	Until the matter is released for the purpose of public consultation.		
78.	Council 5/10/21	14.2	Electric Vehicle Charging Stations	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	October 2026
79.	Council 5/10/21	14.3	Trans-Tasman Energy Group - Public Lighting Dispute	Section 90(2) and (3)(h) and (i)	Retain in confidence	Until the matter is finalised		When the matter is finalised
80.	Council 5/10/21	14.4	Chief Executive Officer's Contract of Employment	Section 90(2) and (3)(d)		Until the Contract of Employment has been signed by the parties		Released
81.	Council 26/10/21	2.1	Tender Selection Report - Payneham Memorial Swimming Centre Redevelopment - Design Consultants	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	October 2026
82.	Council 26/10/21	2.2	Tender Selection Report - Implementation of The Parade Masterplan and George Street Upgrade Project	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	October 2026
83.	Council 26/10/21	2.3	The Parade & George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is finalised			Released

## Confidential Items Register

	<b>Meeting &amp; Date</b>	<b>Item</b>	<b>Subject</b>	<b>Grounds for Confidentiality</b>	<b>Outcome of Review</b> (Retained in Confidence/Released)	<b>Period to be Retained in Confidence</b>	<b>Comments</b>	<b>To be Released</b>
84.	Council 1/11/21	14.1	Review of Shared Mobility Scheme	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	November 2026
85.	Council 1/11/21	14.2	Tender Selection Report - Seventh Avenue Flood Mitigation Upgrade Project - Stage 1	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	November 2026
86.	Council 1/11/21	14.3	Compulsory Acquisition of Easement for Drainage Purposes 2 North Terrace, Kent Town	Section 90(2) and (3)(b)	Retain in confidence	Until the matter is finalised		When the matter is finalised
87.	Council 6/12/21	14.1	Tender Selection Report - Seventh Avenue Flood Mitigation Upgrade Project - Stage 1	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	December 2026
88.	Council 6/12/21	14.2	Draft Inter-War Housing Heritage Code Amendment	Section 90(2) and (3)(m)	Retain in confidence	Until the matter is released for the purpose of public consultation.		
89.	Council 6/12/21	14.3	2022 Australia Day Awards	Section 90(2) and (3)(a)	Retain in confidence	Until 26 January 2022		Released

## Confidential Items Register

	Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
90.	Council 6/12/21	14.4	Compulsory Acquisition of Land 2 North Terrace, Kent Town	Section 90(2) and (3)(h)	Retain in confidence	Until either the matter is finalised or the release of the report and minutes is necessary to enable the matter to be enacted.		
91.	Council 6/12/21	14.5	East Waste - Green Organics Legal Dispute with Jeffries Group	Section 90(2) and (3)(h)	Retain in confidence	Until the matter is finalised		When the matter is finalised
92.	Council 6/12/21	14.6	Annual Report - Chief Executive Officer's Contract of Employment	Section 90(2) and (3)(a)	Retain in confidence	12 months		December 2022
93.	Council 6/12/21	14.7	Appointment Of Acting Chief Executive Officer	Section 90(2) and (3)(a)	Retain in confidence	12 months		December 2022
94.	Council 17/1/22	14.1	Re-appointment of Members to the ERA Water Audit Committee	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	January 2027
95.	Council 17/1/22	14.2	East Waste - Re-appointment of Independent Chairperson	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	January 2027
96.	Council 17/1/22	14.3	2023 Tour Down Under Expression of Interest	Section 90(2) and (3)(a)	Retain in confidence until the official announcement has been made		Released by virtue of the resolution when the public announcements were made by Events SA.	Released

## Confidential Items Register

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
97. Council 17/1/22	14.4	The Parade & George Street Scramble Crossing	Section 90(2) and (3)(h)	Matter is finalised			Released
98. Council 7/2/22	14.1	Tender Selection Report - St Peters Street Upgrade Project	Section 90(2) and (3)(b)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2027
99. Council 7/2/22	14.2	Tender Selection Report - Borthwick Park Creek Improvements Project	Section 90(2) and (3)(b)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	February 2027
100. Council 7/3/22	14.1	Council Assessment Panel - Specialist External Member appointments	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	March 2027
101. Council 7/3/22	14.2	Heritage Protection Opportunities	Section 90(2) and (3)(m)	Retain in confidence	Until the matter is released for the purpose of public consultation.		
102. Council 7/3/22	14.3	Chief Executive Officer's Vehicle and Long Service Leave Arrangements	Section 90(2) and (3)(a)	Retain in confidence	5 years		March 2027
103. Council 7/3/22	14.4	Chief Executive Officer's Key Performance Indicators	Section 90(2) and (3)(a)	Retain in confidence	12 months		March 2023
104. Council 23/3/22	2.1	Proposal to host the inaugural Adelaide Springfest	Section 90(2) and (3)(d)	Retain in confidence	12 months	Minute Released. Report to be kept confidential.	March 2023

## Confidential Items Register

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
105. Council 4/4/22	14.1	Tender Selection Report - Norwood Townhall Air Conditioning Upgrade	Section 90(2) and (3)(k)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	April 2027
106. Council 4/4/22	14.2	Trinity Valley Drainage Upgrade - Preliminary Design Update	Section 90(2) and (3)(b)	Retain in confidence until the matter is finalised			When the matter is finalised
107. Council 4/4/22	14.3	East Waste Agreement for the Collection and Processing of Mattresses and Ensembles	Section 90(2) and (3)(d)	Retain in confidence	12 months	Minute Released. Report to be kept confidential.	April 2023
108. Council 4/4/22	14.4	Appointment to the Traffic Management & Road Safety Committee	Section 90(2) and (3)(a)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	April 2027
109. Council 4/4/22	14.5	Concept Selection for the Quadrennial Public Art Commission	Section 90(2) and (3)(d)	Retain in confidence	Until all parties have been advised of the Council's decision		Released
110. Council 4/4/22	14.6	Service Review Project	Section 90(2) and (3)(a)	Retain in confidence	Until the Project commences		
111. Council 11/4/22		New Organisational Structure	Section 90(2) and (3)(a)	Retain in confidence	12 months		April 2023

