



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date:** Wednesday, 13 September 2023  
**Time:** 5.30pm  
**Location:** Council Chamber  
Minlaton Town Hall  
57 Main Street  
Minlaton

# **AGENDA**

## **Ordinary Council Meeting**

### **13 September 2023**

A handwritten signature in blue ink, appearing to read "A. Cameron", is positioned above the printed name and title.

**Andrew Cameron**  
**CHIEF EXECUTIVE OFFICER**

CONFLICT OF INTEREST

Members are reminded of the requirements for disclosure by Members of direct or indirect pecuniary benefit or detriment and non-pecuniary benefit or detriment in relation to a material conflict of interest in accordance with Section 73, or an actual or perceived conflict of interest in accordance with Section 75 of the Local Government Act in items listed for consideration on the Agenda. Section 74 and 75A of the Local Government Act 1999 requires that Elected Members declare any interest and provide full and accurate details of the relevant interest to the Council. In relation to actual or perceived conflicts of interest a member has an obligation to outline how they propose to deal with the actual or perceived conflict of interest prior to consideration of that item on the Agenda.

This requirement does not apply to Ordinary Business Matters prescribed by regulation 8AAA Local Government Act (General) (Accountability and Governance) Variation Regulations 2016.

Each Member of a Council has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a material conflict of interest.

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**1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR**

Meeting declared open

**2 OPENING PRAYER**

**3 PRESENT**

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Kylie Gray and Cr Michael O'Connell.

**6 CONFLICT OF INTEREST**

**7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**

Ordinary Council Meeting - 9 August 2023

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE**

Nil

**10 QUESTIONS WITHOUT NOTICE**

**11 PETITIONS**

Nil

**12 MAYOR****12.1 MAYOR'S MONTHLY REPORT AUGUST 2023****Document #:** 23/80467**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of August 2023.

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- |              |  |
|--------------|--|
| 3 August     | Attend 'Towards 2030 Strategic Plan Information Session' YP Tourism (Via Teams).   |
| 5 August     | Attend Price Tractor Pull – Price.   |
| 9 August     | Attend Ardrossan SA Country Women's Association formal luncheon celebrating 77 years of service to the community – Ardrossan.<br>Monthly Council Meeting – Minlaton. |
| 10 August    | Attend Coobowie Seawall Meeting – Public Consultation – Coobowie.  |
| 11 August    | Attend and speak at the Opening of the Grounded Festival Art Show – Brentwood.   |
| 12 August    | Attend opening of Sculpture (Yorketown) and Photography (Edithburgh) Exhibitions.  |
| 14 August    | Attend Edithburgh Institute AGM – Edithburgh.  |
| 16 August    | Community Grants Scheme Assessment – Maitland.   |
| 18 August    | Attend Last Post 50 Years Anniversary Vietnam – Edithburgh.  |
| 19 August    | Host music workshop for Grounded Arts Festival – Edithburgh.   |
| 23 August    | Attend Roads Working Party Meeting – Minlaton.<br>Attend Information and Briefing Session – Minlaton.  |
| 24-25 August | Attend Country Arts SA Board Meeting – Adelaide.   |
| 29 August    | Attend Edithburgh Progress Association AGM – Edithburgh.   |

**ATTACHMENTS**

Nil

**13 COUNCILLORS' REPORT**

Nil

# INFORMATION AGENDA



**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

**15 RECEIPT OF INFORMATION REPORTS**

**16 CHIEF EXECUTIVE OFFICER****16.1 CEO ACTIVITIES - AUGUST 2023****Document #:** 23/83274**Department:** Executive Services**PURPOSE**

To keep Elected Members informed of meetings during the month of August 2023.

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- 3 August Towards 2030 Strategic Plan information session (Teams) – attended by Acting CEO – B Thompson.
- 9 August Monthly Council Meeting – Minlaton – attended by Acting CEO – B Thompson.
- 11 August Corporate Management Team meeting – Maitland – attended by Acting CEO – B Thompson.  
Strategic Management Program Graduation (Nick Perry) – attended by Acting CEO – B Thompson.
- 16 August North Coast Road Stage 2 tender documentation - Acting CEO – A Kompler.
- 21 August SYP Childcare Centre Meeting with RLB / Romaldi – Adelaide – attended by B Thompson – acting as proxy to CEO.
- 23 August Attend Roads Working Party meeting – Minlaton – attended by Acting CEO – A Kompler.  
Information and Briefing Session – attended by Acting CEO – A Kompler.
- 24 August Teams meeting with DIT and consultant re Edithburgh jetty – attended by Acting CEO – A Kompler.  
Teams meeting with consultants WAX re draft Maitland Main Street Masterplan – attended by Acting CEO – A Kompler.
- 28 August Teams meeting with DIT Chrys Triantafillou and others re Marion Bay Boat Ramp.
- 30 August Corporate Management Team meeting – Maitland – attended by Acting CEO – A Kompler.
- 31 August SYP Childcare Centre Meeting – Minlaton (onsite) – attended by B Thompson – acting as proxy to CEO.

**ATTACHMENTS****Nil**

**16.2 ACTION LIST REPORT****Document #:** 23/84830**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on the status of the Action List.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.5 Undertake effective risk and emergency management**BACKGROUND**

The Action List is implemented to keep Council informed regarding the current status and outcomes of Council decisions.

**DISCUSSION**

The Action Lists included in the Council Agenda each month will incorporate action items from Council along with their current status.

**ATTACHMENTS**

1. **Action List - September 2023** [↓](#) 
2. **Completed Action List - September 2023** [↓](#) 

### Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
10/05/2023	Assets and Infrastructure Services	24.1	112/2023	Food Organics Green Organics Service - Council did not endorse any option at this point in time. Staff to review further options in relation to same.	13/12/2023
10/05/2023	Development Services	25.1	113/2023	Proposed Community Land Management Plan Amendments - Community Engagement - Council deferred from making a decision to reclassify the land until a Wharf Structures Condition Assessment Manual load rating has been carried out by the State Government. Council is awaiting receipt of the report.	11/10/2023
28/06/2023	Executive Services	22.1	126/2023	Council endorsed to not adopt a separate employee behavioural standard and to instead integrate them into Council's PO014 - Employee Code of Conduct Policy - and require that a draft, revised PO014 be prepared and returned to Council to consider the consultation with employees and registered industrial associations.	13/12/2023
12/07/2023	Development Services	25.3	170/2023	Arrange for the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the relevant documents necessary to execute the road closure and proposed sale for Osmond Street, Maitland.	11/10/2023
9/08/2023	Executive Services	8.1	177/2023	Council rescinded resolution 136/2023 in relation to Permit Use Public Road for Exclusive Use (cropping & grazing) Round 2. Staff have notified Permit holders to inform them of the intention to cancel the existing permit.	11/10/2023
9/08/2023	Development Services	25.3	190/2023	The matter is laying on the table pending further negotiation with Amplitel Pty Ltd regarding the lease proposal.	11/09/2023
9/08/2023	Development Services	25.5	192/2023	Public notification has been undertaken in relation to naming a portion of unmade, ungazetted, unmaintained Council road reserve dividing Sections 13 and 23, Hundred of Coonarie, Foul Bay as Bellbird Road.	11/10/2023

### Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
12/04/2023	Assets and Infrastructure Services	24.5	087/2023	Council endorsed to name a portion of an unmade, ungazetted, unmaintained Council road reserve known as Coonarie East Road, Foul Bay.	13/12/2023
12/07/2023	Development Services	25.4	171/2023	The Mayor and Chief Executive Officer signed and affixed Council's common seal in order to execute the lease documents for the Port Victoria Kiosk Lease for a period of five years with three by five year rights of renewal, being a total of twenty years.	13/09/2023
9/08/2023	Corporate and Community Services	23.1	182/2023	Council received the financial report and capital projects update report as at 31 July 2023	23/08/2023
9/08/2023	Corporate and Community Services	23.2	183/2023	Council endorsed the list of 2022/2023 projects not commenced or completed and the respective funding required, as presented, for inclusion in the 2023/2024 Budget.	23/08/2023
9/08/2023	Corporate and Community Services	23.3	184/2023	Council endorsed a further extension until 31 December 2023 for the acquittal of the \$4,000 Community Grant that was awarded to the Port Vincent Progress Association in September 2020, for the upgrade of Correll Park. Port Vincent Progress Association have been notified of this outcome.	23/08/2023
9/08/2023	Corporate and Community Services	23.4	185/2023	Council endorsed the development and implementation of a professional third-party booking system for the Yorke Peninsula Council's Bush Camping.	23/08/2023
9/08/2023	Corporate and Community Services	23.5	186/2023	Fees and Charges 2023-2024 Amendments - Council endorsed amendment and removal of several Council fees and charges, as presented, for 2023/2024.	23/08/2023
9/08/2023	Assets and Infrastructure Services	24.1	187/2023	PO145 Desalination Plant Policy was endorsed by Council and has been included in Council's Policy Manual and is available on Council's website.	23/08/2023
9/08/2023	Development Services	25.1	188/2023	The community engagement process was commenced for a proposed new lease to the Port Clinton Progress Association Inc. for the Port Clinton Community Hall and Swimming Pool for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years.	13/09/2023

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
9/08/2023	Development Services	25.2	189/2023	The community engagement process was commenced for a proposed new lease to the Ardrossan Football Club Inc. for a term of five (5) years, with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years.	13/09/2023
9/08/2023	Development Services	25.4	191/2023	Licence and Lease Extensions - The Mayor and CEO have signed and Council's Common Seal was affixed to the relevant documents necessary to execute extension to lease and licence agreements. The agreements have been sent to the Minister for Police, Emergency Services and Correctional Services for execution.	11/10/2023

**16.3 CORRESPONDENCE RECEIVED FROM THE NATIONAL NATIVE TITLE TRIBUNAL****Document #:** 23/75918**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from the National Native Title Tribunal regarding an application for registration of S12023/001 Narungga Nation Determination ILUA (the Agreement).

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

On 29 March 2023, an application for registration of the above Agreement was lodged with the Native Title Registrar (the Registrar) of the National Native Title Tribunal (the Tribunal).

The Native Title Act 1993 (Cth) (the Act) provides that the Registrar must give notice of the agreement to any local government authority for the area, where the local government authority is not a party to the agreement.

As Yorke Peninsula Council is not a party to the above agreement, notice of the agreement is given by way of the enclosed notice. The notice was published in the following newspapers as follows:

- Yorke Peninsula Country Times - Kadina on Tuesday, 8 August 2023; and
- Koori Mail on Wednesday, 9 August 2023

**DISCUSSION**

The main purpose of the notice is to make people aware of the application for registration and, among other things, give them an opportunity to provide information / object with respect to the registration of the agreement on certain grounds.

Correspondence is attached for Elected Member ease of reference.

**ATTACHMENTS**

1. **Letter - Correspondence from the National Native Title Tribunal** [↓](#) 
2. **Notice of an Application to Register an Area Agreement on the Register of Indigenous Land Use Agreements in South Australia from the National Native Title Tribunal** [↓](#) 



Reference: SI2023/001

1 August 2023

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
PO Box 57  
Maitland SA 5573

By email: [andrew.cameron@yorke.sa.gov.au](mailto:andrew.cameron@yorke.sa.gov.au)

Dear Mr Cameron

**SI2023/001 Narungga Nation Determination ILUA**

On 29 March 2023, an application for registration of the above agreement was lodged with the Native Title Registrar (the Registrar) of the National Native Title Tribunal (the Tribunal).

The *Native Title Act 1993* (Cth) (the Act) provides that the Registrar must give notice of the agreement to any local government authority for the area, where the local government authority is not a party to the agreement.

As Yorke Peninsula Council is not a party to the above agreement, notice of the agreement is given by way of the enclosed notice. The notice will also be published in the following newspapers on the following dates:

- Yorke Peninsula Country Times - Kadina on Tuesday 8 August 2023; and
- Koori Mail on Wednesday 9 August 2023.

You are not obliged under the Act to respond to the notice. The main purpose of the notice is to make people who claim to hold native title to the agreement area aware of the application for registration and, among other things, give them an opportunity to provide information / object with respect to the registration of the agreement on certain grounds. You may therefore wish to display the notice in an appropriate area of your offices.

The Tribunal cannot provide you with a copy of the agreement as it has been provided to the Tribunal for the purpose of registration only. Should you wish to obtain a copy of the agreement, please contact the parties. Their contact details are set out in the notice.



If you have any queries, please contact me on the details below.

Yours faithfully



**Huia McGrath**  
**Senior Officer - Applications**

Telephone (08) 6317 5442

Email [huia.mcgrath@nntt.gov.au](mailto:huia.mcgrath@nntt.gov.au)

Encl. Copy of notice for SI2023/001

**Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements in South Australia**  
**Notification day: 16 August 2023**



**National  
Native Title  
Tribunal**



**SI2023/001 Narungga Nation Determination ILUA**

**Description of the agreement area:**

The agreement area covers about 9,119 sq km extending over the Yorke Peninsula and adjoining coastal waters

**Relevant LGAs:** Port Pirie and Wakefield Regional Councils, and Barunga West, Copper Coast and Yorke Peninsula Councils

**The agreement contains the following statements:**

*[Explanatory notes in brackets inserted by the National Native Title Tribunal]*

13.1 The Parties agree that, to the extent that the HNA Vesting is a valid Category A intermediate period act, the effect of the vesting is, pursuant to section 36B of the *Native Title (South Australia) Act 1994 (SA)*, to extinguish all Native Title in the land concerned.

13.2 *[The Parties agree to change the effect that is provided for by section 36B of the Native Title (South Australia) Act 1994 (SA) in relation to the HNA Vesting].*

13.3 *[The Parties agree that the Non-extinguishment Principle applies to the HNA Vesting. The Non-extinguishment Principle is by this agreement modified such that the Parties agree that,*

*except where any subsequent act has otherwise extinguished their Native Title, Native Title continues to exist and can continue to be exercised and enjoyed in relation to the Adjacent Land and Subjacent Land but that the rights and interests exercised by the State pursuant to the vesting will take priority in the event of a conflict with the exercise of the Native Title].*

13.4 Clauses 13.2 and 13.3 do not apply to the land within the Agreement Area that is referred to in Schedule 5 of the Determination, being land where Native Title has been extinguished.

13.5 *[In the event that the HNA Vesting is not an intermediate period act, the Parties agree that it is a valid act to which the Non-extinguishment Principle applies].*

14.1 *[Where the State gives at least 30 days prior written notice to the Corporation, identifying the respective land, the Parties consent to the issue of a Certificate of Title pursuant to section 115A of the Real Property Act 1886 in relation to any Adjacent or Subjacent Land within the Agreement Area].*

14.4. The parties agree that the Non-extinguishment Principle applies to the land over which the Certificate of Title is issued in the same manner as the Non-extinguishment Principle applies to the vesting referred to in 13.3.

19.1 *[Part 5, which deals with future acts consented to under the agreement, does not apply to and no consent is given under Part 5 to an act which is: (a) a future act: (i) done pursuant to the Mining Act 1971 (SA), Opal Mining Act 1995 (SA), Petroleum Act 1940 (SA) and Petroleum and Geothermal Energy Act 2000 (SA); or (ii) that otherwise creates a right to mine; or varies a right to mine to extend the area to which it relates; (b) the compulsory acquisition of native title; (c) except as provided for in clause 14, an act that is or results in the grant or vesting in fee simple of an interest in Native Title Land, being the land or waters over which native title is determined to exist; or (d) except for as provided in clauses 26 or 27, the grant (other than a renewal, extension, re-grant or re-making) of a lease or licence which grants a right of exclusive possession; (e) subject to clause 14, any act which grants a right of exclusive possession].*

20.1 *[The Parties consent to the State doing the acts or activities referred to in Part 5 after the registration date].*

20.3 *[The Parties agree that Subdivision P of Part 2 Division 3 of the Native Title Act 1993 (Cth) (NTA) is not intended to apply to the acts or activities consented to under this Part 5].*

23. Subject to compliance with the other requirements of the *Crown Land Management Act 2009 (SA)*, the Parties consent to Future Acts that are the grant of an easement under section 28 of that Act.

24.1 *[The Corporation and the Narungga People surrender to the State all of their Native Title in four parcels in the Hundred of Wallaroo].*

24.2 The surrender of Native Title pursuant to clause 24.1 will take place on the Registration Date and wholly extinguishes the surrendered Native Title.

25.1 *[Subject to compliance with a notification, information and transfer process, the State agrees to grant the Port Hughes Land to the Corporation].*

25.2 The Corporation agrees to the State granting estates in fee simple over any of the Port Hughes Land and surrender to the State all of their native title rights and interests in that land.

25.3 The surrender of the native title rights and interests in relation to any of the Port Hughes Land will take place on the date of issue of the Certificate of Title over that allotment.

25.4 The surrender of native title pursuant to this clause wholly extinguishes the surrendered native title rights and interests.

26.1 *[The Parties agree that the State may continue to renew any of 36 listed annual licences in Black Point (or any replacement licence), providing no licence extends beyond 30 June 2037 or, in the case of a licensee who has an entitlement to convert the annual licence, the death of the last licensee for the parcel concerned].*

26.2 *[The Parties also agree that where a licensee has an entitlement to convert an annual licence to a lease or life tenancy, that may be done in accordance with the entitlement, providing that no lease extends beyond 30 June 2037, and that no life tenancy extends beyond the death of the last licensee for the parcel concerned].*

27.1 The Parties consent to the grant (including the renewal, extension or re-grant) by the State of leases over Native Title Land under the *Crown Land Management Act 2009 (SA)* or any other Act where: (a) the lease (including any renewal, extension or re-grant) is granted for a total term of not more than 10 years; (b) the lessee is the State or a Council or the lessee is an entity providing community health services or not-for-profit community services; and (c) the lessee is not permitted to use the leased land solely or primarily for commercial or business purposes unless such activities are undertaken on a not-for-profit basis.

27.2 The Parties consent to the grant of a lease to the Corporation for any purpose and for any term.

28.1 *[Subject to compliance with notification processes and procedural rights afforded, the Parties consent to the doing by the State of, or to any approval given by the State for the doing of, all future acts except those referred to in clause 19.1 after the registration date].*

*[Adjacent Land and Subjacent Land have the meaning given to it in the Harbours and Navigation Act 1993 (SA) (HNA)];*

*[Determination means the Determination of the Federal Court made on 14 March 2023 in favour of the Narungga People in the matter of Buckskin and Others v The State of South Australia and Others (SAD 62/2013)];*

**HNA Vesting** means the vesting effected by section 15 of the HNA;

**Native Title** means the native title rights and interests recognised in the Determination].

**Parties to the agreement and their contact addresses:**

Attorney-General for the State of South Australia c/- Crown Solicitor's Office of South Australia GPO Box 464 Adelaide SA 5001	Narungga Nation Aboriginal Corporation ICN 3863 ( <b>Corporation</b> ); Naomi Hicks, Kaylene Lawrence, John Buckskin on behalf of the Narungga People; c/- South Australian Native Title Services Ltd Level 4, 345 King William Street, Adelaide SA 5000
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**Objections to the registration of an ILUA where the application for registration has been certified:**

This application for registration of an indigenous land use agreement (ILUA) has been certified by the South Australian Native Title Services Ltd, the representative body for the area. Any person claiming to hold native title to any part of the area covered by the ILUA may object in writing within the notice period to the registration of this agreement if they think that the application to register the ILUA has not been properly certified. If you wish to object to the registration of this agreement (and you hold or claim to hold native title in any part of the area covered by the agreement) you may only object for one reason: in your view, the application to register the ILUA has not been properly certified, as stated in section 203BE(5)(a), (b) and (c) of the *Native Title Act 1993 (Cth)*. You must make this objection in writing and send it to the **Native Title Registrar, National Native Title Tribunal, PO Box 2528, St Georges Terrace Post Shop, Perth WA 6831 by 16 November 2023**. Generally, procedural fairness will require that the material you provide is given to certain other persons or organisations for comment. It may also be taken into account in the registration of other ILUAs and claimant applications and thus be provided to relevant persons or organisations for comment.

**Details of the terms of the agreement are not available from the National Native Title Tribunal.**

**For assistance and further information about this application, call Huia McGrath on 08 6317 5442 or visit [www.nntt.gov.au](http://www.nntt.gov.au).**

**16.4 2023-24 COAST PROTECTION BOARD GRANT PROGRAMS****Document #:** 23/80542**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of correspondence received from the Hon Susan Close MP, Minister for Climate, Environment and Water, in relation to the Coast Protection Board Grant Programs for 2023-24.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

State Government have announced the Coast Protection Board's 2023-24 Coast Protection Grant Program and 2023-24 Community Participation Grant Program which will both be open for application from 25 August 2023 – 25 October 2023.

**DISCUSSION**

A copy of correspondence received informing Council of these grant programs is attached for Elected Members' information.

**ATTACHMENTS**

1. **Advice - Coast Protection Board Grant Program 2023-2024 - Office of the Deputy Premier**





Government  
of South Australia

Reference: CLM23/00933

Mayor Darren Braund  
Yorke Peninsula Council  
PO Box 57  
Maitland SA 5573  
Email: [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

The Hon Susan Close MP  
Deputy Premier  
Minister for Climate, Environment and Water  
Minister for Industry, Innovation and Science  
Minister for Defence and Space Industries  
Level 13, State Administration Centre  
200 Victoria Square, Adelaide SA 5000  
Tel (08) 8226 8520  
Email: [OfficeoftheDeputyPremier@sa.gov.au](mailto:OfficeoftheDeputyPremier@sa.gov.au)

Dear Mayor Braund

**Re: 2023-24 Coast Protection Board Grant Programs**

The Government is committed to working with coastal councils and their communities to better manage and protect South Australia's valuable coastal assets.

I am pleased to announce that the Coast Protection Board's **2023-24 Coast Protection Grant Program** and **2023-24 Community Participation Grant Program** are open for application from 25 August 2023 – 25 October 2023.

The **2023-24 Coast Protection Grant Program** provides funding for coastal councils to help repair, restore and sustain the state's coastlines. High priorities for funding include works and studies that address erosion or flooding hazards along the coast.

The **2023-24 Community Participation Grant Program** supports volunteer groups and environmental non-government organisations (eNGOs) to partner with local government to undertake small-scale coastal management or educational initiatives.

On behalf of the Coast Protection Board, the Department for Environment and Water (the department) will provide Chief Executive Officers with information on how to apply via email on 25 August 2023.

For further information, contact the department on (08) 8124 4928 or via email at [DEWCoasts@sa.gov.au](mailto:DEWCoasts@sa.gov.au).

I commend the Yorke Peninsula Council's commitment to best practice coastal management and wish you the best of luck in applying for a Coast Protection Board grant.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Susan Close'.

**Hon Susan Close MP**  
Deputy Premier  
Minister for Climate, Environment and Water

15/08/ 2023



**16.5 UPDATE - SOUTHERN YORKE PENINSULA COMMUNITY AND MAITLAND CHILDCARE CENTRES****Document #:** 23/81600**Department:** Corporate and Community Services**PURPOSE**

To provide Elected Members with a progress report in relation to the construction of the Southern Yorke Peninsula Community Childcare Centre (Centre) in Minlaton, and provide Elected Members with a progress report in relation to enrolments and staffing levels at the Centre and the Maitland Childcare Facility.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN**

**Goal:**

- 1 Economically Prosperous Peninsula
- 2 Community Connected through Infrastructure
- 4 Community Engaged and Supported
- 5 Responsible Governance and Leadership

**Strategy:**

- 1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth
- 1.7 Explore opportunities for 'missing or sub-standard' infrastructure (e.g. freight movement, function centre, large accommodation etc.)
- 1.9 Seek out, develop and deliver on economic development opportunities
- 4.9 Engage and advocate for improvements to community health and social outcomes
- 5.2 Effective leadership and informed decision making

**BACKGROUND**

The Centre is the outcome of co-efforts between Council and the community across several years. Council successfully secured \$2,250,000 to construct the Centre through the Black Summer Bushfire Recovery Grants Program, with the total overall budget allocation being \$4,450,000.

A tender for the construction of the Centre at 11 North Terrace, Minlaton, opened via the Tenders SA website on 2 September 2022 and closed on 10 October 2022, with Romaldi Constructions being successful. The project includes demolition of the old tennis courts and clubrooms, the construction of the new 730 square-metre Centre, carpark, external service yard, landscaping, septic soakage area and stormwater management. The Centre will have the capacity for 80 long-day care places for children aged zero to five and will require approximately 20 full-time equivalent employees. Construction began on Monday, 9 January 2023.

Following a period of public consultation, Elected Members at the 12 April 2023 Ordinary Council Meeting endorsed the terms and conditions of the proposed lease agreement between Council and Jawbem Group (now Adelaide Family Learning and Care Services) for the Centre. The lease includes an initial period of two years, with an additional four by five-year rights of renewal resulting in an overall lease term of 22 years. At the same meeting, Elected Members also endorsed the terms and conditions of the proposed lease agreement between Council and Adelaide Family Learning

and Care Services for the Maitland Childcare Facility. This included an ongoing annual lease agreement with reviews to be conducted biannually.

## DISCUSSION

Adelaide Family Learning and Care Services (AFLCS), operating under the business name Yorke Peninsula Learning and Care, have had a steady number of expressions of interest for enrolments of children at both locations.

The Centre's at Minlaton and Maitland currently have around 75 and 82 enrolments respectively.

The Maitland Centre has a licence for 40 full-time placements which is currently at 60 per cent utilisation on average per day. This is due to not all enrolments requiring full-time care placements.

The Centre at Minlaton will have a licence accredited for 80 full-time placements. At this stage, utilisation percentage won't be known until the centre is in operation.

Tanya Geister, who has been an educator for 22 years, has been appointed as director for the Southern Yorke Peninsula Community Childcare Centre. Tanya will be leading the hiring of a team to support Minlaton and the early stages of start-up are underway including the upskilling of local community members. AFLCS staff met with builders onsite at Minlaton in August.

Construction of the Minlaton building is on track for completion in September. Landscaping will commence in September with the hand-over on track for December and operational commencement in January as planned.

Romaldi Constructions have provided the following build progress update for the Minlaton Centre (past month, as of 21 August 2023):

- Tiling commenced
- Roof flashing and downpipes complete
- Fascia beam capping complete
- All external/internal lights installed
- Walls/ceiling first paint complete
- Floor coverings commenced
- Joinery drawings updated
- Soffit linings commenced

## ATTACHMENTS

1. Photos  



September 5 2023



September 5 2023











## 17 CORPORATE AND COMMUNITY SERVICES

### 17.1 CORRESPONDENCE RECEIVED FROM MINLATON AND DISTRICT PROGRESS ASSOCIATION - REQUEST FOR COMMITMENT TO BUDGET SUBMISSION 2024-2025

**Document #:** 23/85203

**Department:** Corporate and Community Services

#### PURPOSE

For Council to receive Minlaton and District Progress Association's letter for budgetary consideration, including letters of support from community groups, for the reinstatement of the western end of Fourth Street Minlaton in preparation for the township's 150-year celebrations in March 2026.

#### RECOMMENDATION

That the report be received.

#### LINK TO STRATEGIC PLAN

**Goal:** 5 Responsible Governance and Leadership

**Strategy:** 5.2 Effective leadership and informed decision making

#### BACKGROUND

On 2 August 2023, Council received correspondence from Minlaton and District Progress Association requesting commitment from the Elected Body to reinstate the western end of Fourth Street Minlaton, and associated roadworks, in the 2024-2025 budget process.

The township's 150-year celebrations are occurring in March 2026 and the Anniversary Committee is planning a tree planting ceremony as part of these celebrations. The Committee's plan is to plant a tree for each decade (i.e.15 trees) and the site identified for the planting is the western end of Fourth Street.

#### DISCUSSION

Following correspondence from Minlaton and District Progress Association, letters of support have also been received from the following community groups:

- St Benedict's Anglican Church
- Minlaton 150 Year Celebration Committee
- Minlaton District Business Group

A copy of the correspondence received from Minlaton and District Progress Association and letters of support from the above community groups are attached for Elected Members' reference.

#### ATTACHMENTS

1. **Request - Commitment to Budget Submission 2024-2025 - Minlaton and District Progress Association** [!\[\]\(0f0f508d296bff693b2b34288b8d91ee\_img.jpg\)](#) [!\[\]\(da9573afbd0f11bd65fa98c07c313243\_img.jpg\)](#)
2. **Letter of Support - Minlaton 150 Anniversary Committee** [!\[\]\(108ddea3e4403f7ec336d9616208971a\_img.jpg\)](#) [!\[\]\(53d01cb4cbc71cb2a9d136898ad253ca\_img.jpg\)](#)
3. **Letter of Support - Minlaton District Business Group** [!\[\]\(684fbb9ddb42c1901e34d7427e05295b\_img.jpg\)](#) [!\[\]\(2e1033a42dc618a0d498293842d76d44\_img.jpg\)](#)
4. **Letter of Support - St Benedicts Anglican Church** [!\[\]\(6aa155cc55870be776216f9d92814eed\_img.jpg\)](#) [!\[\]\(5de15386e749038a0413037b2e838994\_img.jpg\)](#)



**MINLATON and DISTRICT  
PROGRESS ASSOCIATION INCORPORATED**

29 Main St  
MINLATON 5575  
2/8/23

Y P Council elected members  
MAITLAND 5573

Dear Darren and Councillors

For some six years now the Minlaton and District Progress Association has been unsuccessfully making Budget Submissions to Council for the re-instatement of the West end of Fourth Street and associated roadworks.

Our 150<sup>th</sup> Anniversary Committee is planning a tree planting ceremony as part of these celebrations in **March 2026**. The plan is to plant a tree for each decade i.e., 15 trees. The site identified for the planting is the West end of Fourth Street. Obviously, the re-instatement of the median strip would need to occur for this event to proceed. Such a project is way beyond the means of our Progress Association.

This project links with Council's Strategic Management Plan as shown

1. Economically Prosperous Peninsula

- 1.3 Improve visitor experiences, including tourism infrastructure
- 1.4 Support local events and help attract new events
- 1.5 Partner with and build positive relationships with key stakeholders to progress business and tourism growth

2. Community Connected through infrastructure

- 2.6 Upgrade and beautification of open spaces

3. Valued and Restored Environment

- 3.1 Support Progress Associations and other local groups to improve environmental outcomes

4. Community Engaged and Supported

- 4.1 Support and/or deliver local community events

We therefore request Council to commit to this project in the **2024/2025** financial year.

Yours Sincerely



Bruce Cook  
Secretary



EMAIL: [REDACTED]

Samuel McWaters -	Chairperson	[REDACTED]
Kristen Wilson -	Secretary	
Karmel Cook -	Assistant Secretary	

YP Council Elected Members  
MAITLAND SA 5573

Dear Darren & Councillors,

The Minlaton 150<sup>th</sup> Anniversary Committee together with the Minlaton & District Progress Association have been working to start preparing activities and events to celebrate the 150 years of Minlaton in March 2026.

The Minlaton 150<sup>th</sup> Anniversary Committee fully support The Minlaton Progress Association’s proposal in asking that the YP Council re-instate roadworks at the west end of Fourth Street in Minlaton. The fourth street median strip is such an eye-sore and the undulated road is a hazard for drivers. It would be a great opportunity to have this road and median strip presentable in ready for the 150<sup>th</sup> years celebration.

With the median strip re-instated the Minlaton 150 years Anniversary Committee plan to plant 15 trees (1 tree representing every decade) as part of our celebrations.

We therefore ask that the YP council consider the project the Minlaton District Association are proposing and consider for the 2024/2025 budget.

Yours Sincerely

*K. Wilson*

Kristen Wilson  
Secretary

**Minlaton  
District  
Business  
Group.**

Elected Members  
Yorke Peninsula Council  
PO Box 57  
Maitland SA 5573  
E: admin@yorke.sa.gov.au

Dear Mayor & Councillors,

**Letter of Support**

Minlaton District Business Group fully supports the Minlaton and District Progress Association's appeal for the re-instatement of the West end of Fourth Street and associated roadworks in Minlaton, and request Council to commit to this project in the 2024/2025 budget.

The Minlaton 150<sup>th</sup> Anniversary Committee together with the Minlaton and District Progress Association have begun planning activities and events to celebrate the 150 years of Minlaton in March 2026. The above site has been identified as the ideal location for a tree planting ceremony, allowing the community to come together and celebrate 15 decades of rich history.

The Minlaton community have long been lobbying for this development and we seek your support for this project in the next financial year.

Thank you in advance for your consideration.

Yours Sincerely

*S. Preedy*

Sarah Preedy  
Treasurer

E: [REDACTED]

**ST. BENEDICT'S ANGLICAN CHURCH****MINLATON**

*Ministry District of Yorke Peninsula  
Dioceses of Willochra*

YP Council Elected Members,

Maitland 5575.

13/8/23

Dear Mayor Darren and Councillors,

I write this letter in support of the Minlaton Progress Association in their quest to beautify the western end of Fourth Street, Minlaton, which is directly in front of St. Benedict's Anglican Church.

The plantation area has been desolate and a mud hole for a number of years and very unattractive. This area needs to be beautified in line with the rest of Fourth Street and is very much overdue.

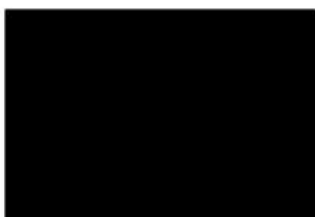
The congregation of St. Benedict's Church request that Council give the improvements to the west end of Fourth Street urgent attention.

Yours sincerely,



Thomas J Martin,

Secretary/ Treasurer,





**18 ASSETS AND INFRASTRUCTURE SERVICES****18.1 CONSTRUCTION AND MAINTENANCE WORKS****Document #:** 23/81505**Department:** Assets and Infrastructure Services**PURPOSE**

To provide a summary of the capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the September 2023 Council meeting.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.4 Explore provision of new infrastructure

2.5 Install and upgrade appropriate traffic control device management

2.6 Upgrade and beautification of open (recreation) spaces (e.g. playgrounds, water parks, BBQ areas etc.)

**BACKGROUND**

This report provides Council with a summary of the capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the Council meeting.

**DISCUSSION**

- Roadside vegetation maintenance activities undertaken by Council are detailed in the table below:

Road Name	Start Point	End Point	Status
<b>North</b>			
Melton South Road	Wayside Road	Walyalla Road	Completed
Nalyappa Road	Coopers Beach	Coopers Beach	In progress
<b>South</b>			
South Coast Road	Yorke Highway	Hillocks Drive	Completed

- Attention to parks, gardens and reserves is ongoing, in accordance with available resources and programming.
- Jetpatcher – Staff from Operations North completed a run of Jetpatching in their areas.
- Street sweeping was undertaken in the southern sectors of the Council area.
- Approximately 67 Customer Service Requests (CSRs) have been attended to by staff throughout August, with activities including:
  - Repairs to and replacement of signage: Ardrossan, Maitland, Edithburgh
  - Maintenance to public conveniences: Maitland, Ardrossan, Balgowan, Port Minlacowie
  - Repairs and maintenance to footpaths: Maitland, Ardrossan, Yorketown, Point Turton, Wool Bay, Minlaton

- Response to acts of illegal dumping: Balgowan, Ardrossan
- Tree maintenance and planting: Ardrossan, Balgowan, Maitland
- Sealed and unsealed road maintenance: Maitland, Ardrossan
- Tree trimming: Ardrossan, Edithburgh, Hardwicke Bay
- Weed spraying: Curramulka, Port Vincent, Minlaton
- Repairs to ticket machines: Port Victoria, Edithburgh, Port Vincent
- Playground equipment maintenance: Coobowie, Port Vincent
- Cemetery maintenance: Maitland, Ardrossan
- **CWMS/Waste Water Treatment Plant (WWTP)**
  - Port Victoria – Waste tank and decant tanks cleaned internally
  - Black Point – Two pump station switchboards remote access modems upgraded to 4G
  - Maitland – Gravity drain blockages and WWTP waste pump relocated
  - Ardrossan – WWTP switchboard upgraded to accommodate new aerators; Tiddy Widdy Beach - rising main leak repairs
  - Port Vincent - Remote access modem upgraded to 4G
  - Stansbury - Remote access modem upgraded to 4G; additional and repairs and adjustments made to irrigations sites
  - Point Turton – Pump station switchboard repairs and remote access replacements
- **CWMS/Desalination Plant (Desal)**
  - Marion Bay - New CFS tank adjacent desal plant compound installation completed and tank filled; New distribution pump variable speed drive unit installed
- **Maitland Stormwater reuse**
  - Water available for pumping; Stage one of spillway project completed; Temporary swale drain constructed to channel water adjacent Western storage dam

(All CWMS, Water Schemes and Stormwater Harvesting Schemes are monitored with water quality testing in accordance with SA Health and Environmental Protection Authority (EPA) licence conditions).

- The status of road construction and maintenance requirements is summarised in the table below, complementing 2023/2024 budget allocations and 2022/2023 roll overs:

Road	Description of Works	Status / Comments	Estimated Start Date	Estimated Completion Date
<b>Reconstructing and Resheeting</b>				
Johnson Road	Retyne and reform road from Petersville to Gillis Roads	Completed		
Mine Hill Road	Re Tyne and reform road with paddock stone from North South Road – East	In progress	August	August

Melton South Road	Reconstruct and re sheet a 7.25 km section from Upper Yorke Road to Wayside Road	Earthworks and reforming commenced	July	November
Gleeson Road	Tyne and re-form existing material	Ongoing	July	August
Corny Point Road	Reconstruct and re sheet 2400m	Earthworks Commenced	August	September
Spicers Road	Patch Re Sheeting 4 patches 1040m @8320M2	Earthworks Commenced	August	October
Sparrow Road	Patch Re Sheeting 6 patches 1482m @11856M2	Earthworks Commenced	August	October

- Patrol Grading is ongoing throughout the district aligned with the current circuit, technique, and available resources. The following list provides general information on the output levels over the past 24-day period in respective areas (sectors):

	North	Maitland	South	Central
Output (%)	78	84	88	96
<b>Factors influencing Patrol Grader Operators Productivity</b>				
Annual Leave			1 x 2 days	
Personal Leave	1 x ¼ day 1 x ¾ day	1 x 2 days 1 x 1 day	1 x ½ day	1 x ½ day
Long Service Leave	1 x 4 days			
TOIL		1 x 1 day		
Work Cover				
Maintenance	2 x ¼ day		1 x ½ day	1 x ½ day
Staff Training				
Inclement Weather Inspections				

- LRCIP Stage 3 status:
  - Twenty-two (22) projects funded under Local Roads and Community Infrastructure Program Phase Three (due 30 June 2024) work been completed with the remaining in progress. Further details are below:
    - In progress:
      - Walking Trail Upgrades
      - Salt Lake Tourist Trail Upgrades.
      - SYP Water Tower Upgrades
      - Lookout and Shelter – Hardwicke Bay
      - Coastal Management Strategy Projects

- Completed:
  - Arthurton Main Street Beautification
  - Bush Camp Toilets
  - Beach Shelters Port Moorowie
  - Corny Point Township Walking Trail
  - Port Victoria Barbecues
  - Balgowan Playground Shelters
  - Port Victoria Boat Ramp Car Park Extension
  - Ardrossan Clifftop Playground Equipment Upgrade
  - Campground Road Upgrade (Port Julia)
  - Edithburgh Jetty Stone Seawall Repairs
  - Marion Bay Desalination Plant User Pays System
  - SYP Water Tower Extension Project
  - Maitland Town Hall Upgrades
  - Maitland West Terrace Dam
  - Minlaton Rest Centre Exterior Upgrades
  - Stansbury Cemetery Fence Replacement
  - Stansbury Grandstand Repairs
  - Ardrossan Town Hall Salt Damp Repairs
  - Minlaton Town Hall Fire Panel
  - Corny Point Hall Ceiling and Window Repairs
  - Disability Access to Port Vincent Institute
  - Yorketown Area School Entrance Upgrade
  - Township Road Reseals

**ATTACHMENTS**

Nil

## 19 DEVELOPMENT SERVICES

### 19.1 INSPECTORIAL REPORT

**Document #:** 23/80149

**Department:** Development Services

#### PURPOSE

To inform Elected Members of the activities of the Inspectorial Team.

#### RECOMMENDATION

That the report be received.

#### LINK TO STRATEGIC PLAN

**Goal:** 4 Community Engaged and Supported

**Strategy:** 4.4 Continue delivering compliance and environmental health services and inspections

#### BACKGROUND

This report provides Elected Members with information relating to the activities of Inspectorial staff.

#### DISCUSSION

During the past month, Council's Rangers have undertaken patrols, inspections and investigations regarding By-law compliance, bush camping, fire prevention, abandoned vehicles, nuisance complaints (littering and illegal dumping), pest animals (pigeons and cormorants) and dog and cat management issues.

##### **Dog Attacks/Harassment**

A complaint was received from a Stansbury resident after they were attacked by a dog which had escaped its yard. The victim sustained serious injuries requiring urgent medical attention. Once informed of the attack, the owner had the dog euthanised by the local vet on the same afternoon. This was confirmed by the ranger.

##### **Wandering and Nuisance Dogs**

Three complaints of dogs wandering at large were received from Yorketown, Bluff Beach and Tiddy Widdy Beach. Attempts to make contact with the owners at Tiddy Widdy Beach and Bluff Beach were unsuccessful whilst the dog at Yorketown was unable to be located or identified. Rangers will continue to monitor.

Council continue to receive complaints of unowned dogs wandering at large within the Point Pearce community. Dog owners were not identified making it difficult to manage the complaints.

##### **Cat Control**

Reports of large numbers of unowned cats in James Well and Balgowan are being investigated. Rangers have worked closely with residents near Yorketown and will continue to monitor and work with the community on reducing the impact of unowned cats.

##### **Bush Camping**

Rangers continue to conduct patrols of bush camping reserves. The number of campers using the bush camping reserves continue to be low. There were eight show-cause Notices or expiations issued during this period.

Campers continue to set up camp in undesignated areas. Two show-cause Notices for camping in an undesignated area were issued to persons at Sultana Point and Lighthouse Road, Corny Point.

### **Boat Ramps**

Routine patrols of boat ramps were undertaken to ensure that users pay for the use of the facilities. 18 show-cause notices were issued where the launch permit/ticket could not be observed or confirmed on the EasyPark system. Cautions for failing to display the ticket are given to users who produced a valid permit/ticket and a reason as to why the ticket was not displayed. All ticket machines have now been updated to reflect the recent fee increase.

No expiation notices were issued in relation to boat ramp usage.

### **Traffic Management**

Rangers routinely patrol townships for breaches of the Australian Road Rules, including foot patrols, paying particular attention to disabled parking bays and vehicles parking on yellow lines and footpaths. One expiation was issued for parking in a disabled parking area.

### **Local Nuisance and Litter Control**

Council received a complaint regarding litter being dumped at Federation Corner rest area, namely two large cartons of rubbish. The offender could not be identified. The rubbish was collected by Council staff and disposed of.