## Confidential Items Register

Meeting & Date	Item	Subject	Grounds for Confidentiality	Outcome of Review (Retained in Confidence/Released)	Period to be Retained in Confidence	Comments	To be Released
112. Council 2/5/22	14.1	Compulsory Acquisition of Easement for Drainage Purposes - 1 North Terrace, Kent Town	Section 90(2) and (3)(b)	Retain in confidence	Until either the matter is finalised or the release of the report and minutes is necessary to enable the matter to be enacted.		
113. Council 2/5/22	14.2	Payneham Memorial Swimming Centre Redevelopment	Section 90(2) and (3)(d)	Retain in confidence	12 months	Report, Attachment B and discussion retained in confidence. Attachments A, C and D released.	May 2023
114. Council 6/6/22	14.1	2022 ARA Awards – City of Norwood Payneham & St Peters Annual Report 2020-2021	Section 90(2) and (3)(g)	Retain in confidence until the official announcement has been made		Released by virtue of the resolution-when the public announcements were made by the ARA.	Released
115. Council 6/6/22	14.2	East Waste Recycling Contract – Commitment of Recycling Tonnes	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	June 2027
116. Council 21/6/22	3.1	Auditor-General's Review of the Management of Kerbside Waste Services	Section 90(2) and (3)(g)	Retain in confidence	Up to 6 months	Public Report has been released by the Auditor-General	Released
117. Council 21/6/22	3.2	East Waste – New Member Council Proposal and Charter Review	Section 90(2) and (3)(d)	Retain in confidence	5 years	Minute Released. Report to be kept confidential.	June 2027

## 11.8 CODE OF CONDUCT MATTER

---

**REPORT AUTHOR:** Manager, Governance & Legal  
**GENERAL MANAGER:** General Manager, Governance & Civic Affairs  
**CONTACT NUMBER:** 8366 4626  
**FILE REFERENCE:** qA99339  
**ATTACHMENTS:** A

---

### PURPOSE OF REPORT

The purpose of this report is to inform the Council of the outcome of the investigation into the conduct of Councillor Fay Patterson for alleged breaches of Part 2 of the *Code of Conduct for Council Members*.

### BACKGROUND

This report contains information regarding the complaints against Councillor Fay Patterson (Cr Patterson) under the *Code of Conduct for Council Members* (the Code). In accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the Procedure), the complaints were referred to an external investigator for an investigation into the alleged breaches of the Code.

Clause 2.24 of the Code requires a breach of the Behavioural Code to be subject of a report to a public meeting of the Council.

### DISCUSSION

On 15 July 2022, Mayor Robert Bria (the complainant) lodged a complaint against Cr Patterson alleging a number of breaches against Part 2 of the Code against Cr Patterson. There was an additional information provided by complainant on 17 July 2022 regarding the alleged breaches by Cr Patterson.

The complaint raised three (3) allegations against Cr Patterson, namely that Cr Patterson:

1. posted information on the *City of Norwood Payneham & St Peters Residents Group Facebook page* (Residents Page) which were discriminatory and harassing towards the complainant. It was further alleged that these Facebook posts had the effect of reviving certain, false allegations of bullying against the complainant, giving the public the impression that the matter had not been addressed.
2. posted two (2) posts on Facebook, one on 9 July 2022 on the Residents Page, and the other on 10 July 2022 on Cr Patterson's Elected Member Facebook page, regarding a Personal Explanation made by Cr Patterson at the Council meeting held on 4 July 2022.
3. made comments at the Council Meeting held on 4 July 2022, during Agenda item 10.2, where she inappropriately criticised certain actions of Council staff, specifically the General Manager, Governance & Civic Affairs.

The complainant alleged that the conduct as set out above, by Cr Patterson breached the following provisions of Part 2 of the Code:

#### *General behaviour*

- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.4 *Show respect for others if making comments publicly.*

#### *Relationships with fellow Council Members*

- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
- 2.10 *Not bully or harass other Council members.*

#### *Relationship with Council staff*

- 2.14 *Refrain from directly or influencing Council staff with respect to the way in which these employees perform their duties.*



An initial assessment of the complaints was undertaken in accordance with the Procedure. It was determined that the complaints raised allegations which *prima facie* related to behaviour that fell under Part 2 of the Code.

The Procedure provides that alleged breaches of Part 2 can be retained by the Council. However, if the assessment of Part 2 breaches cannot be resolved internally, or are not deemed minor in nature, the complaint can be referred for external investigation. As a consequence, the complaints were referred to Mr Michael Kelledy of KelledyJones Lawyers to ensure the investigation was independent and free of bias.

The complainant and Cr Patterson were invited to comment on the allegations and provide further submissions on the draft findings as part of the investigation. This included the opportunity to consider the findings in a draft investigation report before the Final Investigation Report was finalised.

### **The Final Investigation Report**

The Final Investigation Report into the Code of Conduct Complaint against Cr Patterson is contained within **Attachment A**.

The findings of the investigation are that Cr Patterson's conduct breached a number of provisions of Part 2 of the Code and the Council's *Social Media Policy*.

#### *Facebook posts*

The investigation found that Cr Patterson's conduct of posting comments on the Residents Page and her Elected Member Facebook page in regards to the complainant, as well as contributing to threads related to her Personal Explanation made at the Council meeting held on 4 July 2022, breached Part 2 of the Code.

The investigation also found that the conduct also breached the Council's *Social Media Policy*, which provides that Council staff and Elected Members must not engage with, share or upload content on social media that is malicious, defamatory or may negatively impact the reputation of another person or organisation, including Council staff and Elected Members.

The findings reiterate that Facebook is **not the forum** to raise and address issues, especially in light of denying recipients procedural fairness. Furthermore, it is not for the public to adjudicate on these matters.