A complaint was received regarding the dumping of chicken manure on a Council road reserve near Clinton. An Abatement Notice was issued to the neighbouring property owner who was responsible for the waste. They were provided a timeframe to remove the waste and advised to stop the practice of using road reserve. Rangers will continue to monitor.

Council received a complaint of illegal dumping at Port Julia on the Walk The Yorke Trail. Rangers attended the site and arranged the removal of the rubbish. Investigations were exhausted trying to find the offenders as it appeared the rubbish was from home renovations. Rangers were unable to identify the offender.

Rangers have been monitoring cormorant numbers and have recommenced the Cormorant Management Program at Stansbury and Port Vincent prior to the busy holiday season. The management program will continue until the Cormorants find a more suitable roosting area away from the townships, or alternative suitable management techniques can be identified.

Rangers have also coordinated the Pigeon Management Program in Ardrossan, Minlaton, Stansbury and Yorketown townships. Pigeon numbers continue to be monitored by Rangers.

### **Overgrown Vegetation**

A complaint was received regarding overgrown vegetation at a property in Port Vincent. The vegetation is encroaching over footpath and leaning on the boundary fence pushing it outwards, restricting footpath access and the view of turning vehicle traffic. An Abatement Notice was sent to the property owner to remove the obstruction from the footpath. Correspondence received from the owner detailed that a contractor has been engaged to remove the tree and fix the fence. Rangers will continue to monitor to ensure the remedial works are undertaken.

### **Fire Prevention**

Rangers have started inputting data into the Australian Fire Danger Rating System (AFDRS) developed by the Australasian Fire and Emergency Services Authorities Council (AFAC). The data is used to monitor the fuel curing rate and available fuel in tonnes per hectare. This will be done weekly until the available fuel is 100% cured over five different sites across the Council area.

A Council Ranger attended the Fire Prevention Officer Course. The training will give him authority to assist in the fire prevention inspections starting in September.

## **ATTACHMENTS**

**Nil**

**19.2 DEVELOPMENT APPLICATION DECISIONS****Document #:** 23/83801**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 29 July to 31 August 2023.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.1 Provide easier, streamlined development approval application process**BACKGROUND**

To keep Elected Members informed of Development Application decisions under delegated authority.

**DISCUSSION**

There were forty-one (41) Development Applications processed on the SA Planning Portal for the period 29 July to 31 August 2023 (refer Attachment 1).

**ATTACHMENTS**

1. **Council Report Attachment - Development Application Decisions - 29/07/2023 - 31/08/2023** [↓](#) 

## DEVELOPMENT APPROVALS – DEVELOPMENT ASSESSMENT PORTAL – 29 July to 31 August 2023

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23023601	M DALE	5 THIRD ST MINLATON SA 5575, 5 THIRD ST MINLATON SA 5575	Swimming pool and safety fence	Yorke Peninsula Council	25 Aug 2023	Development Approval Granted
23022835	G BUCK	30 WILSON TCE PORT VICTORIA SA 5573	Outbuilding (6.8m X 6.0m X 2.4m)	Yorke Peninsula Council	9 Aug 2023	Development Approval Granted
23022469	L Ross	LOT 36 PARSEE ST EDITHBURGH SA 5583	Outbuilding - Shed	Yorke Peninsula Council	7 Aug 2023	Development Approval Granted
23021753	P Schulz	1330 PIGGERY CORNER RD SANDILANDS SA 5571	Agricultural building for storage of hay.	Yorke Peninsula Council	1 Aug 2023	Development Approval Granted
23021491	J Toohey	1305 HARRY BUTLER RD YORKETOWN SA 5576	Replacement outbuilding (14.4m x 7.8m x 3.6m).	Yorke Peninsula Council	1 Aug 2023	Development Approval Granted
23021155	T Falzon, L Liddiard	3996 MARION BAY RD MARION BAY SA 5575	Tourist Accommodation - Cabin	Yorke Peninsula Council	19 Jul 2023	Development Approval Granted
23020728	T Crown	LOT 482 PARKVIEW RD ARDROSSAN SA 5571	Fire walls	Yorke Peninsula Council	19 Jul 2023	Development Approval Granted
23020021	P ROBINSON	31-33 BEAULAH AV MAITLAND SA 5573, 31-33 BEAULAH AV MAITLAND SA 5573	Outbuilding.	Yorke Peninsula Council	19 Jul 2023	Development Approval Granted
23018878	S Hodges	6A BLANCHE ST EDITHBURGH SA 5583	Carport	Yorke Peninsula Council	13 Jul 2023	Development Approval Granted
23018818	A Sherriff	683 PENTONVALE RD YORKETOWN SA 5576	Agricultural Building - Implement Shed and associated Aboveground Water Tank	Yorke Peninsula Council	5 Jul 2023	Development Approval Granted



23018221	J LODGE	2 HENDERSON CT ARDROSSAN SA 5571	Shed (10m x 7m x 3m)	Yorke Peninsula Council	26 Jun 2023	Development Approval Granted
23017908	Lower Yorke Seafood Pty Ltd	12918 YORKE HWY WAROOKA SA 5577	Land Division 1 into 2	Yorke Peninsula Council	29 Jun 2023	Development Approval Granted
23017786	G Hegan	20 CANE AV ARDROSSAN SA 5571	Outbuilding (15.24m x 7.6m x 3.65m).	Yorke Peninsula Council	24 Jun 2023	Development Approval Granted
23017200	G Baker	60 ELIZABETH ST MAITLAND SA 5573	Outbuilding	Yorke Peninsula Council	19 Jun 2023	Development Approval Granted
23016671	CALADENIA NOMINEES PTY. LTD.	370 STANDPIPE RD CUNNINGHAM SA 5571	Land Division (1 into 2)	Yorke Peninsula Council	27 Jun 2023	Development Approval Granted
23016268	M Norton	11 SCENIC DR POINT TURTON SA 5575	Outbuilding (shed & attached carport) - replaces DA 22042367	Yorke Peninsula Council	7 Jun 2023	Development Approval Granted
23015675	D McIntyre, S McIntyre	1473 PORT VICTORIA RD SOUTH KILKERRAN SA 5573, LOT 2 PORT VICTORIA RD SOUTH KILKERRAN SA 5573	Land Division (2 into 2)	Yorke Peninsula Council	1 Jun 2023	Development Approval Granted
23015187	K Watters	23 ANDERSON TCE YORKETOWN SA 5576	Carport	Yorke Peninsula Council	21 Aug 2023	Development Approval Granted
23011813	K Ferguson, R Ferguson	30 BAYVIEW RD HARDWICKE BAY SA 5575	Two Storey Detached Dwelling	Yorke Peninsula Council	27 Apr 2023	Development Approval Granted
23011067	c curtis	48 ESPLANADE HARDWICKE BAY SA 5575	Outbuilding (shed)	Yorke Peninsula Council	3 May 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23010585	D Stone	564 GOLDSWORTHY RD CURRAMULKA SA 5580	Verandah	Yorke Peninsula Council	25 Apr 2023	Development Approval Granted
23009725	Wonstrow Farming Trust (Nick McCauley)	211B MCCAULEY RD MAITLAND SA 5573	Agricultural building (25m x 39.5m x 7.5m) for machinery storage	Yorke Peninsula Council	11 Apr 2023	Development Approval Granted
23008822	Limevale Land Pty Ltd (ACN: 612 422 616)	248 HICKS RD MAITLAND SA 5573, LOT 309 OLD BOUNDARY RD MAITLAND SA 5573. LOT 309 OLD BOUNDARY RD M..	Land Division 3 into 6 allotments.	Yorke Peninsula Council	14 Apr 2023	Development Approval Granted
23007273	J Mcauley	15 BUTTFIELD AV PORT VINCENT SA 5581	Dwelling alterations/additions	Yorke Peninsula Council	15 Mar 2023	Development Approval Granted
23007083	D RUNDLE	LOT 79 DAVIT DR BLUFF BEACH SA 5575	Single storey detached dwelling & outbuilding.	Yorke Peninsula Council	20 Mar 2023	Development Approval Granted
23006814	T ALLEN	888 POOKAWAROWIE RD WAROOKA SA 5577	Outbuilding (shed) & attached carport	Yorke Peninsula Council	17 Mar 2023	Development Approval Granted
23006307	T Baccanello, M Koronis	12 DOLPHIN DR MARION BAY SA 5575	Single Storey Detached Dwelling	Yorke Peninsula Council	2 May 2023	Development Approval Granted
23002306	T Norris	12 WARATAH AV MARION BAY SA 5575	Single storey detached dwelling on poles with deck and undercroft carport	Yorke Peninsula Council	7 Feb 2023	Development Approval Granted
23001779	T Woods, Z Woods	LOT 50 GRAIN STACK RD STANSBURY SA 5582	Single storey detached dwelling	Yorke Peninsula Council	25 Jan 2023	Development Approval Granted
23001424	R Bergin	56 THE ESPLANADE CLINTON SA 5570	Pole Frame Detached Dwelling.	Yorke Peninsula Council	24 Jan 2023	Development Approval Granted

21034897	Road Verge	LOT 115 ROCKLEIGH RD CORNY POINT SA 5575	Advertisement - Entrance sign to Corny Point.	Yorke Peninsula Council	15 Nov 2021	Development Approval Granted
22041938	R Nunes-Vaz	17315 YORKE HWY MARION BAY SA 5575	Variation to DA 21019273 - amended dwelling design and partial change to orientation.	Yorke Peninsula Council	15 Dec 2022	Development Approval Granted
22040001	J.T.B. HOLDINGS PTY. LTD.	27 OUTLOOK RD BLACK POINT SA 5571	Two-storey detached dwelling, deck with verandah, attached garage & carport.	Yorke Peninsula Council	29 Nov 2022	Development Approval Granted
22038678	P Rundle, R Rundle	19 BAYVIEW CR CORNY POINT SA 5575	Single storey detached dwelling	Yorke Peninsula Council	23 Nov 2022	Development Approval Granted
22035791	C Raper, P Raper	9 SWINCER AV BLUFF BEACH SA 5575	Two storey detached dwelling, carport, outbuilding & ancillary earthworks.	Yorke Peninsula Council	30 Nov 2022	Development Approval Granted
22035489	G Cook	16 TICKERA CT PORT JULIA SA 5580	Single storey detached dwelling	Yorke Peninsula Council	21 Oct 2022	Development Approval Granted
22031239	B Eglinton	22 YORKETOWN RD MAITLAND SA 5573	Dwelling alterations & additions including adding a second story extension comprising a balcony & ..	Yorke Peninsula Council	19 Sep 2022	Development Approval Granted
22030565	J Devenport	4 CERES ST STANSBURY SA 5582	Dwelling Addition & Outbuilding (Shed)	Yorke Peninsula Council	17 Oct 2022	Development Approval Granted
22030080	B Collins	15 PARSONS PDE PARSONS BEACH SA 5575	Dwelling Addition	Yorke Peninsula Council	2 Sep 2022	Development Approval Granted
22029524	M Noack, M Dejong	1739 CHINAMAN WELLS RD CHINAMAN WELLS SA 5573	Dwelling extension & outbuilding.	Yorke Peninsula Council	19 Sep 2022	Development Approval Granted
21034899	Road Verge	42A MARION BAY RD CORNY POINT SA 5575	Advertisement - Entrance sign to Corny Point	Yorke Peninsula Council	15 Nov 2021	Development Approval Granted

**19.3 WASTEWATER SYSTEM APPLICATION DECISIONS****Document #:** 23/83788**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 29 July to 31 August 2023.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.1 Provide easier, streamlined development approval application process**BACKGROUND**

To keep Elected Members informed of Wastewater Application Decisions under delegated authority.

**DISCUSSION**

There were twenty-two (22) Wastewater Applications processed for the period 29 July to 31 August 2023.

**ATTACHMENTS**

1. **Approval Listing - Wastewater System Application Decisions - 29/07/2023 - 31/08/2023**



**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS  
UNDER DELEGATION FOR THE PERIOD 29 JULY TO 31 AUGUST 2023**

<b>Septic App. No.</b>	<b>Owner</b>	<b>Location</b>	<b>Proposal</b>	<b>Conditions</b>	<b>Assess. No</b>	<b>Decision Date</b>	<b>Applicant</b>
050/160/2022	RJ & RL Kerin PO Box 45 FREELING	(Lot 12) 23 Marine Parade PORT MOOROWIE	Aerobic System	20	226746	23 August 2023	Longridge Group
050/005/2023	The Beanis Egg SMSF Pty Ltd 3 Hoyle Court FLAGSTAFF HILL	(Sec 264) Beegoodye Wells Road BRENTWOOD	Septic & Soakage	16	438531	24 August 2023	The Beanis Egg SMSF Pty Ltd
050/012/2023	J Devenport 3 Mabel Street PLYMPTON	(Lot 100) 4 Ceres Street STANSBURY	Septic & Soakage	21	205278	3 August 2023	J Devenport
050/045/2023	JR & JM Farrelly 22 Stockade Drive WALKLEY HEIGHTS	(Lot 3) 6 Trengove Drive POINT TURTON	Aerobic System	19	407379	10 August 2023	Longridge Group
050/059/2023	PN & CF Raper PO Box 108 MYPONGA	(Lot 59) 9 Swincer Avenue BLUFF BEACH	CWMS Connection	15	435552	3 August 2023	S McGowan
050/065/2023	T Norris 8 Peach Street OLD REYNELLA	(Sec 1033) 12 Waratah Avenue MARION BAY	Septic & Soakage	14	119271	18 August 2023	T Norris
050/069/2023	BR Collins PO Box 726 WILLIAMSTOWN	(Lot 37) 15 Parsons Parade PARSONS BEACH	Septic & Soakage	14	321299	9 August 2023	Renowned Plumbing
050/070/2023	D Rundle 22A Park Avenue NURIOOTPA	(Lot 79) Davit Drive BLUFF BEACH	Septic & Soakage	16	434662	4 August 2023	D Rundle
050/077/2023	R Bergin 15 Argyll Walk BELLEVUE HEIGHTS	(Lot 619) 56 The Esplanade PORT CLINTON	CWMS Connection	16	44305	15 August 2023	R Bergin
050/081/2023	DB & BD Cameron PO Box 230 MCLAREN VALE	(Lot 305) 82 Beach Road COOBOWIE	Aerobic System	17	214221	23 August 2023	Longridge Group

050/082/2023	TR Garthwaite 54 Fletcher Road BIRKENHEAD	(Lot 90) 7 Perry Street Edithburgh	Aerobic System	19	439216	23 August 2023	Longridge Group
050/083/2023	JM Cowin 28 West Terrace LAURA	(Lot 118) 31 Brown Road JAMES WELL	Septic & Soakage	16	423350	10 August 2023	Longridge Group
050/84/2023	GI Cook 7 Blampied Street WYNN VALE	(Lot 7) 16 Tickera Court PORT JULIA	Septic & Soakage	17	432443	28 August 2023	T Ridgeway
050/089/2023	AG & KL Hancock 2/7 Church Hill Road ECHUNGA	(Lot 716) 29 Outlook Road BLACK POINT	CWMS Connection	12	437541	25 August 2023	AAA Drafting
050/092/2023	SJ & PA & PD Nettle 7 Stonehouse Avenue CAMDEN PARK	(Lot 9) 8 Hogarth Street ARDROSSAN	CWMS Connection	14	6148	31 August 2023	Peninsula Plumbing
050/093/2023	M Broderick 7 William Street HAWTHORN	(Lot 715) 27 Outlook Road BLACK POINT	CWMS Connection	14	437533	5 August 2023	M Broderick
050/094/2023	J Munro 9 Nile Street EXETER	(Lot 13) 15 Buttfield Avenue PORT VINCENT	Septic & Soakage	13	311290	8 August 2023	J Munro
050/096/2023	T & Z Woods 5 Samuel Street MAITLAND	(Lot 50) 13 Grain Stack Road STANSBURY	Septic & Soakage	21	423855	7 August 2023	T & Z Woods
050/097/2023	W Ault PO Box 100 YORKETOWN	(Lot 3) School Road YORKETOWN	Aerobic System	21	428037	9 August 2023	Longridge Group
050/105/2023	S Simmons PO Box 65 EDITHBURGH	(Lot 501) 38 Gillerton Terrace EDITHBURGH	Septic & Soakage	18	408641	30 August 2023	S Simmons
050/129/2023	KM & RC Fergusen 11 Luard Street MILANG	(Lot 198) 30 Bayview Road HARDWICKE BAY	Septic & Soakage	17	325738	8 August 2023	Selecta Homes & Building Services
050/130/2023	LD Liddiard & TM Falzon PO Box 17 MARION BAY	(Lot 4) 3996 Marion Bay Road MARION BAY	Septic & Soakage	17	117101	15 August 2023	T Hill

**20 VISITORS TO THE MEETING**

Nil

# DEBATE AGENDA



**DEBATE AGENDA**

**21      MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 CHRISTMAS OFFICE CLOSURE 2023****Document #:** 23/79924**Department:** Executive Services**PURPOSE**

To seek approval from Council for a closure period of all Council office locations for the 2023 Christmas and New Year holiday period in line with the requirements of the Staff Enterprise Bargaining Agreements.

**RECOMMENDATION**

That Council:

1. close the Principal Office at Maitland and the two (2) branch offices from 12:30pm on Friday, 22 December 2023 and reopen at 8:30am on Tuesday, 2 January 2024, with staff required to utilise existing leave.
2. advertise the closure of the Council offices in the Yorke Peninsula Country Times and on Council's website.
3. organise for notices to be placed on the front window of the Principal Office and branch offices.
4. prepare a suitable answering machine message to be implemented during the closure period to ensure that any emergencies are referred to the after-hours emergency number.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making

5.9 Develop programs and actions to become an Employer of Choice

**BACKGROUND**

Council staff employed under the SA Municipal Officers Award have a clause within their Enterprise Agreement (the Agreement) outlining their obligations in relation to Office Closure over the Christmas and New Year Period being:

1. Unless advised otherwise, the Employer will temporarily shut down the workplace between the Christmas and New Year period. Employees that are required to work during this period will be advised at least one month before Christmas.
2. Employees will be required to take paid annual leave, accrued rostered days off or accrued time in lieu during such periods. Should an employee not have sufficient leave to cover the period (generally three (3) working days), annual leave may be granted in advance.
3. Employees may apply to work the shut-down period, but staffing levels will be subject to Council's operational requirements.
4. Employees who work over the shut-down period may be required to work flexibly across a range of functions within the scope of their skills, qualifications and experience.
5. The Chief Executive Officer will gain approval from Council to ensure staff receive adequate notice of the upcoming office closure.

**DISCUSSION**

In line with obligations contained within the Agreement, Council closes the Principal and two branch offices during the days that fall between Christmas and New Year. This is a similar practice to many other businesses and from past experience, there has been minimal or no public enquiries during this period. A suitable answering machine message is implemented at all office locations and any emergency calls will be referred to Council's emergency number.

The staff employed under the Local Government Employees Award (outside staff) maintain sufficient staffing levels to ensure Council is able to deal with urgent customer enquiries with the majority of staff accessing their leave entitlements.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team

In preparing this report, the following external parties were consulted:

- Nil

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**

Not applicable

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Not applicable

**ATTACHMENTS**

Nil

**22.2 DELEGATION OF COUNCIL POWERS AND FUNCTIONS REVIEW****Document #:** 23/65440**Department:** Executive Services**PURPOSE**

For Council to review its existing delegated powers and functions in accordance with Section 44(6a) of the Local Government Act 1999.

**RECOMMENDATION**

That Council resolve to:

1. Grant the delegation of powers and functions of the Council under the Local Government Act 1999 and other legislation (excluding the Development Act 1993 and Planning, Development and Infrastructure Act 2016) as provided for in the Instrument of Delegation provided in Attachment 1.

AND

2. Delegate Powers of the Council as a Council, Designated Authority and Designated Entity Under the Planning, Development and Infrastructure Act 2016

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation provided in Attachment 2 are hereby delegated this 13th day of September 2023 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

AND

3. Delegate Powers of the Council as a Relevant Authority under the Planning, Development and Infrastructure Act 2016

- 3.1 In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation provided in Attachment 3 are hereby delegated this 13th day of September 2023 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

AND

4. Grant the authorisations and sub-delegations of powers under the Road Traffic Act as provided for in the instrument of Delegation provided in Attachment 4; and:

- 4.1 In accordance with the Instrument of General Approval and Delegation to Council (dated 22 August 2013) from the Minister for Transport and Infrastructure (General Approval) authorise the following person(s) pursuant to Clause A.7 of the General Approval to

endorse Traffic Impact Statements for the purposes of Clause A of the General approval provided that such person(s) shall take into account the matters specified in Clause A.7 of the General Approval in respect of Traffic Impact Statements:

Andre Kompler – Director Assets and Infrastructure Services

Stephen Goldsworthy – Operations Manager

Michael McCauley – Asset Manager

Nicholas Hoskin – Operations Co-ordinator

Chris McColl - Works Supervisor North

Guido Varricchio – Works Supervisor South

Jason Coe – Leading Worker Central

Michael Wuttke – Leading Worker North

Stuart Heinrich-Smith – Leading Worker South

Phillip Herrmann – Senior Compliance Officer

- 4.2 In accordance with Clause A.7 of the General Approval, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the General Approval:

Andre Kompler – Director Assets and Infrastructure Services

Stephen Goldsworthy – Operations Manager

Michael McCauley – Asset Manager

Nicholas Hoskin – Operations Co-ordinator

Chris McColl - Works Supervisor North

Guido Varricchio – Works Supervisor South

Jason Coe – Leading Worker Central

Michael Wuttke – Leading Worker North

Stuart Heinrich-Smith – Leading Worker South

Phillip Herrmann – Senior Compliance Officer

- 4.3 In accordance with Clause E.2 of the General Approval, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

Andre Kompler – Director Assets and Infrastructure Services

Stephen Goldsworthy – Operations Manager

Michael McCauley – Asset Manager

Nicholas Hoskin – Operations Co-ordinator

Chris McColl - Works Supervisor North

Guido Varricchio – Works Supervisor South

Jason Coe – Leading Worker Central

Michael Wuttke – Leading Worker North

Stuart Heinrich-Smith – Leading Worker South

Phillip Herrmann – Senior Compliance Officer

AND

5. Grant the delegations and authorisations under the:

Air Navigation Act 1947 (SA)  
Air Navigation Act 1920 (Cth)  
Air Navigation Regulations 2016 (Cth)  
Air Navigation (Aerodrome Flight Corridors) Regulations 1994 (Cth)  
Air Navigation (Aircraft Engine Emissions) Regulations (Cth)  
Air Navigation (Aircraft Noise) Regulations 2018  
Airports Act 1996 (Cth)  
Airports Regulations 1997 (Cth)  
Airports (Building Control) Regulations 1996 (Cth)  
Airports (Control of On-Airport Activities) Regulations 1997 (Cth)  
Airports (Environment Protection) Regulations 1997 (Cth)  
Airports (Ownership – Interests in Shares) Regulations 1996 (Cth)  
Airports (Protection of Airspace) Regulations 1996 (Cth)  
Air Services Act 1995 (Cth)  
Air Services Regulations 2019 (Cth)  
Airspace Act 2007 (Cth)  
Airspace Regulations 2007 (Cth)  
Aviation Transport Security Act 2004 (Cth)  
Aviation Transport Security Regulations 2005 (Cth)  
Civil Aviation Act 1988 (Cth)  
Civil Aviation Regulations 1988 (Cth)  
Civil Aviation Safety Regulations 1988 (Cth)  
Civil Aviation (Buildings Control) Regulations 1988 (Cth)  
Civil Aviation (Fees) Regulations 1995 (Cth)  
as provided for in the Instrument of Delegation provided in Attachment 5.

### LINK TO STRATEGIC PLAN

**Goal:** 5 Responsible Governance and Leadership

**Strategy:** 5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

### BACKGROUND

Section 44 of the Local Government Act 1999 (Act) provides that the Council may delegate a power or function vested or conferred under the Act or another Act. Some other Acts also contain a specific power of delegation.

Appropriate delegations enable persons working for the Council to undertake their duties and facilitate legislative compliance.

Section 44(6a) of the Act requires that the Council review the delegations within 12 months of the conclusion of each periodic election.

## DISCUSSION

The Local Government Association (LGA) publishes a delegation framework to assist councils in making delegations (Framework) and this Framework has been utilised in preparing the proposed instruments of delegation as provided in Attachments 1, 2, 3, 4 and 5.

The Framework has recently been revised to provide a simpler and more contemporary approach to updating delegations. For the majority of the delegations, a single instrument of delegation is now utilised, with a table of the statutory powers and functions attached to the instrument of delegation. Also, the information provided against the statutory powers and functions has been condensed.

If the Council resolves to grant the delegations proposed in Attachments 1, 2, 3, 4 and 5 then the delegations will come into operation on the day following the date of the Council resolution and the previous delegations will also, at the same time, be revoked.

The primary delegation is made to the Chief Executive Officer (CEO) and Section 101 of the Act allows the CEO to further delegate (or sub-delegate) a power or function vested or conferred in or on the CEO. A delegation made by the CEO can be made to an employee of the Council or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person.

### **Delegations under the Local Government Act 1999 and other legislation (excluding the Development Act 1993, Planning, Development and Infrastructure Act 2016)**

The proposed instrument of delegation providing for the delegation of powers and functions under the Act and other legislation (excluding the Development Act 1993 (Development Act) and Planning, Development and Infrastructure Act 2016 (PDI Act)) is provided in Attachment 1.

### **Delegations under the Development Act 1993 and Planning, Development and Infrastructure Act 2016**

Delegations under the Development Act and PDI Act are dealt with separately because they have been specifically developed by the LGA to deal with the staged implementation of the PDI Act.

The proposed instrument of delegation providing for the delegation of powers and functions under the Development Act and PDI Act by the Council is provided in Attachments 2 and 3.

### **Authorisations and sub-delegation under the Road Traffic Act 1961**

The Minister for Transport and Infrastructure granted delegations to the Council under the Instrument of General Approval and Delegation (dated 22 August 2013) (General Approval). The General Approval permits the Council to:

- (a) Sub-delegate the powers under section 33(1) of the Road Traffic Act 1961 (RT Act);
- (b) Authorise employees of the Council to exercise the powers under sections 17 and 20 of the RT Act.

The proposed instrument of sub-delegation is provided in Attachment 4.

The General Approval provides that any authorisations to employees of the Council must be made in writing and approved by the CEO on behalf of the Council. The General Approval includes various conditions which apply to the exercise of the Council's power to install, maintain, alter, operate or remove any traffic control device as follows:

- (a) A Traffic Impact Statement must be prepared by a person who the Council considers is an experienced traffic engineering practitioner;
- (b) The Traffic Impact Statement must be endorsed by a person authorised by the Council.

The General Approval requires all traffic control devices for the purpose of an event other than those specified in Clause A.8 to be installed in accordance with a Traffic Management Plan prepared by a person who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

The relevant powers, functions and authorisations relevant to the operation of aerodromes/airports are set out in the proposed Aerodrome Operation Instrument of Delegation and Authorisation provide in Attachment 5.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Governance Officer
- Team Leader HR & People Experience People, Culture and Safety

In preparing this report, the following external parties were consulted:

- Local Government Association

## POLICY IMPLICATIONS

Delegations are relevant to most Council and administrative procedures.

## BUDGET AND RESOURCE IMPLICATIONS






The administrative activities relating to delegations are captured within existing budgets.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

As listed in the proposed instruments of delegation provided in Attachments 1 – 5.

It is important that Council has updated and appropriate delegations in place to ensure legislative compliance and that persons required to undertake work for the Council are able to carry out these duties effectively and without hindrance.

## ATTACHMENTS

1. **Attachment 1 - Yorke Peninsula Council - Instrument of Delegation and Other Legislation 13/09/2023 (under separate cover)** 
2. **Attachment 2 - Instrument of Delegation A - Planning Development Infrastructure Act 2016 - 13/09/2023 (under separate cover)** 
3. **Attachment 3 - Instrument of Delegation B - Planning Development Infrastructure Act 2016 - 13/09/2023 (under separate cover)** 
4. **Attachment 4 - Instrument of Sub-delegation of Powers under the Road Traffic Act 1961 - 13/09/2023** 
5. **Attachment 5 - Aerodrome Operation Instrument of Delegation and Authorisation - 13/09/2023** 



*Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation to Council (22 August 2013)*

**Yorke Peninsula Council**

**Instrument of Sub-delegation - of Powers under the Road Traffic Act 1961**

1. The Minister for Transport and Infrastructure granted:
  - (a) approvals to the Council for the purposes of specific powers under sections 17 and 20 of the *Road Traffic Act 1961*; and
  - (b) appointed the Council as the Minister's delegate in respect of specific powers under sections 17 and 33(1) of the Road Traffic Act,by the Instrument of General Approval and Delegation (dated 22 August 2013) (**General Approval**).
2. Pursuant to the General Approval, the Council sub-delegates to the Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:
  - (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and
  - (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the *Australian Road Rules*:
    - (i) rule 221: using hazard warning lights;
    - (ii) rule 230: crossing a road – general;
    - (iii) rule 231 crossing a road at pedestrian lights;
    - (iv) rule 232: crossing a road at traffic lights;
    - (v) rule 234: crossing a road on or near a crossing for pedestrians;
    - (vi) rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);
    - (vii) rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
    - (viii) rule 250: riding on a footpath or shared path;
    - (ix) rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);
    - (x) rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);
    - (xi) rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);

*Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation to Council (22 August 2013)*

- (xii) rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)
  - (xiii) rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and
  - (xiv) rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).
3. The delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval and the following conditions:
- (a) the sub-delegate must ensure that the delegated powers are exercised in accordance with relevant legislative requirements and relevant policies and guidelines adopted by the Council.

By resolution of the Council

on:.....

**AERODROME OPERATION  
INSTRUMENT OF DELEGATION  
AND AUTHORISATION**

1. The Chief Executive Officer is authorised by resolution of the Yorke Peninsula Council on 13 September 2023 to exercise the powers and functions listed in the table below in respect of the Central Yorke Peninsula Aerodrome, Ardrossan Road, Maitland, Neil Edwards Memorial Aerodrome, Bluff Road, Minlaton and Yorketown Airport, Airport Road, Yorketown.
2. The Chief Executive Officer may sub-authorise the exercise of the powers and functions in the manner set out in the table.
3. The authorisations have been granted subject to the conditions or limitations set out in the attached schedule.
4. In this instrument:
  - ASIC** means an aviation security identification card issued under the *Aviation Transport Security Regulations 2005* (Cth).
  - CA/GRS** means certified air/ground radio service.
  - CASA** means the Civil Aviation Safety Authority.
  - DAMP** means a drug and alcohol management plan.
  - Manual of Standards** means the manual of that name published under the *Aviation Transport Security Regulations 2005* (Cth).
  - NOTAM Office** means the office within Airservices Australia responsible for Notices to Airmen.
  - Secretary** means Secretary of the Commonwealth Department for Infrastructure and Regional Development.
  - VIC** means a Visitor Identification Card issued under the *Aviation Transport Security Regulations 2005* (Cth).

AUTHORISED POWERS AND FUNCTIONS	AUTHORISATION
<b><i>Air Navigation (Aircraft Noise) Regulations 2018</i> (Cth)</b>	
<b>Public consultation about adventure flights</b>	
Regulation 15(2): Responding to consultation from an aircraft owner or operator regarding adventure flights.	The person occupying the office of the Chief Executive Officer
<b><i>Airspace Regulations 2007</i> (Cth)</b>	
<b>Obtaining information</b>	
Regulation 14: Responding to a request for information by CASA.	The person occupying the office of the Chief Executive Officer

<b>Aviation Transport Security Act 2004 (Cth)</b>	
<b>Airport areas and zones</b>	
Section 15: Taking all reasonable steps to comply with the transport security program of another aviation industry participant.	The person occupying the office of the Chief Executive Officer
Section 34: Providing the views of the Council on the designation of an airside area, and airside security area or a landside security area to the Secretary.	The person occupying the office of the Chief Executive Officer
<b>Other security measures</b>	
Section 69: Complying with a special security direction issued by the Secretary.	The person occupying the office of the Chief Executive Officer
Section 74B: Complying with a direction of an aviation security inspector.	The person occupying the office of the Chief Executive Officer
<b>Reporting aviation security incidents</b>	
Section 104: Reporting aviation security incidents.	The person occupying the office of the Chief Executive Officer
Section 109(2): Providing requested security compliance information to the Secretary.	The person occupying the office of the Chief Executive Officer
Section 111(3): Providing requested aviation security information to the Secretary.	The person occupying the office of the Chief Executive Officer
<b>Enforcement</b>	
Section 119: Complying with an enforcement order issued by the Secretary.	The person occupying the office of the Chief Executive Officer
Section 123A: Provision of a written undertaking to the Secretary.	The person occupying the office of the Chief Executive Officer

<b>Aviation Transport Security Regulations 2005 (Cth)</b>	
<b>Transport security programs</b>	
Regulation 2.02(2): Appointment of a security contact officer.	The person occupying the office of the Chief Executive Officer
Regulation 2.13(5): Notify the Secretary of change in contact details required to accompany a transport security program.	The person occupying the office of the Chief Executive Officer
Regulation 2.13(7): Notify other aviation industry participants with a facility at or within the aerodrome of: <ul style="list-style-type: none"> <li>(a) contact details;</li> <li>(b) procedures to identify airside areas, airside security zones and landside security zones; and</li> <li>(c) procedures for checking the identity of persons authorised to have access to airside areas, airside security zones and landside security zones.</li> </ul>	The person occupying the office of the Chief Executive Officer

Regulation 2.22: Provision of security awareness training for employees, contractors and other persons who have been assigned particular security duties and responsibilities.	The person occupying the office of the Chief Executive Officer
<b>Airport areas and zones</b>	
Regulation 3.15: Complying with airside requirements.	The person occupying the office of the Chief Executive Officer
Regulation 3.16: Complying with additional security requirements for security restricted areas.	The person occupying the office of the Chief Executive Officer
Regulation 3.21: Complying with security requirements for landside security zones other than sterile areas.	The person occupying the office of the Chief Executive Officer
Regulation 3.22: Complying with security requirements for fuel storage zones.	The person occupying the office of the Chief Executive Officer
Regulation 3.24: Complying with security requirements for navigational aids zones.	The person occupying the office of the Chief Executive Officer
Regulation 3A.02: Applying for an airside special event zone.	The person occupying the office of the Chief Executive Officer
Regulation 3A.08: Applying for a landside special event zone.	The person occupying the office of the Chief Executive Officer
<b>Other security measures</b>	
Regulation 4.54: Consent to a person having a firearm in his or her possession on an airside area.	The person occupying the office of the Chief Executive Officer
<b>Security identification</b>	
Regulation 6.06: Preparing an ASIC program.	The person occupying the office of the Chief Executive Officer
Regulation 6.07: Giving effect to an ASIC program.	The person occupying the office of the Chief Executive Officer
Regulation 6.09: Complying with a direction of the Secretary to comply with an ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.10(1)(a): Reviewing the ASIC program.	The person occupying the office of the Chief Executive Officer
Regulation 6.10(1)(b): Submitting a varied ASIC program to the Secretary for approval.	The person occupying the office of the Chief Executive Officer
Regulation 6.10(2): Responding to a request from the Secretary for more information in relation to the varied ASIC program.	The person occupying the office of the Chief Executive Officer
Regulation 6.18: Providing a copy of the ASIC program to another issuing body.	The person occupying the office of the Chief Executive Officer
Regulation 6.19A: Responding to the Secretary regarding the revocation of the authorisation as an issuing body.	The person occupying the office of the Chief Executive Officer
Regulation 6.20: Applying to the Secretary for the authorisation as an issuing body to be revoked.	The person occupying the office of the Chief Executive Officer

Regulation 6.22(6): Continuing to deal with a transferred ASIC application.	The person occupying the office of the Chief Executive Officer
Regulation 6.22(7): Transfer of records and documents to new issuing body.	The person occupying the office of the Chief Executive Officer
Regulation 6.22(8): Transfer of records and documents to Secretary.	The person occupying the office of the Chief Executive Officer
Regulation 6.23: Maintaining a register of issued ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.24: Maintaining records demonstrating compliance with ASIC program.	The person occupying the office of the Chief Executive Officer
Regulation 6.25: Reporting annually to the Secretary on ASICs	The person occupying the office of the Chief Executive Officer
Regulation 6.25A: Maintaining a register of ASICs.	The person occupying the office of the Chief Executive Officer
Regulation 6.27 and 6.28: Issuing of ASICs.	The person occupying the office of the Chief Executive Officer
Regulation 6.27A: Approving an airport specific-ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.27AA(1): Applying to Secretary Attorney General's Department for a background check for an applicant for an ASIC or the holder of an ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.34A: Disclose details of approved form.	The person occupying the office of the Chief Executive Officer
Regulation 6.35: Issuing of a replacement ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.36: Issuing of a temporary ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.37AB: Disclose details of approved form.	The person occupying the office of the Chief Executive Officer
Regulation 6.37AC: Supervising a temporaryASIC holder.	The person occupying the office of the Chief Executive Officer
Regulation 6.37G: Appointing an agent to issue VIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.38: Issue of VICs.	The person occupying the office of the Chief Executive Officer
Regulation 6.38D: Imposing conditions on a VIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.40(1): Informing a VIC holder of his or her responsibilities.	The person occupying the office of the Chief Executive Officer
Regulation 6.40(2): Ensuring that unissued VICs and software and systems used for producing VICs are kept secure.	The person occupying the office of the Chief Executive Officer
Regulation 6.40(3): Ensuring that access to areas used for producing VIC are controlled by an access control system or persons employed to issue VIC.	The person occupying the office of the Chief Executive Officer

Regulation 6.41(2): Requesting information from an applicant for an ASIC or an ASIC holder convicted of an aviation-security-relevant offence.	The person occupying the office of the Chief Executive Officer
Regulation 6.41A: Applying to Secretary Attorney General's Department for a background check for an applicant for an ASIC in respect of an applicant for an ASIC or an ASIC holder convicted of an aviation-security-relevant offence.	The person occupying the office of the Chief Executive Officer
Regulation 6.42(4): Notifying AusCheck of a change of name of an applicant for an ASIC or an ASIC holder notified to the Council.	The person occupying the office of the Chief Executive Officer
Regulation 6.42B(1): Complying with a direction of the Secretary to suspend an ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.42(2): Informing the holder of a suspended ASIC of the suspension.	The person occupying the office of the Chief Executive Officer
Regulation 6.42E: Reporting to the Secretary that an ASIC has been suspended by the Council.	The person occupying the office of the Chief Executive Officer
Regulation 6.43: Cancelling an ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.43A: Applying to the Secretary for a cancellation of an ASIC to be set aside.	The person occupying the office of the Chief Executive Officer
Regulation 6.43E: Reinstating a cancelled ASIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.43F: Cancelling a VIC.	The person occupying the office of the Chief Executive Officer
Regulation 6.44: reporting the cancellation of an ASIC or VIC to the Secretary.	The person occupying the office of the Chief Executive Officer
Regulation 6.47: Cancelling an ASIC or VIC at the request of the holder.	The person occupying the office of the Chief Executive Officer
Regulation 6.50: Issuing of a sample ASIC or VIC for use in training.	The person occupying the office of the Chief Executive Officer
<b>Civil Aviation Act 1988 (Cth)</b>	
Section 30DF(5): Seeking variation of a suspension order by application to the Federal Court.	The person occupying the office of the Chief Executive Officer
Section 30DK(1): Providing an enforceable undertaking to CASA.	The person occupying the office of the Chief Executive Officer
Section 31: Seeking review of a reviewable decision of CASA.	The person occupying the office of the Chief Executive Officer
Section 32ACB: Consent for CASA investigators to enter premises.	The person occupying the office of the Chief Executive Officer

<b>Civil Aviation Regulations 1988 (Cth)</b>	
Regulation 294: Apprehending and removing a person breaching regulation 294(1).	The person occupying the office of the Chief Executive Officer
<b>Civil Aviation Safety Regulations 1998 (Cth)</b>	
<b>Authorisations</b>	
Regulation 11.125: Applying for a variation to an authorisation.	The person occupying the office of the Chief Executive Officer
Regulation 11.130: Applying for a suspension or cancellation of an authorisation.	The person occupying the office of the Chief Executive Officer
Regulation 11.165: Applying to CASA for an exemption from the regulations.	The person occupying the office of the Chief Executive Officer
Regulation 11.255: Complying with a direction of CASA.	The person occupying the office of the Chief Executive Officer
Regulation 11.285: Commenting on the proposed Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 13.345: Reporting a reportable contravention to Executive Director Transport Safety Investigation.	The person occupying the office of the Chief Executive Officer
<b>Drug and alcohol management plans</b>	
Regulation 99.030: Developing a drug and alcohol management plan (DAMP).	The person occupying the office of the Chief Executive Officer
Regulation 99.035: Implementing a DAMP.	The person occupying the office of the Chief Executive Officer
Regulation 99.040: Providing DAMP to employees engaged in a safety-sensitive aviation activity.	The person occupying the office of the Chief Executive Officer
Regulation 99.085: Reviewing DAMP.	The person occupying the office of the Chief Executive Officer
Regulation 99.090(3): Complying with requirement to provide information to CASA for audit of DAMP.	The person occupying the office of the Chief Executive Officer
Regulation 99.095(2): Complying with a direction of CASA with respect to DAMP.	The person occupying the office of the Chief Executive Officer
Regulation 99.100: Providing information to CASA for a DAMP reporting period.	The person occupying the office of the Chief Executive Officer
Regulation 99.105: Maintaining DAMP records.	The person occupying the office of the Chief Executive Officer
Regulation 99.400(2A): Providing CASA with requested information regarding a DAMP test.	The person occupying the office of the Chief Executive Officer
Regulation 99.405(2A): Providing CASA with requested information following a CASA drug or alcohol test.	The person occupying the office of the Chief Executive Officer
<b>Aerodrome certificates</b>	
Regulation 139.020: Application for an aerodrome certificate.	The person occupying the office of the Chief Executive Officer



Regulation 139.035: Responding to a show cause notice regarding proposed suspension or cancellation of certification.	The person occupying the office of the Chief Executive Officer
<b>Operation and maintenance of certified aerodrome</b>	
Regulation 139.045: Preparing an aerodrome manual.	The person occupying the office of the Chief Executive Officer
Regulation 139.050(1): Amending the aerodrome manual.	The person occupying the office of the Chief Executive Officer
Regulation 139.050(1)(a) & (b): Providing the amended aerodrome manual and notice to CASA.	The person occupying the office of the Chief Executive Officer
Regulation 139.055: Operating aerodrome in accordance with procedures in aerodrome manual.	The person occupying the office of the Chief Executive Officer
Regulation 139.060: Telling CASA in writing of non-compliance with a procedure in aerodrome manual.	The person occupying the office of the Chief Executive Officer
Regulation 139.065: Ensuring aerodrome facilities and equipment comply with Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.070: Ensuring aerodrome works carried out so as not to create hazard.	The person occupying the office of the Chief Executive Officer
Regulation 139.075: Meeting requirements in Manual of Standards regarding inspections.	The person occupying the office of the Chief Executive Officer
Regulation 139.080: Meeting requirements in Manual of Standards regarding reporting information to an AIS provider.	The person occupying the office of the Chief Executive Officer
Regulation 139.085: Meeting requirements in Manual of Standards regarding reporting changes or occurrences.	The person occupying the office of the Chief Executive Officer
Regulation 139.090: Meeting requirements in Manual of Standards relating to monitoring airspace for infringements.	The person occupying the office of the Chief Executive Officer
Regulation 139.095(1) Ensuring there is a safety management system complying with the Manual of Standards	The person occupying the office of the Chief Executive Officer
Regulation 139.095(3): Ensuring there is a risk management plan complying with the Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.100(3): Meeting requirements in the Manual of Standards regarding emergency preparedness.	The person occupying the office of the Chief Executive Officer
Regulation 139.100(4): Ensuring there is an aerodrome emergency plan complying with the Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.105(2)(b)(i) & (ii): Ensuring there is a system of a kind mentioned in regulation 139.105(1)(a) complying with the Manual of Standards.	The person occupying the office of the Chief Executive Officer

Airport Operations Instrument of Delegation and Authorisation

13 September 2023

Regulation 139.105(2)(b)(iii): Complying with a procedure under the system.	The person occupying the office of the Chief Executive Officer
Regulation 139.110(1)(a): Appointing an accountable manager (functions of an accountable manager are set out in regulation 139.110(5)).	The person occupying the office of the Chief Executive Officer
Regulation 139.110(1)(b): Appointing a reporting officer (functions of a reporting officer are set out in regulation 139.110(6)).	The person occupying the office of the Chief Executive Officer
Regulation 139.110(1)(c): Appointing works safety officers for aerodrome works (functions of a work safety officer are set out in regulation 139.110(7)).	The person occupying the office of the Chief Executive Officer
Regulation 139.110(1)(d): Appointing any other person prescribed by the Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.115: Training of personnel in accordance with Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.125(4): Responding to a request from an ATS to impose or vary a condition on the aerodrome certificate.	The person occupying the office of the Chief Executive Officer
Regulation 139.130: Ensuring an aerodrome ground surveillance system is in operation complying with the Manual of Standards.	The person occupying the office of the Chief Executive Officer
Regulation 139.135(1): Allowing CASA to conduct tests.	The person occupying the office of the Chief Executive Officer
<b>Aerodrome radio communication services</b>	
Regulation 139.135(2): Allowing CASA access to aerodrome	The person occupying the office of the Chief Executive Officer
Regulation 139.140: Providing data to CASA.	The person occupying the office of the Chief Executive Officer
Regulation 139.150(2): Ensuring that if there is a frequency confirmation system, it complies with the Manual of Standards	The person occupying the office of the Chief Executive Officer
Regulation 139.150(3): Ensuring there is a frequency confirmation system.	The person occupying the office of the Chief Executive Officer
<b>Air/ground radio service</b>	
Regulation 139.155: Seek approval for an air/ground radio service.	The person occupying the office of the Chief Executive Officer
Regulation 139.160: Ensuring a certified air/ground radio service is operated by a person who holds an approval.	The person occupying the office of the Chief Executive Officer
Regulation 139.160(2): Seeking approval for operating a certified air/ground radio service	The person occupying the office of the Chief Executive Officer
Regulation 139.160(5): Ensuring a certified air/ground radio service complies with the Manual of Standards.	The person occupying the office of the Chief Executive Officer
<b>Hazards to aircraft operations</b>	
Regulation 139.165: Notifying CASA of proposed construction or erection of object.	The person occupying the office of the Chief Executive Officer

Regulation 139.170: Notifying CASA of activity that will create prescribed emissions source (other than constructing or erecting a structure or object).	The person occupying the office of the Chief Executive Officer
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SCHEDULE: CONDITIONS OR LIMITATIONS ON AUTHORISATION

[

POWER OR FUNCTION	CONDITIONS OR LIMITATIONS

**22.3 LEGATUS GROUP ANNUAL REPORT 2022-2023****Document #:** 23/82889**Department:** Executive Services**PURPOSE**

For Elected Members to receive the Legatus Group Annual Report 2022-2023 (the Report) and approve the Report for inclusion in Council's 2022-2023 Annual Report.