#### *Comments made at the 4 July 2022 Ordinary Council Meeting*

The investigation found that the comments made by Cr Patterson at the 4 July 2022 Ordinary Council Meeting breached Part 2 of the Code. The finding was reached on the basis that the criticisms towards staff, particularly the General Manager, Governance & Civic Affairs were entirely unwarranted, unfair and incorrect.

### **Next Steps**

Where a breach of the Code is substantiated, the Council's Procedure provides that a report must be presented to a public meeting of the Council. It is for the Council to determine the appropriate action to take in relation to the matter, including the imposition of any of the sanctions available to the Council.

In accordance with Clause 2.25 of the Code, the Council may, by resolution, take any of the following actions upon a finding that an Elected Member has breached Part 2 of the Code:

- *take no action;*
- *pass a censure motion in respect of the Elected Member;*
- *request a public apology, whether written or verbal;*
- *request the Elected Member to attend training on the specific topic found to have been breached;*
- *resolve to remove or suspend the Elected Member from a position within the Council (not including the Elected Member's elected position on Council); and/or*
- *request the Elected Member to repay monies to the Council (ie legal fees).*

Based on the findings made, the recommendation by KelledyJones Lawyers is for the Council to note that Cr Patterson's conduct breached Part 2 of the Code by:

- posting certain information on the Resident Page in relation to a previous Code of Conduct investigation regarding another Elected Member, that was false, as well as offensive and harassing with respect to the complainant; and
- in making further posts on Facebook and contributing to the thread, on both the Residents Page and Cr Patterson's Elected Member page regarding her Personal Explanation of 4 July 2022, that contained untested, offensive and harassing criticism, directed at the Mayor; and
- making incorrect, unwarranted and unfair criticisms towards Council staff, namely towards the General Manager, Governance & Civic Affairs during a debate on Agenda item 10.2 of the Council Meeting of 4 July 2022.

The specific provisions of the Code breached by Cr Patterson were:

- 2.2 Act in a way that generates community trust and confidence in the Council.*
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 Show respect for others if making comments publicly.*
- 2.6 Comply with all Council policies, codes and resolutions.*
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.*
- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
- 2.10 Not bully or harass other Council members.*
- 2.11 Not bully or harass Council staff.*

KelledyJones Lawyers recommended that:

- the Council notes the Final Investigation Report;
- Cr Patterson issues the complainant and the General Manager, Governance & Civic Affairs a private written apology within two (2) months of the Council meeting; and
- the Facebook posts subject of the investigation are removed by Cr Patterson or the administrator of the Facebook pages because of the damage to the complainant's election campaign.

Given the significance of the Facebook posts on the reputation of the complainant during the 2022 Local Government Election campaign, the Council may determine to require Cr Patterson to make a verbal public apology to both the complainant and the General Manager, Governance & Civic Affairs at the next Council meeting to be held on 7 November 2022.

## **OPTIONS**

Essentially the Council has three (3) options in respect to this matter.

### **Option One**

The Council can resolve to accept the recommendations by KelledyJones Lawyers.

### **Option Two**

The Council can resolve to accept the recommendation by Council staff for a verbal public apology by Cr Patterson to the complainant and the General Manager, Governance & Civic Affairs by Cr Patterson at the next Council meeting on 7 November 2022.

### **Option Three**

The Council can determine alternative sanctions if the Council determines that this is warranted.

## CONCLUSION

In accordance with the Council's *Code of Conduct for Council Members – Complaint Handling Procedure*, the Complainant and Cr Patterson will be formally notified in writing of the outcome of this matter. The Complainant is entitled to refer this matter to the South Australian Ombudsman if they are unsatisfied with the outcome.

## COMMENTS

Nil

## RECOMMENDATION

1. That the Council notes the Final Investigation Report by KelledyJones Lawyers in respect to the Code of Conduct investigation into Councillor Fay Patterson.
2. That the Council notes that Councillor Fay Patterson's conduct breached the following provisions of Part 2 of the Code of Conduct for Council Members:
  - 2.2 *Act in a way that generates community trust and confidence in the Council.*
  - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
  - 2.4 *Show respect for others if making comments publicly.*
  - 2.6 *Comply with all Council policies, codes and resolutions.*
  - 2.8 *Endeavour to provide accurate information to the Council and to the public at all times.*
  - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
  - 2.10 *Not bully or harass other Council members.*
  - 2.11 *Not bully or harass Council staff.*
3. That the Council requires Councillor Fay Patterson to publicly apologise verbally to the Mayor Robert Bria and the General Manager, Governance & Civic Affairs at the Council meeting to be held on 7 November 2022.
4. That the Council requires Councillor Fay Patterson to remove the Facebook posts and accompanying threads pertaining to a previous Code of Conduct investigation regarding another Elected Member from the *City of Norwood Payneham & St Peters Residents Group Facebook page*.
5. That the Council requires Councillor Fay Patterson to remove the Facebook posts and subsequent threads pertaining to her Personal Explanation on 4 July 2022 from the *City of Norwood Payneham & St Peters Residents Group Facebook page* and Fay Patterson's Elected Member Facebook page.

## **Attachments – Item 11.8**

# Attachment A

Code of Conduct Matter



City of  
Norwood  
Payneham  
& St Peters

**THE CITY OF NORWOOD PAYNEHAM & ST  
PETERS**

**CODE OF CONDUCT COMPLAINT**

**FINAL INVESTIGATION REPORT  
COUNCILLOR FAY PATTERSON**

## THE CITY OF NORWOOD PAYNEHAM & ST PETERS Elected Member Code of Conduct Complaint

### 1. INTRODUCTION

- 1.1 By email of Friday 15 July 2022, Mayor Robert Bria (the **Mayor**) made a complaint (the **Complaint**) to the Council's General Manager, Governance & Community Affairs (the **General Manager**) regarding certain alleged actions and behaviours by Councillor Fay Patterson (**Cr Patterson**), said to be in breach the *Code of Conduct for Council Members* (the **Code**).
- 1.2 As some of the allegations pertained to comments made by Cr Patterson with respect to the General Manager, the receipt and management of the Complaint was, appropriately, referred to the Council's Manager, Governance & Legal (the **Manager Governance**) for consideration under the Council's *Code of Conduct for Council Members – Complaint Handling Procedure* (the **Procedure**).
- 1.3 At the outset whilst we confirm that we have had regard to the Complaint and Attachments in full, as well as to the subsequent submissions from both the Complainant and Cr Patterson, we have determined **not to** include a copy of these documents as an Appendix to this Investigation Report.
- 1.4 In our view, there are very strong public policy reasons, as well as the Council's work, health and safety obligations owed to its employees and other persons (including Elected Members) under the *Work, Health and Safety Act 2012* for this material **not** be further published, disseminated or made available in the public domain.
- 1.5 However, in receiving and considering this Report and making a determination, **we do recommend** that Elected Members be provided, on a confidential basis, with access to a full copy of the Complaint and submissions received from the Complainant and Cr Patterson, so that they are in a position to make an informed decision on this matter.
- 1.6 By way of summary, it is alleged in the Complaint that Cr Patterson:
  - 1.6.1 posted certain information on the *City of Norwood Payneham and St Peters Residents Group* (the **Group's**) Facebook page in relation to a previous Code of Conduct investigation regarding another Elected Member and that the publication was false, as well as discriminatory and harassing with respect to the Complainant. It is further alleged that these posts had the effect of reviving certain, false, allegations of bullying against the Complainant and may have left Facebook users with the impression the Council had not dealt with the matter, when it had, at its Meeting held on 6 June 2022;
  - 1.6.2 made two (2) further posts on Facebook, also said to be in breach of the Code. The first, on 9 July 2022, made on the Group's Facebook page and the second on 10 July 2022, made on her own Facebook page, which Cr Patterson identified as her Council Facebook page. In each post, Cr Patterson shared a

Personal Explanation that she had made at the Council Meeting on 4 July 2022. It is alleged that the Personal Explanation contained false, unfair and unwarranted criticism, directed at the Complainant; and

1.6.3 made comments during the debate on Agenda item 10.2 at the Council Meeting of 4 July 2022, wherein she was critical of certain actions taken by Council staff. It is alleged that these criticisms were incorrect, unwarranted and unfairly directed towards the General Manager.

1.7 The posts made by Cr Patterson appear as Attachments to the complaint.

1.8 The comments made by Cr Patterson during the debate on Agenda item 10.2, as read out during the Council meeting of 4 July 2022, at a period of time whilst it was open to the public, were:

*I have concerns at how staff have managed this matter and am therefore sympathetic to the Motion.*

*For the staff to quote the question put and state that they were merely responding to this is somewhat disingenuous. Council's Behavioural Standards Policy requires staff to carry out their duties and functions conscientiously, with due care and diligence. For me, this matter raises issues regarding the care and diligence exercised by staff to ensure that the reputation of Elected Members is not tarnished by unsubstantiated complaints, or the legal advice sought by members defending themselves against the same.*

*The Ombudsman's decision to publicly release his findings into the conflict of interest complaint against myself was for public interest reasons related to bias against cyclists. I now find that staff would slate the legal expenses related to this complaint to my conduct and behaviour. I do not find this reasonable, just, respectful or non-discriminatory. Further, the reporting of legal fees related to allegations later found to be unsubstantiated as being a matter related to the conduct and behaviour of a member strikes me as being disturbing. What does a figure of \$76,000 even mean in relation to a member's conduct when it includes expenses related to unsubstantiated allegations? Very little, which the staff should have made clear as part of their reporting. To publish such information without context at any time, much less in an election year, while ignoring the potential for the reputational damage it might cause, is careless.*

*Elected Members expect and rely on staff to uphold Behavioural Standards and provide clear, accurate advice at all times. Failure to do so not only undermines public confidence and trust in the integrity and impartiality of the Council, it undermines the working relationship between Elected Members and staff and, dare I say, the foundations of a well-functioning Council.*

*The way staff have dealt with this matter has failed to meet the high standards I and other Elected Members should expect.*



1.9 In which case, it has been alleged Cr Patterson's actions and behaviours breached the Council's *Social Media Policy* and the following provisions under the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
- 2.4 *Show respect for others if making comments publicly*
- 2.6 *Comply with all Council policies, codes and resolutions*
- 2.8 *Endeavour to provide accurate information to the Council and to the public at all times*
- 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions*
- 2.10 *Not bully or harass other Council members*
- 2.11 *Not bully or harass Council staff*
- 2.14 *Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties*

## 2. SOCIAL MEDIA POLICY

2.1 The Council's *Social Media Policy* applies to Elected Members (as well as to other Council users) and provides, amongst other things (emphasis ours):

### Communication and Expression

- *Be courteous, patient and respectful of others' opinions.*
- *Use your own voice, but be mindful of language and expression.*
- ***Don't make statements or engage with, share or upload content that is malicious, defamatory or may negatively impact the reputation of another person or organisation (including the Council, Elected Members, Council staff, Volunteers or contractors engaged by the Council).***
- *Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.*
- *Encourage open, honest and transparent engagement and feedback from the "online community".*
- *Do not use social media when inebriated, irritated, upset or tired.*

...

2.2 With respect to the Facebook posts made by Cr Patterson, it is to be noted that, at least as of Wednesday 3 August 2022, these remained in the public domain, as part of the feed on the Group's and her own, Facebook page.

### 3. ALLEGATIONS

3.1 The Manager Governance considered the Complaint in accordance with the Procedure and formed the view that, if made out, Cr Patterson's alleged actions could constitute a breach of Part 2 of the Code. Accordingly, the Complaint warranted further investigation.

3.2 Kelledy Jones Lawyers was engaged to conduct an independent investigation into the allegations.

3.3 The subsequent investigation has occurred on an objective basis and in accordance with the Procedure and principles of procedural fairness.

3.4 Following referral of the Complaint, Kelledy Jones Lawyers wrote to the Complainant by letter dated Tuesday 1 August 2022, inviting any further submission to be made on the allegations, to be taken into account as part of the investigation process.