**RECOMMENDATION**

That Council receive the Legatus Group Annual Report 2022-2023, including the Audited Financial Statements, and approves the inclusion of the Report in Council's Annual Report in accordance with legislative requirements.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

Elected Members would be aware that Council is one of the fifteen (15) Constituent Councils of the Legatus Group. The Legatus Group is established under Section 43 of the Local Government Act 1999. The Legatus Group Charter requires the Annual Report be provided to Constituent Councils by 30 September each year.

**DISCUSSION**

As a Constituent Council of the Legatus Group, Council has been provided with a copy of the Legatus Group Annual Report 2022-2023, including the Audited Financial Statements. Constituent Councils are required to incorporate the Annual Report and Audited Financial Statements of a Section 43 Subsidiary in their own Annual Report and Audited Financial Statements.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Nil

In preparing this report, the following external parties were consulted:

- Legatus Group

**POLICY IMPLICATIONS**

Nil

**BUDGET AND RESOURCE IMPLICATIONS**

Nil

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

The Legatus Group is established under the Local Government Act 1999

**ATTACHMENTS**

1. **Legatus Group 2022-2023 Annual Report (under separate cover)** 

**22.4 POLICY REVIEW - PO021 SAFE ENVIRONMENT POLICY****Document #:** 23/75699**Department:** Executive Services**PURPOSE**

To seek Council endorsement for the proposed update of PO021 Safe Environment Policy.

**RECOMMENDATION**

That Council endorse and adopt the draft updated PO021 Safe Environment Policy as presented, for inclusion in Council's policy manual and on Council's website.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls**BACKGROUND**

Councils are engaged in activities in which employees, contractors, volunteers and Elected Members may work with or around children and vulnerable people (Council Personnel), including social and recreational services and programs. Through provision of these services and programs, Council Personnel may be in a position to recognise the signs of harm or risk of harm.

Council's PO021 Safe Environment Policy (Policy) is due for review after last being updated in March 2016. Significant legislative changes have been made with the introduction of the Children and Young People (Safety) Act 2017 (Safety Act), Child Safety (Prohibited Persons) Act 2016 (Prohibited Persons Act) and National Principles for Child Safe Organisations (National Principles).

**DISCUSSION**

The Safety Act replaced the Children's Protection Act 1993 and contains a number of reforms, implementing recommendations from the Child Protection Systems Royal Commission 2014. The Safety Act sets out responsibilities for both government and non-government organisations in ensuring that children and young people are always protected from harm, including ensuring that:

- Mandatory reporting obligations are complied with;
- Safe environments for children and young people are established and maintained;
- Relevant policies and procedures are reviewed at least once in every five (5) year period;
- A copy of current policies and procedures are provided to a person upon request; and
- A Child Safe Compliance Statement is lodged each time a policy is reviewed.

Under the Prohibited Persons Act, from 1 July 2019, the Working with Children Check (WWCC) replaced all prior child related screening practices, including the child-related employment screening offered by the Department of Human Services and the National Police Check. A person who is in a prescribed position must hold a valid WWCC.

The National Principles are a key national reform in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse 2017 and took effect 1 July 2021. Child safe policies and procedures must comply with the National Principles which include:

- Ensuring children and young people are informed about their rights, participate in decisions affecting them and are taken seriously;

- Processes to respond to complaints and concerns are child focussed;
- Council Personnel are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training; and
- Environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

The Policy has been extensively updated, the bulk of which relates to the above-mentioned legislative changes, with other alterations made to simplify the content and improve formatting.

The draft updated Policy was provided to the Department of Human Services for feedback and minor suggestions included. The draft updated Policy and Child Safe Compliance Statement was subsequently approved on Friday 4 August 2023. A new Child Safe Compliance Statement will need to be submitted each time the Policy is reviewed.

A copy of the draft updated Policy is provided as Attachment 1 with the changes shown in colour. A copy without mark-up is also provided as Attachment 2 for ease of reference.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

### **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager People, Culture and Safety
- Governance Officer
- Executive Services Support Officer

In preparing this report, the following external parties were consulted:

- Department of Human Services

### **POLICY IMPLICATIONS**

PO011 Training and Development Policy

PO014 Employee Code of Conduct Policy

PO026 Fair Treatment Policy

PO091 Risk Management Policy

PO135 Elected Members Training and Development Policy

PO137 Volunteer Policy

PO146 Support, Disciplinary and Performance Management Policy

PO147 Complaints Policy

PO171 Public Interest Disclosure Policy

PO174 YPLO - Member Incident Management and Reportable Incidents Policy

PO176 YPLO - Feedback, Complaints Management and Resolution Policy

PO177 YPLO - Worker Screening Requirements Policy

PO183 YPLO - Dignity of Risk and Duty of Care Policy

PO188 YPLO – Advocacy Access Policy

PO193 YPLO – Practice Standards Policy

PO194 YPLO – Dignity, Choice and Control in Decision Making Policy

PR152 Public Interest Disclosure Procedure



Local Government Association Model Behavioural Management Policy

### **BUDGET AND RESOURCE IMPLICATIONS**

The costs associated with the relevant screening processes are included into Council's existing budget.

### **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Children and Young People (Safety) Act 2017

Children and Young People (Safety) Regulations 2017

Child Safety (Prohibited Persons) Act 2016 (SA)

Child Safety (Prohibited Persons) Regulations 2019

Children and Young People (Oversight and Advocacy Bodies) Act 2016

Ageing and Adult Safeguarding Act 1995

Disability Inclusion Act 2018

Disability Services Act 1993

Criminal Law Consolidation Act 1935

Civil Liability Act 1936

Equal Opportunity Act 1984

Intervention Orders (Prevention of Abuse) Act 2009

Local Government Act 1999

National Disability Insurance Scheme (NDIS) Act 2013

National Principles for Child Safe Organisations

Sex Discrimination Act 1984 and Amendment Act 2013 (Cth)

Disability Services Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Disability Services (Principles and Objectives) Instrument 2018 (Cth)

Criminal Code Act 1995 (Cth)

Department for Child Protection: Mandated reporters or notifiers and their role

Disability Services Employment Screening Standards

SA Adult Safeguarding Unit Code of Practice

South Australian Charter of the Rights and Freedoms of Vulnerable Adults

### **ATTACHMENTS**

1. **Draft - PO021 Safe Environment Policy - Mark-up** [↓](#) 
2. **Draft - PO021 Safe Environment Policy - No Mark-up** [↓](#) 



# COUNCIL POLICY

## Safe Environment

<b>Policy Number:</b>	PO021		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13902
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	
<b>Date Adopted:</b>		<b>Next Review Date:</b>	

### 1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring the safety and wellbeing of Children, Young People and ~~other~~ Vulnerable People who access its facilities, services and activities.

This policy aims to ensure:

- Council facilities, services and activities are safe environments for Children, Young People and ~~other~~ Vulnerable People, and that where they are ~~protected from abuse and neglect~~ safe from Harm or Risk of Harm, respected, valued and encouraged to reach their full potential;
- ~~All Workers who engage with Children, Young People and/or Vulnerable People relevant Council managers, employees, volunteers, contractors and consultants undertake appropriate Worker Screening and training;~~
- Elected Members and Workers are aware of their Duty of Care responsibilities for the protection, safety and wellbeing of Children, Young People and ~~other~~ Vulnerable People at all times.

### 2. SCOPE

All Council Elected Members and Workers have a Duty of Care for the protection, safety and wellbeing of Children, Young People and Vulnerable People who access Council facilities, services and activities and must comply with the requirements of this policy.

~~This policy applies from the date of endorsement, to all employees, students on placement, work experience students, relevant volunteers, contractors and consultants providing services wholly or partly to children and other vulnerable people, or who work with children and other vulnerable people.~~

A schedule of roles and responsibilities is included as Attachment 2.

### 3. DEFINITIONS

Refer Definitions are provided in Attachment 1.

### 3.

*Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version. Updated  
6/09/23 1/09/23*

**PO021 – Safe Environment Policy****4. POLICY STATEMENT**

Children, Young People and Vulnerable People have a right to be safe and protected at all times, including when accessing services in the community. Council has a legislative obligation and a Duty of Care to ensure safe environments for Children, Young People and Vulnerable People are established and maintained in respect of the services and activities provided or undertaken by Council.

~~The Children's Protection Act 1993 (SA) (the Act) places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children and other vulnerable people) to ensure all children and other vulnerable people in their care are safe from harm.~~

~~The Act requires local government to have policies and procedures in place to ensure:~~

- ~~• Child safe environments are established and maintained within the organisation;~~
- ~~• Reports of suspected abuse or neglect are made;~~
- ~~• Compliance with the Department Education and Child Development (DECD) Principles and Standards (insofar as they are applicable to the Council).~~

Council is committed to:

- Promoting the safety, wellbeing and participation of Children, Young People and Vulnerable People;
- Supporting the rights of Children, Young People and other Vulnerable People in the community;
- ~~• and will act without hesitation to ensure a safe environment is maintained at all times;~~
- ~~•~~
- Council also
- Supporting the rights and wellbeing of its employees and volunteers Workers; and
- ~~• Encourage Workers and encourages their active participation in building and maintaining a safe environment for all Children, Young People and other Vulnerable People.~~
- ~~•~~
- ~~• Standards of conduct for adults dealing with children and other vulnerable people~~

~~The following standards are based on the guidance provided by DECD on appropriate standards of conduct for adults in dealing with children and other vulnerable people:~~

**Risk Management Strategy**

~~Council will identify and mitigate risks assess potential sources of harm and take steps to decrease the likelihood that harm will occur to Children, Young People and other Vulnerable People who access its facilities, use its services and activities in accordance with its Risk Management Policy PO091.~~

~~Areas of risk assessment will include human resources, activities and programmes, record keeping, physical spaces, and organisational culture. Risk management strategies are customised to the will vary in scope and detail depending on the complexity and the type of activities or services provided in consideration of the for Children, Young People and/or other Vulnerable People and the age and maturity of the children and/or other vulnerable People involved. A list of risk management considerations in relation to programs, premises and participants is provided as Attachment 5.~~

Code of Conduct for Providing Services to Children and Other Vulnerable People

**PO021 – Safe Environment Policy**

All ~~employees, volunteers, contractors and consultants~~ Workers are required to comply with the Code of Conduct for Providing Services to Children, Young People and Other Vulnerable People (~~the Code~~) attaching to and forming part of this policy, Attachment 3. ~~The Code sets out standards of conduct when providing services to children and other vulnerable People.~~

Criminal History Worker Screening

Council will take all reasonable steps to ensure it engages the most suitable and appropriate people to work with, and provide services to, Children, Young People and Vulnerable People.

Worker Criminal history sScreening must be undertaken for people occupying or acting in a Prescribed Position, before a person is appointed to, ~~or engaged in~~ a Prescribed Position and/or at any time as ~~the organisation~~ Council ~~thinks~~ deems necessary in accordance with the Department for Human Services (DHS) Screening Unit. Subsequent Worker Screening criminal history checks will be undertaken every 3 five (5) years.

Worker Screenings will be verified through the Organisation Portal via the DHS Screening Unit.

~~Council will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children and other vulnerable People. Applicants for Prescribed Positions will be screened for their suitability to provide the services in accordance with the Child Safe Environments: Standards for dealing with criminal history of people working with children [www.families.sa.gov.au](http://www.families.sa.gov.au). Screening will involve criminal history screening, interviews, referee reports, checking qualifications and previous employment history in working with children and other vulnerable People, and undertaking criminal history screening.~~

~~To assist organisations in determining which of their volunteers are required to undergo a criminal history report or screening check, Volunteering Strategy for South Australia 2014-2020, Project Team Three has developed a flowchart:~~

~~If a criminal history is recorded, information will be dealt with in a manner that reflects the standards developed and issued by DECD.~~

~~The Australian Government Department of Health and Ageing also require criminal history (police) checks for certain employees and volunteers working in the area of aged care. This applies to Australian Government subsidised aged care services.~~

Involvement in Decision Making

Council will promote the involvement of Children, Young People and ~~other~~ Vulnerable People in service development planning where relevant, ~~and~~ inform them of their rights and how to access grievance procedures where relevant. Council will promptly act upon any feedback or complaints raised by Children, Young People, Vulnerable People and/or their families/carers.

Responding to Suspected Abuse and Neglect Harm or Risk of Harm

Council ~~has a legislative obligation to~~ will ensure that employees, volunteers, contractors and consultants Workers ~~providing services to and/or working with children and other vulnerable people~~ are aware of, ~~and are~~ trained, and appropriately supported to report any suspicion ~~of of abuse or neglect~~ Harm or Risk of Harm to Children, Young People and Vulnerable People on reasonable grounds.

Mandated notifiers must report any suspicion of Harm or Risk of Harm ~~abuse or neglect of a child or other vulnerable person~~ to the DECD Child Abuse Report Line, telephone 24 hours a day, 7 days a week on 13 14 78 or online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au). If the Child, Young Person or Vulnerable Person is at immediate risk, Mandated Notifiers must report to SAPOL (000). The Child

**PO021 – Safe Environment Policy**

Abuse Report Line or SAPOL will advise whether an internal investigation is appropriate. Workers who are classified as Mandated Notifiers are set out in Attachment 4.

Council will also support non-Mandated Notifiers in reporting a suspicion of Harm. All adults working in Council have a legal obligation to report Child sexual abuse to the police and to protect a child from sexual abuse. Failure to report/protect is a serious crime.

Council will support Children, Young People, Vulnerable People, families and carers when Harm has occurred by referring the Child, Young Person, Vulnerable Person or their family/carers to appropriate services.

Advice and Assistance Contacts for Children, Young People, Vulnerable People and Parents/Carers

Kids Help Line on 1800 55 1800 or online at [kidshelpline.com.au](http://kidshelpline.com.au)

Lifeline on 131 114 [lifeline.org.au](http://lifeline.org.au)

Youth Help Line 1300 13 17 19

**5. COMPLAINTS**

This policy is supported by Council's Complaints Policy PO147 to address breaches of the Code of Conduct for Providing Services to Children, Young People and Other Vulnerable People. Complaints about this policy can be made in writing to the Governance Officer.

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes, guidelines and DECD-DHS standards. Each time this policy is reviewed, a new compliance statement will be lodged with DHS via the Child Safe Environments Compliance System available at <https://csec.dhs.sa.gov.au/records/Main%20Entry/new?EFormType=Main%20Entry&View=Default>.

**7. TRAINING**

The Safe Environment Policy will be communicated to all relevant personnel to ensure awareness and understanding. This includes Council Elected Members, employees, volunteers, contractors, consultantsWorkers, parents, carers, and Children, Young People and Vulnerable People where relevant.

Council will ensure that all employees and volunteersWorkers who work with Children, Young People and other-Vulnerable People or who have access to their personal records have ongoing support and training to develop, enhance and maintain a safe environment.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO011 Training and Development Policy

**PO021 – Safe Environment Policy**

[PO014 Employee Code of Conduct Policy](#)  
[PO026 Fair Treatment Policy](#)  
[PO135 Elected Members Training and Development Policy](#)  
[PO137 Volunteer Policy](#)  
[PO146 Support, Disciplinary and Performance Management Policy](#)  
[PO147 Complaints Policy](#)  
[PO171 Public Interest Disclosure Policy](#)  
[PO174 Yorke Peninsula Leisure Options - Member/Client Incident Management and Reportable Incidents Policy](#)  
[PO176 Yorke Peninsula Leisure Options - Feedback, Complaints Management and Resolution Policy](#)  
[PO177 Yorke Peninsula Leisure Options - Worker Screening Requirements Policy](#)  
[PO183 Yorke Peninsula Leisure Options - Dignity of Risk and Duty of Care Policy](#)  
[PO188 Yorke Peninsula Leisure Options – Advocacy Access Policy](#)  
[PO193 Yorke Peninsula Leisure Options – Practice Standards Policy](#)  
[PO091 Risk Management Policy](#)  
[PO194 Yorke Peninsula Leisure Options – Dignity, Choice and Control in Decision Making Policy](#)  
[PR152 Public Interest Disclosure Procedure](#)  
[Local Government Association Model Behavioural Management Policy](#)

**8.10. REFERENCES AND LEGISLATION**

[Children and Young People \(Safety\) Act 2017](#)  
[Children and Young People \(Safety\) Regulations 2017](#)  
[Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)  
[Child Safety \(Prohibited Persons\) Regulations 2019](#)  
[Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#)  
[Ageing and Adult Safeguarding Act 1995](#)  
[Disability Inclusion Act 2018](#)  
[Disability Services Act 1993](#)  
[Criminal Law Consolidation Act 1935](#)  
[Civil Liability Act 1936](#)  
  
[Equal Opportunity Act 1984](#)  
  
[Intervention Orders \(Prevention of Abuse\) Act 2009](#)  
[Local Government Act 1999](#)  
[National Disability Insurance Scheme \(NDIS\) Act 2013](#)  
[National Principles for Child Safe Organisations](#)  
[Sex Discrimination Act 1984 and Amendment Act 2013 \(Cth\)](#)  
[Disability Services Act 1986 \(Cth\)](#)  
  
[Disability Discrimination Act 1992 \(Cth\)](#)  
[Disability Services \(Principles and Objectives\) Instrument 2018 \(Cth\)](#)  
[Criminal Code Act 1995 \(Cth\)](#)  
[Children's Protection Act 1993 \(SA\)](#)  
[Children's Protection Regulations](#)  
[DECD-Child Safe Environments: Principles of Good Practice](#)  
[DECD-Child Safe Environments: Dealing with Criminal History Information](#)  
[Department for Child Protection: Mandated reporters or notifiers and their role](#)  
[Local Government Association Child Safe Environments Guidelines](#)  
[Disability Services Employment Screening Standards](#)  
[SA Adult Safeguarding Unit Code of Practice](#)  
[South Australian Charter of the Rights and Freedoms of Vulnerable Adults](#)  
  
[Code of Conduct for Council Employees](#)

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~~Code of Conduct for Council Members~~

**10. COUNCIL DELEGATION**

Any applicable delegations are available on Council’s website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/register/>.

**11. VERSION HISTORY**

<u>Policy Number</u> <u>Version No</u>	<u>Date Adopted</u> <u>Issue Date</u>	<u>Last Reviewed</u> <u>Description of Change</u>
<u>1</u>	<u>09/03/2016</u>	<u>New Policy</u>
<u>-2</u>		

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**Attachment 1**

**DEFINITIONS**

<p><b>Abuse</b> <del>Child abuse and neglect (or harm) in relation to a child</del></p>	<p>The violation of an individual’s human or civil rights, through the actions of another person(s).</p> <p><u>For the purposes of the Ageing and Adult Safeguarding Act 1995, abuse includes:</u></p> <ul style="list-style-type: none"> <li>a) <u>Physical, sexual, emotional or psychological abuse;</u></li> <li>b) <u>Financial abuse or exploitation;</u></li> <li>c) <u>Neglect;</u></li> <li>d) <u>A person’s omission to act in circumstances where the person owes a duty of care;</u></li> <li>e) <u>The abuse or exploitation of a position of trust or authority;</u></li> <li>f) <u>A denial, without reasonable excuse, of basic rights;</u></li> <li>g) <u>Further information is available in the SA Adult Safeguarding Unit Code of Practice;</u></li> </ul> <p><u>and, as defined in the Intervention Orders (Prevention of Abuse) Act 2009:</u></p> <p><u>An act against a person if it results in or is intended to result in:</u></p> <ul style="list-style-type: none"> <li>h) <u>Physical injury;</u></li> <li>i) <u>Emotional or psychological harm;</u></li> <li>j) <u>An unreasonable and non-consensual denial of financial, social or personal autonomy;</u></li> <li>k) <u>Damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.</u></li> </ul> <p><u>Emotional or psychological harm includes:</u></p> <ul style="list-style-type: none"> <li>a) <u>Mental illness;</u></li> <li>b) <u>Nervous shock;</u></li> <li>a)c) <u>Distress, anxiety, or fear that is more than trivial.</u></li> </ul> <p><u>Sexual abuse or physical or emotional abuse, or neglect to the extent that:</u></p> <ul style="list-style-type: none"> <li>•<u>The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child’s wellbeing; or</u></li> <li>•<u>The child’s physical and psychological development is in jeopardy</u></li> </ul>
<p><b>At Risk</b></p>	<p><u>For the purposes of Children and Young People (Safety) Act 2017 a child or young person is at risk if:</u></p> <ul style="list-style-type: none"> <li>a) <u>The child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected);</u></li> <li>b) <u>There is a likelihood that the child or young person will suffer harm;</u></li> </ul>



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	<p>c) <u>There is a likelihood that the child or young person will be removed from the state (whether by their parent or guardian or by some other person) for the purpose of:</u></p> <ul style="list-style-type: none"> <li>• <u>Being subjected to a medical or other procedure that would be unlawful if performed in this state (including, to avoid doubt, female genital mutilation);</u></li> <li>• <u>Taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth;</u></li> <li>• <u>Enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth;</u></li> </ul> <p>d) <u>The parents or guardians of the child or young person:</u></p> <ul style="list-style-type: none"> <li>• <u>Are unable or unwilling to care for the child or young person;</u></li> <li>• <u>Have abandoned the child or young person, or cannot, after reasonable inquiry, be found;</u></li> <li>• <u>Are dead;</u></li> </ul> <p>e) <u>The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or</u></p> <p>f) <u>The child or young person is of no fixed address; or</u></p> <p>g) <u>Any other circumstances of a kind prescribed by the Children and Young People (Safety) Act 2017.</u></p> <p><u>It is immaterial that any conduct referred to above took place wholly or partly outside this State.</u></p> <p><u>In assessing whether there is a likelihood that a child or young person will suffer harm, regard must be given not only to the current circumstances of their care but also the history of their care and the likely cumulative effect on the child or young person of that history.</u></p>
<p><b>Child/Young Person</b></p>	<p>Means a person under the age of 18.</p>
<p><b>Child Related Work/Work with Children Close proximity</b></p>	<p><u>For the purposes of the Child Safety (Prohibited Persons) Act 2016:</u></p> <p><u>The following services or activities are Child-Related Work/Work with Children:</u></p> <ul style="list-style-type: none"> <li>a) <u>Accommodation and residential services for children;</u></li> <li>b) <u>Services or activities provided by religious organisations;</u></li> <li>c) <u>Childcare or child-minding services;</u></li> </ul>

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	<p><u>d) Child protection services;</u></p> <p><u>e) Services or activities provided in the course of the operation of clubs and associations with a significant membership of, or involvement by, children;</u></p> <p><u>f) Coaching or tuition services for children;</u></p> <p><u>g) Commercial services provided directly to children;</u></p> <p><u>h) Disability services for children;</u></p> <p><u>i) Education services for children;</u></p> <p><u>j) Health services for children;</u></p> <p><u>k) Justice and detention services for children;</u></p> <p><u>l) Transport services for children;</u></p> <p><u>m) If a person provides a service or undertakes an activity that is child-related work in the course of their employment; or</u></p> <p><u>n) Carries on a business in the course of which an employee works with children (whether or not the person themself works with children); or</u></p> <p><u>o) Any other service or activity declared by the child safety (prohibited persons) regulations 2019 to be child-related work.</u></p> <p><u>However, the following services or activities will be taken not to be child-related work:</u></p> <p><u>p) A service or activity referred to in (a) to (l) above or any other service or activity declared by the Child Safety (Prohibited Persons) Regulations 2019, that is provided under an arrangement for a personal or domestic purpose;</u></p> <p><u>q) Any other service or activity in the course of which contact with children:</u></p> <ul style="list-style-type: none"> <li><u>• Occurs incidentally; or</u></li> <li><u>• Would not reasonably be expected to occur;</u></li> <li><u>• Any other service or activity declared by the Child Safety (Prohibited Persons) Regulations 2019 not to be child-related work.</u></li> </ul> <p><u>A service or activity will not be taken to be child-related work merely because:</u></p> <p><u>r) A person employs a child in the course of the service or activity; or</u></p>
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	<p>a)s) <u>A person undertakes the service or activity in the same capacity as a child to whom the service or activity relates.</u></p> <p><u>In reasonable unaided visual sight if physical structures were not present – that is, within eye sight.</u></p>
<p><b><u>Driver History Check</u></b> <b><u>Criminal history screening</u></b></p>	<p><u>A driving history and official driver licence report, requested online using a MySA GOV account, which may be requested in relation to employment at the discretion of the Council.</u></p> <p><u>Obtaining information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant to assessing the suitability of a person to work in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, reference checks and work history reports.</u></p>
<p><b><u>Duty of Care</u></b></p>	<p><u>The obligation of a person to exercise reasonable care in the conduct of an activity and to take reasonable care to protect people from all reasonably foreseeable risk of injury (including the risks of Harm/Abuse).</u></p>
<p><b><u>General Employment Probity Check</u></b></p>	<p><u>An assessment conducted by the Department of Human Services to help employers decide if an individual will be a suitable employee or volunteer. These checks are role-specific and valid for three years but do not include a copy of the individual's criminal conviction history that is assessed.</u></p>
<p><b><u>Harm</u></b></p>	<p><u>For the purposes of Children and Young People (Safety) Act 2017 physical harm or psychological harm (whether caused by an act or omission) including such harm caused by sexual, physical, mental or emotional abuse or neglect.</u></p> <p><u>Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.</u></p>
<p><b><u>Mandated Notifier Mandatory reporting obligation</u></b></p>	<p><u>For the purposes of Children and Young People (Safety) Act 2017 a person whom the Children and Young People (Safety) Act 2017 prescribes is required to report a suspicion that a child or young person may be at risk.</u></p> <p><u>Every person has a duty to keep children and young people safe from harm. The following persons must report a suspicion that a child or young person may be at risk:</u></p> <ul style="list-style-type: none"> <li><u>a) Prescribed health practitioners;</u></li> <li><u>b) Police officers;</u></li> <li><u>c) Community corrections officers under the correctional services act 1982;</u></li> </ul>

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	<p><u>d) Social workers;</u></p> <p><u>e) Ministers of religion;</u></p> <p><u>f) Employees of, or volunteers in, an organisation formed for religious or spiritual purposes;</u></p> <p><u>g) Teachers employed as such in a school (within the meaning of the education and early childhood services (registration and standards) act 2011) or a pre-school or kindergarten;</u></p> <p><u>h) Employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who:</u></p> <ul style="list-style-type: none"> <li><u>• provides such services directly to children; or</u></li> <li><u>• holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children;</u></li> </ul> <p><u>i) Any other person of a class prescribed by the Children and Young People (Safety) Regulations 2017.</u></p> <p><u>A reference to a person being employed will be taken to include a reference to a person who:</u></p> <p><u>a) Is a self-employed person; or</u></p> <p><u>b) Carries out work under a contract for services; or</u></p> <p><u>c) Carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or</u></p> <p><u>d) Undertakes practical training as part of an educational or vocational course; or</u></p> <p><u>e) Carries out work as a volunteer,</u></p> <p><u>and a reference to something occurring in the course of the person's employment is to be construed accordingly.</u></p> <p><u>Prescribed health practitioners means:</u></p> <p><u>a) Medical practitioners; and</u></p> <p><u>b) Pharmacists; and</u></p> <p><u>c) Registered or enrolled nurses; and</u></p> <p><u>d) Dentists; and</u></p> <p><u>e) Psychologists; and</u></p> <p><u>f) Any other person prescribed by the Children and Young People (Safety) Regulations 2017 for the purposes of this definition.</u></p> <p><u>Any person providing services solely or partly to children and other vulnerable people including employees, volunteer, contractor or consultant, including sole operators and partnerships.</u></p> <p><u>Supervisors and/or managers who have direct responsibility for the supervision of the provision of those services.</u></p>
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	<p>Section 11(2) of the Children's Protection Act 1993 (SA) prescribes mandated notifiers as any Council employee or volunteer directly involved in the delivery of health, welfare, education, sporting or recreational childcare or residential services wholly or partly for children and other vulnerable people.</p> <p>A mandated notifier must report any suspicion of abuse or neglect of a child or other vulnerable person to the Families SA Child Abuse Report Line, or on-line.</p>
<b><u>National Police Check (National Police Certificate)</u></b>	A summary of an individual's offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings.
<b><u>NDIS Worker Check</u></b>	Registered NDIS providers must ensure workers who work, or seek to work, with people with disability do not pose risk of harm to them. This check determines whether a person is cleared or excluded from working in certain roles. An NDIS worker check is valid for five (5) years.
<b><u>Neglect</u></b>	<p>A failure to provide the necessary care, aid or guidance to dependent adults or children/young people by those responsible for their care and includes:</p> <p>a) Physical - failure to provide adequate food, shelter, clothing and protection. Supervision medical or dental care that places people at undue risk through unsafe environments or practices;</p> <p>b) Passive - withholding or failure to provide the necessities of life;</p> <p>c) Wilful deprivation - wilfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm;</p> <p>d) Emotional - restricting the social, intellectual and emotional growth or well-being of a person.</p>
<b><u>Prescribed Position (Child related)</u></b>	<p>A position set out in the Child Safety (Prohibited Persons) Act 2016 including:</p> <p>a) A position in which a person works with children</p> <p>b) A position in which, during the ordinary course of their duties, it is reasonably foreseeable that a person will work with children</p> <p>c) A position set out in the Child Safety Prohibited Persons Regulations (PDF 120 KB).</p> <p>A person who works in a prescribed position must have a WWCC.</p> <p>A position where an employee, volunteer, or contractor has regular contact with children and other vulnerable people and is not directly supervised at all times; or</p> <ul style="list-style-type: none"> <li>• Works in close proximity to children and other vulnerable people on a regular basis and is not directly supervised at all times; or</li> <li>• Supervises or manages people in above positions; or</li> <li>• Has access to personal records relating to children and other vulnerable people in connection with child protection</li> </ul>

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	<p>services, education services, health services, disability services and court orders and proceedings;</p> <ul style="list-style-type: none"> <li>•Supervision or management of above positions; and</li> <li>•Access to records of a kind prescribed by regulation relating to children and other vulnerable people (including records relating to child protection services, health services, education services, disability services and court orders and proceedings).</li> </ul> <p>Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or on-going contact).</p> <p><b>Exemptions</b></p> <p>The following list provides examples of exemptions relevant to Councils:</p> <ul style="list-style-type: none"> <li>•A volunteer who is less than 18 years of age;</li> <li>•A volunteer for a service or activity in which their child or vulnerable person ordinarily participates;</li> <li>•A person working or volunteering for a short-term event or activity of less than 10 consecutive days duration, or for no more than 1 day in any month;</li> <li>•Where the child or vulnerable person’s parents or guardians are present, and where there is ordinarily no physical contact with children and other vulnerable people;</li> <li>↳Where services are provided to adults or the public generally and not to children and other vulnerable people on an individual basis;</li> <li>↳An organisation/person that provides equipment, food or venues for children and other vulnerable people at events but does not provide any other services for children and other vulnerable people;</li> <li>↳A person who has regular contact with a child (under 18 years of age) as part of an employment relationship (for example, a person working alongside a child or supervising an employee who is a child).</li> </ul> <p>Further information is available in DFC Information Sheets 4, 5 and 9, via <a href="http://www.families.sa.gov.au/childsafe">www.families.sa.gov.au/childsafe</a></p>
<p><b><u>Prescribed Position (Relating to persons with a disability) Regular contact</u></b></p>	<p>For the purposes of the Disability Inclusion Act 2018:</p> <p>a) <u>A position in which a person works, or is likely to work, with people with disability; or</u></p> <p><u>Any other position prescribed by the Disability Inclusion Regulations 2019 for the purposes of this definition.</u></p> <p><u>Includes contact that has a constant or definite pattern, or which recurs at short uniform intervals or on several occasions during short periods of time such as a week or fewer, extended and intense periods of contact which may be away from children’s and other vulnerable people’s usual environment.</u></p>

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<p><b>Other Vulnerable People/Person</b></p>	<p><u>An adult who may be vulnerable to/at risk of harm or exploitation due to their dependency on others, or experiences of disadvantage. This may be due to ill-health, disability, social isolation, age, diverse cultural and linguistic backgrounds and low levels of literacy or education.</u>  <u>Include:</u>  <ul style="list-style-type: none"> <li>•<u>Young people (over 18 years of age);</u></li> <li>•<u>People with a disability (physical, intellectual or a mental illness)</u></li> <li>•<u>The frail aged;</u></li> <li>•<u>People who experience social disadvantage, for example, Aboriginal Australians and newly arrived immigrants or refugees.</u></li> </ul> </p>
<p><b>Vulnerable Person-Related Employment Check</b></p>	<p><u>An application with the Department of Human Services Screening Unit for a vulnerable person-related employment check, which assesses a range of information to determine assess whether a potential Worker could pose a risk to the safety and wellbeing of vulnerable people. These checks are valid for three years and are continuously monitored.</u></p>
<p><b>WorkerEmployee</b></p>	<p>All personnel undertaking tasks/duties for and/or on behalf of the Yorke Peninsula Council, including persons employed directly by the Council in a full time, part-time or casual basis, volunteers, contractors, agency personnel, consultants and work experience/student placements .</p>
<p><b>Worker Screening</b></p>	<p><u>Including but not limited to:</u>  <ul style="list-style-type: none"> <li>a) <u>WWCC</u></li> <li>b) <u>Vulnerable person-related employment check</u></li> <li>c) <u>NDIS Worker check</u></li> <li>d) <u>General employment probity check</u></li> <li>e) <u>Driver history check</u></li> <li>f) <u>A current National Police Certificate</u></li> <li>g) <u>A valid, current Department of Human Services Vulnerable person-related employment screening</u></li> <li>h) <u>A valid, current Department of Human Services General employment probity employment screening</u></li> </ul> </p>
<p><b>Working with Children Check (WWCC)</b></p>	<p><u>An assessment conducted by the Department of Human Services as to whether a person poses an unacceptable risk to children.</u>   <u>Any person who works or volunteers with children in South Australia must have a working with children check. WWCC are valid for 5 years</u>   <u>It is an offence to work with children without a WWCC.</u>   <u>The Department of Human Services is the central assessment unit (Screening Unit).</u></p>

## Attachment 2

**PO021 – Safe Environment Policy****ROLES AND RESPONSIBILITIES**

**Council** is responsible for development of the “Safe Environment Policy” and, in conjunction with the Chief Executive Officer (**CEO**):

- Promoting protection of Children, Young People and ~~other~~-Vulnerable People from ~~abuse~~Harm;
- Responding promptly to advice received from the ~~CEO Chief Executive Officer~~ or other sources concerning significant changes to relevant legislation and regulations; ~~and~~
- Regularly reviewing the effectiveness of the policy.

~~Council~~**Elected Members** have individual responsibility for appropriate behaviour towards Children, Young People and ~~other~~-Vulnerable People, and for compliance with the policy.

The **Chief Executive Officer** is accountable to Council and responsible as follows:

- Ensuring the policy is implemented, monitored, reported on and evaluated;
- Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities;
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

**Managers and supervisors (paid and voluntary)** are accountable to the ~~CEO Chief Executive Officer~~ as follows:

- Recruitment and selection in accordance with Council’s human resources policies, ~~and~~ procedures and requirements for Worker Screening criminal history screening of existing employees Workers of persons engaged in and applying for and preferred applicants for Prescribed Positions;
- Effective implementation of the policy, procedures and safe work place practices;
- Being aware and promoting acceptable behaviour when dealing with Children, Young People and ~~other~~-Vulnerable People;
- Providing appropriate induction and on-going training as required in relation to the ~~Safe Environment P~~olicy;
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure Mandated Notifiers understand their legal responsibilities;
- Reporting any reasonable suspicion of ~~Harm~~abuse they have of a Child or Young Person to the Child Abuse Report Line (note: it is the Mandated Notifiers responsibility to report their suspicion, not their supervisor’s or manager’s);
- Supporting ~~employees~~-Workers and responding to enquiries regarding suspicion of ~~Harm~~abuse or related issues, maintaining appropriate records and ensuring records are securely stored;
- Maintaining confidentiality and ~~fully~~-cooperating with the Department for Child Protection (DCP) DECD, the South Australian Police and other relevant government agencies in their investigations of suspected ~~Harm~~abuse of a Child, Young Person or ~~other~~-Vulnerable Person if required;
- Report annually to the ~~Chief Executive Officer~~**CEO** on implementation, monitoring and review the ~~p~~Policy and relevant services, programmes, and workplace practices.

**Mandated Notifiers** have obligations under the Children and Young People (Safety) Act 2017 Children’s Protection Act 1993 (SA) to notify DCP if they suspect on reasonable grounds that a Child or Young Person is, or may be, At Risk of Harm. Families SA if they ~~suspect, on reasonable grounds, that a child has been or is being abused or neglected and~~



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~~the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.~~

Note: Whilst the obligation to report suspicions of Harm abuse rests with mMandated Notifiofficers, they are encouraged to seek advice and support from their supervisor and manager, ~~in relation to suspicions of child or other Vulnerable Person abuse or neglect.~~ This practice ~~will ensure~~s employees and volunteersWorkers are appropriately supported, records are kept confidentially and securely, and ~~any~~ organisational responsibilities ~~in addition to the mandatory reporting obligation~~ are pursued where relevant.

**Other Council Employees, volunteers, contractors and consultantsWorkers (non-Mandated Notifiers)**

All Council ~~employees, volunteers, contractors and consultants~~Workers providing services on behalf of Council have a role ~~to play~~ in providing a safe environment for Cchildren, Young People and ~~other~~ Vulnerable People, and for complying with the policy.

Council ~~strongly~~ encourages and ~~will sensitively~~ supports any ~~employees, volunteer, contractor or consultant~~Worker who, though not a “Mandated Notifier” as defined by the Children and Young People (Safety) Act 2017~~the Children’s Protection Act (1993)~~, to report any suspicion they have of incidents of Harm or Risk of Harm~~abuse or neglect~~ of a Cchild, Young Person or ~~other~~ Vulnerable Person.

~~In these cases, incidents of abuse of a child or other Vulnerable Person are to be reported to the relevant programme manager who will, in consultation with the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.~~

**Third Party Responsibility for ensuring a safe environment for Children, Young People and Vulnerable People includes:**

- Contractors/Consultations;
- Licensees;
- Lease of Council premises/facilities;
- Hire of Council facility - conditions/agreements

Council will include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with Council’s Safe Environment Policy. ~~This applies to organisations, sole traders and partnerships.~~

Council will:

- Disclose the policy;
- Provide access to an electronic version of the policy via the Council website (www.yorke.sa.gov.au) or hardcopy upon request where a fee may apply in accordance with Council’s Fees and Charges Register;
- Insert within the clause an obligation to comply with the policy;
- Insert within the clause an obligation to notify Council of instances of non-compliance with the policy;
- If the third party meets the “Prescribed Position” ~~criteria~~test, require certification of a ~~criminal history~~Worker sScreening which does not exclude relevant party/parties from providing services to or working with Cchildren and other Vulnerable People. This includes cultural, entertainment and party events.

Legal advice may be required in relation to any specific third party arrangements where relevant.

## Attachment 3

**PO021 – Safe Environment Policy****CODE OF CONDUCT FOR PROVIDING SERVICES TO CHILDREN, YOUNG PEOPLE AND ~~OTHER~~-VULNERABLE PEOPLE**

Council is committed to ensuring that Cchildren, Young People and ~~other~~-Vulnerable People are treated with respect, fairness and dignity within a welcoming and supportive environment that is free from ~~all types of abuse~~Harm and inappropriate behaviour.

All ~~employees, volunteers, contractors, consultants~~Workers and ~~any~~ other persons ~~engaged to~~who provide ~~any~~ service ~~wholly or partly to~~ Cchildren, Young People, and ~~other~~ Vulnerable People on behalf of Council are required to comply with this Code. The Code also, as well applies to ~~as~~ Cchildren, Young People and ~~other~~-Vulnerable People, parents and carers who access Council services.

This Code does not cover every situation – however, the values, ethics and standards it implies ~~provide are a~~ reference point into help ~~making~~ decisions relating to situations not referred to. It sets out the minimum standards of behaviour expected during ~~any~~ interactions with Cchildren, Young People and ~~other~~-Vulnerable People, ~~in accessing Council services.~~

Council's Governance Officer can be contacted for further information relating to the application of this Code or the ~~Child~~-Safe Environments Policy via email to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) or by phone 8832 0000.

Supportive Behaviours

~~Employees, volunteers~~Workers and those who access Council services must at all times:

- Treat Cchildren, Young People and ~~other~~-Vulnerable People with respect, sensitivity, fairness, equity and dignity;
- Ensure Cchildren, Young People and ~~other~~-Vulnerable People are protected from any form of Harm or discrimination;
- Ensure the environment is safe ~~for children and other Vulnerable People~~ – this includes protection from violence, bullying, harassment, teasing, threatening and sexist, ~~or~~ racist or other demeaning remarks;
- Role model positive behaviours, including:
  - encourage ~~children and other Vulnerable People to~~ participation in decision making processes;
  - give constructive feedback ~~to children and other Vulnerable People;~~
  - ensure Cchildren, Young People and ~~other~~-Vulnerable People are aware of their rights, including their rights to respect, fairness and safety.

~~Employees and volunteers~~Workers must be aware of their mandatory notification responsibilities and;

- Inform the Child Abuse Report Line (13 14 78) or report on-line at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au) if they form a suspicion a Child, Young Person or Vulnerable Person is At Risk of Harm of abuse or neglect; or
- Discuss their concern with their supervisor or manager; and
- Where relevant, explain the commitment to maintaining confidentiality including situations that would require the sharing of information, for example mandatory notification responsibilities.

Safe and protective work practices

Adopt safe and protective work practices, including:

- Be aware of potential situations and actions when working with Cchildren, Young People and ~~other~~-Vulnerable People that may be misinterpreted or misconstrued, and adopt safe work practice (and also see "Unacceptable behaviours" below):
  - where possible work in an open and visible environment when with Cchildren, Young People and ~~other~~-Vulnerable People;

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- dress appropriately;
- secure parental/guardian consent for excursions or to obtain medical treatment for Cchildren and Young People and young people under 18 years if the need arises;
- Adopt a calm and non-judgemental attitude to allow Cchildren, Young People and other-Vulnerable People to feel safe to raise complaints or concerns;
- If necessary, explain grievance procedures and avenues for complaint in simple and clear language that is appropriate to the age of the Cchild, Young Person or Vulnerable Person.

Unacceptable Behaviours

Unacceptable Behaviours include:

- ~~Any form of d~~iscrimination ~~against a child or Vulnerable Person~~ on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds;
- Hitting or physically assaulting ~~a child or Vulnerable Person~~;
- ~~Using L~~anguage that is offensive, abusive or otherwise inappropriate;
- Showing preferential treatment ~~to one child or Vulnerable Person over others~~;
- Shout, yell or speak ~~to a child or young person~~ in an angry, intimidating or threatening manner;
- Engaging in rough physical play ~~with children and other Vulnerable People~~;
- Unnecessary physical contact ~~with children and other Vulnerable People~~. For example, ~~giving a child or young person a hug~~ may be culturally inappropriate or it may be frightening or offensive ~~to the child or Vulnerable Person~~;
- Condone or participate in illegal or unsafe behaviours when working with Cchildren, Young People and other-Vulnerable People;
- Make ~~inappropriate self disclosures~~self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with Cchildren, Young People and other-Vulnerable People;
- Initiating or engaging in ~~'friendship'~~non-professional relationships ~~with a child or Vulnerable Person~~. For example, ~~it is not OK to make arrangements to socialise outside the work environment. This includes online contact or providing personal contact details e.g. mobile number or address;~~Remember, ~~children and other Vulnerable People are clients not friends~~;
- Taking Cchildren, Young People and other-Vulnerable People to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians;
- Acting in a manner that is sexually inappropriate – this includes verbal, physical and implied behaviours;
- Initiating or developing a physical/sexual 'relationship' with a Cchild, Young Person or Vulnerable Person;
- Initiating or developing any relationship that could be deemed as exploitative or abusive ~~with a child or Vulnerable Person~~;
- Failure to report disclosures or suspicions of Harm ~~abuse or suspicions of abuse~~ to the relevant supervisor and/or Families SA Child Abuse Report Line;
- Abusing the trust that results from being a Council Worker;
- Disclosing personal or sensitive information about a Child, Young Person or Vulnerable Person, including images (except where required for mandatory reporting or other legal requirements);
- Providing access to inappropriate material or images;
- Undertake work activities when under the influence of alcohol or prohibited drugs.

Breaches of Policy / Disciplinary Action

All ~~employees and volunteers~~Workers are responsible ~~have a responsibility~~ for promoting and supporting these values and standards of behaviour.

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~~Where an employee or volunteer is found to have acted outside of this Code, they will be subject to disciplinary action commensurate with the seriousness of their actions. Breaches of this Code will be subject to disciplinary action investigated on a case-by-case basis and in accordance with the Council's Support Disciplinary and Performance Management Policy PO146 Public Interest Disclosure Policy PO171 and Public Interest Disclosure Procedure PR152.~~

**Employees-Worker Rights**

~~Employees-Workers are entitled to representation if in the consideration of alleged of non-compliance with this Code. The principles of fairness, equity and natural justice will apply to investigation and management of the matter. Investigations undertaken regarding compliance with the Code will be kept confidential, excluding any mandatory reporting requirements to external bodies, for example, SA Police.~~

**Reporting – if you have a concern**

~~All employeesWorkers, volunteers and those accessing Council services have a role in supporting this Code by raising their concerns with the relevant supervisor and/or manager. Any questions of compliance raised by Council Members, other employees-Workers or the community regarding the Code will be considered by the relevant director and/or the Chief Executive OfficerCEO.~~

If you have any difficulties or questions regarding this Code, you should discuss these with Council's Governance Officer.

Attachment 4

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**MANDATED NOTIFIERS**

The following provides guidance on mandatory reporting requirements relative to the services provided along with training requirements:

Parks and garden, dog/parking inspectors and maintenance

~~Parks and garden employees, dog and parking inspectors and maintenance~~ These employees-Workers do not provide services to children. They may come into contact with Children and Young People from time to time in while carrying out their duties, but are not Mandated Notifiers. However, all ~~employees-Workers~~ should be aware of Council's Child Safe Environment Policy and who to talk to about any concerns that may arise about Child, Young Person and Vulnerable Person safety during the course of their duties.

Libraries, recreation centres, swimming pools, community centres, caravan parks, information services, and some community development programs

~~Employees and volunteers~~ Workers in ~~Libraries, recreation centres, swimming pools, community centres, information services, and some community development programs~~ these roles are Mandated Notifiers because they provide services **partly** to Children and Young People.

Immunization services, child care centres, children's library programs, education programs for children, and Youth Advisory Committees

~~Employees and volunteers~~ Workers providing ~~immunization services, child care centres, children's library programs, education programs for children, and Youth Advisory Committees~~ these services **wholly** to Children and Young People are Mandated Notifiers.

Supervisors and/or managers

Supervisors and/or managers who have **direct responsibility** for the supervision of ~~these employees and volunteers~~ Workers who provide services partly or wholly to Children and Young People are ~~also~~ Mandated Notifiers.

Other

There will be other types of services provided by Council either wholly or partly to Children and Young People. The above "partly" or "wholly" test will be applied to determine if relevant ~~employees and volunteers~~ Workers are Mandated Notifiers.

Training

Mandatory Notifiers must read and understand the Mandatory Notification Information Booklet available via [www.dhs.sa.gov.au](http://www.dhs.sa.gov.au).

The following schedule provides guidance to assist in determining the appropriate level of training for Mandated Notifiers:

Nature of services provided	Training Requirements
<del>Employees/Volunteers</del> <u>Workers</u> providing services <b>wholly</b> to <u>Children, Young People</u> and <del>other</del> <u>Vulnerable P</u> people.	One day programme
<del>Employees/Volunteers</del> <u>Workers</u> providing services <b>partly</b> to <u>Children and Young People</u> , and who may have regular and ongoing contact, and where there is the possibility of <b>establishing a relationship</b> with the <u>Child</u> or <u>Vulnerable P</u> erson.	One day programme

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Direct Managers or Supervisors of the above <del>employees/volunteers/Workers.</del>	One day programme
<del>Employees/Volunteers/Workers</del> providing services partly to <del>C</del> children, <del>Y</del> oung People and <del>o</del> ther <del>v</del> vulnerable <del>p</del> People, incidental to the overall service provision.	2-1/2 hour Orientation Session
Direct Managers or Supervisors of the above <del>employees/volunteers/Workers.</del>	2-1/2 hour Orientation Session

A refresher programme, ~~similar to the orientation session~~, is required three years after the initial training/orientation session and every 3 years after that.

Training Options

Training options include:

- ~~DECD-DHS~~ maintains a list of ~~independent~~ accredited trainers available via <https://dhs.sa.gov.au/how-we-help/child-and-family-support-system-cfss/child-safe-environments/training-safe-environments/approved-public-training-providers> .
- ~~Contact: [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes)~~
- The Office for Recreation and Sport (ORS) offer resources for recreation centres, clubs and sporting associations. Visit: [www.recsportorsr.sa.gov.au](http://www.recsportorsr.sa.gov.au)
- The Local Government Association’s (LGA) Education and Training Service Programme. Contact: Training and Development at the LGA on telephone 8224 2035

## Attachment 54

**PO021 – Safe Environment Policy****MANAGING THE RISKS OF HARM**

Council aims to manage risk of Harm in regard to all programs, premises and participants.

**Programs**

Basic safety considerations serve to limit opportunities for Harm, such as:

- Determining the number of Workers required for activities;
- Providing opportunities for parental/carer participation;
- Matching activities to the physical and intellectual capabilities of participants; and
- Recognising the risks some activities, such as photography and access to the Internet, afford for Harm.

**Premises**

Council considers the following in determining the premises activities are to be held:

- Safety and security of recreational areas;
- Access control, lighting, design of shower and toilet facilities;
- Ability to monitor people entering and leaving its programs;
- Spaces not required for program activities should be secured to prevent Children, Young People and Vulnerable People from being isolated;
- Indoor and outdoor areas adequately illuminated to enable observation of activities.

**Participants**

Protective work practices are in place to guide Workers in providing services to Children, Young People and Vulnerable People including:

- Adopting policies concerning the administration of discipline;
- Prohibition of out of program contact between Workers and participants;
- Unsupervised contact between Workers and Children, Young People or Vulnerable People limited;
- Consent from parents/care givers for unsupervised contact, and notification to supervisor/manager;
- Offer Harm prevention education to participants in programs and parents/carers.



# COUNCIL POLICY

## Safe Environment

<b>Policy Number:</b>	PO021		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13902
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	
<b>Date Adopted:</b>		<b>Next Review Date:</b>	

### 1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring the safety and wellbeing of Children, Young People and Vulnerable People who access its facilities, services and activities.

This policy aims to ensure:

- Council facilities, services and activities are safe environments for Children, Young People and Vulnerable People, where they are safe from Harm or Risk of Harm, respected, valued and encouraged to reach their full potential;
- Workers who engage with Children, Young People and/or Vulnerable People undertake appropriate Worker Screening and training;
- Elected Members and Workers are aware of their Duty of Care responsibilities for the protection, safety and wellbeing of Children, Young People and Vulnerable People at all times.

### 2. SCOPE

All Council Elected Members and Workers have a Duty of Care for the protection, safety and wellbeing of Children, Young People and Vulnerable People who access Council facilities, services and activities and must comply with the requirements of this policy. A schedule of roles and responsibilities is included as Attachment 2.

### 3. DEFINITIONS

Definitions are provided in Attachment 1.

### 4. POLICY STATEMENT

Children, Young People and Vulnerable People have a right to be safe and protected at all times, including when accessing services in the community. Council has a legislative obligation and Duty of Care to ensure safe environments for Children, Young People and Vulnerable People are established and maintained in respect of the services and activities provided or undertaken by Council.

Council is committed to:

- Promoting the safety, wellbeing and participation of Children, Young People and Vulnerable People;
- Supporting the rights of Children, Young People and other Vulnerable People;
- Ensuring a safe environment is maintained at all times;

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Before using a printed copy, verify that it is the current version.* Updated 1/09/23



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- Supporting the rights and wellbeing of Workers; and
- Encourage Workers active participation in building and maintaining a safe environment for Children, Young People and Vulnerable People.

Risk Management

Council identify and mitigate risks to Children, Young People and Vulnerable People who access its facilities, services and activities in accordance with its Risk Management Policy PO091. Risk management strategies are customised to the activities or services provided in consideration of the Children, Young People and/or Vulnerable People involved. A list of risk management considerations in relation to programs, premises and participants is provided as Attachment 5.

Code of Conduct

All Workers are required to comply with the Code of Conduct for Providing Services to Children, Young People and Vulnerable People (Code) attaching to and forming part of this policy, Attachment 3.

Worker Screening

Council will take all reasonable steps to ensure it engages the most suitable and appropriate people to work with, and provide services to, Children, Young People and Vulnerable People.

Worker Screening must be undertaken for people occupying or acting in a Prescribed Position, before a person is appointed to a Prescribed Position and/or at any time as Council deems necessary in accordance with the Department for Human Services (DHS) Screening Unit. Subsequent Worker Screening will be undertaken every five (5) years.

Worker Screenings will be verified through the Organisation Portal via the DHS Screening Unit.

Involvement in Decision Making

Council will promote the involvement of Children, Young People and Vulnerable People in service development planning where relevant, inform them of their rights and how to access grievance procedures where relevant. Council will promptly act upon any feedback or complaints raised by Children, Young People, Vulnerable People and/or their families/carers.

Responding to Harm or Risk of Harm

Council has a legislative obligation to ensure that Workers are aware of, trained, and appropriately supported to report any suspicion of Harm or Risk of Harm to Children, Young People and Vulnerable People on reasonable grounds.

Mandated Notifiers must report any suspicion of Harm or Risk of Harm to the Child Abuse Report Line, telephone 24 hours a day, 7 days a week on 13 14 78 or online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au). If the Child, Young Person or Vulnerable Person is at immediate risk, Mandated Notifiers must report to SAPOL (000). The Child Abuse Report Line or SAPOL will advise whether an internal investigation is appropriate. Workers who are classified as Mandated Notifiers are set out in Attachment 4.

Council will also support non-Mandated Notifiers in reporting a suspicion of Harm. All adults working in Council have a legal obligation to report Child sexual abuse to the police and to protect a child from sexual abuse. Failure to report/protect is a serious crime.

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Council will support Children, Young People, Vulnerable People, families and carers when Harm has occurred by referring the Child, Young Person, Vulnerable Person or their family/carers to appropriate services.

Advice and Assistance Contacts for Children, Young People, Vulnerable People and Parents/Carers

Kids Help Line on 1800 55 1800 or online at [kidshelpline.com.au](http://kidshelpline.com.au)

Lifeline on 131 114 [lifeline.org.au](http://lifeline.org.au)

Youth Help Line 1300 13 17 19

**5. COMPLAINTS**

This policy is supported by Council's Complaints Policy PO147 to address breaches of the Code of Conduct for Providing Services to Children, Young People and Vulnerable People. Complaints about this policy can be made in writing to the Governance Officer.

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes, guidelines and DHS standards. Each time this policy is reviewed, a new compliance statement will be lodged with DHS via the Child Safe Environments Compliance System available at <https://csec.dhs.sa.gov.au/records/Main%20Entry/new?EFormType=Main%20Entry&View=Default>.

**7. TRAINING**

The Safe Environment Policy will be communicated to all relevant personnel to ensure awareness and understanding. This includes Council Elected Members, Workers, parents, carers, Children, Young People and Vulnerable People where relevant.

Council will ensure that all Workers who work with Children, Young People and Vulnerable People or who have access to their personal records have ongoing support and training to develop, enhance and maintain a safe environment.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO011 Training and Development Policy  
 PO014 Employee Code of Conduct Policy  
 PO026 Fair Treatment Policy  
 PO135 Elected Members Training and Development Policy  
 PO137 Volunteer Policy  
 PO146 Support, Disciplinary and Performance Management Policy  
 PO147 Complaints Policy  
 PO171 Public Interest Disclosure Policy  
 PO174 Yorke Peninsula Leisure Options - Member Incident Management and Reportable Incidents Policy  
 PO176 Yorke Peninsula Leisure Options - Feedback, Complaints Management and Resolution Policy  
 PO177 Yorke Peninsula Leisure Options - Worker Screening Requirements Policy  
 PO183 Yorke Peninsula Leisure Options - Dignity of Risk and Duty of Care Policy  
 PO188 Yorke Peninsula Leisure Options – Advocacy Access Policy  
 PO193 Yorke Peninsula Leisure Options – Practice Standards Policy  
 PO091 Risk Management Policy

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PO194 Yorke Peninsula Leisure Options – Dignity, Choice and Control in Decision Making Policy  
 PR152 Public Interest Disclosure Procedure  
 Local Government Association Model Behavioural Management Policy

**10. REFERENCES AND LEGISLATION**

Children and Young People (Safety) Act 2017  
 Children and Young People (Safety) Regulations 2017  
 Child Safety (Prohibited Persons) Act 2016 (SA)  
 Child Safety (Prohibited Persons) Regulations 2019  
 Children and Young People (Oversight and Advocacy Bodies) Act 2016  
 Ageing and Adult Safeguarding Act 1995  
 Disability Inclusion Act 2018  
 Disability Services Act 1993  
 Criminal Law Consolidation Act 1935  
 Civil Liability Act 1936  
 Equal Opportunity Act 1984  
 Intervention Orders (Prevention of Abuse) Act 2009  
 Local Government Act 1999  
 National Disability Insurance Scheme (NDIS) Act 2013  
 National Principles for Child Safe Organisations  
 Sex Discrimination Act 1984 and Amendment Act 2013 (Cth)  
 Disability Services Act 1986 (Cth)  
 Disability Discrimination Act 1992 (Cth)  
 Disability Services (Principles and Objectives) Instrument 2018 (Cth)  
 Criminal Code Act 1995 (Cth)  
 Department for Child Protection: Mandated reporters or notifiers and their role  
 Disability Services Employment Screening Standards  
 SA Adult Safeguarding Unit Code of Practice  
 South Australian Charter of the Rights and Freedoms of Vulnerable Adults

**10. COUNCIL DELEGATION**

Any applicable delegations are available on Council’s website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>.

**11. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	09/03/2016	New Policy
2		

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**Attachment 1**

**DEFINITIONS**

<p><b>Abuse</b></p>	<p>The violation of an individual’s human or civil rights, through the actions of another person(s).</p> <p>For the purposes of the Ageing and Adult Safeguarding Act 1995, abuse includes:</p> <ul style="list-style-type: none"> <li>a) Physical, sexual, emotional or psychological abuse;</li> <li>b) Financial abuse or exploitation;</li> <li>c) Neglect;</li> <li>d) A person’s omission to act in circumstances where the person owes a duty of care;</li> <li>e) The abuse or exploitation of a position of trust or authority;</li> <li>f) A denial, without reasonable excuse, of basic rights;</li> <li>g) Further information is available in the <a href="#">SA Adult Safeguarding Unit Code of Practice</a>;</li> </ul> <p>and, as defined in the <a href="#">Intervention Orders (Prevention of Abuse) Act 2009</a>:</p> <p>An act against a person if it results in or is intended to result in:</p> <ul style="list-style-type: none"> <li>h) Physical injury;</li> <li>i) Emotional or psychological harm;</li> <li>j) An unreasonable and non-consensual denial of financial, social or personal autonomy;</li> <li>k) Damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.</li> </ul> <p>Emotional or psychological harm includes:</p> <ul style="list-style-type: none"> <li>a) Mental illness;</li> <li>b) Nervous shock;</li> <li>c) Distress, anxiety, or fear that is more than trivial.</li> </ul>
<p><b>At Risk</b></p>	<p>For the purposes of <a href="#">Children and Young People (Safety) Act 2017</a> a child or young person is at risk if:</p> <ul style="list-style-type: none"> <li>a) The child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected);</li> <li>b) There is a likelihood that the child or young person will suffer harm;</li> <li>c) There is a likelihood that the child or young person will be removed from the state (whether by their parent or guardian or by some other person) for the purpose of:             <ul style="list-style-type: none"> <li>• Being subjected to a medical or other procedure that would be unlawful if performed in this state (including, to avoid doubt, female genital mutilation);</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• Taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth;</li> <li>• Enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth;</li> </ul> <p>d) The parents or guardians of the child or young person:</p> <ul style="list-style-type: none"> <li>• Are unable or unwilling to care for the child or young person;</li> <li>• Have abandoned the child or young person, or cannot, after reasonable inquiry, be found;</li> <li>• Are dead;</li> </ul> <p>e) The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or</p> <p>f) The child or young person is of no fixed address; or</p> <p>g) Any other circumstances of a kind prescribed by the <u>Children and Young People (Safety) Act 2017</u>.</p> <p>It is immaterial that any conduct referred to above took place wholly or partly outside this State.</p> <p>In assessing whether there is a likelihood that a child or young person will suffer harm, regard must be given not only to the current circumstances of their care but also the history of their care and the likely cumulative effect on the child or young person of that history.</p>
<b>Child/Young Person</b>	Means a person under the age of 18.
<b>Child Related Work/Work with Children</b>	<p>For the purposes of the Child Safety (Prohibited Persons) Act 2016:</p> <p>The following services or activities are Child-Related Work/Work with Children:</p> <ul style="list-style-type: none"> <li>a) Accommodation and residential services for children;</li> <li>b) Services or activities provided by religious organisations;</li> <li>c) Childcare or child-minding services;</li> <li>d) Child protection services;</li> <li>e) Services or activities provided in the course of the operation of clubs and associations with a significant membership of, or involvement by, children;</li> </ul>

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	<p>f) Coaching or tuition services for children;</p> <p>g) Commercial services provided directly to children;</p> <p>h) Disability services for children;</p> <p>i) Education services for children;</p> <p>j) Health services for children;</p> <p>k) Justice and detention services for children;</p> <p>l) Transport services for children;</p> <p>m) If a person provides a service or undertakes an activity that is child-related work in the course of their employment; or</p> <p>n) Carries on a business in the course of which an employee works with children (whether or not the person themselves works with children); or</p> <p>o) Any other service or activity declared by the <a href="#">child safety (prohibited persons) regulations 2019</a> to be child-related work.</p> <p>However, the following services or activities will be taken not to be child-related work:</p> <p>p) A service or activity referred to in (a) to (l) above or any other service or activity declared by the <a href="#">Child Safety (Prohibited Persons) Regulations 2019</a>, that is provided under an arrangement for a personal or domestic purpose;</p> <p>q) Any other service or activity in the course of which contact with children:</p> <ul style="list-style-type: none"> <li>• Occurs incidentally; or</li> <li>• Would not reasonably be expected to occur;</li> <li>• Any other service or activity declared by the <a href="#">Child Safety (Prohibited Persons) Regulations 2019</a> not to be child-related work.</li> </ul> <p>A service or activity will not be taken to be child-related work merely because:</p> <p>r) A person employs a child in the course of the service or activity; or</p> <p>s) A person undertakes the service or activity in the same capacity as a child to whom the service or activity relates.</p>
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<b>Driver History Check</b>	A driving history and official driver licence report, requested online using a MySA GOV account, which may be requested in relation to employment at the discretion of the Council.
<b>Duty of Care</b>	The obligation of a person to exercise reasonable care in the conduct of an activity and to take reasonable care to protect people from all reasonably foreseeable risk of injury (including the risks of Harm/Abuse).
<b>General Employment Probity Check</b>	An assessment conducted by the Department of Human Services to help employers decide if an individual will be a suitable employee or volunteer. These checks are role-specific and valid for three years but do not include a copy of the individual's criminal conviction history that is assessed.
<b>Harm</b>	<p>For the purposes of <u>Children and Young People (Safety) Act 2017</u> physical harm or psychological harm (whether caused by an act or omission) including such harm caused by sexual, physical, mental or emotional abuse or neglect.</p> <p>Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.</p>
<b>Mandated Notifier</b>	<p>For the purposes of <u>Children and Young People (Safety) Act 2017</u> a person whom the <u>Children and Young People (Safety) Act 2017</u> prescribes is required to report a suspicion that a child or young person may be at risk.</p> <p>Every person has a duty to keep children and young people safe from harm. The following persons must report a suspicion that a child or young person may be at risk:</p> <ul style="list-style-type: none"> <li>a) Prescribed health practitioners;</li> <li>b) Police officers;</li> <li>c) Community corrections officers under the correctional services act 1982;</li> <li>d) Social workers;</li> <li>e) Ministers of religion;</li> <li>f) Employees of, or volunteers in, an organisation formed for religious or spiritual purposes;</li> <li>g) Teachers employed as such in a school (within the meaning of the education and early childhood services (registration and standards) act 2011) or a pre-school or kindergarten;</li> <li>h) Employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who:             <ul style="list-style-type: none"> <li>• provides such services directly to children; or</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children;</li> <li>i) Any other person of a class prescribed by the <a href="#">Children and Young People (Safety) Regulations 2017</a>.</li> </ul> <p>A reference to a person being employed will be taken to include a reference to a person who:</p> <ul style="list-style-type: none"> <li>a) Is a self-employed person; or</li> <li>b) Carries out work under a contract for services; or</li> <li>c) Carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or</li> <li>d) Undertakes practical training as part of an educational or vocational course; or</li> <li>e) Carries out work as a volunteer,</li> </ul> <p>and a reference to something occurring in the course of the person's employment is to be construed accordingly.</p> <p>Prescribed health practitioners means:</p> <ul style="list-style-type: none"> <li>a) Medical practitioners; and</li> <li>b) Pharmacists; and</li> <li>c) Registered or enrolled nurses; and</li> <li>d) Dentists; and</li> <li>e) Psychologists; and</li> <li>f) Any other person prescribed by the <a href="#">Children and Young People (Safety) Regulations 2017</a> for the purposes of this definition.</li> </ul>
<b>National Police Check (National Police Certificate)</b>	A summary of an individual's offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings.
<b>NDIS Worker Check</b>	Registered NDIS providers must ensure workers who work, or seek to work, with people with disability do not pose risk of harm to them. This check determines whether a person is cleared or excluded from working in certain roles. An NDIS worker check is valid for five (5) years.
<b>Neglect</b>	A failure to provide the necessary care, aid or guidance to dependent adults or children/young people by those responsible for their care and includes: <ul style="list-style-type: none"> <li>a) Physical - failure to provide adequate food, shelter, clothing and protection. Supervision medical or dental care that places people at undue risk through unsafe environments or practices;</li> <li>b) Passive - withholding or failure to provide the necessities of life;</li> </ul>



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	<p>c) Wilful deprivation - wilfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm;</p> <p>d) Emotional - restricting the social, intellectual and emotional growth or well-being of a person.</p>
<b>Prescribed Position (Child related)</b>	<p>A position set out in the <a href="#">Child Safety (Prohibited Persons) Act 2016</a> including:</p> <p>a) A position in which a person works with children</p> <p>b) A position in which, during the ordinary course of their duties, it is reasonably foreseeable that a person will work with children</p> <p>c) A position set out in the <a href="#">Child Safety Prohibited Persons Regulations (PDF 120 KB)</a>.</p> <p>A person who works in a prescribed position must have a WWCC.</p>
<b>Prescribed Position (Relating to persons with a disability)</b>	<p>For the purposes of the <a href="#">Disability Inclusion Act 2018</a>:</p> <p>a) A position in which a person works, or is likely to work, with people with disability; or</p> <p>Any other position prescribed by the <a href="#">Disability Inclusion Regulations 2019</a> for the purposes of this definition.</p>
<b>Vulnerable People/Person</b>	<p>An adult who may be vulnerable to/at risk of harm or exploitation due to their dependency on others, or experiences of disadvantage. This may be due to ill-health, disability, social isolation, age, diverse cultural and linguistic backgrounds and low levels of literacy or education.</p>
<b>Vulnerable Person-Related Employment Check</b>	<p>An application with the Department of Human Services Screening Unit for a vulnerable person-related employment check, which assesses a range of information to determine assess whether a potential Worker could pose a risk to the safety and wellbeing of vulnerable people. These checks are valid for three years and are continuously monitored.</p>
<b>Worker</b>	<p>All personnel undertaking tasks/duties for and/or on behalf of the Yorke Peninsula Council, including persons employed directly by the Council in a full time, part-time or casual basis, volunteers, contractors, agency personnel, consultants and work experience/student placements .</p>
<b>Worker Screening</b>	<p>Including but not limited to:</p> <p>a) WWCC</p> <p>b) Vulnerable person-related employment check</p> <p>c) NDIS Worker check</p> <p>d) General employment probity check</p> <p>e) Driver history check</p> <p>f) A current National Police Certificate</p> <p>g) A valid, current Department of Human Services Vulnerable person-related employment screening</p>

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	<p>h) A valid, current Department of Human Services General employment probity employment screening</p>
<p><b>Working with Children Check (WWCC)</b></p>	<p>An assessment conducted by the Department of Human Services as to whether a person poses an unacceptable risk to children.</p> <p>Any person who works or volunteers with children in South Australia must have a working with children check. WWCC are valid for 5 years</p> <p>It is an offence to work with children without a WWCC.</p> <p>The <a href="#">Department of Human Services</a> is the central assessment unit (Screening Unit).</p>



## Attachment 2

**PO021 – Safe Environment Policy**

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**ROLES AND RESPONSIBILITIES**

**Council** is responsible for development of the Safe Environment Policy and, in conjunction with the Chief Executive Officer (CEO):

- Promoting protection of Children, Young People and Vulnerable People from Harm;
- Responding promptly to advice received from the CEO or other sources concerning significant changes to relevant legislation and regulations;
- Regularly reviewing the effectiveness of the policy.

**Elected Members** have individual responsibility for appropriate behaviour towards Children, Young People and Vulnerable People, and for compliance with the policy.

The **Chief Executive Officer** is accountable to Council and responsible as follows:

- Ensuring the policy is implemented, monitored, reported on and evaluated;
- Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities;
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

**Managers and supervisors (paid and voluntary)** are accountable to the CEO as follows:

- Recruitment and selection in accordance with Council's human resource policies, procedures and requirements for Worker Screening of persons engaged in and applying for Prescribed Positions;
- Effective implementation of the policy, procedures and safe work place practices;
- Being aware and promoting acceptable behaviour when dealing with Children, Young People and Vulnerable People;
- Providing appropriate induction and on-going training as required in relation to the policy;
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure Mandated Notifiers understand their legal responsibilities;
- Reporting any reasonable suspicion of Harm they have of a Child or Young Person to the Child Abuse Report Line (note: it is the Mandated Notifiers responsibility to report their suspicion, not their supervisor's or manager's);
- Supporting Workers and responding to enquiries regarding suspicion of Harm or related issues, maintaining appropriate records and ensuring records are securely stored;
- Maintaining confidentiality and cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected Harm of a Child, Young Person or Vulnerable Person if required;
- Report annually to the CEO on implementation, monitoring and review the policy and relevant services, programmes, and workplace practices.

**Mandated Notifiers** have obligations under the [Children and Young People \(Safety\) Act 2017](#) to notify DCP if they suspect on reasonable grounds that a Child or Young Person is, or may be, At Risk of Harm.

*Note:* Whilst the obligation to report suspicions of Harm rests with Mandated Notifiers, they are encouraged to seek advice and support from their supervisor and manager. This practice ensures Workers are appropriately supported, records are kept confidential and secure, and organisational responsibilities are pursued where relevant.

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**Other Council Workers (non-Mandated Notifiers)**

All Council Workers providing services on behalf of Council have a role in providing a safe environment for Children, Young People and Vulnerable People, and for complying with the policy.

Council encourages and supports any Worker who, though not a Mandated Notifier as defined by the [Children and Young People \(Safety\) Act 2017](#), to report any suspicion they have of incidents of Harm or Risk of Harm of a Child, Young Person or Vulnerable Person.

**Third Party Responsibility** for ensuring a safe environment for Children, Young People and Vulnerable People includes:

- Contractors/Consultations;
- Licensees;
- Lease of Council premises/facilities;
- Hire of Council facility - conditions/agreements

Council will include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with Council's Safe Environment Policy.

Council will:

- Disclose the policy;
- Provide access to an electronic version of the policy via the [Council website \(www.yorke.sa.gov.au\)](#) or hardcopy upon request where a fee may apply in accordance with Council's Fees and Charges Register;
- Insert within the clause an obligation to comply with the policy;
- Insert within the clause an obligation to notify Council of instances of non-compliance with the policy;
- If the third party meets the Prescribed Position criteria, require certification of a Worker Screening which does not exclude relevant party/parties from providing services to or working with Children and other Vulnerable People. This includes cultural, entertainment and party events.

Legal advice may be required in relation to any specific third party arrangements where relevant.

## Attachment 3

**PO021 – Safe Environment Policy****CODE OF CONDUCT FOR PROVIDING SERVICES TO CHILDREN, YOUNG PEOPLE AND VULNERABLE PEOPLE**

Council is committed to ensuring that Children, Young People and Vulnerable People are treated with respect, fairness and dignity within a welcoming and supportive environment that is free from Harm and inappropriate behaviour.

All Workers and other persons who provide a service to Children, Young People, and Vulnerable People on behalf of Council are required to comply with this Code. The Code also applies to Children, Young People and Vulnerable People, parents and carers who access Council services.

This Code does not cover every situation – however, the values, ethics and standards it implies provide reference in making decisions relating to situations not referred to. It sets out the minimum standards of behaviour expected during interactions with Children, Young People and Vulnerable People.

Council's Governance Officer can be contacted for further information relating to the application of this Code or the Safe Environment Policy via email to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) or by phone 8832 0000.

Supportive Behaviours

Workers and those who access Council services must at all times:

- Treat Children, Young People and Vulnerable People with respect, sensitivity, fairness, equity and dignity;
- Ensure Children, Young People and Vulnerable People are protected from any form of Harm or discrimination;
- Ensure the environment is safe – this includes protection from violence, bullying, harassment, teasing, threatening and sexist, racist or other demeaning remarks;
- Role model positive behaviours, including:
  - encourage participation in decision making processes;
  - give constructive feedback;
  - ensure Children, Young People and Vulnerable People are aware of their rights, including their rights to respect, fairness and safety.

Workers must be aware of their mandatory notification responsibilities and;

- Inform the Child Abuse Report Line (13 14 78) or report online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au) if they form a suspicion a Child, Young Person or Vulnerable Person is At Risk of Harm; or
- Discuss their concern with their supervisor or manager; and
- Where relevant, explain the commitment to maintaining confidentiality including situations that would require the sharing of information, for example mandatory notification responsibilities.

Safe and protective work practices

Adopt safe and protective work practices, including:

- Be aware of potential situations and actions when working with Children, Young People and Vulnerable People that may be misinterpreted or misconstrued, and adopt safe work practice (and also see "Unacceptable behaviours" below):
  - where possible work in an open and visible environment when with Children, Young People and Vulnerable People;
  - dress appropriately;
  - secure parental/guardian consent for excursions or to obtain medical treatment for Children and Young People if the need arises;

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- Adopt a calm and non-judgemental attitude to allow Children, Young People and Vulnerable People to feel safe to raise complaints or concerns;
- If necessary, explain grievance procedures and avenues for complaint in language that is appropriate to the Child, Young Person or Vulnerable Person.

Unacceptable Behaviours

Unacceptable Behaviours include:

- Discrimination on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds;
- Hitting or physical assault;
- Language that is offensive, abusive or otherwise inappropriate;
- Showing preferential treatment;
- Shout, yell or speak in an angry, intimidating or threatening manner;
- Engaging in rough physical play;
- Unnecessary physical contact. For example, a hug may be culturally inappropriate or it may be frightening or offensive;
- Condone or participate in illegal or unsafe behaviours when working with Children, Young People and Vulnerable People;
- Make self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with Children, Young People and Vulnerable People;
- Initiating or engaging in non-professional relationships. For example, arrangements to socialise outside the work environment. This includes online contact or providing personal contact details e.g. mobile number or address;
- Taking Children, Young People and Vulnerable People to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians;
- Acting in a manner that is sexually inappropriate – this includes verbal, physical and implied behaviours;
- Initiating or developing a physical/sexual 'relationship' with a Child, Young Person or Vulnerable Person;
- Initiating or developing any relationship that could be deemed as exploitative or abusive;
- Failure to report disclosures or suspicions of Harm to the relevant supervisor and/or Child Abuse Report Line;
- Abusing the trust that results from being a Council Worker;
- Disclosing personal or sensitive information about a Child, Young Person or Vulnerable Person, including images (except where required for mandatory reporting or other legal requirements);
- Providing access to inappropriate material or images;
- Undertake work activities when under the influence of alcohol or prohibited drugs.

Breaches of Policy / Disciplinary Action

All Workers are responsible for promoting and supporting these values and standards of behaviour.

Breaches of this Code will be subject to disciplinary action in accordance with the Council's Public Interest Disclosure Policy PO171 and Public Interest Disclosure Procedure PR152.

Worker Rights

Workers are entitled to representation if alleged of non-compliance with this Code. The principles of fairness, equity and natural justice will apply to investigation and management of the matter. Investigations will be kept confidential, excluding any mandatory reporting requirements to external bodies.

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Reporting – if you have a concern

All Workers and those accessing Council services have a role in supporting this Code by raising their concerns with the relevant supervisor and/or manager. Any questions of compliance raised by Council Members, other Workers or the community regarding the Code will be considered by the relevant director and/or the CEO.

If you have any difficulties or questions regarding this Code, you should discuss these with Council's Governance Officer.

Attachment 4

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**MANDATED NOTIFIERS**

The following provides guidance on mandatory reporting requirements relative to the services provided along with training requirements:

Parks and garden, dog/parking inspectors and maintenance

These Workers may come into contact with Children and Young People while carrying out their duties, but are not Mandated Notifiers. However, all Workers should be aware of Council's Safe Environment Policy and who to talk to about any concerns that may arise about Child, Young Person and Vulnerable Person safety during the course of their duties.

Libraries, recreation centres, swimming pools, community centres, caravan parks, information services, and some community development programs

Workers in these roles are Mandated Notifiers because they provide services **partly** to Children and Young People.

Immunization services, child care centres, children's library programs, education programs for children, and Youth Advisory Committees

Workers providing these services **wholly** to Children and Young People are Mandated Notifiers.

Supervisors and/or managers

Supervisors and/or managers who have **direct responsibility** for the supervision of Workers who provide services partly or wholly to Children and Young People are Mandated Notifiers.

Other

There will be other types of services provided by Council either wholly or partly to Children and Young People. The above "partly" or "wholly" test will be applied to determine if relevant Workers are Mandated Notifiers.

Training

Mandatory Notifiers must read and understand the Mandatory Notification Information Booklet available via [www.dhs.sa.gov.au](http://www.dhs.sa.gov.au).

The following schedule provides guidance to assist in determining the appropriate level of training for Mandated Notifiers:

Nature of services provided	Training Requirements
Workers providing services <b>wholly</b> to Children, Young People and Vulnerable People.	One day programme
Workers providing services <b>partly</b> to Children and Young People, and who may have regular and ongoing contact, and where there is the possibility of <b>establishing a relationship</b> with the Child or Vulnerable Person.	One day programme
Direct Managers or Supervisors of the above Workers.	One day programme
Workers providing services <b>partly</b> to Children, Young People and Vulnerable People, <b>incidental to the overall service</b> provision.	2-1/2 hour Orientation Session
Direct Managers or Supervisors of the above Workers.	2-1/2 hour Orientation Session



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A refresher programme is required three years after the initial training/orientation session and every 3 years after that.

Training Options

Training options include:

- DHS maintains a list of accredited trainers available via <https://dhs.sa.gov.au/how-we-help/child-and-family-support-system-cfss/child-safe-environments/training-safe-environments/approved-public-training-providers>
- The Office for Recreation and Sport (ORS) offer resources for recreation centres, clubs and sporting associations. Visit: [www.orsr.sa.gov.au](http://www.orsr.sa.gov.au)
- The Local Government Association's (LGA) Education and Training Service Programme. Contact: Training and Development at the LGA on telephone 8224 2035

## Attachment 5

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**MANAGING THE RISKS OF HARM**

Council aims to manage risk of Harm in regard to all programs, premises and participants.

Programs

Basic safety considerations serve to limit opportunities for Harm, such as:

- Determining the number of Workers required for activities;
- Providing opportunities for parental/carer participation;
- Matching activities to the physical and intellectual capabilities of participants; and
- Recognising the risks some activities, such as photography and access to the Internet, afford for Harm.

Premises

Council considers the following in determining the premises activities are to be held:

- Safety and security of recreational areas;
- Access control, lighting, design of shower and toilet facilities;
- Ability to monitor people entering and leaving its programs;
- Spaces not required for program activities should be secured to prevent Children, Young People and Vulnerable People from being isolated;
- Indoor and outdoor areas adequately illuminated to enable observation of activities.

Participants

Protective work practices are in place to guide Workers in providing services to Children, Young People and Vulnerable People including:

- Adopting policies concerning the administration of discipline;
- Prohibition of out of program contact between Workers and participants;
- Unsupervised contact between Workers and Children, Young People or Vulnerable People limited;
- Consent from parents/care givers for unsupervised contact, and notification to supervisor/manager;
- Offer Harm prevention education to participants in programs and parents/carers.