3.5 By email of Wednesday 3 August 2022, the Complainant provided a further submission, noting Cr Patterson's Facebook posts were still publicly available on the Group's Facebook page and whilst there had been opportunities to withdraw, or otherwise apologise for the comments in relation to the General Manager, Cr Patterson had failed to do so.

3.6 We confirm we have had regard to the Complaint, and the further submissions of the Complainant, as part of this investigation.

3.7 In addition, Kelledy Jones Lawyers wrote to Cr Patterson, by letter dated 1 August 2022, emailed that day, inviting a response to the allegations. A copy of the Complaint and the annexures were provided to Cr Patterson at that time.

3.8 By email of Thursday 11 August 2022, Cr Patterson provided a response to the allegations.

3.9 Again, whilst we do not propose to reproduce Cr Patterson's response to the allegations in full here, by way of summary, Cr Patterson has submitted with respect to the Facebook posts:

*I stand by these comments, which I believe to be well informed. The Mayor considering the matter closed does not mean that it is, at least in respect to the allegation of bullying;*

3.9.1 that her social media posts addressed the '*mistaken assumption*' that because another Elected Member was required to retract a past allegation of bullying against the Complainant, a finding had been made that bullying had not occurred as against her. It was submitted that the Investigation Report for that

matter did not make such a finding, being beyond the scope of the allegations made in that matter. As such her comments:

*... were intended to inform and educate the public about something that was not intuitive, in the context that remarks were being made in a Facebook group (by a resident) that did not reflect the true situation;*

3.9.2 as to the comments made by Cr Patterson on the Group's Facebook page, it is submitted that:

*I do not agree that I transgressed the Council's Social Media Policy;*

3.9.3 it was submitted that these matters were already in the public domain, and as matters pertaining to that Personal Explanation, as well as an investigation and findings made against another Member under the Code 'was very hard to interpret', Cr Patterson was simply providing 'context' to this discourse:

*Therefore, after I made my Personal Explanation – which I believe was factual and balanced – I shared it via social media, to give relevant context. ....*

*My Personal Explanation was included in the Minutes of 4 July and was therefore part of a public document at the time of my post. The sharing of any item of the Minutes is not unreasonable;*

3.9.4 Cr Patterson submitted that:

*... the posts I made used appropriate language, clearly identified what a Personal Explanation was and its status with respect to Council, and did not make any spurious or inflammatory claims about the [the Complainant] ... However, this is not prohibited by the Social Media Policy, and I was reasonable and responsible in my use of social media. I therefore reject any claims of my wrongdoing on this or any other basis. If [the Complainant] is offended that my Personal Explanation takes issue with his behaviour, I would suggest that the only bullying on display was not being perpetrated by me;*

3.10 In response to these submissions, the Complainant, correctly, confirms that another Member had already voluntarily and without coercion, withdrew allegations of bullying and harassment made against him, which acted to finalise that matter. It was not for Cr Patterson to attempt to revive the same through social media posts, which also had the effect of denying him procedural fairness, and any opportunity to respond to the same.

3.11 With respect then to Cr Patterson's contribution to the debate at the Council meeting of 4 July 2022 in relation to Agenda item 10.2, an item related to a post made on Facebook, as well as to matters contained in Cr Patterson's Personal Explanation, Cr Patterson submitted:

*I stand by my comments, which I made in public as an indication of the gravity of my concerns and because I felt they were germane to Item 10.2 of 4 July 2022. My remarks did not encompass the full gamut of my concerns; my intention was to admonish, not demolish;*

- 3.11.1 Cr Patterson submitted that she made the remarks based on what appeared to her to be 'glaring issues' with how a certain matter regarding another Member was dealt with, that she believed may have left Council decision-making 'exposed to question' and she was of the view that:

*I delivered my remarks in an appropriate and measured way and believe that everything I did was in keeping with my role as an Elected Member of Council. I can see no legitimate grounds by which my behaviour can be faulted;*

- 3.11.2 it was further submitted that before these comments were made as part of the debate on that item, Cr Patterson had asked a series of Questions Without Notice 'designed to highlight to staff' concerns she had with the responses provided to another Member's question, at item 7.1 on the Agenda for that meeting and, had certain staff acted in a responsible way at this point 'I would not have had to admonish staff during item 10.2';

- 3.11.3 Cr Patterson then sought out the General Manager after that meeting, for reasons she explained as to make a time to meet to discuss 'my concerns', with a view to apologising if 'my remarks had been too strongly put for the occasion';

- 3.11.4 in clarifying this position, Cr Patterson has written in her further submission that:

*Having a view to do something is synonymous with having an aim of doing that thing. This therefore implies that the intent of the offered meeting revolved around me providing an apology. My desire was to discuss the reasons behind my remarks and how these might be addressed. I did not expect that an apology would be found warranted; my offer was not made "with a view to apologising," and any implication that I believed my remarks warranted an apology to the GM Governance (or anyone else) is incorrect;*

- 3.11.5 in considering that request, the General Manager requested a copy of Cr Patterson's comments made, which Cr Patterson provided knowing the Manager :

*... might find them useful as a basis for any complaint she might lodge, on the basis that I was comfortable with my remarks*

- 3.11.6 we have taken this to be a recognition on the part of Cr Patterson that such a complaint regarding her remarks may be forthcoming;

- 3.11.7 it was these comments that then formed part of the Complaint made by the Complainant;
- 3.11.8 for completeness we do not consider there was any impropriety or unreasonableness on behalf of the General Manager in the circumstances **to both** decline to meet with Cr Patterson and, subsequently, to provide this information to the Complainant, noting his role and obligations under the *Local Government Act 1999* and the Council's work health and safety obligations.
- 3.12 As above, we confirm we have had regard to Cr Patterson's submission in full in the investigation of these allegations and have determined **not to** include a copy as an Appendix to this Investigation Report.
- 3.13 In his response to the draft Investigation Report, the Complainant submitted that Cr Patterson's:
- defence of her actions to "admonish" the General Manager, Governance and Community Affairs, not only demonstrates a lack of respect for the General Manager, Governance and Community Affairs role, but a lack of understanding of the separate roles that Elected Members have from the Council Administration.*
- 3.14 In so far as Cr Patterson has alleged in that submission that other Members, and staff, may have acted in breach of the Code, or the Council's *Behavioral Standards Policy* (respectively), such allegations fall outside of the scope of this investigation. If Cr Patterson wishes to pursue the same, they will need to form the basis of a separate complaint, to be submitted, received and assessed in accordance with the Procedure.
- 3.15 Having now considered all relevant evidence available to inform this investigation, this Final Report has been prepared, setting out
- 3.15.1 the background facts which have given rise to the Complaint;
- 3.15.2 the provisions of the Code which the alleged behaviours are said to have breached;
- 3.15.3 findings following the investigation of the Complaint; and
- 3.15.4 recommendations for the consideration of the Council.
- 3.16 The standard of proof applied in this investigation is that of the balance of probabilities. In determining whether the standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw (1938) 60 CLR 336*, we have considered the nature of the allegations made and the consequence(s) if they were to be upheld.
- 3.17 In that matter, Dixon J explained [361-362]:

*The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to*

*the question whether the issue has been proved. In such matters “reasonable satisfaction” should not be produced by inexact proofs, indefinite testimony, or indirect inferences.*

- 3.18 In accordance with the Procedure and relevant principles of procedural fairness, Kelley Jones Lawyers recommended that before the Council made a final determination on the Complaint, a copy of the Draft Investigation Report be provided to the Complainant and to Cr Patterson and each be given an opportunity to make any further submission, but strictly limited to the facts as stated, the preliminary findings made and the foreshadowed recommendations.
- 3.19 The Mayor provided his further submission on the preliminary findings and foreshadowed recommendations by email of Friday 2 September 2022, as supplemented by further information on Monday 5 September 2022.
- 3.20 Cr Patterson provided her further submission on the preliminary findings and foreshadowed recommends by email on Tuesday 6 September 2022.
- 3.21 In that submission, Cr Paterson has stated that:

*... my review of the Report has also identified some areas that require clarification before I can adequately understand and respond to them. I request that I be given a subsequent opportunity to review the Report when the factual errors and these areas of clarification are addressed.*

*I note that some comments have been provided that lie outside the scope of the Code of Conduct investigation. I would prefer the Report focus on the issues at hand and request that these be removed. I have also identified these in my submission.*

*Finally, there are a number of assessments that have been made or conclusions that have been drawn within the Report for which the evidence and basis of assessment are not clear to me.*

- 3.22 We disagree with the position that factual errors have been made (and that additional time is required to respond), as well as the assertion that any of the findings fall outside of the scope of this investigation, and where allegations have been found proved, are unable to be substantiated.
- 3.23 As noted in the both the draft Investigation Report, as well as at the end of this Report, irrespective of the manner in which the Council resolves to determine this matter the Complainant and Cr Patterson have recourse to the Ombudsman, if they remain dissatisfied.
- 3.24 With respect to these further submissions, as noted above, whilst we confirm that we have had regard to these further submissions, we have determined not to include a copy of these documents as an Appendix to this Investigation Report, for the same reasons setout above.

#### 4. FINDINGS

4.1 We have carefully considered the allegations in the Complaint, against the evidence received. We find that Cr Patterson's actions were in breach of Part 2 of the Code in the circumstances of this matter, based on the following:

##### *Facebook Posts*

4.1.1 Cr Patterson does not deny making the posts as alleged on the Group's Facebook Page, as well as including a copy of her Personal Explanation, made at the Council Meeting of 4 July 2022 on her Facebook Page, with the title 'Fay Patterson Councillor';

4.1.2 the comments attributable to Cr Patterson from the Facebook post regarding the Cr Sims Report are 'self-evident';

4.1.3 in posting her Personal Explanation on her *Fay Patterson Councillor* Facebook Page and then sharing that on the Group's Facebook page, Cr Patterson wrote that in making such an explanation:

*FYI, a Personal Explanation isn't an adopted position of council or proven complaint, its an airing of my person actions and grievance about someone else's actions. The Mayor's, actually.*

4.1.4 this post had the effect of generating additional comments and Cr Patterson responded to those;

4.1.5 in particular, Cr Patterson wrote as follows in response to another user as part of that Group, being a reference to a media item reporting on the disclosure of legal fees, that subsequently formed the basis of Agenda item 10.2 for the Council meeting of 4 July 2022, pertaining to the legal costs for a previous Investigation Report that had made findings against another Member:

*As the [other Member] was attempting to defend against a perceived bullying at the time of one of the incidents, I would concur that the facts aren't well represented by the disclosure of a legal fee.*

4.1.6 Later:

*Rookie mistake on my part: I put it in context of encouraging innovation, which was interpreted as a criticism of council. But he could've taken me aside before the council meeting and pointed this out, rather than blasting me. I could point to other similar incidents: its been a pattern of behaviour. I've tried to give feedback about it, but it doesn't seem to have any impact;*

4.1.7 other contributions made by Cr Patterson as part of this exchange included as follows:

*... I would also have preferred not to spend time listening to unfair accusations being made against me, sleepness nights, etc ...;*

*The thing is, I think there are public interest issues raised. Like, [another Member] tried to defend me and was found guilty of a Code of Conduct breach. He's been told to retract the claim of bullying. But the process! 1) [the Complainant] complains it's an offensive claim. 2) Investigator determines Cr Sims said it. 3) Order to react the claim;*

and;

*I'm concerned about what this says for future councillors who might feel bullied, if someone who tries to intervene is guilty of a breach. That's not the only issue either. You in your workplace are entitled not to be bullied, what about Elected Members!;*

later;