**22.5 POLICY REVIEW - PO014 EMPLOYEE BEHAVIOURAL STANDARDS POLICY****Document #:** 23/83742**Department:** Executive Services**PURPOSE**

For Council to consider the draft, revised PO014 Employee Behavioural Standards Policy and recommend that it proceed to consultation with employees and registered industrial associations.

**RECOMMENDATION**

That the draft, revised PO014 Employee Behavioural Standards Policy proceeds to consultation with employees and registered industrial associations.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

**BACKGROUND**

Section 120A of the Local Government Act 1999 (Act) came into effect on 17 November 2022 and provides Council with discretionary power to adopt behavioural standards for Council employees if it wishes to do so.

The Chief Executive Officer (CEO) is still directly empowered by the Act in relation to human resource management and Section 120A does not in any way diminish the CEO's role/responsibilities in relation to the employees. Section 120A does not impact the ability of a CEO to establish and maintain other policies and procedures relating to standards of behaviour to be observed by Council employees.

Any employee behavioural standard adopted, must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment and employees must be provided with safe and healthy working conditions. Council must undertake formal consultation with the relevant industrial organisation(s) before adopting/altering/substituting any behavioural standard/policy.

The Local Government Association of SA (LGA) has prepared Model Employee Behavioural Standards (Model Standard) which is provided in Attachment 1. The LGA has clarified that the preparation of the Model Standard does not mean that the LGA recommends a behavioural standard be adopted, rather that it is to be used as a resource should Council choose to do so.

**DISCUSSION**

Prior to the commencement of Section 120A, Section 110 of the Act provided that the Governor, by regulation, could prescribe a code of conduct to be observed by the employees of all councils. The Code of Conduct for Council Employees was set out in Schedule 2A of the Local Government (General) Regulations 2013 (Code).

The Code solely defined the requirements for council employees in relation to gifts and benefits. For this reason Council, like many others, adopted its own policy (PO014 Employee Code of Conduct Policy (Policy) (provided in Attachment 2)) to ensure that there were clear expectations in place regarding the conduct and behaviour of Council employees. The Policy remains in operation.

The intent of the conduct management reforms is to separate behaviour, integrity and criminal matters, similar to those changes made in relation to Elected Member conduct.

Whilst Council is not obligated to adopt employee behavioural standards, it must, within six months after the conclusion of each periodic election:

- Consider whether it should adopt employee behavioural standards; or
- Review the operation of the employee behavioural standards.

That is, the obligation is not to have adopted employee behavioural standards within that timeframe, rather for Council to determine whether it will do so.

A previous decision not to proceed with the adoption of employee behavioural standards does not preclude Council from determining to adopt employee behavioural standards in the future.

At its meeting held 28 June 2023, Council resolved that having considered the requirements of Section 120A of the Local Government Act 1999 and Council's existing PO014 Employee Code of Conduct Policy (that specifies standards of behaviour for Council employees – provided in Attachment 2) Council endorse:

1. Not to adopt separate employee behavioural standards; and
2. To instead, integrate employee behavioural standards into Council's PO014 Employee Code of Conduct Policy and require that a draft, revised PO014 Employee Code of Conduct Policy be prepared and returned to Council to consider for consultation with employees and registered industrial associations.

The Model Policy contains standards consistent with those set out in the existing PO014 Employee Code of Conduct Policy. Therefore, only minor amendments have been made to integrate the Model Policy with the draft revised PO014 Employee Behavioural Standards Policy, including amending the policy title to reflect the above-mentioned legislative changes and other alterations made to simplify the content and improve formatting.

Council will need to follow the relevant process set out in section 120A of the Local Government Act. That is, the draft, revised PO014 Employee Behavioural Standards Policy will first need to proceed to consultation with employees, and relevant industrial organisations prior to being considered for adoption by Council.

At its meeting held 5 September 2023, the Audit and Risk Committee resolved to recommend to Council the draft, revised PO014 Employee Behavioural Standards Policy proceeds to consultation with employees and registered industrial associations.

A copy of the draft updated Policy is provided in Attachment 3 with the changes shown in colour. A copy without mark-up is also provided in Attachment 4 for ease of reference.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

### **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Governance Officer
- Manager People, Culture and Safety
- Executive Services Support Officer

In preparing this report, the following external parties were consulted:

- LGA SA

### **POLICY IMPLICATIONS**

PO001 Peak Work Health Safety and Return to Work Policy

PO014 Council Employee Code of Conduct Policy

PO026 Fair Treatment Policy

PO146 Support Disciplinary Performance Management Policy

PO148 Fraud Corruption Misconduct and Maladministration Prevention Policy

PO150 Gifts and Benefits Policy

PO171 Public Interest Disclosure Policy

PR152 Public Interest Disclosure Procedure

### **BUDGET AND RESOURCE IMPLICATIONS**

The administrative resources required to develop any employee behavioural standards required will be met within existing budgets.

### **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2013





Work Health and Safety Act 2012

Fair Work Act 1994

Yorke Peninsula Council Enterprise Agreements (Local Government Employees and Municipal Officers)

Local Government Association Model Employee Behavioural Standards

### **ATTACHMENTS**

1. **Local Government Association - Model Employee Behavioural Standards** [↓](#) 
2. **PO014 Employee Code of Conduct Policy** [↓](#) 
3. **Draft - PO014 Employee Behavioural Standards Policy - Mark-up** [↓](#) 
4. **Draft - PO014 Employee Behavioural Standards - No Mark-up** [↓](#) 

## Employee Behavioural Standards

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

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

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

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

### Part 1—Principles

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

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

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

### Part 2—Behaviour standards

Employees of [insert council name] must:

#### 1. *General behaviour*

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

## 2. *Responsibilities as an employee of council*

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

## 3. *Relationships within Council*

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

## Part 3—Procedures

### 4. *Complaints*

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

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

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

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

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

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

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

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





## COUNCIL POLICY

### Employee Code of Conduct

<b>Policy Number:</b>	PO014		
<b>Strategic Plan Objective</b>	Goal 5 - Responsible Governance		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13873[v5]
<b>Responsible Officer:</b>		<b>Minute Reference:</b>	163/2020
<b>Date Adopted:</b>	08/07/2020	<b>Next Review Date:</b>	08/07/2024

#### 1. POLICY OBJECTIVES

This policy sets out the standards of behaviour expected of Yorke Peninsula Council (Council) employees and any person who carries out work in any capacity for the Council (Council Work) in the performance of their duties and in carrying out their functions as public officers.

The purpose of this policy is ensure a high level of integrity in the conduct of Council business and to contribute to good organisational culture.

#### 2. SCOPE

Council employees must comply with the provisions of this Employee Code of Conduct (Code of Conduct) in carrying out their functions as public officers.

Other persons working on behalf of Council are also expected to comply with the provisions of the Code of Conduct, including:

- Employees of a labour hire company;
- Apprentices or trainees;
- Student or work experience placements; and
- Volunteers.

#### 3. DEFINITIONS

Definitions are provided in Attachment 1.

#### 4. POLICY STATEMENT

This policy operates in addition to the Code of Conduct for Employees, as per Section 110 of the Local Government Act 1999 (the Act) as provided at Attachment 2 and Local Government (General) Regulations 2013, as provided in Attachment 3.

This policy is based upon the following principles, which are fundamental to ensuring integrity in public administration and good governance:

1. Integrity, impartiality and good decision making;
2. Promotion of the aims and objectives of local government; and
3. Accountability and transparency.

### **PO014 – Employee Code of Conduct Policy**

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It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, this policy at all times.

Nothing in this policy in any way derogates from the rights of an employee or duties of an employer under the Fair Work Act 1994, other legislation, an award, an industrial agreement or contract of employment.

All Council employees have a reporting responsibility to ensure fellow employees are held accountable for inappropriate conduct, if they become aware of such conduct. In addition, in accordance with the Independent Commissioner Against Corruption Act 2012 (ICAC), employees are required to report serious or systemic corruption, misconduct or maladministration that comes to their attention. This policy should be read in conjunction with other Public Officer responsibilities including:

- PO148 Fraud and Corruption Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Fair Treatment Policy; and
- PO037 Internal Review of Council Decision Policy.

A failure to comply with this policy, can constitute a ground for disciplinary action against the employee, including dismissal in line with Councils Support, Disciplinary and Performance Management Policy (PO146).

#### **4.1. Integrity, Impartiality and Good Decision Making**

The principle of integrity, impartiality and good decision making underpins confidence in the dealings of local government and assists Council in meeting its legislative obligations.

In keeping with this principle, Council employees must:

1. Act honestly, ethically, impartially and with integrity in the performance of their duties by:
  - Ensuring decision making processes are fair, transparent, objective, impartial, justifiable and lawful;
  - Ensuring advice provided is objective, impartial, justifiable and lawful;
  - Not influencing, in an improper manner, the making of decisions by others; and
  - Not seeking or accepting gifts or benefits except as permitted by the Code of Conduct for Employees (Attachment 2) and Council's Gifts and Benefits Policy PO150.
2. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of Council work by:
  - Ensuring that relationships with external parties do not improperly influence, affect judgement, decisions and/or actions;
  - Identifying, disclosing and managing Conflicts of Interest in accordance with the Act (Section 120);

**PO014 – Employee Code of Conduct Policy**

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- Abstaining from carrying out any secondary employment for which a Conflict of Interest exists in line with the Secondary Employment Policy (PO159), unless the CEO determines otherwise.
  - Abstaining from carrying out Council Work in relation to any matter for which a Conflict of Interest exists, unless the CEO determines otherwise.
    - In the case that the CEO has an interest in a matter in relation to which they are required or authorised to act in the course of official duties, the CEO must disclose the interest to the Elected Body and must not, unless the Elected Body otherwise determines during a Council meeting that is open to the public, act in relation to the matter; or
    - Where a Council employee (other than the CEO) has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties, must disclose the interest to the CEO and must not, unless the CEO otherwise determines, act in relation to the matter; or
    - If an employee or any other person undertaking Council Work is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Council or a Council committee on the matter, the Council employee must also disclose the relevant interest to the Council or Council committee.
3. Demonstrate reasonable, just, respectful and non-discriminatory behaviour when dealing with all people that:
- Generates and fosters community trust and confidence in the Council;
  - Provides a fair and balanced representation of the decisions and policies of the Council;
  - Supports the decisions and policies of the Council and does not adversely reflect on the reputation of the Council;
  - Does not adversely affect the health and safety of other persons, as required by the Work Health and Safety (WHS) Act 2012 and Council's WHS policies and procedures; and
  - Employees and any other person who carry out Council Work must not publically criticise an Elected Member or any another person who carries out Council Work.

**4.2. Promotion of Aims and Objectives of Local Government**

The principle supporting the promotion of the aims and objectives of Local Government ensures programs, services and resources are consistently managed and delivered to the community as intended by Council.

Council employees must:

- Comply with all Council resolutions, policies, procedures, processes and codes;
- Remain accountable and responsible for the use and collection of public funds;
- Use their best endeavours to provide accurate information at all times;
- Base decisions or actions on information that is factually correct, and after obtaining and considering all relevant information;

**PO014 – Employee Code of Conduct Policy**

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- Comply with all lawful and reasonable directions;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility for the health and safety of themselves and others when carrying out their duties and activities, which includes general wellbeing and physical injury;
- Maintain adequate documentation to support important decisions and actions; and
- Commit to the continuous improvement of Council's capacity and performance, its planning, processes and service delivery.

**4.3. Accountability and Transparency**

The principle supporting accountability and transparency contributes to community trust and confidence and ensures a high level of integrity in the conduct of Council business.

Council Employees will:

- Deal with information received in a responsible manner, including after having carried out the Council Work;
- Not make improper use of information, including confidential information, acquired by virtue of their position;
- Use Council resources effectively and prudently;
- Must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so and payments are made where appropriate; and
- Must not use public funds or resources in a manner that is irregular or unauthorised.

**5. CONFIDENTIALITY**

The identity of the person(s) making a complaint (Complainant) will be maintained as confidential. The rights of individuals must be protected and all complaints, including any subsequent investigations, will be managed in the strictest confidence.

The identity of a Complainant or the person who is the subject of the complaint may only be divulged where:

- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Complainant consents to his/her identity being disclosed;
- There is a legislative requirement for disclosure; and
- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Complainant in order to prevent or minimise an imminent risk of serious physical injury or death to any person.

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A Complainant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

The Council will take action as appropriate in the circumstances to protect Complainants from Victimisation.

**6. COMPLAINTS**

Any person may make a complaint about a Public Officer under this Policy. Complaints must be in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Public Interest Disclosure Policy PO171 and Public Interest Disclosure Procedure PR152.

Complaints about a Council volunteer must be made in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Volunteer Policy PO137.

In considering the lodgement of a complaint about a breach of this policy, the Independent ICAC Act and Public Interest Disclosure Act 2018 must be considered.

Complaints about this policy that do not relate to behavioural matters will be managed in accordance with Council's Complaints Policy (PO147).

**7. RIGHTS TO APPEAL DECISIONS ABOUT COMPLAINTS**

A Council employee has the right to appeal decisions about complaints in accordance with Council's Fair Treatment Policy (PO026). This policy does not prevent complaints of unfair treatment being made directly to an appropriate external body or other legal processes at any time.

Members of the community have the right to seek an external review of internal decisions through the OPI, Ombudsman, or other legal processes at any time.

**8. RECORDS MANAGEMENT**

Records shall be maintained as required by Councils Records Management Policy (PO063) and relevant legislation.

**9. REVIEW**

This policy will be reviewed every four (4) years, in consultation with employees and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines or audit findings.

**10. TRAINING**

Council will ensure that Council employees are aware of their obligations under this policy and provide training to assist in meeting their responsibilities.

Persons responsible for managing complaints under this policy will be appropriately trained in keeping with the nature of complaints they are expected to resolve.

**PO014 – Employee Code of Conduct Policy**

Training needs will be identified through the performance review, audit and training needs analysis processes. Training will also occur and as necessary in response to changes to legislation and relevant standards, codes and guidelines.

**11. RELATED COUNCIL POLICIES AND DOCUMENTS**

- PO001 Work Health Safety and Return to Work;
- PO020 Social Media Policy;
- PO026 Fair Treatment Policy;
- PO037 Internal Review of Council Decisions Policy;
- PO063 Records Management Policy;
- PO137 Volunteer Policy;
- PO146 Support, Disciplinary and Performance Management Policy;
- PO147 Complaints Policy;
- PO148 Fraud and Corruption Policy;
- PO150 Gifts and Benefits Policy;
- PO153 Information Systems Access Control Policy;
- PO159 Secondary Employment Policy;
- PO171 Public Interest Disclosures Policy;
- PR152 Public Interest Disclosure Procedure;
- Council’s Training Needs Analysis (elementSTAFF); and
- Yorke Peninsula Council Enterprise Agreements (SA Municipal Officers and Local Government Employees).

**12. REFERENCES AND LEGISLATION**

- Independent Commissioner Against Corruption Act (SA) 2012;
- Local Government (General) Regulations 2013;
- Local Government Act 1999;
- Local Government Association Model Employee Conduct Policy
- Ombudsman Act 1972;
- Public Interest Disclosure Act 2018; and
- Work Health and Safety Act 2012.

**13. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	Chief Executive Officer
<b>Delegate:</b>	Nil

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**14. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	07/04/2003	New Policy
2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.

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**Attachment 1**

<p>Conflict of Interest</p>	<p>Any person who carries out Council Work has an interest in a matter if the person, or another person with whom the person carrying out Council Work is closely associated, would, if the person carrying out Council Work acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.</p> <p>A person is closely associated with a person carrying out Council Work —</p> <p>(a) if that person is a body corporate of which the person carrying out Council Work is a director or a member of the governing body; or</p> <p>(b) if that person is a proprietary company in which the person carrying out Council Work is a shareholder; or</p> <p>(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the person carrying out Council Work is a trustee; or</p> <p>(d) if that person is a partner of the person carrying out Council Work; or</p> <p>(e) if that person is the employer or an employee of the person carrying out Council Work; or</p> <p>(f) if that person is a person from whom the person carrying out Council Work has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or</p> <p>(g) if that person is a relative of the person carrying out Council Work.</p> <p>However, a person carrying out Council Work, or a person closely associated with a person carrying out Council Work, will not be regarded as having an interest in a matter—</p> <p>(a) by virtue only of the fact that the a person carrying out Council Work or person closely associated with the person carrying out Council Work —</p> <p>(i) is a ratepayer, elector or resident in the area of the council; or</p> <p>(ii) is a member of a non-profit association, other than where the person carrying out Council Work or person closely associated with the person carrying out Council Work is a member of the governing body of the association or organisation; or</p> <p>(b) in a prescribed circumstance (as per Section 120 of the Act).</p>
<p>Public Officer</p>	<p>The officers listed in Schedule 1 of the ICAC Act, which includes “an officer or employee of a local government body”.</p>
<p>Council Employee</p>	<p>All Council employees in addition to other persons working on behalf of Council, including:</p> <ul style="list-style-type: none"> <li>• employees of a labour hire company;</li> <li>• Apprentices or trainees;</li> <li>• Student or work experience placements; and</li> <li>• Volunteers.</li> </ul>



**PO014 – Employee Code of Conduct Policy**

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**Attachment 2****Extract from the Local Government Act 1999  
Section 110**

1.1.2019—Local Government Act 1999  
 Council staff—Chapter 7  
 Conduct of employees—Part 4  
 General duty and code of conduct—Division 1

**Part 4—Conduct of employees****Division 1—General duty and code of conduct****108—Interpretation**

In this Division—

*employee* of a council includes a person working for the council on a temporary basis;

*registered industrial association* means an industrial association or organisation registered under a law of the State or of the Commonwealth.

**109—General duty**

- (1) An employee of a council must at all times act honestly in the performance of official duties.
- (2) An employee of a council must at all times act with reasonable care and diligence in the performance of official duties.

**110—Code of conduct for employees**

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the employees of all councils.
- (2) The Minister must consult with any registered industrial association that represents the interests of employees of councils before the regulation is made.
- (3) A code of conduct must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (4) Council employees must observe the code of conduct.
- (5) Contravention of or failure to comply with the code of conduct constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.

**110A—Duty to protect confidential information**

- (1) An employee or former employee of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.  
 Maximum penalty: \$10 000 or 2 years imprisonment.
- (2) Nothing in subsection (1) prohibits the disclosure of information or a document where the disclosure is required or authorised by law.

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**Attachment 3**

Extract from Local Government (General) Regulations 2013

**Schedule 2A—Code of conduct for employees****1—Gifts and benefits**

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
  - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
  - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
  - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a *member* will be taken, for the purposes of this clause, to be a reference to an *employee*.

**Note—**

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

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**2—Complaints**

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

**Note—**

- 1 Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.
- 2 The code set out in this Schedule is in addition to and does not—
  - (a) limit the operation of the *Fair Work Act 1994*; or
  - (b) operate to lessen any rights or obligations on employees or employers under the *Fair Work Act 1994* or any award, industrial agreement or contract of employment; or
  - (c) affect the jurisdiction of the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.



## COUNCIL POLICY

### Employee Code of Conduct Employee Behavioural Standards

<b>Policy Number:</b>	PO014		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	<a href="#">16/13873[v5]</a> <a href="#">16/13873[v6]</a>
<b>Responsible Officer:</b>	Chief Executive Officer	<b>Minute Reference:</b>	<a href="#">163/2020</a>
<b>Date Adopted:</b>	<del>08/07/2020</del> <a href="#">08/07/2020</a>	<b>Next Review Date:</b>	<del>July 2024</del> <a href="#">July 2024</a>

#### 1. POLICY OBJECTIVES

This policy sets out the standards of behaviour expected of Yorke Peninsula Council (Council) ~~E~~employees and any person who carries out work in any capacity for the Council (Council Work) in the performance of their duties and in carrying out their functions as public officers and are mandatory rules, with which Employees must comply.

The purpose of this policy is to ensure a high level of integrity in the conduct of Council business and to contribute to good governance and organisational culture.

#### 2. SCOPE

Council ~~E~~employees must comply with this policy provisions of this Employee Code of Conduct (Code of Conduct) in carrying out their functions as public officers. It is the personal responsibility of Employees to ensure that they are familiar with, and comply with, this policy at all times.

Other persons working on behalf of Council are also expected to comply with the provisions of the Code of Conduct, including:

- Employees of a labour hire company;
- Apprentices or trainees;
- Student or work experience placements; and
- Volunteers.

#### 3. DEFINITIONS

Refer to Attachment 1.

**PO014 – Employee Code of Conduct/Employee Behavioural Standards Policy****4. POLICY STATEMENT**

This policy operates in ~~accordance addition to the Code of Conduct for Employees, as per with~~ Section 120A40 of the Local Government Act 1999 (the Act) as provided ~~in~~at Attachment 2.

~~and Local Government (General) Regulations 2013, as provided in Attachment 3.~~

Employees have a responsibility to:

- serve the best interests of the people within the community their Council represents;
- to discharge their duties conscientiously and to the best of their ability;
- to act honestly in every aspect of their work;
- comply with all relevant legal obligations and resolutions of Council; and
- report any reasonable suspicion of a breach of this policy to the Chief Executive Officer (CEO).

~~This is~~ policy is based upon the following principles, which are fundamental to ensuring integrity in public administration and good governance:

- a) General Behaviour (Integrity, Impartiality and Good Decision Making);
- b) Promotion of the aims and objectives of local government; and
- c) Accountability and transparency.

~~This policy is in addition to, and does not Nothing in this policy in any way derogates from, other standards of conduct and behaviour that are expected of Employees under the Act, the Fair Work Act 1994, other legislative requirement, awards, industrial agreements or contract of employment. Conduct that constitutes, or is likely to constitute a breach of integrity provisions contained in the Act, maladministration or which is criminal in nature, is dealt with through alternative mechanisms. the rights of an employee or duties of an employer under the Fair Work Act 1994, other legislation, an award, an industrial agreement or contract of employment.~~

All Council Employees have a reporting responsibility to ensure fellow Employees are held accountable for inappropriate conduct, if they become aware of such conduct. In addition, in accordance with the Independent Commissioner Against Corruption Act 2012 (ICAC), Employees are required to report serious or systemic corruption, misconduct or maladministration that comes to their attention. ~~This policy should be read in conjunction with other Public Officer responsibilities including:~~

- PO148 Fraud, ~~and~~ Corruption, Misconduct and Maladministration Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Fair Treatment Policy; and
- PO037 Internal Review of Council Decision Policy.

A failure to comply with this policy, can constitute a ground for disciplinary action against the Employee, including dismissal in line with Council's Support, Disciplinary and Performance Management Policy (PO146).

**PO014 – Employee Code of Conduct/Employee Behavioural Standards Policy****4.1. General Behaviour (Integrity, Impartiality and Good Decision Making)**

The principle of Integrity, Impartiality and Good Decision Making underpins confidence in the dealings of local government and assists Council in meeting its legislative obligations.

In keeping with this principle, Council Employees must:

1. Act honestly, ethically, impartially and with integrity in the performance of their official duties at all times by:
  - Ensuring decision making processes are fair, transparent, objective, impartial, justifiable and lawful;
  - Ensuring advice provided is objective, impartial, justifiable and lawful;
  - Not influencing, in an improper manner, the making of decisions by others; and
  - Not seeking or accepting gifts or benefits except as permitted by the Code of Conduct for Employees (Attachment 2) and Council's Gifts and Benefits Policy (PO150).
2. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of Council Work by:
  - Ensuring that relationships with external parties do not amount to interference by improperly influence, affecting judgement, decisions and/or actions;
  - Identifying, disclosing and managing Conflicts of Interest in accordance with the Act (Section 120);
  - Abstaining from carrying out any secondary employment for which a Conflict of Interest exists in line with the Secondary Employment Policy (PO159), unless the CEO determines otherwise.
  - Abstaining from carrying out Council Work in relation to any matter for which a Conflict of Interest exists, unless the CEO determines otherwise.
    - In the case that the CEO has an interest in a matter in relation to which they are required or authorised to act in the course of official duties, the CEO must disclose the interest to the Elected Body and must not, unless the Elected Body otherwise determines during a Council meeting that is open to the public, act in relation to the matter; or
    - Where an Council-Employee (other than the CEO) has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties, must disclose the interest to the CEO and must not, unless the CEO otherwise determines, act in relation to the matter; or
    - If an Employee or any other person undertaking Council Work is entitled to act in relation to a matter and the Employee is providing advice or making recommendations to the Council or a Council committee on the matter, the Council-Employee must also disclose the relevant interest to the Council or Council committee.
3. Demonstrate reasonable, just, respectful and non-discriminatory behaviour when dealing with all people in a way that:

**PO014 – Employee Code of Conduct Employee Behavioural Standards Policy**

- Acts with reasonable care and diligence in the performance of official duties;
- Discharges duties in a professional manner;
- Acts in a way that gGenerates and fosters community trust and confidence in the Council;
- Provides a fair and balanced representation of the decisions and policies of the Council;
- Supports the decisions and policies of the Council and does not adversely reflect on the reputation of the Council;
- Does not adversely affect the health and safety of other persons, as required by the Work Health and Safety (WHS) Act 2012 and Council's WHS policies and procedures; and
- ~~Employees and any other person who carry out Council Work must~~Does not make any public criticism of a personal nature of fellow Employees, publically criticise an Elected Member or any another person who carries out Council Work.

**4.2. Promotion of Aims and Objectives of Local Government**

The principle supporting the promotion of the aims and objectives of Local Government ensures programs, services and resources are consistently managed and delivered to the community as intended by Council.

~~Council E~~mployees must:

- Comply with all Council resolutions, policies, procedures, processes and codes;
- Remain accountable and responsible for the use and collection of public funds;
- Take all reasonable steps Use their best endeavours to provide accurate information to the Council and to the public at all times;
- Take all reasonable steps to ensure that their Base decisions or actions ~~on are~~ based on information which that is factually correct, and they have after obtained ing and consider ing all relevant information;
- Comply with all lawful and reasonable directions given by a person with authority to give such directions;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the ~~Council E~~mployee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment in relation to their duties when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility and reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons, as required by the WHS Act 2012, Take responsibility for the health and safety of themselves and others when carrying out their duties and activities, which includes general wellbeing and physical injury;

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- Maintain adequate documentation to support important decisions and actions; and
- Commit to the continuous improvement of Council's capacity and performance, its planning, processes and service delivery.

**4.3. Accountability and Transparency**

The principle supporting accountability and transparency contributes to community trust and confidence and ensures a high level of integrity in the conduct of Council business.

Council Employees will:

- Deal with information received in a responsible manner, including after having carried out the Council Work;
- Not make improper use of information, including confidential information, acquired by virtue of their position;
- Use Council resources effectively and prudently when undertaking Council Work;
- Must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so in accordance with Council policy and payments are made where appropriate; and
- Must not use public funds or resources in a manner that is irregular or unauthorised.

**4.4. Confidentiality**

The identity of the person(s) making a complaint (Complainant) will be maintained as confidential. The rights of individuals must be protected and all complaints, including any subsequent investigations, will be managed in the strictest confidence.

The identity of a Complainant or the person who is the subject of the complaint may only be divulged where:

- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Complainant consents to his/her identity being disclosed;
- There is a legislative requirement for disclosure; and
- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Complainant in order to prevent or minimise an imminent risk of serious physical injury or death to any person.

A Complainant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

The Council will take action as appropriate in the circumstances to protect Complainants from victimisation.

**5. COMPLAINTS**

Any person may make a Complaints about an Employee's behaviour that is alleged to have breached this policy. Public Officer under this Policy. Complaints must be in writing to the CEO, identifying which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will



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be managed in accordance with Council's Public Interest Disclosure Policy (PO171) and Public Interest Disclosure Procedure (PR152).

Complaints about the CEO's behaviour should be brought to the attention of the Mayor (unless the complaint has been made by the Mayor or involves the Mayor, and in such case the complaint should be brought to the attention of the Deputy Mayor).

Complaints about a Council volunteer must be made in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Volunteer Policy (PO137).

A complaint may be investigated and resolved according to the disciplinary processes of Council relating to Employees.

In considering the lodgement of a complaint about a breach of this policy, the Independent Commission Against Corruption/GAG Act 2012 and Public Interest Disclosure Act 2018 must be considered.

Complaints about this policy that do not relate to behavioural matters will be managed in accordance with Council's Complaints Policy (PO147).

**Rights to Appeal Decisions About Complaints**

An Council-Employee has the right to appeal decisions about complaints in accordance with Council's Fair Treatment Policy (PO026). This policy does not prevent complaints of unfair treatment being made directly to an appropriate external body or other legal processes at any time.

Members of the community have the right to seek an external review of internal decisions through the OPI, Ombudsman, or other legal processes at any time.

**6. REVIEW**

This policy will be reviewed every four (4) years, in consultation with Employees and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines or audit findings.

**7. TRAINING**

Council will ensure that Council Employees are aware of their obligations under this policy and provide training to assist in meeting their responsibilities.

Persons responsible for managing complaints under this policy will be appropriately trained in keeping with the nature of complaints they are expected to resolve.

Training needs will be identified through the performance review, audit and training needs analysis processes. Training will also occur and as necessary in response to changes to legislation and relevant standards, codes and guidelines or audit findings.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO001 Peak Work Health Safety and Return to Work Policy;

PO020 Social Media Policy;

PO026 Fair Treatment Policy;

**PO014 – Employee Code of Conduct Employee Behavioural Standards Policy**

PO037 Internal Review of Council Decisions Policy;  
 PO063 Records Management Policy;  
 PO137 Volunteer Policy;  
 PO146 Support, Disciplinary and Performance Management Policy;  
 PO147 Complaints Policy;  
 PO148 Fraud, ~~and~~ Corruption, Misconduct and Maladministration Policy;  
 PO150 Gifts and Benefits Policy;  
 PO153 Information Systems Access Control Policy;  
 PO159 Secondary Employment Policy;  
 PO171 Public Interest Disclosures Policy;  
 PR152 Public Interest Disclosure Procedure;  
 Council’s Training Needs Analysis (elementSTAFF); ~~and~~  
 Yorke Peninsula Council Enterprise Agreements (SA Municipal Officers and Local Government Employees).

**10. REFERENCES AND LEGISLATION**

Independent Commissioner Against Corruption Act (SA) 2012;  
~~Local Government (General) Regulations 2013;~~  
 Local Government Act 1999;  
 Local Government Association Model Employee Conduct Behavioural Standards Policy  
 Ombudsman Act 1972;  
 Public Interest Disclosure Act 2018; ~~and~~  
 Work Health and Safety Act 2012.  
~~Fair Work Act 1994~~  
Work Health and Safety Act 2012

**11. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>

**12. VERSION HISTORY**

Version No	Issue Date	Description of Change
1.0	07/04/2003	New Policy
2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.

**PO014 – Employee Code of Conduct/Employee Behavioural Standards Policy**

Version No	Issue Date	Description of Change
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.
<u>6.0</u>		<u>Aligned LGA Model Employee Behavioural Standards into Policy, updated Complaints, Documents and Legislation sections.</u>

DRAFT

**PO014 – Employee Code of Conduct/Employee Behavioural Standards Policy**

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Conflict of Interest	<p>Any person who carries out Council Work has an interest in a matter if the person, or another person with whom the person carrying out Council Work is closely associated, would, if the person carrying out Council Work acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.</p> <p>A person is closely associated with a person carrying out Council Work —</p> <ul style="list-style-type: none"> <li>(a) if that person is a body corporate of which the person carrying out Council Work is a director or a member of the governing body; or</li> <li>(b) if that person is a proprietary company in which the person carrying out Council Work is a shareholder; or</li> <li>(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the person carrying out Council Work is a trustee; or</li> <li>(d) if that person is a partner of the person carrying out Council Work; or</li> <li>(e) if that person is the employer or an employee of the person carrying out Council Work; or</li> <li>(f) if that person is a person from whom the person carrying out Council Work has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or</li> <li>(g) if that person is a relative of the person carrying out Council Work.</li> </ul> <p>However, a person carrying out Council Work, or a person closely associated with a person carrying out Council Work, will not be regarded as having an interest in a matter—</p> <ul style="list-style-type: none"> <li>(a) by virtue only of the fact that the a person carrying out Council Work or person closely associated with the person carrying out Council Work — <ul style="list-style-type: none"> <li>(i) is a ratepayer, elector or resident in the area of the council; or</li> <li>(ii) is a member of a non-profit association, other than where the person carrying out Council Work or person closely associated with the person carrying out Council</li> </ul> </li> </ul>

**PO014 – Employee Code of Conduct Employee Behavioural Standards Policy**

Term/Reference	Definition
	<p>Work is a member of the governing body of the association or organisation; or</p> <p>(b) in a prescribed circumstance (as per Section 120 of the Act).</p>
Public Officer	The officers listed in Schedule 1 of the ICAC Act, which includes “an officer or employee of a local government body”.
<del>Council</del> Employee	<p>All Council employees in addition to other persons working on behalf of Council, including:</p> <ul style="list-style-type: none"> <li>• employees of a labour hire company;</li> <li>• Apprentices or trainees;</li> <li>• Student or work experience placements; and</li> <li>• Volunteers.</li> </ul>
<u>Integrity</u>	<u>The quality of being honest and having strong moral and ethical principles and values.</u>
<u>Impartiality</u>	<u>The fact of not supporting any of the sides involved in an argument.</u>
<u>Good Decision Making</u>	<u>An informed decision based on a methodical analysis of the available information and on sound reasoning.</u>
<u>Victimisation</u>	<u>Subjecting a person to some form of detriment.</u>

**PO014 – Employee Code of Conduct Employee Behavioural Standards Policy****ATTACHMENT 2: EXTRACT FROM THE LOCAL GOVERNMENT ACT 1999  
SECTION 120A10**

Local Government Act 1999—17.11.2022  
 Chapter 7—Council staff  
 Part 4—Employee integrity and behaviour  
 Division 2—Employee behaviour

**Division 2—Employee behaviour****120A—Behavioural standards**

- (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
  - (a) specify standards of behaviour to be observed by employees of councils; and
  - (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (3) An employee of a council must comply with the council's employee behavioural standards.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
  - (a) adopts employee behavioural standards; or
  - (b) alters, or substitutes, its employee behavioural standards,
 the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- (6) A council must, within 6 months after the conclusion of each periodic election—
  - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
  - (b) in any other case—consider whether it should adopt employee behavioural standards.

1.1.2019—Local Government Act 1999  
 Council staff—Chapter 7  
 Conduct of employees—Part 4  
 General duty and code of conduct—Division 1

**PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**

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**Part 4—Conduct of employees****Division 1—General duty and code of conduct****108—Interpretation**

In this Division—

*employee* of a council includes a person working for the council on a temporary basis;

*registered industrial association* means an industrial association or organisation registered under a law of the State or of the Commonwealth.

**109—General duty**

- (1) An employee of a council must at all times act honestly in the performance of official duties.
- (2) An employee of a council must at all times act with reasonable care and diligence in the performance of official duties.

**110—Code of conduct for employees**

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the employees of all councils.
- (2) The Minister must consult with any registered industrial association that represents the interests of employees of councils before the regulation is made.
- (3) A code of conduct must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (4) Council employees must observe the code of conduct.
- (5) Contravention of or failure to comply with the code of conduct constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.

**110A—Duty to protect confidential information**

- (1) An employee or former employee of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.  
Maximum penalty: \$10 000 or 2 years imprisonment.
- (2) Nothing in subsection (1) prohibits the disclosure of information or a document where the disclosure is required or authorised by law.



**PO014 – Employee Code of Conduct/Employee Behavioural Standards Policy****Attachment 3: EXTRACT FROM LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013****Schedule 2A—Code of conduct for employees****1—Gifts and benefits**

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
  - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
  - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
  - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a *member* will be taken, for the purposes of this clause, to be a reference to an *employee*.

**Note—**

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.





# COUNCIL POLICY

## Employee Behavioural Standards

<b>Policy Number:</b>	PO014		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13873[v6]
<b>Responsible Officer:</b>	Chief Executive Officer	<b>Minute Reference:</b>	
<b>Date Adopted:</b>	08/07/2020	<b>Next Review Date:</b>	July 2024

### 1. POLICY OBJECTIVES

This policy sets out the standards of behaviour expected of Yorke Peninsula Council (Council) Employees and any person who carries out work in any capacity for the Council (Council Work) in the performance of their duties and in carrying out their functions as public officers and are mandatory rules, with which Employees must comply.

The purpose of this policy is to ensure a high level of integrity in the conduct of Council business and to contribute to good governance and organisational culture.

### 2. SCOPE

Council Employees must comply with this policy in carrying out their functions as public officers. It is the personal responsibility of Employees to ensure that they are familiar with, and comply with, this policy at all times.

Other persons working on behalf of Council are also expected to comply with the provisions of the Code of Conduct, including:

- Employees of a labour hire company;
- Apprentices or trainees;
- Student or work experience placements; and
- Volunteers.

### 3. DEFINITIONS

Refer to Attachment 1.

**PO014 – Employee Behavioural Standards Policy**

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**4. POLICY STATEMENT**

This policy operates in accordance with Section 120A of the Local Government Act 1999 (Act) as provided in Attachment 2.

Employees have a responsibility to:

- serve the best interests of the people within the community their Council represents;
- to discharge their duties conscientiously and to the best of their ability;
- to act honestly in every aspect of their work;
- comply with all relevant legal obligations and resolutions of Council; and
- report any reasonable suspicion of a breach of this policy to the Chief Executive Officer (CEO).

This policy is based upon the following principles, which are fundamental to ensuring integrity in public administration and good governance:

- a) General Behaviour (Integrity, Impartiality and Good Decision Making);
- b) Promotion of the aims and objectives of local government; and
- c) Accountability and transparency.

This policy is in addition to, and does not derogate from, other standards of conduct and behaviour that are expected of Employees under the Act, the Fair Work Act 1994, other legislative requirement, awards, industrial agreements or contract of employment. Conduct that constitutes, or is likely to constitute a breach of integrity provisions contained in the Act, maladministration or which is criminal in nature, is dealt with through alternative mechanisms.

All Council Employees have a reporting responsibility to ensure fellow Employees are held accountable for inappropriate conduct, if they become aware of such conduct. In addition, in accordance with the Independent Commissioner Against Corruption Act 2012 (ICAC), Employees are required to report serious or systemic corruption, misconduct or maladministration that comes to their attention. This policy should be read in conjunction with other Public Officer responsibilities including:

- PO148 Fraud, Corruption, Misconduct and Maladministration Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Fair Treatment Policy; and
- PO037 Internal Review of Council Decision Policy.

A failure to comply with this policy can constitute a ground for disciplinary action against the Employee, including dismissal in line with Council's Support, Disciplinary and Performance Management Policy (PO146).

**4.1. General Behaviour (Integrity, Impartiality and Good Decision Making)**

The principle of Integrity, Impartiality and Good Decision Making underpins confidence in the dealings of local government and assists Council in meeting its legislative obligations.

In keeping with this principle, Council Employees must:

1. Act honestly, ethically, impartially and with integrity in the performance of their official duties at all times by:

**PO014 – Employee Behavioural Standards Policy**

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- Ensuring decision making processes are fair, transparent, objective, impartial, justifiable and lawful;
  - Ensuring advice provided is objective, impartial, justifiable and lawful;
  - Not influencing, in an improper manner, the making of decisions by others; and
  - Not seeking or accepting gifts or benefits except as permitted by Council's Gifts and Benefits Policy (PO150).
2. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of Council Work by:
- Ensuring that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions;
  - Identifying, disclosing and managing Conflicts of Interest in accordance with the Act (Section 120);
  - Abstaining from carrying out any secondary employment for which a Conflict of Interest exists in line with the Secondary Employment Policy (PO159), unless the CEO determines otherwise.
  - Abstaining from carrying out Council Work in relation to any matter for which a Conflict of Interest exists, unless the CEO determines otherwise.
    - In the case that the CEO has an interest in a matter in relation to which they are required or authorised to act in the course of official duties, the CEO must disclose the interest to the Elected Body and must not, unless the Elected Body otherwise determines during a Council meeting that is open to the public, act in relation to the matter; or
    - Where an Employee (other than the CEO) has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties, must disclose the interest to the CEO and must not, unless the CEO otherwise determines, act in relation to the matter; or
    - If an Employee or any other person undertaking Council Work is entitled to act in relation to a matter and the Employee is providing advice or making recommendations to the Council or a Council committee on the matter, the Employee must also disclose the relevant interest to the Council or Council committee.
3. Demonstrate reasonable, just, respectful and non-discriminatory behaviour when dealing with all people in a way that:
- Acts with reasonable care and diligence in the performance of official duties;
  - Discharges duties in a professional manner;
  - Acts in a way that generates and fosters community trust and confidence in the Council;
  - Provides a fair and balanced representation of the decisions and policies of the Council;

**PO014 – Employee Behavioural Standards Policy**

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- Supports the decisions and policies of the Council and does not adversely reflect on the reputation of the Council;
- Does not adversely affect the health and safety of other persons, as required by the Work Health and Safety (WHS) Act 2012 and Council's WHS policies and procedures; and
- Does not make any public criticism of a personal nature of fellow Employees, an Elected Member or any another person who carries out Council Work.

**4.2. Promotion of Aims and Objectives of Local Government**

The principle supporting the promotion of the aims and objectives of Local Government ensures programs, services and resources are consistently managed and delivered to the community as intended by Council.

Employees must:

- Comply with all Council resolutions, policies, procedures, processes and codes;
- Remain accountable and responsible for the use and collection of public funds;
- Take all reasonable steps to provide accurate information to the Council and to the public at all times;
- Take all reasonable steps to ensure that their decisions or actions are based on information which is factually correct, and they have obtained and considered all relevant information;
- Comply with all lawful and reasonable directions given by a person with authority to give such directions;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the Employee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment in relation to their duties when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility and reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons, as required by the WHS Act 2012, which includes general wellbeing and physical injury;
- Maintain adequate documentation to support important decisions and actions; and
- Commit to the continuous improvement of Council's capacity and performance, its planning, processes and service delivery.

**4.3. Accountability and Transparency**

The principle supporting accountability and transparency contributes to community trust and confidence and ensures a high level of integrity in the conduct of Council business.

Employees will:

**PO014 – Employee Behavioural Standards Policy**

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- Deal with information received in a responsible manner, including after having carried out the Council Work;
- Not make improper use of information, including confidential information, acquired by virtue of their position; Use Council resources effectively and prudently when undertaking Council Work;
- Must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so in accordance with Council policy and payments are made where appropriate; and
- Must not use public funds or resources in a manner that is irregular or unauthorised.

**4.4. Confidentiality**

The identity of the person(s) making a complaint (Complainant) will be maintained as confidential. The rights of individuals must be protected and all complaints, including any subsequent investigations, will be managed in the strictest confidence.