*Raising bullying issues isn't petty. Ask any workplace.*

- 4.1.8 whilst, undoubtably, the content of the Facebook posts were Cr Patterson's personally held views on these matters, she made these posts in the context of her role as an Elected Member with the Council;
- 4.1.9 Facebook **is not** the forum in which these matters are to be raised and addressed, particularly in light of a complete denial of procedural fairness in such forum for the person the subject of the allegations, being a fair and reasonable opportunity to respond to the same;
- 4.1.10 we further note with some disquiet that other Members have also engaged in this Facebook thread and caution those Members against such activity in the future;
- 4.1.11 the appropriate manner to deal with concerns regarding allegations of bullying by an Elected Member, is by way of a complaint under the Code, to be received, and dealt with in accordance with the Procedure, as part of a confidential investigation process;
- 4.1.12 it is not for Members to resort to the proverbial court of 'public opinion' regarding such serious matters, particularly noting the very real issues pertaining to reputational damage that can be caused by unsubstantiated claims;
- 4.1.13 whilst it is a private matter for the Complainant and outside of the scope of this investigation, we also note that Cr Patterson's posts could amount to the publication of defamatory material for the purposes of the *Defamation Act 2005*. In this respect, we urge Cr Patterson to, immediately and voluntarily, remove her posts, as well as any related posts made by third parties on her Facebook page and request that the Administrators of the Group do likewise;
- 4.1.14 the High Court has recently confirmed in the matter of *Fairfax Media Publications Pty Ltd v. Voller; Nationwide News Pty Limited v. Voller; Australian News Channel Pty Ltd v. Voller, Case S236/2020* that



Administrators of Facebook pages can be similarly exposed to a claim in defamation for failure to appropriately manage content;

4.1.15 we do not find that Cr Patterson's actions in posting her Personal Explanation, in and of itself, breached the Code, that being information already in the public domain;

4.1.16 however, we **do find** that her actions in doing so and then participating in the subsequent thread **was** in breach of the *Social Media Policy*, being statements that were made, as well as engaging in, content that is unsubstituted, [potentially] defamatory and may negatively impact the reputation of another person, being the Complainant;

4.1.17 **we find** these actions, in posting such comments, as well as engaging in the subsequent thread perpetuating the same, were in breach of the following provisions of the Code:

2.2 *Act in a way that generates community trust and confidence in the Council*

2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*

2.4 *Show respect for others if making comments publicly*

2.6 *Comply with all Council policies, codes and resolutions*

2.8 *Endeavour to provide accurate information to the Council and to the public at all times*

2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions*

2.10 *Not bully or harass other Council members*

4.2 We also note these posts, as of the finalisation of this investigation and the preparation of this Final Report, remain on Facebook. This is particularly damaging given that whilst the Complainant has re-nominated for election in the November 2022 Local Government Periodic Elections, Cr Patterson **has not**.

4.3 Such posts, being materially incorrect, and false, could have the effect of damaging the Complainant's electoral prospects. The Complainant has further confirmed that to have these:

*... false, inflammatory and potentially defamatory comments about me stay on Facebook for several weeks without any intention on [Cr Patterson's] part to reflect on their accuracy and the appropriateness of such comments ...*

rather than to delete them and apologise

*... has been exhausting, frustrating and deeply distressing for me and my family.*

- 4.4 In which case, and noting the very broad definition of '*electoral material*' for the purposes of the *Local Government (Elections) Act 1999*, having now nominated as a candidate, it is open for the Complainant to make a complaint to the ECSA regarding this material published by Cr Patterson, under section 28 of that Act.
- 4.5 For completeness, we also note it is only with leave of the meeting that a Member may make a personal explanation as per regulation 15 of the *Local; Government (Procedures at Meetings) Regulations 2013*. It is only by resolution of the Council that the full contents of such a Personal Explanation will be included in the Minutes.
- 4.6 This discretionary power ought not be considered, or treated, by individual Members as a forum in which to publicly air grievances, no matter how justified or aggrieved that Member may feel, particularly noting that the subject matter of a Personal Explanation may not be debated.
- 4.7 Such an approach fails to give effect to the *Higher Principles* under Part 1 of the Code, requiring that Members work together constructively, and to foster community trust and confidence in the Council.
- 4.8 In which case, we also urge the Council, as a governing body, to be more circumspect with respect to its consideration of granting leave for the purposes of this discretionary tool.

*Comments at the Ordinary Council Meeting of 4 July 2022*

- 4.9 As to Cr Patterson's contributions to the debate on the notice of motion, received and considered by the Council at Agenda item 10.2 at its Meeting of 4 July 2022, Cr Patterson does not deny that she made those comments as alleged, and as reproduced at paragraph 1.7 above.
- 4.10 Those comments are 'self-evident', and in response to the allegation, Cr Patterson submitted as follows:

*I stand by my comments, which I made in public as an indication of the gravity of my concerns and because I felt they were germane to Item 10.2 of 4 July 2022. My remarks did not encompass the full gamut of my concerns; my intention was to admonish, not demolish;*

and;

*I delivered my remarks in an appropriate and measured way and believe that everything I did was in keeping with my role as an Elected Member of Council. I can see no legitimate grounds by which my behaviour can be faulted;*

- 4.11 Contrary to Cr Patterson's assertions, we find this contribution to the debate constituted unfair, unwarranted and unprovoked public criticism of a staff member, a person who did not have a right to respond to those criticisms.
- 4.12 We further find that such comments were disrespectful to the General Manager, particularly regarding the assertion that she did not give effect to her role

conscientiously, with due care and diligence and the suggestion, somehow, that she had undermined the working relationship between Elected Members and staff as well as *'the foundations of a well-functioning Council'*.

- 4.13 Whilst Cr Patterson stated in her further submission that her remarks were not to be construed as being directed at the General Manager, we find such a submission to be disingenuous. Cr Patterson is aware of who was responsible for providing responses to certain questions raised by Members on these issues, as well as which employee had ultimately responsibility for preparing the report regarding legal fees.
- 4.14 The General Manager simply provided responses to a series of Questions on Notice asked by another Member. Those answers appear at Agenda item 7.1 in the Minutes of the Council Meeting of 4 July 2022.
- 4.15 It **is not** for Cr Patterson to take it upon herself to publicly 'admonish' staff members if she considers that the answers to those questions, or to her own associated Questions Without Notice, were somehow lacking, of how employees discharged their responsibilities.
- 4.16 The management of employees of the Council falls entirely to the CEO, in accordance with section 103 of the *Local Government Act 1999*. If Cr Patterson has any concerns in this respect, they are to be raised directly with the CEO, and not with a staff member, nor in a Council Meeting, and particularly not one whilst open to the public.
- 4.17 In any event and by reference to the responses provided to the Questions on Notice that had been asked and reported in the Minutes at Agenda item 7.1, we are of the view that Cr Patterson's criticisms were **entirely unwarranted**.
- 4.18 Whilst it is, of course, the role of Elected Members to receive, discuss, debate and fairly and reasonably challenge information provided as part of their decision-making functions, the manner in which they do so, must be just and respectful.
- 4.19 Importantly with respect to the above findings, even though the General Manager did not make a complaint regarding Cr Patterson's actions and behaviours, clause 2.17 of the Code provides that any person may make a complaint under the Code;
- 4.20 The Complainant submitted a complaint, alleged that the comments made by Cr Patterson at the Council Meeting of 4 July 2022 were disrespectful, failed to show respect, and bullying or harassing in nature.
- 4.21 We find, by reference to both the transcript of the comments made by Cr Patterson at that meeting, as well as her submissions on these allegations, her actions and behaviours in this respect breached the following provisions of the Code:
  - 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
  - 2.4 *Show respect for others if making comments publicly*
  - 2.11 *Not bully or harass Council staff*

- 4.22 The findings with respect to clause 2.11 of the Code are limited to findings that Cr Patterson's action and behaviours had the effect of harassing the General Manager, rather than being bullying in nature, not being a repeated action.
- 4.23 However we do not find that Cr Patterson was purporting to direct or influence the General Manager with respect to the manner in which she was performing her duties. In which case, Cr Patterson has not breached clause 2.14 of the Code.
- 4.24 Whilst the Complainant has submitted these comments demonstrate Cr Patterson was '*signalling to the General Manager, Governance and Community Affairs she should exercise her duties and responsibilities in a political context, rather than in an administrative context that is at arms-length from the Elected Members*' in our view the comments could not, objectively, amount to a direction made of the General Manager.
- 4.25 We also note that Cr Patterson's' actions give rise to work, health and safety considerations for the Council, under the *Work, Health and Safety Act 2012*, being an obligation shared by the Council, as a governing body.

## **5. CONCLUSIONS AND RECOMMENDATIONS**

- 5.1 Where an investigation has determined that a breach (or breaches) of Part 2 of the Code have occurred, it must be the subject of a report of a public meeting of the Council.
- 5.2 It is then a matter for the Council to consider what, if any, action it wishes to take.
- 5.3 The available outcomes are set out clause 2.25 of the Code, which provides, in full:
- 2.25.1 *Take no action;*
  - 2.25.2 *Pass a censure motion in respect of the Council member;*
  - 2.25.3 *Request a public apology, whether written or verbal;*
  - 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
  - 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
  - 2.25.6 *Request the member to repay monies to the Council.*
- 5.4 Based on the findings made, we recommended in the circumstances of this matter, the Council:
- 5.4.1 notes this report at a public Meeting of the Council;
  - 5.4.2 notes that, following an investigation into alleged breaches of the Code, it has been found that the actions of Cr Patterson, in:

- posting certain information on the *City of Norwood Payneham and St Peters Residents Group* Facebook page in relation to a previous Code of Conduct investigation regarding another Elected Member, that was false, as well as offensive and harassing with respect to the Mayor; and
- in making further posts on Facebook and contributing to the thread, on both on the *City of Norwood Payneham and St Peters Residents Group* Facebook page and her *Fay Patterson Councillor* Facebook page, that contained untested, offensive and harassing criticism, directed at the Mayor; and
- making incorrect, unwarranted and unfair criticisms pertaining to the General Manager, during the debate on Agenda item 10.2 at the Council Meeting of 4 July 2022,

5.4.3 together constitute breaches of the following clauses of the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*
- 2.4 *Show respect for others if making comments publicly*
- 2.6 *Comply with all Council policies, codes and resolutions*
- 2.8 *Endeavour to provide accurate information to the Council and to the public at all times*
- 2.9 *Endeavour to establish and maintain a respectful relationships with all Council members, regardless of differences of views and opinions*
- 2.10 *Not bully or harass other Council members*
- 2.11 *Not bully or harass Council staff*

5.4.4 for these breaches, the Council may wish to require Cr Patterson to issue a private written apology to the Mayor and the General Manager, towards whom her comments and inappropriate behaviours were directed;

5.4.5 that such apology is to be made within two (2) months of the Council meeting; and

5.4.6 that Cr Patterson remove all the Facebook comments associated with this investigation from her *Fay Patterson Councillor* Facebook page, and contact the Administrators of the *City of Norwood Payneham and St Peters Residents Group* requesting that they do likewise.

5.5 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Complainant and Cr Patterson have recourse to the Ombudsman, if they remain dissatisfied.

5.6 This Report concludes the investigation of the Complaint.

KELLEDYJONES LAWYERS

A handwritten signature in black ink, appearing to read 'M Kelledy', with a long, sweeping underline that extends to the right.

MICHAEL KELLEDY  
Direct Line: 08 8113 7103  
Mobile: 0417 653 417  
Email: [mkelledy@kelledyjones.com.au](mailto:mkelledy@kelledyjones.com.au)

**12. ADOPTION OF COMMITTEE MINUTES**  
Nil

**13. OTHER BUSINESS**  
(Of an urgent nature only)

**14. CONFIDENTIAL REPORTS**

**14.1 APPOINTMENT OF INDEPENDENT MEMBERS TO THE EASTERN REGION ALLIANCE (ERA)  
WATER AUDIT COMMITTEE**

---

**RECOMMENDATION 1**

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

**RECOMMENDATION 2**

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the appointment to the Board has been made.



## 14.2 COUNCIL RELATED MATTER

---

### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (h) legal advice;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years, after which time the order will be reviewed.

**15. CLOSURE**