The identity of a Complainant or the person who is the subject of the complaint may only be divulged where:

- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Complainant consents to his/her identity being disclosed;
- There is a legislative requirement for disclosure; and
- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Complainant in order to prevent or minimise an imminent risk of serious physical injury or death to any person.

A Complainant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

The Council will take action as appropriate in the circumstances to protect Complainants from victimisation.

**5. COMPLAINTS**

Complaints about an Employee's behaviour that is alleged to have breached this policy must be in writing to the CEO identifying which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Public Interest Disclosure Policy (PO171) and Public Interest Disclosure Procedure (PR152).

Complaints about the CEO's behaviour should be brought to the attention of the Mayor (unless the complaint has been made by the Mayor or involves the Mayor, and in such case the complaint should be brought to the attention of the Deputy Mayor).

Complaints about a Council volunteer must be made in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Volunteer Policy (PO137).

A complaint may be investigated and resolved according to the disciplinary processes of Council relating to Employees.

**PO014 – Employee Behavioural Standards Policy**

In considering the lodgement of a complaint about a breach of this policy, the Independent Commission Against Corruption Act 2012 and Public Interest Disclosure Act 2018 must be considered.

Complaints about this policy that do not relate to behavioural matters will be managed in accordance with Council's Complaints Policy (PO147).

**Rights to Appeal Decisions About Complaints**

An Employee has the right to appeal decisions about complaints in accordance with Council's Fair Treatment Policy (PO026). This policy does not prevent complaints of unfair treatment being made directly to an appropriate external body or other legal processes at any time.

Members of the community have the right to seek an external review of internal decisions through the OPI, Ombudsman, or other legal processes at any time.

**6. REVIEW**

This policy will be reviewed every four (4) years, in consultation with Employees and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines or audit findings.

**7. TRAINING**

Council will ensure that Employees are aware of their obligations under this policy and provide training to assist in meeting their responsibilities.

Persons responsible for managing complaints under this policy will be appropriately trained in keeping with the nature of complaints they are expected to resolve.

Training needs will be identified through the performance review, audit and training needs analysis processes. Training will also occur and as necessary in response to changes to legislation and relevant standards, codes and guidelines or audit findings.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO001 Peak Work Health Safety and Return to Work Policy

PO020 Social Media Policy

PO026 Fair Treatment Policy

PO037 Internal Review of Council Decisions Policy

PO063 Records Management Policy

PO137 Volunteer Policy

PO146 Support, Disciplinary and Performance Management Policy

PO147 Complaints Policy

PO148 Fraud, Corruption, Misconduct and Maladministration Policy

PO150 Gifts and Benefits Policy

PO153 Information Systems Access Control Policy

**PO014 – Employee Behavioural Standards Policy**

PO159 Secondary Employment Policy

PO171 Public Interest Disclosures Policy

PR152 Public Interest Disclosure Procedure

Council's Training Needs Analysis (elementSTAFF)

Yorke Peninsula Council Enterprise Agreements (SA Municipal Officers and Local Government Employees).

**10. REFERENCES AND LEGISLATION**

Independent Commissioner Against Corruption Act (SA) 2012

Local Government Act 1999

Local Government Association Model Employee Behavioural Standards Policy

Ombudsman Act 1972

Public Interest Disclosure Act 2018

Work Health and Safety Act 2012

Fair Work Act 1994

Work Health and Safety Act 2012

**11. COUNCIL DELEGATION**

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**12. VERSION HISTORY**

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2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.
6.0		Aligned LGA Model Employee Behavioural Standards into Policy, updated Complaints, Documents and Legislation sections.

**PO014 – Employee Behavioural Standards Policy**

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
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**PO014 – Employee Behavioural Standards Policy**

Term/Reference	Definition
	<p>Work is a member of the governing body of the association or organisation; or</p> <p>(b) in a prescribed circumstance (as per Section 120 of the Act).</p>
Public Officer	The officers listed in Schedule 1 of the ICAC Act, which includes “an officer or employee of a local government body”.
Employee	<p>All Council employees in addition to other persons working on behalf of Council, including:</p> <ul style="list-style-type: none"> <li>• employees of a labour hire company;</li> <li>• Apprentices or trainees;</li> <li>• Student or work experience placements; and</li> <li>• Volunteers.</li> </ul>
Integrity	The quality of being honest and having strong moral and ethical principles and values.
Impartiality	The fact of not supporting any of the sides involved in an argument.
Good Decision Making	An informed decision based on a methodical analysis of the available information and on sound reasoning.
Victimisation	Subjecting a person to some form of detriment.

**PO014 – Employee Behavioural Standards Policy**

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**ATTACHMENT 2: EXTRACT FROM THE LOCAL GOVERNMENT ACT 1999  
SECTION 120A**

Local Government Act 1999—17.11.2022

Chapter 7—Council staff

Part 4—Employee integrity and behaviour

Division 2—Employee behaviour

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**Division 2—Employee behaviour****120A—Behavioural standards**

- (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
  - (a) specify standards of behaviour to be observed by employees of councils; and
  - (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (3) An employee of a council must comply with the council's employee behavioural standards.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
  - (a) adopts employee behavioural standards; or
  - (b) alters, or substitutes, its employee behavioural standards,the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- (6) A council must, within 6 months after the conclusion of each periodic election—
  - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
  - (b) in any other case—consider whether it should adopt employee behavioural standards.



## 23 CORPORATE AND COMMUNITY SERVICES

### 23.1 POLICY REVIEW - PO184 BUSINESS ENHANCEMENT PROGRAM

**Document #:** 23/80711

**Department:** Corporate and Community Services

#### PURPOSE

To seek Council's endorsement of the updated Policy PO184 Business Enhancement Program.

#### RECOMMENDATION

That Council endorse the updated PO184 Business Enhancement Program as presented.

#### LINK TO STRATEGIC PLAN

**Goal:** 1 Economically Prosperous Peninsula

5 Responsible Governance and Leadership

**Strategy:** 1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.6 Continuous improvement of Council processes

#### BACKGROUND

Yorke Peninsula Council is committed to supporting economic growth and job creation and is motivated to make a positive impact on the local business environment and the local economy. Accordingly, the policy PO184 Business Grants was developed and endorsed by Council in October 2020.

As part of the renewal of Council's current suite of business support programs, the PO184 Business Enhancement Program, formerly known as Business Grants, has been reviewed and updated.

#### DISCUSSION

Council's Business Enhancement Program Policy (PO184) sets guidelines for implementing the Business Enhancement Program (BEP), an initiative designed to provide both non-financial and financial support to local businesses and aims to ensure that transparent decision-making on any business support decisions is made based upon consistent criteria.

In reviewing this policy, the following has been taken into consideration:

- The Yorke Peninsula Economic Development and Tourism Strategy 2022-2026.
- Feedback received from the business community regarding the business grant application and guidelines.

Key updates to the policy include:

- Policy name.
- Dollar matching conditions for business grants.
- Grant cap applied for business grant applications.
- Redefine the ineligible projects for those applying for business grants.
- Simplify access to non-financial support by direct communication to the Council's Economic Development team instead of current application requirements.

- Update all supporting documents (Business Grant Application Form, BEP Guidelines, Business Grant Evaluation Matrix, Business Grant Acquittal form, BEP's introduction on Council's website)

In addition, formatting and grammatical changes have been made.

The Audit and Risk Committee endorsed the updated Policy at its meeting held on 5 September 2023 and recommended that Council adopts the Policy as presented.

A copy of the updated Policy is provided (Attachment 1) with the changes shown with track changes. A copy without track changes is also provided (Attachment 2) for ease of reference.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Economic Development and Business Sustainability
- Economic Development Advisor

In preparing this report, the following external parties were consulted:

- Nil

## **POLICY IMPLICATIONS**

PO184 Business Grants

## **BUDGET AND RESOURCE IMPLICATIONS**

The Policy update keeps the Business Enhancement Program, including Council Business Grants, in line with the current budget and staffing requirements.

## **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. **Draft PO184 Business Grants - Track Changes** [↓](#) 
2. **Draft PO184 Business Grants - No Track Changes** [↓](#) 



## COUNCIL POLICY

### Business GrantsBusiness Enhancement Program

<b>Policy Number:</b>	PO184		
<b>Strategic Plan Objective:</b>	1. Economically Prosperous Peninsula		
<b>Policy Owner:</b>	<a href="#">Chief Executive Officer</a> <a href="#">Director Corporate and Community Services</a>	<b>Record Number:</b>	<a href="#">20/8946020/89160[v2]</a>
<b>Responsible Officer:</b>	<a href="#">Manager Economic Development and Business Sustainability</a> <a href="#">Manager Business &amp; Public Relations</a>	<b>Minute Reference:</b>	<a href="#">225/2020</a>
<b>Date Adopted:</b>	<a href="#">14/10/2020</a>	<b>Next Review Date:</b>	<a href="#">October 2024</a>

#### 1. POLICY OBJECTIVES

Yorke Peninsula Council (YPC Council) is committed to supporting [business development](#), economic growth and job creation and ~~wants~~ to make a positive impact on the local business environment and ~~the local~~ economy.

~~This Business Enhancement Program (BEP) was established to specifically support local businesses (established or new).~~

#### 2. SCOPE

This policy applies to:

- ~~Businesses needing requiring Council's assistance and support support to either set-up their business, improve or expand their operations-venture within the Yorke Peninsula Council's region-district.~~
- ~~Council employees and Elected Members, when considering and assessing business grant applications made under this policy, and related documentation.~~
- 

#### 3. DEFINITIONS

Refer to Attachment 1.

**PO184 – Business Grants Business Enhancement Program Policy****4. POLICY STATEMENT**

The Business Enhancement Program (BEP) includes non-financial assistance and business grants.

YPC will provide funding for the BEP annually, capped at \$20,000 per financial year (to be reviewed by Council annually as part of the budget formulation process each year).

The BEP provides the opportunity for both new and established businesses to either set up in the YPC district or expand and grow their existing enterprise.

- The BEP includes not only financial grants but other means of assistance to bring business ideas to reality. The funding may be used for investment in new equipment or infrastructure, training or conference attendance, mentoring and networking opportunities, rent assistance, relocation costs etc.

**4.1. The non-financial assistance**

The BEP provides businesses The BEP also provides applicants with access to assistance and support from Council staff employees in the areas of with:-

- Planning/-development approvals;
- Developing business plans;
- Assistance with seeking Seeking other grant opportunities;
- Writing grant applications;
- Local knowledge, such as community profile, labour force information, market data, business directory, contacts/connections etc. contacts/ connections or demographic information;
- Marketing;
- Policy compliance;
- Human resource management R/-recruitment;
- Risk/-WHS;
- Financial Finance/-accounting ;
- Conducting business with Council.

**4.2. The business grants**

Council allocates funding for the business grants, capped at \$20,000 per financial year. This budget is subject to annual review by Council, as part of the budget formulation process.

The business grant offers three streams:

**a) Quick response stream**

- Aims at simple, low-cost, quick-actioned applications.
- Business grants are limited to \$2,500 (GST exclusive) for each application.

**b) Start-up stream**

- Aims to accelerate the establishment of a new business and/or booster its infancy stage.
- Business grants are limited to \$10,000 (GST exclusive) for each application.

**c) Expansion stream**

**PO184 – Business Grants Business Enhancement Program Policy**

- Aims to assist the growth of an established business.
- Business grants are limited to \$10,000 (GST exclusive) for each application.

**4.3. Eligible projects for the business grants**

- The acquisition of small plant and equipment;
- Purchasing new infrastructure, machinery, etc.;
- IT equipment installation and software development;
- Production of marketing and promotion activities and materials;
- Mentoring, training, conference attendance and networking opportunities (where not eligible for other available programs);
- Hosting an event where a majority of the event's benefits are delivered to the business community, local economy or the community rather than the host's profit;
- Waiver of Council charges and/or Council rates relief (in compliance with PO060 Rates Relief Policy) (applicable for Start-up stream only);
- Rent assistance for a fixed period (associated with business hardship due to unexpected, beyond-control circumstances) (applicable for Start-up stream only).;

**4.4. Ineligible projects for business grants**

- Retrospective investments;
- Payment of debt (e.g. rates and bills) or outstanding loans;
- Operational expenditure, such as wages, salaries, utilities and other variable costs for business operation;
- Routine or cyclical maintenance and repairs;
- Charitable fundraising;
- Activities that could be perceived as benefitting a political organisation or political party campaign;
- Religious functions;
- Activities that create, encourage or perpetuate militarism;
- Activities that create, encourage or promote discrimination;
- Activities that will exploit people through the payment of below-award wages or poor working conditions;
- Gift vouchers, prizes or trophies;
- Items funded by other Council grants;
- Projects/objectives which are more appropriately funded by the Australian or State Governments or other industry sources;
- Projects that do not have a clearly identifiable benefit to the businesses and community of the district;
- Projects that directly contravene Council policies and By-Laws.

**PO184 – Business Grants Business Enhancement Program Policy****3.1.4.5. Conditions of funding for the business grants Funding**

~~Any proposal that can demonstrate a boost to the local economy will be considered under this program.~~

~~To be eligible for support, an applicant must:~~

~~Have a registered Australian Business Number (ABN) or provide evidence of intent to register,~~

~~Be located or committed to locate within the YPC district,~~

~~Have evidence of an appropriate legal structure such as a sole trader, Australian registered company or company limited by guarantee (or have written evidence that you are moving towards becoming one of the above),~~

~~Evidence of a bank account in the name of the applicant,~~

~~Be able to demonstrate why and how their application will have a positive impact on the local business environment,~~

~~Be able to demonstrate long-term financial viability which may include evidence via business plans/ projected financial statements, including key assumptions underpinning cash flow projections,~~

~~Be able to complete the stated grant objectives within 12 months following approval of the grant,~~

~~Be a business that will enhance (not compete with to the detriment of) existing businesses, and~~

~~Have no outstanding debts of any kind to the YPC.~~

~~All applicants should demonstrate a high degree of self-help, by providing a contribution towards the total project cost as follows:~~

- ~~• For grants up to \$5,000 (GST exclusive) for each \$1 granted, the applicant is expected to contribute a matching \$1 towards the project (e.g. \$2,500 applicant: \$2,500 grant – total of project \$5,000 (GST exclusive));~~
- ~~• For grants over \$5,000 (GST exclusive) for each \$1 granted, the applicant is expected to contribute a minimum of \$1 towards the project, however a greater co-contribution may be required.~~

~~In line with Council's PO058 Purchasing and Procurement Policy, applicants are strongly encouraged to use local goods and services where possible.~~

~~Additionally, where the applicant is procuring goods or services through BEP funding, the online application form will require quotes to be provided. To be eligible for support, an applicant must:~~

- ~~• Have a registered Australian Business Number (ABN);~~
- ~~• Have business located or committed to locate within the Council region;~~
- ~~• Have evidence of an appropriate legal structure such as a sole trader, trust, Australian registered company or company limited by guarantee (or have written evidence that you are moving towards becoming one of the above);~~
- ~~• Evidence of a bank account in the name of the applicant;~~
- ~~• Have no outstanding debts of any kind to Council;~~
- ~~• Secure appropriate permissions and approvals for the project (e.g. Development Approval, property owner approval) or a statement of intent to secure such permissions.~~

~~All applicants should demonstrate a high degree of self-help, by providing a contribution towards the total project cost as follows:~~

- ~~• Grants up to \$2,500 (GST exclusive)~~



**PO184 – Business Grants Business Enhancement Program Policy**

- For each \$1 granted, applicants are expected to contribute a matching \$1 towards the project. E.g., the applicant contributes \$2,000 and seeks \$2,000 from the business grant for the project's total costs of \$4,000 (GST exclusive).
- Grants over \$2,500 (capped at \$10,000) (GST exclusive)
  - For each \$1 granted, applicants are expected to contribute a minimum of \$1 towards the project, however, a greater co-contribution may be required (e.g., \$1-granted-for-\$2 contribution from applicants for \$1 granted). This will be assessed on a case by case basis by Council.

In line with Council's PO058 Purchasing and Procurement Policy, applicants are strongly encouraged to use local goods and services where possible.

Additionally, where the applicant is procuring goods and/or services through the business grant funding, quotes are to be provided.

**Ineligible Applications**

**~~The BEP has been developed specifically to help grow businesses within the YPC district in order to support ongoing employment opportunities.~~**

**~~Therefore, the funding cannot be used for:~~**

**~~Retrospective funding,~~**

**~~Payment of debt (e.g. rates and bills) or outstanding loans,~~**

**~~Charitable fundraising,~~**

**~~Activities that could be perceived as benefitting a political party or party political campaign,~~**

**~~Religious functions,~~**

**~~Activities that create, encourage or perpetuate militarism,~~**

**~~Activities that will exploit people through the payment of below-award wages or poor working conditions,~~**

**~~Gift vouchers, prizes or trophies,~~**

**~~Items funded by other grants,~~**

**~~Projects/objectives which are more appropriately funded by State, Commonwealth or other industry sources,~~**

**~~Projects that do not have a clearly identifiable benefit to the YPC business district and community, and~~**

**~~Projects that directly contravene YPC policies and By-Laws.~~**

**4.6. Confidentiality**

If an applicant believes that any information provided in their application is confidential, the applicant must clearly identify such information and state the reason for its confidentiality.

Applicants should be aware that Council is subject to certain legislative requirements relating to public information, including the Freedom of Information Act 1991.

**PO184 – Business Grants Business Enhancement Program Policy**

Council will treat all information provided by applicants sensitively. However, information contained in, or relating to, a business grant application, including information identified by an applicant as confidential, may need to be disclosed by Council:

- For the purposes of application assessment;
- Where information is authorised or permitted by law to be disclosed.

If a business grant application is successful, and upon written consent approved by the grant recipient and/or where the information is already in the public domain, brief information about the funded projects can be used for Council's publicity purposes.

**3.2.4.7. Application Process How to access the BEP****Step 1 – Identify business and assistance needs**

Businesses, in any stage of their lifecycle can contact Call YPC Council on via telephone 08 8832 0000 or via email [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) and ask to speak with to the Business and Economic Officer Development team about the BEP.

The Economic Development team can set up a mutually convenient meeting time (in person to person or via phone or other electronic means e.g. 'Zoom' virtually)) to discuss your business needs and determine what level of assistance can be offered.

For requests for non-financial assistance, the Economic Development team will follow-up the request and/or liaise businesses with other Council's employees in charge of the services. There is no application needed to access this in-kind support.

For requests for the business grant, the Economic Development team will assist businesses to go through the business grant guidelines and the application.

**Step 2 – Submit a business grant application**

Business grant applications are open all-year-round. The grant applications will close when all of the \$20,000 has been allocated for the financial year. However, all applications must be submitted at least six weeks before the starting date of the project to allow sufficient time for assessing the applications and notifying the application'snt about of the -outcomes.

Applications must be submitted using the online application form on Council's website ([www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)) Complete an online BEP grant application via YPC's website.

**Step 3 - Application assessment**

Once an application is received, providing that funds are available, the application will be assessed against the following criteria:

All applications will be assessed on a case by case basis. Applications will be assessed using the following criteria:

- All eligibility criteria has been met, All information required under the conditions of funding has been met;
- The quality of the application (e.g. well-developed, clear and realistic goals, accurate financial breakdowns, relevant supporting documents provided, etc.);

**PO184 – Business Grants Business Enhancement Program Policy**

- Ability to demonstrate why the funding is required for the project and the scale of economic impact likely to be achieved (e.g. creating the conditions for business success, industry or business development, investment attraction, expansion of employment opportunities, activation of a vacant site or revitalisation of an underused premises etc.);
- Ability to demonstrate how the project will have a positive impact on the local business community and contribute to the local economic growth;
- Ability to demonstrate adequate considerations on sustainability practices (e.g., environmental conservation commitment, innovation in waste management, accessibility and reconciliation practices);
- Ability to demonstrate the capacity to deliver the project successfully (e.g., business's experience in similar successful projects, the project's feasibility study and risk management plan, business plan, clear financial breakdowns, etc.);
- Ability to demonstrate the funding's value for money, which may include evidence via projected financial statements, key assumptions underpinning cash flow projections;
- The request funding being appropriately matched by business's co-contribution;
- Ability to demonstrate the capacity to complete the stated grant activities within 12 months following approval of the grant.
- Be a business that will enhance (not compete with) existing businesses.

The scale of the economic impact likely to be achieved (e.g. creating the conditions for business success, industry or business development, investment attraction, expansion of employment opportunities, activation of a vacant site or revitalisation of an underused premises etc.);

The extent to which the application meets the funding conditions (e.g. well developed, clear and realistic goals, accurate financial/business plan etc.), and

Demonstration of adequate considerations of any environmental impacts.

Each applications will be consistently assessed using YPC's Council's BEP Evaluation Matrix (SF.496).

Council staff employees are delegated to undertake this assessment and approve applications for business amount grants  $\leq$  up to \$5,000k. Any requests greater than \$5k,000 will be assessed by Council employees prior to being assessed by staff and presented to a Council meeting for approval consideration.

Dependent upon what specifically is requested in the grant application, an assessment may be made directly by Council staff, or if the application is asking for more than \$5k cash, a report will be presented to the next available Council meeting for adoption (or not) of staff's recommendation.

In both circumstances, the grant request will be assessed using the YPC's BEP Evaluation Matrix as detailed in section 4.4 of this policy.

If considered **necessary and** appropriate, some applications may be assessed **using with the assistance of** external parties, who have **the relevant** skills and professional expertise that will benefit the assessment process.

**Step 4 - Application outcome notification**

**PO184 – Business Grants Business Enhancement Program Policy**

Within six weeks of the application's receipt, an outcome notification of the application will be issued.

If the application is successful, a Letter of Offer or a Funding Agreement (Agreement), will be generated which must be signed by both Council and the grant recipient. Specific terms of the grant funding, including the acquittal process will be outlined in this Letter Agreement / Agreement.

Additionally,

Once the grants has been approved, high-levelled information of the successful applications will be published in the a next Council meeting agenda.

A Letter of Offer or a Funding Agreement will be generated which must be signed by both Council and the grant recipient. Specific terms of the grant funding, including the acquittal process will be outlined in this Letter / Agreement.

**Step 5 - Acquittal**

Within three months of completing At the completion of the project, the grant recipient will provide Council a funding acquittal report as per the Agreement. The funding acquittal report must be submitted online on Council's website, acquit the grant as per the Letter of Offer or Funding Agreement.

**Assessment Process**

All applications will be assessed on a case by case basis. Applications will be assessed using the following criteria:

All eligibility criteria has been met,

The scale of the economic impact likely to be achieved (e.g. creating the conditions for business success, industry or business development, investment attraction, expansion of employment opportunities, activation of a vacant site or revitalisation of an underused premises etc.),

The extent to which the application meets the funding conditions (e.g. well developed, clear and realistic goals, accurate financial/business plan etc.), and

Demonstration of adequate considerations of any environmental impacts.

Each application will be consistently assessed using YPC's BEP Evaluation Matrix.

Council staff are delegated to undertake this assessment and approve applications for amounts <\$5k. Any requests greater than \$5k will be assessed by staff and presented to a Council meeting for approval.

**Risk Assessment**

An appropriate risk assessment must be applied to all project activities. The risks must be clearly identified, assessed and managed in line with the International Risk Management – Principles and Guidelines ISO 31000:2009.

A risk assessment template has been built into the on-line BEP application form.

**Acquittal**

The grant recipient will provide Council an acquittal of funds and reconciliation report consistent with the grant provision within three months of completing the

**PO184 – Business Grants Business Enhancement Program Policy**

~~project or incurring the relevant expenditure as outlined in the Letter of Offer / Funding Agreement.~~

Acquittal reports may be subject to ~~Council review and may require to be certified by an independent auditor~~ audit requirements, dependent upon the ~~original~~ value of the business grant.

~~Grant-Grant~~ recipients who do not provide an acquittal report within the timelines stipulated in the Letter of Offer ~~/Funding Agreement~~ will be required to seek a time extension from Council or not have the approved funds paid ~~be required to repay the grant or seek a time extension from Council.~~

**3.3.4.8. Publicity Acknowledgement of Council funding**

Grant recipients agree to acknowledge the funding-financial support from Council in any materials or displays relevant to the provision of the business grant.

**4.5. COMPLAINTS**

Complaints relating to this policy can be made in writing to the Chief Executive Officer. Complaints will be managed in accordance with Council's Complaints Policy (PO147).

**5.6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or budgetary changes.

**6.7. TRAINING**

Council is committed to supporting employees in complying with this policy. Training needs requirements will be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

**7.8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**8.9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO058 Purchasing and Procurement Policy

PO091 Risk Management Policy

PO147 Complaints Policy

PO060 Rates Relief Policy

YPC Strategic Management Plan

YPC Business Enhancement Program BEP and Business Grant Brochure

SF497 Business Grant Online Application Form

SF498 Business Grant Online Acquittal Form

**PO184 – Business Grants Business Enhancement Program Policy**

**9.10. REFERENCES AND LEGISLATION**

Local Government Act 1999 (SA)

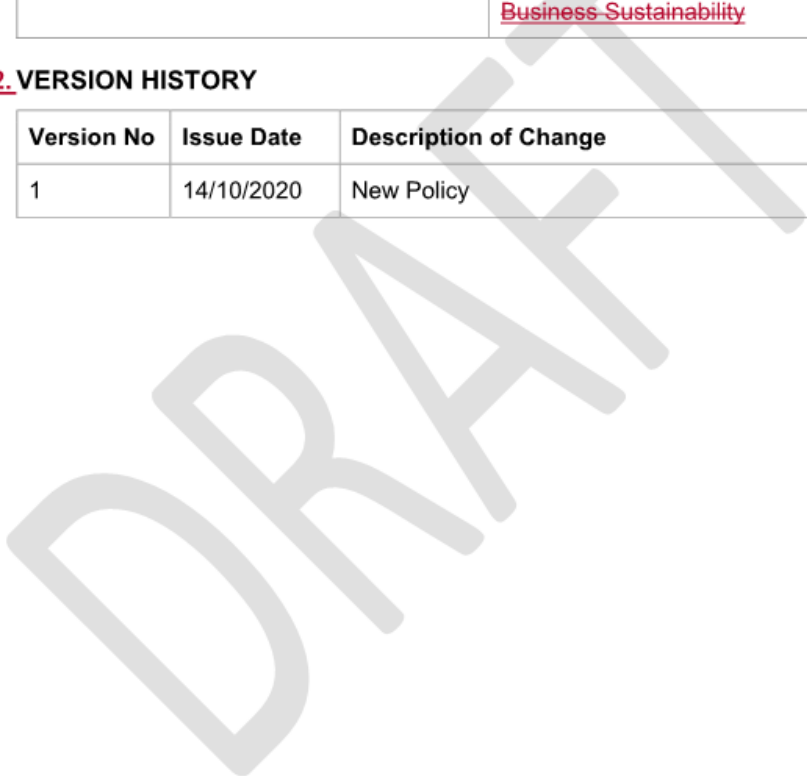
**11. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegation register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/register/>

<b>Details of Delegation:</b>	Chief Executive Officer
<b>Delegate:</b>	Director Corporate and Community Services Manager Business and Public Relations Economic Development and Business Sustainability

**10.12. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	14/10/2020	New Policy



**PO184 – Business Grants Business Enhancement Program Policy**

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Acquittal	The process of evaluating and reporting on the outcomes and expenditure of funds provided by Council. All necessary documents should demonstrate that an organisation has spent grant monies as specified in the Grant Agreement.
<u>Australian Business Number ABN</u>	<del>An Australian Business Number (ABN) is a unique identifier used for tax purposes.</del>
<u>Business</u>	<del>An entity with a registered Australian Business Number (ABN) or evidence of intent to register and evidence of an appropriate legal structure such as a sole trader, Australian registered company or company limited by guarantee (or have written evidence of becoming one of the above).</del>
<u>Business plan</u>	<del>Defines the direction and goals of a business and outlines the methods, strategies and timeframe to achieve those goals.</del>
Evaluation Matrix	A consistent tool used for evaluating each application. Specifically, it is a table with one column for each evaluation criteria and rows that show a numerical score.
GST Exclusive	GST exclusive is the total cost of each item, without the GST charges included.
Letter of Offer <del>or</del> Funding Agreement	A signed agreement between both parties (i.e., <del>YPC Council</del> and the grant recipient) and clearly outlines the terms and conditions of the funding or support requested.
<u>Project feasibility</u>	<del>Is an analysis that considers all of a project's relevant factors to ascertain the likelihood of competing the project successfully.</del>
Risk <del>Assessment</del> <u>Management</u>	An overall process of risk identification, risk analysis and risk evaluation <del>to identify suitable treatments/controls to mitigate the risks.</del>



# COUNCIL POLICY

## Business Enhancement Program

<b>Policy Number:</b>	PO184		
<b>Strategic Plan Objective:</b>	1. Economically Prosperous Peninsula		
<b>Policy Owner:</b>	Director Corporate and Community Services	<b>Record Number:</b>	20/89160[v2]
<b>Responsible Officer:</b>	Manager Economic Development and Business Sustainability	<b>Minute Reference:</b>	
<b>Date Adopted:</b>		<b>Next Review Date:</b>	

### 1. POLICY OBJECTIVES

Yorke Peninsula Council (Council) is committed to supporting business development, economic growth and job creation and to make a positive impact on the local business environment and economy.

### 2. SCOPE

This policy applies to:

- Businesses requiring Council’s assistance and support to either set-up their business, improve or expand their venture within Council’s region.
- Council employees and Elected Members, when considering and assessing business grant applications made under this policy, and related documentation.

### 3. DEFINITIONS

Refer to Attachment 1.

### 4. POLICY STATEMENT

The Business Enhancement Program (BEP) includes non-financial assistance and business grants.

#### 4.1. The non-financial assistance

The BEP provides businesses with access to assistance and support from Council employees with:

- Planning/development approvals;
- Developing business plans;



**PO184 – Business Enhancement Program Policy**

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- Seeking grant opportunities;
- Writing grant applications;
- Local knowledge, such as community profile, labour force information, market data, business directory, contacts/connections etc. ;
- Policy compliance;
- Human resource management/recruitment;
- Risk/WHS;
- Finance/accounting;
- Conducting business with Council.

**4.2. The business grants**

Council allocates funding for business grants, capped at \$20,000 per financial year. This budget is subject to annual review by Council, as part of the budget formulation process.

The business grant offers three streams:

- a) Quick response stream
  - Aims at simple, low-cost, quick-actioned applications.
  - Business grants are limited to \$2,500 (GST exclusive) for each application.
- b) Start-up stream
  - Aims to accelerate the establishment of a new business and/or boost its infancy stage.
  - Business grants are limited to \$10,000 (GST exclusive) for each application.
- c) Expansion stream
  - Aims to assist the growth of an established business.
  - Business grants are limited to \$10,000 (GST exclusive) for each application.

**4.3. Eligible projects for business grants**

- The acquisition of small plant and equipment;
- Purchasing new infrastructure, machinery, etc;
- IT equipment installation and software development;
- Production of marketing and promotion activities and materials;
- Mentoring, training, conference attendance and networking opportunities (where not eligible for other available programs);
- Hosting an event where a majority of the event's benefits are delivered to the business community, local economy or the community rather than the host's profit;
- Waiver of Council charges and/or Council rates relief (in compliance with PO060 Rates Relief Policy) (applicable for Start-up stream only);

**PO184 – Business Enhancement Program Policy**

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- Rent assistance for a fixed period (associated with business hardship due to unexpected, beyond-control circumstances) (applicable for Start-up stream only).

**4.4. Ineligible projects for business grants**

- Retrospective investments;
- Payment of debt (e.g. rates and bills) or outstanding loans;
- Operational expenditure, such as wages, salaries, utilities and other variable costs for business operation;
- Routine or cyclical maintenance and repairs;
- Charitable fundraising;
- Activities that could be perceived as benefitting a political organisation or political campaign;
- Religious functions;
- Activities that create, encourage or perpetuate militarism;
- Activities that create, encourage or promote discrimination;
- Activities that will exploit people through the payment of below-award wages or poor working conditions;
- Gift vouchers, prizes or trophies;
- Items funded by other Council grants;
- Projects/objectives which are more appropriately funded by the Australian or State Governments or other industry sources;
- Projects that do not have a clearly identifiable benefit to the businesses and community of the district;
- Projects that directly contravene Council policies and By-Laws.

**4.5. Conditions of funding for business grants**

To be eligible for support, an applicant must:

- Have a registered Australian Business Number (ABN);
- Have business located or committed to locate within the Council region;
- Have evidence of an appropriate legal structure such as a sole trader, trust, Australian registered company or company limited by guarantee (or have written evidence that you are moving towards becoming one of the above);
- Evidence of a bank account in the name of the applicant;
- Have no outstanding debts of any kind to Council;
- Secure appropriate permissions and approvals for the project (e.g. Development Approval, property owner approval) or a statement of intent to secure such permissions.

All applicants should demonstrate a high degree of self-help, by providing a contribution towards the total project cost as follows:

- Grants up to \$2,500 (GST exclusive)
  - For each \$1 granted, applicants are expected to contribute a matching \$1 towards the project. E.g., the applicant contributes \$2,000 and seeks

**PO184 – Business Enhancement Program Policy**

\$2,000 from the business grant for the project's total costs of \$4,000 (GST exclusive).

- Grants over \$2,500 (capped at \$10,000) (GST exclusive)
  - For each \$1 granted, applicants are expected to contribute a minimum of \$1 towards the project, however, a greater co-contribution may be required (e.g., \$2 contribution from applicants for \$1 granted). This will be assessed on a case by case basis by Council.

In line with Council's PO058 Purchasing and Procurement Policy, applicants are strongly encouraged to use local goods and services where possible.

Additionally, where the applicant is procuring goods and/or services through the business grant funding, quotes are to be provided.

**4.6. Confidentiality**

If an applicant believes that any information provided in their application is confidential, the applicant must clearly identify such information and state the reason for its confidentiality.

Applicants should be aware that Council is subject to certain legislative requirements relating to public information, including the Freedom of Information Act 1991.

Council will treat all information provided by applicants sensitively. However, information contained in, or relating to, a business grant application, including information identified by an applicant as confidential, may need to be disclosed by Council:

- For the purposes of application assessment;
- Where information is authorised or permitted by law to be disclosed.

If a business grant application is successful, and upon written consent approved by the grant recipient and/or where the information is already in the public domain, brief information about the funded projects can be used for Council's publicity purposes.

**4.7. How to access the BEP****Step 1 – Identify business and assistance needs**

Businesses, in any stage of their lifecycle can contact Council via telephone 08 8832 0000 or via email [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) and ask to speak with the Economic Development team about the BEP.

The Economic Development team can set up a mutually convenient meeting time (in person, via phone or virtually) to discuss your business needs and determine what level of assistance can be offered.

For requests for non-financial assistance, the Economic Development team will follow-up the request and/or liaise businesses with other Council employees in charge of the services. There is no application needed to access this in-kind support.

For requests for the business grant, the Economic Development team will assist businesses to go through the business grant guidelines and the application.

**Step 2 – Submit a business grant application**

Business grant applications are open all-year-round. The grant applications will close when all of the \$20,000 has been allocated for the financial year. However, all applications must be submitted at least six weeks before the starting date of the

**PO184 – Business Enhancement Program Policy**

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project to allow sufficient time for assessing the applications and notifying the applicant of the outcome.

Applications must be submitted using the online application form on Council's website ([www.yorke.sa.gov.au](http://www.yorke.sa.gov.au))

**Step 3 - Application assessment**

Once an application is received, providing that funds are available, the application will be assessed against the following criteria:

- All information required under the conditions of funding has been met;
- The quality of the application (e.g. well-developed, clear and realistic goals, accurate financial breakdowns, relevant supporting documents provided, etc.);
- Ability to demonstrate why the funding is required for the project and the scale of economic impact likely to be achieved (e.g. creating the conditions for business success, industry or business development, investment attraction, expansion of employment opportunities, activation of a vacant site or revitalisation of an underused premises etc.);
- Ability to demonstrate how the project will have a positive impact on the local business community and contribute to the local economic growth;
- Ability to demonstrate adequate considerations on sustainability practices (e.g., environmental conservation commitment, innovation in waste management, accessibility and reconciliation practices);
- Ability to demonstrate the capacity to deliver the project successfully (e.g., business's experience in similar successful projects, the project's feasibility study and risk management plan, business plan, clear financial breakdowns, etc.);
- Ability to demonstrate the funding's value for money, which may include evidence via projected financial statements, key assumptions underpinning cash flow projections;
- The request funding being appropriately matched by business's co-contribution;
- Ability to demonstrate the capacity to complete the stated grant activities within 12 months following approval of the grant.
- Be a business that will enhance (not compete with) existing businesses.

Applications will be consistently assessed using Council's BEP Evaluation Matrix (SF496).

Council employees are delegated to undertake this assessment and approve applications for business grants up to \$5,000. Any requests greater than \$5,000 will be assessed by Council employees prior to being presented to a Council meeting for consideration.

If considered necessary and appropriate, some applications may be assessed with the assistance of external parties, who have the relevant skills and professional expertise.

**Step 4 - Application outcome notification**

Within six weeks of the application's receipt, an outcome notification of the application will be issued.

**PO184 – Business Enhancement Program Policy**

If the application is successful, a Letter of Offer/Funding Agreement (Agreement), will be generated which must be signed by both Council and the grant recipient. Specific terms of the grant funding, including the acquittal process will be outlined in this Agreement.

Additionally, high-levelled information of the successful applications will be published in a Council meeting agenda.

**Step 5 - Acquittal**

Within three months of completing the project, the grant recipient will provide Council a funding acquittal report as per the Agreement. The funding acquittal report must be submitted online on Council's website.

Acquittal reports may be subject to audit requirements, dependent upon the value of the business grant.

Grant recipients who do not provide an acquittal report within the timelines stipulated in the Letter of Offer/Funding Agreement will be required to seek a time extension from Council or not have the approved funds paid.

**4.8. Acknowledgement of Council funding**

Grant recipients agree to acknowledge the financial support from Council in any materials or displays relevant to the provision of the business grant.

**5. COMPLAINTS**

Complaints relating to this policy can be made in writing to the Chief Executive Officer. Complaints will be managed in accordance with Council's Complaints Policy (PO147).

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or budgetary changes.

**7. TRAINING**

Council is committed to supporting employees in complying with this policy. Training requirements will be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO058 Purchasing and Procurement Policy  
 PO091 Risk Management Policy  
 PO147 Complaints Policy  
 PO060 Rates Relief Policy  
 YPC Strategic Management Plan  
 BEP and Business Grant Brochure  
 SF497 Business Grant Online Application Form

**PO184 – Business Enhancement Program Policy**

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SF498 Business Grant Online Acquittal Form

**10. REFERENCES AND LEGISLATION**

Local Government Act 1999 (SA)

**11. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegation register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/register/>

**12. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	14/10/2020	New Policy

DRAFT

**PO184 – Business Enhancement Program Policy****ATTACHMENT 1: DEFINITIONS**

<b>Term/Reference</b>	<b>Definition</b>
Acquittal	The process of evaluating and reporting on the outcomes and expenditure of funds provided by Council. All necessary documents should demonstrate that an organisation has spent grant monies as specified in the Grant Agreement.
Australian Business Number	is a unique identifier used for tax purposes.
Business plan	Defines the direction and goals of a business and outlines the methods, strategies and timeframe to achieve those goals.
Evaluation Matrix	A consistent tool used for evaluating each application. Specifically, it is a table with one column for each evaluation criteria and rows that show a numerical score.
GST Exclusive	GST exclusive is the total cost of each item, without the GST charges included.
Letter of Offer/Funding Agreement	A signed agreement between both parties (i.e., Council and the grant recipient) and clearly outlines the terms and conditions of the funding or support requested.
Project feasibility	Is an analysis that considers all of a project's relevant factors to ascertain the likelihood of completing the project successfully.
Risk Management	An overall process of risk identification, risk analysis and risk evaluation to identify suitable treatments/controls to mitigate the risks

**23.2 COMMUNITY GRANT SCHEME 2023/2024****Document #:** 23/71708**Department:** Corporate and Community Services**PURPOSE**

To seek Council's endorsement of the Grants Working Party recommendations for the distribution of Community Grants for 2023/2024.

**RECOMMENDATION**

That Council endorse the allocation of the following Community Grants for 2023/2024:

1.	Ardrossan and Community Men's Shed	\$3,226.83
2.	Ardrossan Netball Club	\$1,503
3.	Ardrossan Sports and Recreation Centre	\$5,000
4.	Balgowan Progress Association	\$1,200
5.	Corny Point Progress Association	\$5,000
6.	Curramulka Community Club	\$5,000
7.	Edithburgh Flora Park Committee	\$5,000
8.	Edithburgh Parks and Gardens Working Group	\$5,000
9.	Minlaton District Community & Sports Centre	\$5,000
10.	Golden Harvest Quilters	\$800
11.	Hardwicke Bay Progress Association	\$5,000
12.	James Well Rogues Point Progress Association	\$4,277
13.	Maitland and District Progress Association	\$2,166
14.	Maitland Cricket Club	\$5,000
15.	Minlaton and District Progress Association	\$5,000
16.	Minlaton Bowling Club	\$3,000
17.	Minlaton Golf Club	\$900
18.	Minlaton Senior Citizens Club	\$1,947.50
19.	Port Julia Progress Association	\$4,000
20.	Port Victoria Bowling Club	\$5,000
21.	Port Vincent Visitor Information Centre	\$1,440
22.	Price Progress Association	\$2,292.95
23.	Southern Yorke Peninsula Archers	\$500
24.	Stansbury Golf Club	\$3,500
25.	Tiddy Widdy Beach Progress Association	\$2,252.13
26.	Warooka Progress Association	\$5,000
27.	Wool Bay Golf Club.	\$4,000
28.	Yorketown Cricket Club	\$5,000
29.	YP Classic & Vintage Tractor Pull Club	\$3,000



**LINK TO STRATEGIC PLAN**

**Goal:** 4 Community Engaged and Supported

**Strategy:** 4.4 Continue providing community grants, donations and sponsorships

**BACKGROUND**

In line with PO149 Community Grants Scheme Policy, an amount of \$100,000 is available to fund the 2023/2024 Community Grants program. Grants up to \$1,000 each require no contribution from the applicant. Grants over \$1,000 up to the maximum \$5,000, require a \$1 contribution from the applicant for each \$2 over the base \$1,000 offered in grant funding.

**DISCUSSION**

The 2023/2024 Community Grants Program was advertised in the Yorke Peninsula Country Times on 27 June 2023, and was featured on Council's website and Facebook page whilst open for applications.

Applications opened on 1 July 2023 and at the time of closing (5.00pm, 9 August 2023), 41 applications requesting total funding of \$152,412.46 for projects to the value of \$451,071.24 were assessed for eligibility against Council's Policy (PO149 Community Grants Scheme) and the Community Grants Guidelines.

All applications were assessed according to the criteria outlined in the application guidelines and policy.

12 applications were declined in total. Three (3) did not meet the eligibility criteria and were presented to the Grants Working Party (GWP) as non-compliant. The remaining nine (9) applications were not awarded funding because their projects, while worthy, were not seen to be financially viable or beneficial to the community.

For several projects where applicants had indicated their projects could continue if they received only part funding, adjustments were made by the GWP to ensure a fair distribution of available funds was achieved across the board.

Four of the six Elected Members (two apologies were received) that comprise the GWP met on Wednesday, 16 August 2023, in person to consider all applications both individually, and as a group, and determined its recommendation for the distribution of funds as listed.

The final outcome resulted in a total of 29 grants being recommended to the value of \$100,005.41 all of which complied with the criteria in PO149 Community Grants Scheme Policy. Below is a breakdown of money awarded to the three wards of the Yorke Peninsula Council region:

Ward	Total Applications	Total Projects Funded	Amount
Kalkabury	12	10	\$29,917.91
Gum Flat	15	10	\$27,587.50
Innes Pentonvale	14	9	\$42,500

Detailed applications, along with a summary and minutes of the meeting of the GWP, including all documentation supplied to the GWP, have been recorded in Council's electronic records system.

This year applications were again received via the online application system which proved to streamline the process. Assistance was made available to any applicants that felt they could not effectively use the online application system.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

Individual applicants will be informed of Council's decision.

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Grants Working Party

In preparing this report, the following external parties were consulted:

- Nil

**POLICY IMPLICATIONS**

PO149 Community Grants Scheme Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Council's 2023/2024 Budget provides \$100,000 for the Community Grants Program.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act (1999)

**ATTACHMENTS**

Nil

**23.3 CERTIFICATION OF ANNUAL FINANCIAL STATEMENTS 2022-2023****Document #:** 23/81704**Department:** Corporate and Community Services**PURPOSE**

To request Council authorisation for the certification of the Annual Financial Statements (AFS) in their final form when completed.

**RECOMMENDATION**

That Council authorise the Mayor and Chief Executive Officer to certify the 2022/2023 audited Annual Financial Statements in their final form when completed.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.5 Undertake effective risk and emergency management

**BACKGROUND**

Section 127 of the Local Government Act and Regulation 14 of the Local Government (Financial Management) Regulations 2011 requires the preparation of Council's AFS for the year ended 30 June 2023 (in the prescribed form) as approved by the Minister and in readiness for external audit. Associated with this requirement is the completion of the certification statement (in the prescribed form) as attached to this report, duly signed by the Principal Member of the Council (Mayor) and the Chief Executive Officer (CEO).

Council's AFS have been prepared in the prescribed form and are currently being audited by Council's external Auditors (Bentleys) who have allocated 26 to 29 September 2023 to conduct the audit.

Certification of the AFS by the Mayor and the CEO, once they have been endorsed by Council's Audit and Risk Committee, will serve to expedite the finalisation of Council's AFS and allow Bentleys to complete their Audit Opinion ensuring the statutory deadline of 30 November 2023 for submission of the AFS to the SA Grants Commission is met.

This is the same process as last financial year.

**DISCUSSION**

The certification statement indicates that:

## 1. Council's AFS:

- a. Have complied with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and Australian Accounting Standards.
- b. Present a true and fair view of the Council's financial position at 30 June 2023, results of its operations and cash flows for the financial year.

- c. Internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year.
- d. Accurately reflect the Council's accounting and other records.

2. Council has authorised the Mayor and the CEO to certify the AFS in their final form.

Council's Audit and Risk Committee will review the AFS and meet with the external auditor at its meeting on 31 October 2023. Once the Committee are satisfied that the AFS fairly present the accounts of Council, the certifying officers mentioned above will complete and date the certificate; this will form the date of authorisation for the issue of the AFS. The Auditor will then provide their Audit Opinions to Council on provision of the signed certificate and Management Representation Letter. The completed AFS, including Audit Opinions, will then be tabled at the November 2023 Council meeting for consideration and endorsement as Council's final audited AFS for 2022/2023.

The process outlined above, is like that which has been undertaken by other Councils in SA and helps to expedite the finalisation of Council's AFS and ensure the statutory deadline of 30 November 2023, for submission to the SA Grants Commission, is met. Finalisation of the AFS also assists in the timely completion of Council's 2022/2023 Annual Report.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager Financial Services
- Accountant Financial Operations

In preparing this report, the following external parties were consulted:

- Nil

## **POLICY IMPLICATIONS**

Nil

## **BUDGET AND RESOURCE IMPLICATIONS**


Nil

## **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

## **ATTACHMENTS**

1. **Council Certificate - Certification of Financial Statements for the year ended 30th June 2023 - Template** [↓](#) 

## Yorke Peninsula Council

Financial Statements 2023

**General Purpose Financial Statements**  
for the year ended 30 June 2023**Council certificate**

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**Certification of Financial Statements**

**We have been authorised by the Council to certify the financial statements in their final form.**

**In our opinion:**

- the accompanying financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards,
- the financial statements present a true and fair view of the Council's financial position at 30 June 2023 and the results of its operations and cash flows for the financial year,
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year,
- the financial statements accurately reflect the Council's accounting and other records.

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**Andrew Cameron**  
**Chief Executive Officer**

Date:

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**Darren Braund**  
**Mayor**

Date:

**23.4 TREASURY MANAGEMENT PERFORMANCE 2022-2023****Document #:** 23/81987**Department:** Corporate and Community Services**PURPOSE**

Review of Council's treasury management (investments and borrowings) activity and performance for 2022/2023 in accordance with legislation and PO139 Treasury Management Policy.

**RECOMMENDATION**

That Council endorse the 2022/2023 Treasury Management Performance report.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.5 Undertake effective risk management

**BACKGROUND**

The Local Government Act 1999 (the Act) section 140 requires that Council undertake a review of its investments at least once each year. Furthermore, section 4(d) of Council's policy, PO139 Treasury Management, requires Council to consider a report on treasury management performance inclusive of borrowings annually.

The report was considered by the Audit and Risk Committee at its meeting on Tuesday 5 September 2023.

**DISCUSSION****Investments**

Sections 139 and 140 of the Act provide the framework for investment of money under Council's control, stipulating investment performance to be reviewed at least once in each year. Council's Treasury Management Policy builds on the legislative framework to ensure financial and other risks are managed when investing public funds, sets parameters and limits, details investment types permitted, determines the authorised officers and what strategy and process should be followed.

Council currently invests surplus funds in 24 hour "at call" accounts and fixed term deposits with the Local Government Finance Authority (LGFA) at market competitive interest rates. Working funds for day-to-day operations are held with the ANZ Bank (being Council's 'transaction account') and are kept to the minimal level required to support day-to-day operations. Surplus funds are transferred to the 24 hour "at call" account in the short term in accordance with the policy.

This report provides a summary of investments for the 2022/2023 financial year to enable Council to review the performance of its investments in accordance with the Act and policy PO139 Treasury Management.

The following table shows the investments and cash held with the LGFA and ANZ Bank at the end of each quarter during the 2022/2023 financial year.

Type	Sep 2022 (\$)	Dec 2022 (\$)	Mar 2023 (\$)	Jun 2023 (\$)
<b>LGFA</b>				
24 Hour "at Call"	5,918,561.32	4,728,074.50	2,728,140.27	3,942,264.37
Term Deposits	11,500,000	10,500,000	11,500,000	3,000,000
Minlaton Library Equipment	16,294.98	16,407.15	16,542.61	16,704.12
Yorke town Library Equipment	30,045.71	30,252.41	30,502.44	30,800.38
Maitland Community Library Equipment	15,750.53	15,585.83	15,989.84	16,145.96
Ardrossan Library Equipment	51,379.79	51,733.31	52,160.76	52,669.78
Land Sales	157,599.08	157,599.08	157,599.08	157,599.08
Erichsen Heritage Trust	29,276.94	29,478.46	29,722.03	30,012.03
Minlaton RSL Trust	2,093.22	2,107.74	2,125.16	2,145.90
Warooka RSL Trust	5,923.49	5,964.31	6,013.55	6,072.25
Curramulka RSL Trust	2,012.21	2,025.98	2,042.63	2,062.52
Open Space & Recreation	131,267.46	131,267.46	131,267.46	131,267.46
Warooka Land Sale	17,777.17	17,777.17	17,777.17	Nil
Yorke Peninsula Leisure Options	31,316.82	31,316.82	31,316.82	31,316.82
<b>ANZ</b>				
Operating Account	96,402.04	417,473.03	100,475.84	533,134.91
Rates Account	103,563.50	294,166.03	37,993.84	51,544.45
Point Turton Caravan Park Operating account	33,466.71	57,642.49	4,423.24	18,051.93
Marion Bay Caravan Park Operating account	38,550.37	39,860.12	4,940.99	11,023.48
Port Vincent Caravan Park Operating account	34,190.17	75,983.44	8,606.15	14,035.58
Yorke town Caravan Park Operating account	3,582.43	4,962.96	704.08	2,344.43
Black Point Caravan Park	2,368.64	5,878.17	994.09	1,792.35
Port Rickaby Caravan Park	10,725.33	34,230.64	1,946.86	13,480.71
<b>Total</b>	<b>\$18,232,147.91</b>	<b>\$16,649,787.10</b>	<b>\$14,881,284.91</b>	<b>\$8,064,468.51</b>

### Performance

Total interest income earned from working capital held (ANZ) and investments (LGFA) for the period of 1 July 2022 to 30 June 2023 was \$490,922.06. (2021/2022: \$81,021.44). \$490,878.50 of the total interest was from the LGFA (including the bonus payment of \$43,179.09) with the balance of \$43.56

from ANZ. A further \$7,303.91 in interest was generated through internal borrowings (refer Cash Advance Debenture (CAD) – Port Rickaby Caravan Park section below).

The increase in total interest in 2022/2023 compared to the previous year can be attributed to the following:

- Higher cash balances due to increased one-off grant funding for incomplete projects
- Increasing interest rates (especially in comparison to the previous financial year)
- Increased revenue from user charges, in particular bush camping and caravan parks

Interest rates on investments, in particular the 24 hour “at call” account, are heavily influenced by the Reserve Bank of Australia (RBA) cash rate. The interest rate of the LGFA was 1.05% at the 1 July 2022, of which regularly increased throughout the year reaching a high of 4.30% at 30 June 2023.

Interest rates offered by LGFA are comparable to rates offered by other authorised deposit-taking institutions (ADI’s) for similar investment products. In addition to the payment of interest on amounts deposited the LGFA also provide an annual bonus payment depending on the total quantum of funds invested with them throughout the year. This last financial year (2022/2023) Council received an annual bonus of \$43,179.09.

The table below shows the quarterly change in the LGFA’s interest rates throughout 2022/2023.

Interest Rates	Sep 2022	Dec 2022	Mar 2023	Jun 2023
24 Hour at Call	2.55%	3.30%	3.80%	4.30%
Term Deposits (average of terms)	2.10%	3.17%	3.77%	4.14%

In addition to investing funds in the 24 hour “at call” account, Council also invests funds surplus to immediate working capital requirements, in term deposits. Term deposits are generally for periods of 30, 60 or 90 days. Terms in excess of 90 days are available on request.

Interest rates for term deposits offered by LGFA are determined by the financial market and driven by prevailing economic conditions. That is, the interest rate can change daily as the financial markets respond to current, and speculate on future, economic conditions. As a result, the differential between the 24 hour “at call” rate and the term deposit rate can fluctuate daily.

The use of fixed term deposits is a risk management strategy to maximise interest rate returns. Given fixed term deposits have a higher interest rate than the 24 hour “at call” account, surplus cash requirements are constantly monitored to maximise investment returns.

It should be noted that the end of financial year 24 hour “at call” account balance also included funds received on 29 June 2023 for the advance payment of Council’s 2023/2024 Financial Assistance Grant of approximately \$2.15m.

### Borrowings

Council’s outstanding loan principal at 30 June 2023 was \$6.7m a decrease of \$1.3m on the prior year end balance of \$8.3m. The table below details the movement against each type of loan and the closing balance of Council’s loan portfolio.

Loan Type	2021/2022	2021/2022	2022/2023	2022/2023
	Principal Remaining	Interest Paid	Principal Remaining	Interest Paid
	\$	\$	\$	\$
Council Loans	7,301,843	246,451	6,203,045	301,135
Community Loans	432,653	24,148	184,658	19,161
Special Rates Loans	224,890	10,818	185,658	9,195



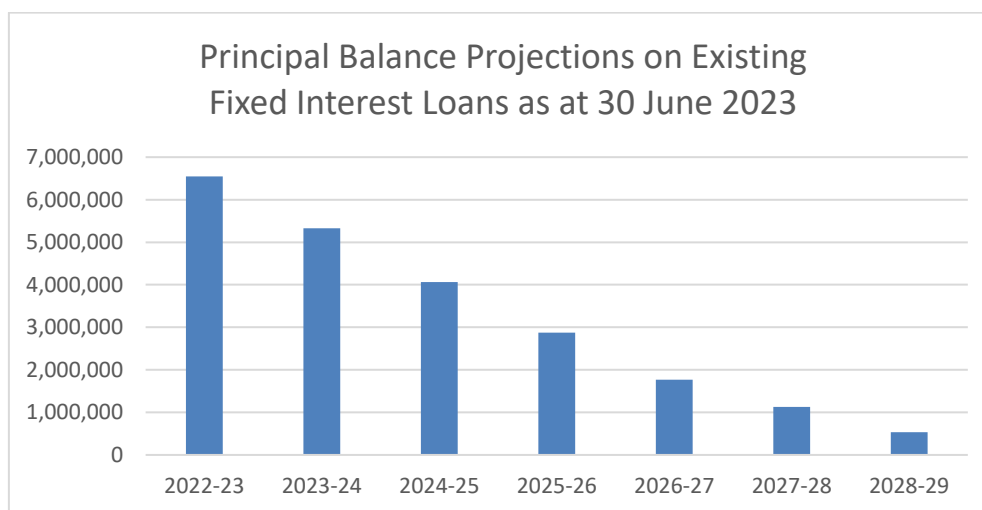
Cash Advance Debenture (CAD)	314,717	4,379	Nil	Nil
<b>Total</b>	<b>\$8,274,103</b>	<b>\$285,795</b>	<b>\$6,730,081</b>	<b>\$329,491</b>

The movements in the table above can be explained as follows:

- One Community Loan (54 – Stansbury Sewer Scheme Final Variations) ended in 2022/2023
- Council’s Community Loan threshold as per the policy still has capacity as at 30 June 2023 for a further \$1,158,621 to be borrowed

All existing Community Loans are scheduled to be paid out by the end of financial year 2028/2029.

Council’s portfolio consists of both fixed and variable interest rate borrowings, which comply with Council’s current Treasury Management Policy (PO139) requirements. The Policy sets a minimum of 80% of all loans to be fixed, and no more than 20% to be variable in any given year. The maximum term for loans in Council’s portfolio is currently 10 years; except for the Office Building and Road Acceleration Program borrowing which was approved by Council for a 15-year term. Council has spread its exposure to interest rate movement by ensuring a variety of maturity dates for its loans. This is demonstrated by the graph below, which shows year-end balances as Council’s current fixed loans expire.



Cash Advance Debenture (CAD) – Port Rickaby Caravan Park

In 2020/2021, Council chose to use the CAD to the value of \$350,814 to facilitate the purchase and setup of the Port Rickaby Caravan Park. At the time of draw down (August and October 2020) this special COVID discounted CAD had a net interest rate of 0.45% (including the COVID discount of 0.75%). This CAD facility, with its discounted interest rate, was due to expire in July 2023, after which the CAD interest rate (at that time) was forecast to increase by 0.75%.

Following the July 2022 cash rate increase resulting in the CAD interest rate increasing to 2.55% (inclusive of COVID discount) a decision was made to pay down the CAD in full (\$314,717) and convert it to an internal borrowing to the park from general revenue. This decision was based on the following:

- Council having cash reserves of \$13.4m at the time earning 1.55% at call or 2.31% on a 90-day term deposit
- Interest rate on the CAD being up to a full 1% higher than the interest rate on Council’s surplus cash at call
- Ongoing increases to the monthly cash rate resulting in subsequent increases to the CAD interest rate. Since the CAD was paid down on 7 July 2022 the cash rate and the CAD interest rate have increased by a further 2.75%; and
- The 0.75% COVID discount expiring in July 2023

The internal loan amount for the park currently stands at \$156,545.82 (2021/2022 Balance: \$266,877) following application of the 2022/2023 park surplus to the internal loan. An interest rate, equivalent to that foregone by Council not keeping that cash in its at call account, will be applied to the internal loan on a monthly basis. The current interest rate for Council's LGFA 24hr at call account was 4.30% at the 30<sup>th</sup> June 2023.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager Financial Services
- Accountant Financial Management

In preparing this report, the following external parties were consulted:

- Nil

**POLICY IMPLICATIONS**

PO139 Treasury Management Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Efficient cash flow reporting and treasury management practices ensure financial resources are available in support of and as per Council's Budget and return on public funds is maximised.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

**ATTACHMENTS**

Nil

**23.5 FINANCIAL REPORT AS AT 31 AUGUST 2023****Document #:** 23/81654**Department:** Corporate and Community Services**PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 August 2023.

**RECOMMENDATION**

That Council receive the financial report and capital projects update report as at 31 August 2023.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.4 Seek alternate income streams and ensure financial sustainability

**BACKGROUND**

A financial report and capital projects update report (projects over \$25,000) is presented monthly for Council's consideration in accordance with Policy PO142 Budget Reporting and Amendment. These reports encompass results to the end of the calendar month preceding each scheduled Council meeting.

**DISCUSSION**

The attached financial reports are submitted with the following qualifications, comments and notes:

- Actuals included in the Uniform Presentation of Finances (UPF) are as incurred at close of business on the last day of the month being reported and may be subject to end of month adjustments. Any such adjustments will be incorporated in the following monthly report.
- The format of the UPF has been updated in accordance with South Australian Model Financial Statements 2023 guidance to reflect amendments to legislation regarding Long Term Financial Plans (LTFP) and includes the addition of a further disaggregation of line items for income and expenditure to align with the face statements, and an adjustment to operating surplus for the timing of untied grants.
- The reports do not include year-end income and expense accruals.
- Both reports include year to date commitments i.e. orders raised but not yet paid for.
- **Attachment 1 - Uniform Presentation of Finances (UPF)**
  - Note 1 - Rates, Service Charges (Waste, CWMS and Water), Landscape Levy and Rate Rebates, totalling approximately \$28.4m, have been raised for the 2023/2024 financial year but are only due and payable either in full in September 2023 or by quarterly instalments in September 2023, December 2023, March 2024 and June 2024.
  - Note 2 - includes income from building and planning activity of approximately \$34,000 and septic tank registration fees of approximately \$13,400.

- Note 3 - \$628,000 collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire, etc.) of which approximately \$480,000 relates to Caravan Parks.
  - Note 4 - grants, subsidies & contributions of approximately \$209,000 received to date.
  - Note 5 - approximately \$83,000 of investment, reimbursements and miscellaneous income.
  - Note 6 - commitments of approximately \$4.0m with \$2.8m being for waste management services.
  - Note 7 - depreciation for one month of the financial year has been included in the YTD expenditure being approximately 16.6% of the 2023/2024 annual budget estimate.
  - Notes 8 & 9 - commitments of approximately \$1.9m (including rollovers) for various capital projects, details of which can be found in Attachment 2 of this report.
- **Attachment 2 – Capital Projects Update Report**
    - All Year-to-Date expenditure in this report includes invoices paid to date and orders outstanding. The total of this amount is then compared against the current budget to provide the budget remaining.
    - It should be noted that the month end balances in the capital report are different to those in Attachment 1 – UPF. This is due to the UPF reflecting the actuals as at the last day of the month, whereas the capital report includes a number of month end adjustments, correction to existing purchase orders and raising of new ones, backdated journals and correction of incorrectly allocated amounts. Making these adjustments means the report shows expenditure incurred as well as expenditure forecast for the remainder of the year along with budget remaining against each project.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

- Manager Financial Services
- Budget and Project Managers
- Accountant Financial Management
- Accountant Financial Operations

In preparing this report, the following external parties were consulted:

- Nil

## POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

## BUDGET AND RESOURCE IMPLICATIONS

This is the second update for the 2023/2024 financial year. At this early stage, overall financial performance is forecast to remain on track against Council's endorsed Budget. It should be noted that Council's 2022/2023 accounts are currently being finalised, the impact on the 2023/2024 budget will not be known until October/November 2023.

Expenditure on capital projects, including commitments, has increased substantially from the previous month due to the completion of several prior year projects and movement of several current year projects into the procurement phase. After two months in the 2023/2024 financial year, 81% of the 2023/2024 budgeted capital funds remain uncommitted.

Projects that were not commenced or incomplete (for various reasons) at the end of 2022/2023 have been rolled over to 2023/2024 for completion. Council endorsed the rollovers at its August 2023 meeting. These amounts have been included in both the capital projects update report and the UPF.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Monthly financial reporting provides a transparent and comprehensive reporting regime that allows Council to track performance against financial targets established in its annual budget.

Council risks being perceived as not being transparent if financial performance is not reported periodically and Elected Members could be asked to make decisions without knowing the impact on Council's financial position.

There is a significant risk that non-achievement of agreed milestones for grant funded capital projects could result in a delay in Council receiving grant funds, not receiving funds or having to return funds already received. This would have a significant negative impact on Council's budget and cash flow.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

**ATTACHMENTS**

1. **Uniform Presentation of Finances as at 31 August 2023** [↓](#) 
2. **Capital Projects Update Report as at 31 August 2023** [↓](#) 

YORKE PENINSULA COUNCIL UNIFORM PRESENTATION OF FINANCES AS AT 31 AUGUST 2023							
	2023/24 YTD Actuals \$'000	2023/24 Commitments \$'000	2023/24 YTD Expenditure (incl Commitments) \$'000	Notes	2022/23 Full Year Revised Budget \$'000	2022/23 Full Year Budget Revisions \$'000	2023/24 Full Year Adopted Budget \$'000
<b>Income</b>							
Rates	28,408		28,408	1	28,423		28,423
Statutory Charges	60		60	2	408		408
User Charges	628		628	3	5,101		5,101
Grants, Subsidies and Contributions - Capital	60		60		1,990	241	1,749
Grants, Subsidies and Contributions - Operating	149		30	4	2,608	123	2,485
Investment Income	52		52		168		168
Reimbursements	14		14	5	171		171
Other Income	18		18		124		124
	<b>29,387</b>		<b>29,268</b>		<b>38,992</b>	<b>364</b>	<b>38,629</b>
<b>Expenses</b>							
Employee Costs	1,969	5	1,974		11,291		11,291
Materials, Contracts and Other Expenses	1,964	4,015	5,979	6	16,737	1,645	15,093
Depreciation, Amortisation and Impairment	1,910		1,910	7	11,461		11,461
Finance Cost	9		9		279		279
	(5,853)	(4,019)	(9,872)		(39,768)	(1,645)	(38,123)
<b>Operating Surplus/ (Deficit)</b>	<b>23,534</b>	<b>(4,019)</b>	<b>19,396</b>		<b>(775)</b>	<b>(1,281)</b>	<b>506</b>
Timing adjustment for grant revenue							
<b>Adjusted Operating Surplus (Deficit)</b>	<b>23,534</b>	<b>(4,019)</b>	<b>19,396</b>		<b>(775)</b>	<b>(1,281)</b>	<b>506</b>
<b>Net Outlays on Existing Assets</b>							
Capital Expenditure on renewal and replacement of Existing Assets	(1,297)	(451)	(1,748)	8	(10,546)	(648)	(9,898)
Add back Depreciation, Amortisation and Impairment	1,910		1,910		11,461		11,461
Add back Proceeds on Sale of Assets	42				174	25	149
	<b>655</b>	<b>(451)</b>	<b>162</b>		<b>1,089</b>	<b>(623)</b>	<b>1,712</b>
<b>Net Outlays on New and Upgraded Assets</b>							
Capital Expenditure on New and Upgraded Assets	(803)	(1,442)	(2,246)	9	(9,799)	(2,841)	(6,959)
Amounts received specifically for New and Upgraded Assets	460		460		3,788	837	2,952
Add back Proceeds for Sale of Surplus Assets							
	<b>(343)</b>	<b>(1,442)</b>	<b>(1,785)</b>		<b>(6,011)</b>	<b>(2,004)</b>	<b>(4,007)</b>
<b>Annual Net Impact to Financing Activities (surplus/(deficit))</b>	<b>23,846</b>	<b>(5,912)</b>	<b>17,772</b>		<b>(5,697)</b>	<b>(3,908)</b>	<b>(1,789)</b>

Note : Totals may not add due to rounding

Yorke Peninsula Council Monthly Capital Projects Update as at 31 August 2023															
Project Details by Asset Class	Responsible Directorate	Expected Finish Date	Project Management Stages Complete						YTD Actuals	Commitments	YTD Expenditure (incl. Commitments)	Total Budget (\$)	Budget Remaining (\$)	Budget Remaining (%)	Comments
<b>** Only projects \$25,000 and greater are individually listed below, however the totals shown are for the entire asset class.</b>															
<b>LEGEND</b>															
1	●	Activity currently completed or on schedule													
2	●	Activity currently up to 2 months behind schedule													
3	●	Activity currently more than 2 months behind schedule													
4	●	Activity currently not started													
			Planning	Design	Approval	Services	Procurement	Delivery	\$2,065,138	\$1,890,335	\$3,955,473	\$20,345,559	\$16,390,085	81% TOTAL	
<b>Buildings &amp; Other Structures</b>															
45750 - Interment Wall - Port Vincent Cemetery	DS	Jun-23	●	●	N/A	N/A	●	●	\$0	\$23,091	\$23,091	\$25,400	\$2,309	9%	[Rolled over from 2022/23] Survey has been done, contractor has been engaged.
47525 - Minlaton Child Care Centre [BSBRGP]	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$464,618	\$1,313,690	\$1,778,308	\$2,048,439	\$270,131	13%	[Rolled over from 2022/23] Work in progress at year end, anticipated completion by December 2023.
60040 - Maitland Plane Tree Root Control (Robert Street Concept Design)	ES	Jun-20	●	●	N/A	N/A	●	●	\$5,200	\$0	\$5,200	\$136,431	\$131,231	96%	[Rolled over from 2022/23] Concept design being altered for future Council endor
60205 - Point Turton CP - Upper Level Amenities	CCS	Jun-23	●	●	●	●	●	●	\$0	\$7,273	\$7,273	\$320,756	\$313,483	98%	[Rolled over from 2022/23] Tenders endorsed and contractor appointed to undertake project in 2023/2024, development application is in process. Contractor engaged to build a retaining wall.
44626 - Stansbury Seawall	ES	Jun-24	●	●	●	N/A	●	●	\$0	\$0	\$0	\$331,000	\$331,000	100%	Consulting with engineers to finalise design.
44656 - Marion Bay Boat Ramp	ES	Jun-26	●	●	●	N/A	●	●	\$4,720	\$0	\$4,720	\$3,800,000	\$3,795,280	100%	Concluding application for DA which will require minor modification to design. Building authority approval to be sought following coastal protection approval and DA conclusion. Aim to tender project in late Sep-23. Also concurrently Council's Director A&I is working with the SA DIT on securing a land tenure license to occupy the maritime zone past the Mean High Water Mark and DIT lodgement of notices pertaining to native title not extinguished at the ramp location. Resolution of land tenure and native title are two conditions to be satisfied before letting of a construction contract.
60200 - Point Turton Caravan Park Storage Shed	CCS	Dec-23	●	●	●	N/A	N/A	●	\$0	\$19,039	\$19,039	\$40,000	\$20,961	52%	Development application is lodged and supplier selected.
45794 - Port Rickaby Caravan Park Water Supply Upgrade	CCS	Dec-23	●	●	N/A	N/A	●	●	\$161,485	\$4,273	\$165,758	\$176,945	\$11,187	6%	Project is near completion and park has partially reopened to visitors.
60006 - Port Rickaby caravan park Dump Point	CCS	Jun-24	●	●	●	N/A	●	●	\$0	\$1,860	\$1,860	\$49,420	\$47,560	96%	Wastewater engineer engaged.
<b>Total Buildings &amp; Other Structures</b>									<b>\$636,023</b>	<b>\$1,378,023</b>	<b>\$2,014,046</b>	<b>\$6,976,456</b>	<b>\$4,962,410</b>	<b>71%</b>	
<b>CWMS Infrastructure</b>															
44254 - Maitland wwtp. Buffer tank, odour control system, roofing, shed roller door, tank aerators and Drain replacement	ES	Jun-24	●	N/A	N/A	N/A	●	●	\$4,010	\$11,803	\$15,813	\$115,500	\$99,687	86%	Odour control system materials on order, planning for other projects has commenced, awaiting on quotations.
44253 - Yorketown Minlaton Road and Warooka CWMS pump station switchboard renewal and flowmeter	ES	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$80,000	\$80,000	100%	Planning commenced, quotations to be sourced once finalised.
44260 - Port Vincent caravan park main pump station monitoring system, Ventnor St. valve, Marina Station Pump 2 and wwtp waste Pump replacement	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$25,090	\$25,090	\$25,251	\$161	1%	Purchase orders placed for monitoring system and Marina pump station, wwtp pumps and valving, awaiting installation.
44264 - Point Turton wwtp Install pre-treatment filtration system, replacement of irrigation pump 2 and AAT tank aerators	ES	Jun-24	●	●	N/A	N/A	●	●	\$0	\$0	\$0	\$118,790	\$118,790	100%	Quotations being sourced.
<b>Total CWMS Infrastructure</b>									<b>\$4,010</b>	<b>\$78,023</b>	<b>\$82,033</b>	<b>\$394,721</b>	<b>\$312,688</b>	<b>79%</b>	
<b>Land</b>															
45797 - Yorketown Main Street Beautification (formerly Charles Street Land Purchase)	DS	Jun-20	N/A	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$100,000	\$100,000	100%	[Rolled over from 2022/23] Budget allocation to be retained for potential contribution towards future Main Street beautification works.
<b>Total Land</b>									<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>100%</b>	
<b>Plant, Equipment &amp; Other Assets</b>															
40026 - Various Coastal Management Strategy Projects [LRCIP Phase 3]	ES	Jun-24	●	●	N/A	N/A	●	●	\$54,013	\$0	\$54,013	\$54,013	\$0	0%	[Rolled over from 2022/23] Beach access stairs at Magazine Bay and Wool Bay steps also completed. Other Coastal Management Projects will depend on the over budget remaining for LRCIP Phase 3. Expected finish date revised from June 2023 to June 2024 in line with grant extension.
44500 - Major Plant Replacement - Vibratory Roller	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$195,000	\$195,000	100%	Sourcing quotations.
62002 - Major Plant Replacement - Patrol Grader	ES	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$515,000	\$515,000	100%	Not yet started.
61203 - Major Plant Replacement - Utes	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$66,000	\$66,000	100%	Not yet started.
62020 - Major Plant Replacement - Semi Water Tanker - North	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$120,000	\$120,000	100%	Not yet started.
61210 - Fleet Vehicle Replacement	CCS	Sep-23	●	N/A	N/A	N/A	●	●	\$58,087	\$45,984	\$104,071	\$198,343	\$94,272	48%	Annual fleet replacement program commenced – 1 x delivery in August. 2 x scheduled for September 2023.
40030 - ICT Equipment (Monitors & Computers Replacement, Video Editing Laptop)	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$7,729	\$6,610	\$14,339	\$35,700	\$21,361	60%	Monitors and video editing laptop received, others not ordered yet.
<b>Total Plant, Equipment &amp; Other Assets</b>									<b>\$123,646</b>	<b>\$58,754</b>	<b>\$182,400</b>	<b>\$1,254,385</b>	<b>\$1,071,985</b>	<b>85%</b>	
<b>Transport Infrastructure</b>															
59650 - Yorketown Airstrip - Runway Lighting Upgrade [Support Regional Aviation Program]	ES	Jul-24	●	N/A	N/A	N/A	●	●	\$189,381	\$482	\$189,843	\$194,180	\$4,337	2%	[Rolled over from 2022/23] Completed on July 2023, budget adjustment required at first quarter.
54102 - Unsealed Roads Intersection Upgrades	ES	Jun-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$193,000	\$193,000	100%	[Rolled over from 2022/23] Project in planning phase.
45053 - Arthurton Main Street Upgrade [LRCIP Phase 3]	ES	Jun-23	●	●	N/A	N/A	●	●	\$104,437	\$0	\$104,437	\$40,781	-\$63,656	-156%	[Rolled over from 2022/23] Completed, budget adjustment to be requested. Invoice to be sent to Arthurton Progress for further contribution of funds towards the project.
45046 - Hardwicke Bay Shelter & Boat Ramp Carpark [LRCIP Phase 3]	ES	Jun-23	●	●	N/A	N/A	●	●	\$36,219	\$875	\$37,094	\$37,737	\$643	2%	[Rolled over from 2022/23] Progress installing shelter with roof to be done by contractor.
57117 - Edith Street Medium Strip Extension - Edithburgh	ES	Dec-23	●	●	N/A	N/A	●	●	\$0	\$41,758	\$41,758	\$64,000	\$22,242	35%	Works commenced, kerbing complete, paving to start shortly.
57118 - James Wells Kerb Road Repairs	ES	Dec-23	●	●	N/A	N/A	●	●	\$3,545	\$1,600	\$5,145	\$28,000	\$22,855	82%	Nearing completion, Council to jetpatch road.
54021 - Gleasons Rd - Marion Bay Rd to Liddiards Rd	ES	Oct-23	●	N/A	N/A	N/A	●	●	\$37,510	\$0	\$37,510	\$123,512	\$86,002	70%	Works commenced, projected finish in October 2023.
53519 - South Coast Rd - Yorke Hwy to Meehan Hill	ES	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$293,097	\$293,097	100%	Scheduled to commence in May 2024 for completion in June 2024.
54091 - Heel Rd - Sheoak Beach Rd to Goldsmith Beach Rd	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$454,889	\$454,889	100%	Scheduled to commence in October 2023 for completion in June 2024.
57119 - Town Rehabilitation South	ES	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$659,522	\$659,522	100%	Scheduled to commence in January 2024 for completion in April 2024.
54101 - New Horton Rd - Troughbridge Hill Rd to Goldsmith Beach Rd	ES	May-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$128,850	\$128,850	100%	Scheduled to commence in April 2024 for completion in May 2024.
57108 - Corny Point Rd - Brutus Rd to Turton Rd	ES	Nov-23	●	N/A	N/A	N/A	●	●	\$21,045	\$224,101	\$245,146	\$331,016	\$85,870	26%	Works commenced, awaiting material delivery, projected finish in November.
57116 - Dust Suppression	ES	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$50,000	\$50,000	100%	Scheduled to commence and completion in April 2024.
54027 - Nalyappa Rd - Coopers Rd to Barnes Rd	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$406,200	\$406,200	100%	Works commenced, wage and plant costs yet to be allocated.
53011 - Melton South Rd - Upper Yorke Rd to Wayside Rd	ES	Nov-23	●	N/A	N/A	N/A	●	●	\$44,282	\$0	\$44,282	\$676,020	\$631,738	93%	Works commenced projected finish November 2023.
54077 - Sandy Church Rd - Spencer Hwy to 3.45 Km East	ES	Mar-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$501,232	\$501,232	100%	Scheduled to commence in November 2023 for completion in March 2024.
57109 - Patch Work North - Various Rds	ES	Jun-24	●	N/A	N/A	N/A	●	●	\$5,251	\$0	\$5,251	\$781,995	\$776,744	99%	Works commenced.
57112 - Patch Works South - Various Rds	ES	Jun-24	●	N/A	N/A	N/A	●	●	\$19,296	\$0	\$19,296	\$476,680	\$457,384	96%	Works commenced.

Yorke Peninsula Council Monthly Capital Projects Update as at 31 August 2023															
Project Details by Asset Class	Responsible Directorate	Expected Finish Date	Project Management Stages Complete						YTD Actuals	Commitments	YTD Expenditure (incl Commitments)	Total Budget (\$)	Budget Remaining (\$)	Budget Remaining (%)	Comments
54099 - Dowlingville Slant Rd - Yorke Hwy to Cook Rd	AIS	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$200,424	\$200,424	100%	Scheduled to commence in September 2023 for completion in December 2023.
49500 - Reseal Allocation	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$735,954	\$0	\$735,954	\$1,735,902	\$999,948	58%	[Rolled over from 2022/23] Expenditure to date reflects completion of 2022/2023 reseal program in July 2023. Ordinarily, over a large seal campaign, Council's contract manager (Works Manager) would adjust down the quantum of areas to be resealed to reconcile back to Council's seal budget but such was complicated by the timing of council works being spread over 6 months through weather impacts and having to fit in with Department of Infrastructure and Transport. Making for quantities of work likely to be done very difficult to predict. Overspend compounded by decision to reduce the seal budget by approximately \$220k to accommodate the unbudgeted Clinton Road rain damage repairs flagged as unbudgeted around the time of the works. Current year program will be reduced to remaining budget allocation.
54102 - Intersection Upgrades	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$607,716	\$607,716	100%	Not started.
52490 - Rubble Raising	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$500,000	\$500,000	100%	Not started.
57535 - Sealed Road Rehabilitation Stabilisation Works	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$250,000	\$250,000	100%	Not started.
49499 - Additional Roads (works to be assigned)	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$202,557	\$202,557	100%	Not started.
57024 - North Coast Road Upgrade (Stage 2)	AIS	Jun-24	●	●	N/A	N/A	●	●	\$14,413	\$10,458	\$24,871	\$2,300,000	\$2,275,129	99%	Tenders process has commenced.
<b>Total Transport Infrastructure</b>									<b>\$1,211,313</b>	<b>\$311,084</b>	<b>\$1,522,397</b>	<b>\$11,272,824</b>	<b>\$9,750,427</b>	<b>86%</b>	
<b>Stormwater Infrastructure</b>															
40080 - Minlaton Depot Stormwater Works	AIS	May-22	●	●	●	N/A	●	●	\$0	\$0	\$0	\$37,061	\$37,061	100%	[Rolled over from 2022/23] Design finalised, quotations to be sourced across multiple trades.
44304 - Stormwater Drainage - Corny Point Road	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$16,700	\$18,195	\$34,895	\$38,100	\$3,205	8%	[Rolled over from 2022/23] Commenced survey and design works.
59425 - Stormwater - Maitland Drainage [LRCIP] & [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$73,446	\$0	\$73,446	\$68,861	-\$4,585	-7%	[Rolled over from 2022/23] Completed budget adjustment to be requested.
59433 - Edithburgh - Gillerton terraces Drainage works -Stage 3	AIS	Jun-24	●	●	N/A	N/A	●	●	\$0	\$0	\$0	\$62,000	\$62,000	100%	Sourcing quotations in September 2023.
59449 - Maitland Western stormwater dam spillway installation stage 2	AIS	Oct-23	●	●	N/A	N/A	●	●	\$0	\$44,858	\$44,858	\$50,000	\$5,142	10%	Purchase order issued for construction works.
<b>Total Stormwater Infrastructure</b>									<b>\$90,146</b>	<b>\$63,053</b>	<b>\$153,199</b>	<b>\$256,022</b>	<b>\$102,823</b>	<b>40%</b>	
<b>Water Scheme Infrastructure</b>															
44283 - Hardwicke Bay water scheme increased storage capacity	AIS	Dec-23	●	●	N/A	N/A	●	●	\$0	\$0	\$0	\$80,000	\$80,000	100%	Commenced, evaluating quotations received.
<b>Total Water Scheme Infrastructure</b>									<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$86,150</b>	<b>\$86,150</b>	<b>100%</b>	

Note : Totals may not add due to rounding.



**23.6 YORKE PENINSULA BRANDING PROJECT - YORKE PENINSULA TOURISM****Document #:** 23/81200**Department:** Corporate and Community Services**PURPOSE**

To seek Council endorsement of financial support for the Yorke Peninsula Tourism Brand Evolution Project at a cost of \$20,000.

**RECOMMENDATION A**

That Council endorse contributing \$20,000 to Yorke Peninsula Tourism for the Yorke Peninsula Brand Evolution Project.

or

**RECOMMENDATION B**

That Council does not endorse contributing \$20,000 to Yorke Peninsula Tourism for the Yorke Peninsula Brand Evolution Project.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.3 Improve visitor experiences, including tourism infrastructure, signage, information and support

1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

**BACKGROUND**

Yorke Peninsula Tourism intends to embark on a Yorke Peninsula Brand Evolution Project to create a new brand identity for the region. This updated branding would help inform all future tourism initiatives including marketing, and would be led by a contractor at a cost of \$60,000. Copper Coast Council has committed \$20,000 toward the project, Yorke Peninsula Tourism has provided \$20,000. Barunga West Council has declined to participate financially. Yorke Peninsula Tourism is now formally requesting the remaining \$20,000 be contributed by Yorke Peninsula Council.

**DISCUSSION**

Three (3) strategic priorities are identified in the Yorke Peninsula Tourism Strategic Action Plan Towards 2030, and the associated Implementation Plan, both of which were based on extensive consultation with the local community and key stakeholders. Priority Area 2 of the Strategic Action Plan is Storytelling and the key project for this is the Yorke Peninsula Brand Evolution.

The Implementation Plan states that for this project, a destination branding agency should “engage with the broader Yorke Peninsula community to understand the DNA of the region – the people, places and feelings associated with living and visiting the region. Through this process, (the agency’s work should) uncover the stories that align with the DNA to drive year-round visitation with high value visitors and niche segments. Outcomes are new positioning statements and visual identity.”

The Strategic Action Plan states that success in improved storytelling would involve “clear, evolved brand positioning, values and visual identity that reflects the region’s DNA, and supports year round storytelling” and the “activation of (the) evolved brand by all YP visitor economy stakeholders.”

Yorke Peninsula Tourism considers the evolution of the Yorke Peninsula brand to be a critical priority for the region. The organisation is focusing heavily on creating bookable tourism experiences as per

Priority Area 1 of its Strategic Action Plan. With such experiences being developed, the lack of a sophisticated, contemporary, holistic brand for the region becomes Yorke Peninsula' primary limiting factor for visitor attraction, according to Yorke Peninsula Tourism.

Yorke Peninsula Tourism expects the new brand to be in use for at least 10 years.

Yorke Peninsula Tourism has obtained a quote of \$60,000 for the project. Copper Coast Council has pledged \$20,000 and Yorke Peninsula Tourism has committed \$20,000 in partnership with the South Australian Tourism Commission. Barunga West has declined to participate financially. Yorke Peninsula Tourism is seeking a contribution of \$20,000 from Yorke Peninsula Council to enable the project to go ahead. Providing the requested funding for this project would result in a \$20,000 reduction to Council's forecasted operating surplus as it has not been budgeted for in this year's financial plan.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager Economic Development and Business Sustainability

In preparing this report, the following external parties were consulted:

- Yorke Peninsula Tourism

## POLICY IMPLICATIONS

Committing \$20,000 to this project will require a one-sided budget adjustment in accordance with Council's PO142 Budget Reporting & Amendment Policy.





## BUDGET AND RESOURCE IMPLICATIONS

Providing the requested funding for this project would result in a \$20,000 reduction to Council's forecasted operating surplus. Budget impacts for updating physical infrastructure will also need to be taken into consideration.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Nil

## ATTACHMENTS

1. **Formal Request For Funding - Yorke Peninsula Brand Evolution - Yorke Peninsula Tourism**  
2. **Yorke Peninsula Tourism - Strategic Action Plan Towards 2030 (under separate cover)** 
3. **Yorke Peninsula Tourism - Strategic Action Plan - Implementation Plan (under separate cover)** 

**Beth Wain**

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**From:** Jess Greatwich <jess.greatwich@yorkepeninsula.com.au>  
**Sent:** Friday, 25 August 2023 1:01 PM  
**To:** Jess Greatwich (YP Tourism)  
**Cc:** Chair YP Tourism; Nick Perry; Andrew Cameron; Andre Kompler  
**Subject:** Yorke Peninsula Brand evolution process

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, please contact the Council's IT Team.

Good afternoon Elected Members,

I wanted to take a moment to send my sincere thanks for your time and attention at Wednesday evening's information session. As promised, I have included some further information via the links below, and I encourage you to have a look at the examples of brand work that these provide. I know I have laboured the point a little, but with this project we really are talking about a comprehensive set of documents, language, font, colourways, narrative structure, image and vide guidelines *and* an evolved brand mark. It's so much more than just a logo.

Click here to view the [Brand Guidelines for Light Country](#), which give a sense of a comprehensive regional brand guide where personality is front and centre.

For a great example of how a brand can communicate a personality through tone, language and narrative, check out the comprehensive brand guidelines for [New South Wales](#) and a slightly simpler example of brand personality with [Port Douglas Daintree](#).

During the presentation I also mentioned the great work Fuller did with the Eyre Peninsula, and their brand evolution from "the seafood frontier" to "[The Wild Side](#)." It's a fantastic example of what we're hoping to achieve here on Yorke Peninsula.

I thought I would also take a moment to address a couple of the questions that were asked on Wednesday. I'm not sure I did the best job of talking through my answers, so please indulge me for a moment to clarify some points.

Firstly, I appreciate that it may be possible to get a new logo for our region via alternative means such as a competition or using a local artist to design something beautiful. I think in this instance, it's important to emphasise just how hard we expect the brand to work – we expect this to be a valuable, useful asset for our community for many, many years to come and it has a great deal of heavy lifting to do. It has to communicate clearly and concisely a genuine, compelling story of the Yorke Peninsula. It has to speak to the multitude of experiences, landscapes, people and culture that makes up our region and it needs to do this in a cohesive, consistent manner across social media, web sites, printed marketing and video. I'm a great believer that if you want a quality output then your process has to be robust and exceptionally well informed, which is why we are reaching out to experts in this field. Fuller are a SA, family-owned business and in my professional opinion they're the best in the business. They will need to draw on a deep understanding of tourism marketing, human psychology, communication theory, and design as part of this process – branding and brand evolution is a specialised field that requires expert input.

Secondly, it's important to acknowledge that there will be some costs associated with updating infrastructure and collateral once we have a new regional brand. Of course, digital assets are very easily updated, at no cost. Printed assets are generally replaced periodically (annually, for example in the case of the Visitor Guide) and will be updated on the appropriate time frame (again, at no extra cost). With regard to physical infrastructure that is branded and belongs to Council, I do genuinely believe that while there will be cost in the short term, the benefit of having a contemporary, refreshed, revitalised brand far outweigh these in both the short and long term. I should also be clear that the consumer-facing brand that's under discussion is distinct from Council's own logo and branding that it used far more widely across the region on Council-owned infrastructure and of course these will not need to be changed.

Finally, I note that these costs will be shared throughout the various stakeholders, with YP Tourism, and the SATC taking responsibility for our owned assets.

Thank you again for your time. I understand that at your next meeting there will be a motion before the Elected Members for Yorke Peninsula Council to contribute \$20,000 to the brand evolution project and I urge you to lend your support to this proposal. I hope that I have been able to demonstrate that there is a very strong strategic framework surrounding this project and a plan to leverage all investment to its fullest extent. If however, there is any aspect of the project you would like to discuss in greater detail, please don't hesitate to reach out directly on 0424 895 309.

With thanks, and warm regards,  
Jess

**Jess Greatwich**

Regional Tourism Manager | Yorke Peninsula



**Yorke Peninsula Tourism**

PO Box 187 Minlaton SA 5575

Office: 08 8853 3897

Mobile: 0424 895 309

[jess.greatwich@yorkepeninsula.com.au](mailto:jess.greatwich@yorkepeninsula.com.au)

[www.yorkepeninsula.com.au](http://www.yorkepeninsula.com.au)

**23.7 POLICY AND PROCEDURE UPDATES - PO166 RELATED PARTY DISCLOSURES  
POLICY AND PR166 RELATED PARTY DISCLOSURES PROCEDURE****Document #:** 23/82007**Department:** Corporate and Community Services**PURPOSE**

To seek Council endorsement of the updated PO166 Related Party Disclosures Policy and new PR166 Related Party Disclosures Procedure.

**RECOMMENDATION**

That Council endorse the proposed updated PO166 Related Party Disclosures Policy and new PR166 Related Party Disclosure Procedure as presented.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.5 Undertake effective risk management

**BACKGROUND**

The Local Government Act 1999 and the associated Local Government (Financial Management) Regulations 2011 require Council to prepare its Annual General Purpose Financial Statements in compliance with Australian Accounting Standards and the Model Financial Statements.

The objective of AASB124 Related Party Disclosures is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties, and by transactions and outstanding balances, including commitments, with such parties.

As part of the regular review of Council's policies, the Related Party Disclosures Policy has been reviewed and updated to maintain compliance.

This report was considered by the Audit and Risk Committee at its meeting on Tuesday, 5 September 2023. The Committee recommended to Council that the report be endorsed.

**DISCUSSION**

The review of the Related Party Disclosures Policy and creation of the Related Party Disclosure Procedure has sought to remove procedural information from the existing policy whilst making minor adjustments to these procedural items to provide clarity to the reader and aid compliance.

The revised, draft Policy is provided in two formats; a clean copy (attachment 1) without track changes to provide a more reader friendly version, and a version with the changes tracked (attachment 2) to allow easy identification of the modifications made.

Key updates include:

- Removal of procedural information, standard forms and example information
- Clarification on scope of application

- Clarification of policy statement

The new draft procedure is also provided as a clean copy (attachment 3) and contains information previously contained within the policy which has been updated to provide greater clarity for the reader.

Key information updates include:

- Criteria for Identification of Key Management Personnel clarified to also include acting personnel depending on time in acting role
- Procedural items which mirror revised policy commitments
- Creation of a register for related party transactions
- Removal of unnecessary scenario example information on the basis that examples are provided within AASB124

New standard forms, SF527 Related Party Declaration by Key Management Personnel and SF528 Related Party Transactions Declaration by Key Management Personnel have been created and included as attachments to this report for reference (attachment 4 and 5). These forms were previously contained within the policy document and are available for use in collecting and confirming information regarding related parties and related party transactions.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager People, Culture, Safety and Risk
- Manager Financial Services

In preparing this report, the following external parties were consulted:

- Nil

## **POLICY IMPLICATIONS**

- 1 Code of Conduct for Council Members
- 2 Code of Conduct for Council Employees
- 3 PO091 – Risk Management
- 4 PO156 – Internal Financial Control
- 5 PO015 – Code of Practice for Access to Council Meetings and Council Documents






## **BUDGET AND RESOURCE IMPLICATIONS**

There are no direct financial management implications associated with this report, however it is worth noting the additional time and effort required to research, document and implement the financial reporting requirements imposed on Council to comply with AASB124.

## **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Failure to implement the requirements of the standard may result in adverse auditing comments which may lead to a reputational risk to Council. This risk has been mitigated through the development of a comprehensive policy and procedure and through education of the staff required to prepare the disclosures and persons required to submit related party information.

**ATTACHMENTS**

1. Draft PO166 Related Party Disclosures Policy - Clean Copy [↓](#) 
2. Draft PO166 Related Party Disclosures Policy - Tracked Changes Copy [↓](#) 
3. Draft PR166 Related Party Disclosures Procedure [↓](#) 
4. Draft SF527 Related Party Declaration by Key Management Personnel [↓](#) 
5. Draft SF528 Related Party Transactions Declaration by Key Management Personnel [↓](#) 



## COUNCIL POLICY

### Related Party Disclosures

<b>Policy Number:</b>	PO166		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Director of Corporate & Community Services	<b>Record Number:</b>	18/69276[v2]
<b>Responsible Officer:</b>	Manager Financial Services	<b>Minute Reference:</b>	058/2019
<b>Date Adopted:</b>	13/03/2019	<b>Next Review Date:</b>	March 2023

#### 1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring that “related party transactions” are properly identified and appropriately disclosed within Council’s annual General Purpose Financial Statements in accordance with the ‘Australian Accounting Standard AASB124 – Related Party Disclosures (AASB 124)’ (referred to as AABS 123’.

#### 2. SCOPE

This policy applies to:

- All Councillors
- The Chief Executive Officer
- The Director of Asset and Infrastructure Services
- The Director of Corporate & Community Services
- The Director of Development Services, and
- Any other persons identified by Council as meeting the definition of Key Management Personnel.

#### 3. DEFINITIONS

Refer to Attachment 1.

#### 4. POLICY STATEMENT

Through the identification and disclosure of Related Party Transactions, this Policy and the Related Party Disclosure Procedure (PR166) will assist Council to prepare Annual General Purpose Financial Statements in compliance with the Local Government Act 1999 (Section



**PO166 – Related Party Disclosures Policy**

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127) and associated Local Government (Financial Management) Regulations 2011, which align with the Australian Accounting Standards and the Model Financial Statements.

To comply with the requirements of the AASB 124 Council will:

- Identify Key Management Personnel;
- Identify related party relationships and related party transactions excluding ordinary citizen transactions;
- Establish and maintain systems to identify and capture related party transactions, including the required information about those transactions;
- Identify the circumstances in which disclosures of identified transactions is required;
- Assess the materiality of identified transactions, and
- Determine the category of disclosure to be made about transactions in Council's General Purpose Financial Statements for the purpose of complying with AASB 124.

**5. COMPLAINTS**

Complaints about this policy can be made in writing to the Director Corporate Community Services. All complaints will be managed in accordance with Council's Complaints Policy PO147.

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines and stakeholder feedback.

**7. TRAINING**

Council is committed to supporting Council/Committee Members and Employees in complying with this Policy. Training needs will be reviewed, as necessary, in consideration of any changes to legislation, relevant standards, codes and guidelines and audit findings.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

Code of Conduct for Council Employees Policy (PO014)

Code of Practice for Access to Council Meetings and Council Documents (PO015)

Internal Financial Control Policy (PO156)

Related Party Declaration by Key Management Personnel Standard Form (SF527)

Related Party Disclosures Procedure (PR166)

Related Party Transactions Declaration by Key Management Personnel Standard Form (SF528)

Risk Management Policy (PO091)

**10. REFERENCES AND LEGISLATION**

AASB 10 Consolidated Financial Statements

**PO166 – Related Party Disclosures Policy**

AASB 11 Joint Arrangements

AASB 124 Related Party Disclosures

AASB 128 Investments in Associates and Joint Ventures

Behavioural Standards for Council Members (section 75E of the Local Government Act 1999)

Local Government (Financial Management) Regulations 2011

Local Government Act 1999

Local Government Association South Australia Model Financial Statements

**11. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>

**12. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	13/03/2019	New Policy
2	TBC	Full Revision with majority of document moved to new Procedure (PR166) and Standard Forms (SF527 and SF528).

**PO166 – Related Party Disclosures Policy**

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Close Family Member of a person	<p>Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:</p> <ul style="list-style-type: none"> <li>a) that person’s children and spouse or domestic partner;</li> <li>b) children of that person’s spouse or domestic partner; and</li> <li>c) dependants of that person or that person’s spouse or domestic partner.</li> </ul>
Control	<p>An investor controls an investee when the investor is exposed, or has rights, to variable returns from its involvement with the investee and has the ability to affect those returns through its power over the investee.</p>
Joint Control	<p>The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p>
Key Management Personnel	<p>Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity</p>
Material	<p>Information is material to financial statements if omitting it or misstating it could influence decisions that users make on the basis of financial information.</p>
Ordinary Citizen Transaction	<p>Transactions which occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives.</p>
Related Party	<p>Is a person or entity that is related to the entity that is preparing its financial statements (also known as the ‘reporting entity’) is:</p> <ul style="list-style-type: none"> <li>• A person or a close family member of that person’s family is related to a reporting entity if that person: <ul style="list-style-type: none"> <li>○ has control or joint control of the reporting entity;</li> <li>○ has significant influence over the reporting entity; or</li> <li>○ is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.</li> </ul> </li> </ul>
Related Party Transaction	<p>Is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p>
Significant Influence	<p>is the power to participate in the financial and operating policy decisions of the investee but is not control or joint control of those policies.</p>



# COUNCIL POLICY

## Related Party Disclosures

<b>Policy Number:</b>	PO166		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Director of Corporate & Community Services	<b>Record Number:</b>	<a href="#">48/69276[v4]</a> / <a href="#">18/69276[v2]</a>
<b>Responsible Officer:</b>	Manager Financial Services	<b>Minute Reference:</b>	<a href="#">TBA058/2019</a>
<b>Date Adopted:</b>	13/03/2019	<b>Next Review Date:</b>	March 2023

### 1. POLICY OBJECTIVES

~~The Yorke Peninsula Council (Council) is committed to ensuring that This policy aims to ensure "related party transactions" as provided for are properly identified and appropriate disclosed within Council's annual General Purpose Financial Statements in accordance with the 'Australian Accounting Standard AASB124 – Related Party Disclosures (AASB 124)' (referred to as AABS 123) are properly identified and appropriately disclosed in Yorke Peninsula Council's (Council) annual General Purpose Financial Statements.~~

### 2. SCOPE

This policy applies to:

- All Councillors
- The Chief Executive Officer
- The Director of Asset and Infrastructure Services
- The Director of Corporate & Community Services
- The Director of Development Services, and
- Any other persons identified by Council as meeting the definition of Key Management Personnel. This policy has been developed to provide guidance in complying with the Local Government Act 1999 and the associated Local Government (Financial Management) Regulations 2011, which collectively require Council to prepare its Annual General Purpose Financial Statements in compliance with Australian Accounting Standards and the Model Financial Statements. The policy directs appropriately authorised Council employees to ensure compliance

**PO166 – Related Party Disclosures Policy**

~~with AASB124 and applies to all Key Management Personnel (KMP), as defined in this policy.~~

**3. DEFINITIONS**

Refer to Attachment 1.

**4. POLICY STATEMENT**

~~Through the identification and disclosure of Related Party Transactions, this Policy and the Related Party Disclosure Procedure (PR166) will assist Council to prepare Annual General Purpose Financial Statements in compliance with the This policy has been developed to provides guidance in complying with the Local Government Act 1999 (Section 127) and and the associated Local Government (Financial Management) Regulations 2011, which align, which collectively require Council to prepare its Annual General Purpose Financial Statements in compliance with- with the Australian Accounting Standards and the Model Financial Statements.~~

~~The objective To comply with the requirements of the AASB 124 Council will:~~

- ~~• Identify Key Management Personnel;~~
- ~~• Identify related party relationships and related party transactions excluding ordinary citizen transactions;~~
- ~~• Establish and maintain systems to identify and capture related party transactions, including the required information about those transactions;~~
- ~~• Identify the circumstances in which disclosures of identified transactions is required;~~
- ~~• Assess the materiality of identified transactions, and~~
- ~~• Determine the category of disclosure to be made about transactions in Council's General Purpose Financial Statements for the purpose of complying with AASB 124. of AASB124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and performance may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.~~
- ~~• There are four types of related parties Council must consider when seeking to ensure compliance with AASB 124:~~
  - ~~• Entities related to council;~~
  - ~~• Key Management Personnel (KMP);~~
  - ~~• Close family members of KMP; and~~
  - ~~• Entities that are controlled or jointly controlled by either 2 or 3 above.~~
- ~~• For further information on Council's related parties refer to Attachment 2.~~
- ~~• A related party transaction is any transaction between Council and the above related parties, whether monetary or not. For Council purposes, ordinary citizen transactions are excluded (refer to Attachment 3).~~
- ~~• Disclosure in Council's annual financial statements will only be made where a transaction has occurred between Council and a related party of Council, and the transaction is material in nature or size, when considered individually or collectively (refer to Attachment 3).~~

**PO166 – Related Party Disclosures Policy**

- ~~• In order to meet the disclosure requirements, all KMP must periodically provide a related party declaration identifying any close family members and entities controlled or jointly controlled by KMP or their close family members (refer to Attachment 5).~~
- ~~• Related party declarations will be requested by appropriately authorised Council employees at least annually but may be requested more frequently depending on circumstances. An annual list of any related party transactions for review and confirmation will be forwarded to KMPs in July in relation to the prior financial year (refer to Attachment 5).~~
- ~~• The information collected in the declarations will be used for the purposes of preparing Council's financial statement note disclosures. Appropriately authorised Council employees will maintain appropriate records to assess the related parties and related party transactions. The declarations and related party records are subject to audit as part of the annual external audit by Council's external auditors (refer to Attachment 7).~~
- ~~• The notification requirements listed above are different from and in addition to:~~
- ~~• The notifications a Prescribed Officer must make for the purposes of Council maintaining a Register of Interests in accordance sections 112 to 115 of the Local Government Act 1999; and~~
- ~~• The notifications an elected member must make for the purposes of Council maintaining the Register of Interests in accordance with sections 64 to 67 of the Local Government Act 1999~~

**5. COMPLAINTS**

Complaints about this policy can be made in writing to the Director Corporate Community Services. All complaints will be managed in accordance with Council's Complaints Policy [PO147](#).

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines and stakeholder feedback.

**7. TRAINING**

Council is committed to supporting Council/Committee Members and Employees in complying with this Policy/Procedure.

Training needs will be reviewed, as necessary, in consideration of any changes to legislation, relevant standards, codes and guidelines and audit findings.

~~KMP and staff are provided with appropriate training to enable them to meet the requirements of this policy.~~

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

Code of Conduct for Council Employees [Policy \(PO014\)](#)

~~Code of Conduct for Council Members~~

**PO166 – Related Party Disclosures Policy**

~~PO015—Code of Practice for Access to Council Meetings and Committee Meetings and Council Documents (PO015) Code of Practice~~

~~PO156—Internal Financial Control Policy (PO156)~~

~~SF527—Related Party Declaration by Key Management Personnel Standard Form (SF527)~~

~~PR166—Related Party Disclosures Procedure (PR166)~~

~~SF528—Related Party Transactions Declaration by Key Management Personnel Standard Form (SF528)~~

~~PO091—Risk Management Policy (PO091)~~

**10. REFERENCES AND LEGISLATION**

[AASB 10 Consolidated Financial Statements](#)

[AASB 11 Joint Arrangements](#)

AASB 124 Related Party Disclosures

[AASB 128 Investments in Associates and Joint Ventures](#)

[Behavioural Standards for Council Members \(section 75E of the Local Government Act 1999\)](#)

Local Government (Financial Management) Regulations 2011

Local Government Act 1999

[Local Government Association South Australia Model Financial Statements](#)

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**12. VERSION HISTORY**

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1	13/03/2019	New Policy
<u>2</u>	<u>TBC</u>	<u>Full Revision with majority of document moved to new Procedure (PR166) and Standard Forms (SF527 and SF528).</u>

**PO166 – Related Party Disclosures Policy**

**ATTACHMENT 1: DEFINITIONS**

<u>Term/Reference</u>	<u>Definition</u>
<u>Close Family Member of a person</u>	<p>Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:</p> <ul style="list-style-type: none"> <li>a) <u>that person's children and spouse or domestic partner;</u></li> <li>b) <u>children of that person's spouse or domestic partner; and</u></li> <li>c) <u>dependants of that person or that person's spouse or domestic partner.</u></li> </ul>
<u>Control</u>	<p>An investor controls an investee when the investor is exposed, or has rights, to variable returns from its involvement with the investee and has the ability to affect those returns through its power over the investee.</p>
<u>Joint Control</u>	<p>The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p>
<u>Key Management Personnel</u>	<p>Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity</p>
<u>Material</u>	<p>Information is material to financial statements if omitting it or misstating it could influence decisions that users make on the basis of financial information.</p>
<u>Ordinary Citizen Transaction</u>	<p>Transactions which occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives.</p>
<u>Related Party</u>	<p>Is a person or entity that is related to the entity that is preparing its financial statements (also known as the 'reporting entity') is:-</p> <ul style="list-style-type: none"> <li>• <u>A person or a close family member of that person's family is related to a reporting entity if that person:</u> <ul style="list-style-type: none"> <li>○ <u>has control or joint control of the reporting entity;</u></li> <li>○ <u>has significant influence over the reporting entity; or</u></li> <li>○ <u>is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.</u></li> </ul> </li> </ul>
<u>Related Party Transaction</u>	<p>A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p>
<u>Significant Influence</u>	<p>is the power to participate in the financial and operating policy decisions of the investee but is not control or joint control of those policies.</p>
<u>Term/Reference</u>	<u>Definition</u>
<u>Control</u>	<p>An investor controls an investee when the investor is exposed, or has rights, to variable returns from its involvement with the investee and has the ability to affect those returns through its power over the investee.</p>



**PO166 – Related Party Disclosures Policy**

<u>Term/Reference</u>	<u>Definition</u>
Joint control	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Material	Information is material to financial statements if omitting it or misstating it could influence decisions that users make on the basis of financial information.

DRAFT

**PO166 – Related Party Disclosures Policy**

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~~related parties~~

~~There are four types of related parties Council must consider when seeking to ensure compliance with AASB 124 which are elaborated on below:~~

~~**Entities related to council**~~

~~Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.~~

~~The terms "control", "joint control" and "significant influence" are defined in AASB 10, AASB 11 and AASB 128 respectively and are used in this Standard with the meanings specified in those Australian Accounting Standards.~~

~~**Key Management Personnel (KMP)**~~

~~KMPs are persons having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly.~~

~~For Council, KMPs currently include the:~~

~~Elected Members (including the Mayor);  
Chief Executive Officer; and  
Directors.~~

~~In future upon review additional persons may be identified as KMPs.~~

~~**Close family members of KMP**~~

~~Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:~~

~~That person's children and spouse or domestic partner;  
Children of that person's spouse or domestic partner; and  
Dependents of that person or that person's spouse or domestic partner.~~

~~Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc.) if they could be expected to influence, or be influenced by, the KMP in their dealings with Council.~~

~~The following table provides assistance in identifying close family members of KMP:~~

**PO166 – Related Party Disclosures Policy**

<b>Definitely a close family member</b>	<b>Maybe a close family member</b>
<del>Your spouse/domestic partner</del>	<del>Your brothers and sisters, if they could be expected to influence, or be influenced by you in their dealing with Council</del>
<del>Your children</del>	<del>Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by you in their dealing with Council</del>
<del>Your dependents</del>	<del>Your parents and grandparents, if they could be expected to influence, or be influenced by you in their dealing with Council</del>
<del>Children of your spouse/domestic partner</del>	<del>Your nieces and nephews, if they could be expected to influence, or be influenced by you in their dealing with Council</del>
<del>Dependents of your spouse/domestic partner</del>	<del>Any other member of your family if they could be expected to influence, or be influenced by you in their dealing with Council</del>

There may be relationships that a council has which are not identified in this attachment but still meet the definition of a related party.

**Example: Cousin of Councillor**

A Councillor for the Sunny Shire Council has lived in the Shire her whole life. In fact her family has been in the area for generations.

The Councillor’s cousin, owns and operates the local newsagent through a company ABC Pty Ltd, in which she owns 100% of the shares. The Councillor and her cousin have always been close and regularly socialise together.

From these facts it would appear that the Councillor’s cousin is a close family member of the Councillor because she would be expected to influence, or be influenced by, that person in her dealings with Council.

Both the cousin and the company she controls, ABC Pty Ltd would therefore be related parties of Council.

Any transactions that the Council makes with the newsagent would need to be separately identified and may need to be disclosed.

**Entities that are controlled or jointly controlled by either 2 or 3 above**

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

**PO166 – Related Party Disclosures Policy**

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You control an entity if you have:

Power over the entity;

Exposure, or rights, to variable returns from your involvement with the entity; and

The ability to use your power over the entity to affect the amount of your returns.

**Example of control**

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

**Example of joint control**

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Manager Financial Services for a confidential discussion.

**Example: Clubs or other incorporated bodies**

**PO166 – Related Party Disclosures Policy**

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A Sunny Shire Council Councillor is the President of Sunny Shire Football Club Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.

From these facts it would appear that the Councillor does not control or jointly control the football club so it will not be a related party of Council just because the Councillor is the president of the club.

**Example: Audit committee member**

Sunny Shire Council's audit committee comprises two Councillors and a local retired accountant, Fred. Fred has no other connection with the council.

The audit committee attends to the functions as required under the Audit Regulations. It does not make any decisions on behalf of the council but simply provides reports, with recommendations, for the Mayor and councillors to consider.

Based on the facts outlined Fred would not be a KMP of council.

**Example: Son of CFO employed by council**

Sunny Shire Council has recently employed Paul's son (George) in the Council's parks and garden's area. Paul is Council's Deputy Chief Executive Officer but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of council, which makes him a related party.

George will also be a related party of Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

**Example: Cousin of Mayor – related party commonly known but omitted from declaration**

Shelley, the Mayor of Sunny Shire Council forgets to include her cousin Mavis, and Mavis' company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with Council and vice versa.

## **PO166 – Related Party Disclosures Policy**

Mavis and her company are related parties of Council, even though Shelley omitted them from her declaration.

A related party transaction is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

AASB 124 lists the following examples of related party transactions:

Purchases or sales of goods;  
 Purchases or sales of property and other assets;  
 Rendering or receiving of services;  
 Rendering or receiving of goods;  
 Leases;  
 Transfers under licence agreements;  
 Transfers under finance arrangements (example: loans);  
 Provision of guarantees (given or received);  
 Commitments to do something if a particular event occurs or does not occur in the future;  
 Settlement of liabilities on behalf of Council or by Council on behalf of that related party.

To assist in determining whether a related party transaction with Council has occurred, the following transactions or provision of services have been identified as meeting this criteria (please note this list is not exhaustive):

Paying rates;  
 Fines;  
 Use of Council owned facilities such as [town halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)];  
 Attending council functions that are open to the public;  
 Employee compensation whether it is for KMP or close family members of KMP;  
 Application fees paid to the Council for licences, approvals or permits;  
 Lease agreements for housing rental (whether for a Council owned property or property sub-leased by the Council through a Real Estate Agent);  
 Lease agreements for commercial properties;  
 Monetary and non-monetary transactions between the Council and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Council (trading arrangement);  
 Sale or purchase of any property owned by the Council, to a person identified above;  
 Sale or purchase of any property owned by a person identified above, to the Council;  
 Loan Arrangements; and  
 Contracts and agreements for construction, consultancy or services.

### **Ordinary Citizen Transactions**

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT).

Where Council can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

**PO166 – Related Party Disclosures Policy**

Generally OCTs are not material transactions because of their nature. These transactions are unlikely to influence the decisions that users of Council's financial statements make, having regard to both the extent of the transactions, and that the transactions have occurred within a public service provider / taxpayer relationship.

For example, if a Councillor were to walk their dog in a council owned park, then that would be a related party transaction. However, it is unlikely that users of the financial statements would be interested in this transaction. It is a taxpayer / government entity transaction that may be undertaken by any ordinary citizen.

**Unless there are indications that such transactions have occurred on terms and conditions significantly different to those offered to the general public, OCTs will be excluded from being captured and reported as related party transactions at Council.**

Examples of OCTs at Council include:

Rates and utility charges;  
Use of Council facilities, equipment and services in accordance with Council's fees, charges and policies (e.g. visiting a Council park, library or swimming pool);  
Fines and other penalties on normal terms and conditions;  
Attendance at a Council function or activity open to the public;  
Any other transaction occurring during the course of delivering Council's public service objectives and which occur on no different terms to that of the general public.

Examples of transactions that are not considered OCTs for Council purposes include:

Procurement related transactions (e.g. KMP's company supplies materials or services to Council)  
Infrastructure charges (e.g. KMP's company pays an infrastructure charge to Council).  
Development charges (e.g. KMP and/or close family member lodge planning and building applications with Council).

**Identification of Related Party Transactions**

Related party transactions will be identified by appropriately authorised Council employees via the following high-level process:

Collate information from Council's financial systems;  
Review of other relevant documentation;  
Obtain declarations from KMP that identified related party transactions are complete and accurate, including confirmation of terms and conditions of transactions (refer Attachment 6).

Records of related party transactions (excluding OCTs) will be maintained by appropriately authorised Council employees for the purposes of assessment and may be disclosed in Council's annual financial statements, depending on materiality disclosure requirements

Under AASB 124, Council is required to disclose in its Annual Financial Statements compensation to KMPs in total and for each of the following categories:

- a) Short term employee benefits;
- b) Post-employment benefits;
- c) Other long term benefits;
- d) Termination benefits; and
- e) Share based payment.

The standard also requires disclosure of certain amounts received from KMPs.

**PO166 – Related Party Disclosures Policy**

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If the Council has had related party transactions during the relevant period covered by the annual financial statements, it is required to disclose in those financial statements the nature of the related party relationship as well as information about those transactions and outstanding balances, including commitments. At a minimum, disclosures shall include:

The value of the transaction(s);

The value of outstanding balance(s), including commitments, and;

Their terms and conditions, including whether they are secured, and the nature of consideration to be provided in settlements;

Details of any guarantees given or received.

Provisions for doubtful debts related to the amount of outstanding balances; and

The expense recognised during the period in respect of bad or doubtful debts due from related parties.

Disclosures made as above shall be made separately for the following categories:

- a) — Subsidiaries<sup>△</sup>;
- b) — Associates<sup>△</sup>;
- c) — Joint ventures in which Council is a joint venturer<sup>△</sup>;
- d) — KMP; and
- e) — Other related parties.

<sup>△</sup> These entities will, typically, be identified as part of the financial statement preparation process in accordance with the relevant accounting standards and will most likely be disclosed in the notes relating to interests in other entities where deemed to be material.



**PO166 – Related Party Disclosures Policy**

related-party declaration by key management personnel

This form is to be completed by Council's key management personnel (KMP) pursuant to PO166 – Related Party Disclosures. The information collected in this declaration will be used for the purposes of identifying related party transactions in order to ensure appropriate disclosure is made in the annual financial statements of Council and its controlled entities in accordance with Australian Accounting Standard AASB 124 Related Party Disclosures, and is subject to audit by Council's external auditor.

Please refer to Council's PO166 – Related Party Disclosure when completing this form. Return completed form to the [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

<b>Reporting Period:</b>	
<b>Your Details</b>	
<b>Full Name</b>	
<b>Position</b>	

<b>Your Close Family Members</b>	
<b>Name of Close Family</b>	<b>Relationship to You</b>

<b>Entities Controlled or Jointly Controlled by You and / or Close Family Members</b>		
<b>Name of Entity</b>	<b>ABN or ACN of Entity</b>	<b>Period-Related (If not for full period)</b>

<b>Declaration</b>			
I declare that, to the best of my knowledge, the above information is a complete and accurate record of my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the PO166 – Related Party Disclosures Policy which details the purposes for which this information will be used and disclosed.			
<b>Signature</b>		<b>Date</b>	

**PO166 – Related Party Disclosures Policy**

**RELATED PARTY TRANSACTIONS DECLARATION BY KEY MANAGEMENT PERSONNEL**  
 This form has been pre-populated by appropriately authorised Council employees pursuant to PO166 – Related Party Disclosures and is based on information provided in the related party declarations by key management personnel (KMP) and information from Council's records. Related party transactions identified in this declaration may be used for the purposes of preparing Council's financial statement disclosures in accordance with Australian Accounting Standards, and are subject to audit by Council's external auditor.

KMP should review the information below for completeness and accuracy and make any necessary updates prior to signing the declaration. Please refer to PO166 – Related Party Disclosure Policy when completing this form. Return completed form to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

<b>Reporting Period:</b>					
<b>Your Details</b>					
<b>Full Name</b>			<b>Position</b>		
<b>Related Party Transactions with Council</b>					
<b>Details of Transaction</b>	<b>Details and Nature of Relationship</b>	<b>Total Value of Transactions for Period (GST Incl.)</b>	<b>Outstanding Balances as at Year End (30<sup>th</sup> June)</b>	<b>Commitment as at Year End (30<sup>th</sup> June)</b>	<b>Comments / Terms and Conditions of Transaction</b>
<i>e.g. Provision of electrical services</i>	<i>e.g. Sparky Pty Ltd – company wholly owned by my son &lt;name of son &gt;</i>	<i>e.g. \$25,000</i>	<i>e.g. \$7,500 receivable from Council</i>	<i>e.g. Nil</i>	<i>e.g. awarded through request for quote, standard terms and conditions</i>
<b>Declaration</b>					
I declare that, to the best of my knowledge, the above information is a complete and accurate record of related party transactions with Council involving myself, close family members or entities controlled or jointly controlled by myself or close family members. For any close family members noted above, I have informed them about the purpose of this declaration and how the information will be used and disclosed. I have also informed you of any updates to my related parties since my last declaration. I make this declaration after reading PO166 – Related Party Disclosures Policy.					
<b>Signature</b>			<b>Date</b>		

**PO166 – Related Party Disclosures Policy**

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**CONFIDENTIALITY**

Confidentiality applies to documents and information collected for the purposes of this policy in accordance with the Local Government Act 1999.

The following persons are permitted to access, use and disclose the information for the purposes of compiling Council's financial statements:

Chief Executive Officer;  
Executive Assistant to the CEO and Mayor  
Director Corporate & Community Services;  
Appropriately authorised Finance Services employees responsible for the preparation and review of financial statements;  
Governance Officer;  
Internal Audit Staff;  
Records staff;  
An auditor of Council; and  
Other officers as delegated by the Chief Executive Officer



# COUNCIL PROCEDURE

## Related Party Disclosures

<b>Policy Number:</b>	PR166		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Director of Corporate & Community Services	<b>Record Number:</b>	23/77356[v1]
<b>Responsible Officer:</b>	Manager Financial Services	<b>Minute Reference:</b>	TBA
<b>Date Adopted:</b>	TBA	<b>Next Review Date:</b>	TBA

### 1. PROCEDURE OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring that "related party transactions" are properly identified and appropriately disclosed within Council's Annual General Purpose Financial Statements in accordance with the Australian Accounting Standard AASB124 – Related Party Disclosures (AASB 124) (referred to as AASB 123).

### 2. SCOPE

This policy applies to:

- All Councillors
- The Chief Executive Officer
- The Director of Asset and Infrastructure Services
- The Director of Corporate & Community Services
- The Director of Development Services, and
- Any other persons identified by Council as meeting the definition of Key Management Personnel.

### 3. DEFINITIONS

Refer to Attachment 1.

### 4. PROCEDURE

Through the identification and disclosure of Related Party Transactions, this Procedure and the Related Party Disclosure Policy (PO166) will assist Council to prepare Annual General Purpose Financial Statements in compliance with the Local Government Act 1999 (Section 127) and associated Local Government (Financial Management) Regulations 2011, which align with the Australian Accounting Standards and the Model Financial Statements.

**PR166 – Related Party Disclosures PROCEDURE**

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**4.1. Identification of Key Management Personnel (KMP)**

AASB 124 provides the formal definition of KMP (refer definitions). It should be noted in considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

For Council, KMPs currently include:

- All Councillors - The elected members are the equivalent of the directors of a for-profit entity and are specifically included by the phrase "including any director (whether executive or otherwise)".
- Chief Executive Officer - The Chief Executive Officer is entrusted by the Local Government Act 1999 (especially section 99) with the responsibility for "planning, directing and controlling the activities of the" Council.
- Other Senior Officers - Senior officers with management responsibilities who report direct to the CEO (i.e. – Directors) are regarded as being members of the KMP. Prescribed officers as defined in Section 112 of the Local Government Act 1999 are also included.

Where an employee of Council acts in the capacity of any of the above positions for a single period equal to or exceeding four (4) weeks they will be deemed to be KMP of Council for that period.

**4.2. Identification of Related Party Relationships**

To meet the disclosure requirements, all KMP must provide a related party declaration by completing the SF527 Related Party Declaration by Key Management Personnel Standard Form (SF527). This paperwork will identify any close family members (also known as a related party) and/or entities that are controlled or jointly controlled by KMP or their close family members on an annual basis. The terms "control", "joint control" and "significant influence" are defined in AASB 10, AASB 11 and AASB 128 respectively and are used in this procedure with the meanings specified in those Australian Accounting Standards (refer definitions).

Council will request KMP complete the SF527 at least once per annum.

**4.3. Identification of Related Party Transactions**

A related party transaction is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. For Council purposes, ordinary citizen transactions are excluded.

AASB 124 lists the following examples of related party transactions:

- a) Purchases or sales of goods;
- b) Purchases or sales of property and other assets;
- c) Rendering or receiving of services;
- d) Rendering or receiving of goods;
- e) Leases;
- f) Transfers under licence agreements;
- g) Transfers under finance arrangements (i.e. loans);
- h) Provision of guarantees (given or received);
- i) Commitments to do something if a particular event occurs or does not occur in the future;

**PR166 – Related Party Disclosures PROCEDURE**

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- j) Settlement of liabilities on behalf of Council or by Council on behalf of that related party.

To assist in determining whether a related party transaction with Council has occurred, the following transactions or provision of services have been identified as meeting this criteria (please note this list is not exhaustive):

- Paying rates;
- Fines;
- Use of Council owned facilities such as [town halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)];
- Attending Council functions that are open to the public;
- Employee compensation whether it is for KMP or close family members of KMP;
- Application fees paid to the Council for licences, approvals or permits;
- Lease agreements for housing rental (whether for a Council owned property or property sub-leased by the Council through a Real Estate Agent);
- Lease agreements for commercial properties;
- Monetary and non-monetary transactions between the Council and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Council (trading arrangement);
- Sale or purchase of any property owned by the Council, to a person identified above;
- Sale or purchase of any property owned by a person identified above, to the Council;
- Loan Arrangements; and
- Contracts and agreements for construction, consultancy or services.

**4.4. Ordinary Citizen Transactions**

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with Council and are referred to as an Ordinary Citizen Transaction (OCT).

Where Council can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Generally, OCTs are not material transactions because of their nature. These transactions are unlikely to influence the decisions that users of Council's Financial Statements make, having regard to both the extent of the transactions, and that the transactions have occurred within a public service provider / taxpayer relationship.

For example, if a Councillor were to purchase a boat ramp permit to enable the launch of their boat from a Council owned boat ramp, that would be a related party transaction. However, it is unlikely that users of the financial statements would be interested in this transaction. It is a ratepayer / government entity transaction that may be undertaken by any ordinary citizen.

**PR166 – Related Party Disclosures PROCEDURE**

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Unless there are indications that such transactions have occurred on terms and conditions significantly different to those offered to the general public, OCTs will be excluded from being captured and reported as related party transactions at Council.

Examples of OCTs at Council include:

- Rates and utility charges;
- Use of Council facilities, equipment and services in accordance with Council's fees, charges and policies (e.g. visiting a Council park, library or caravan park);
- Fines and other penalties on normal terms and conditions;
- Attendance at a Council function or activity open to the public;
- Any other transaction occurring during the course of delivering Council's public service objectives and which occur on no different terms to that of the general public.

Examples of transactions that are not considered OCTs for Council purposes include:

- Procurement related transactions (e.g. KMP's company supplies materials or services to Council)
- Infrastructure charges (e.g. KMP's company pays an infrastructure charge to Council).
- Development charges (e.g. KMP and/or close family member lodge planning and building applications with Council).

Related party transactions will be identified by appropriately authorised Council employees via the following high-level process:

- Collate information from Council's financial systems;
- Review of other relevant documentation; and
- Obtaining declarations from KMP that identified related party transactions are complete and accurate, including confirmation of terms and conditions of transactions.

**4.5. Recording Related Party Transactions**

Records of related party transactions (excluding OCTs) will be maintained by Council for the purposes of assessment and a register will be created for this purpose. Identified transactions may be disclosed in Council's Annual Financial Statements, depending on materiality.

An annual list of any related party transactions for review and confirmation will be forwarded to relevant KMPs in July/August in relation to the prior financial year (SF528). The information collected in the declarations will be used for the purposes of preparing Council's financial statement note disclosures. Council will maintain appropriate records to assess the related parties and related party transactions and these records are subject to audit as part of the annual external audit by Council's External Auditors.

The notification requirements listed above are different from and in addition to:

- a) The notifications a Prescribed Officer must make for the purposes of Council maintaining a Register of Interests in accordance Sections 112 to 115 of the Local Government Act 1999; and

**PR166 – Related Party Disclosures PROCEDURE**

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- b) The notifications an Elected Member must make for the purposes of Council maintaining the Register of Interests in accordance with Sections 64 to 67 of the Local Government Act 1999.

**4.6. Disclosure of Related Party Transactions**

Under AASB 124, Council is required to disclose in its Annual Financial Statements compensation to KMPs in total and for each of the following categories:

- a) Short term employee benefits;
- b) Post-employment benefits;
- c) Other long term benefits;
- d) Termination benefits; and
- e) Share based payment.

The standard also requires disclosure of certain amounts received from KMPs.

If the Council has had related party transactions during the relevant period covered by the Annual Financial Statements, it is required to disclose in those financial statements the nature of the related party relationship as well as information about those transactions and any outstanding balances, including commitments. At a minimum, disclosures shall include:

- a) The value of the transaction(s);
- b) The value of outstanding balance(s), including commitments:
  - Their terms and conditions, including whether they are secured, and the nature of consideration to be provided in settlements;
  - Details of any guarantees given or received.
- c) Provisions for doubtful debts related to the amount of outstanding balances; and
- d) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

Disclosures made as above shall be made separately for the following categories:

- a) Subsidiaries<sup>^</sup>;
- b) Associates<sup>^</sup>;
- c) Joint ventures in which Council is a joint venturer<sup>^</sup>;
- d) KMP; and
- e) Other related parties.

<sup>^</sup> These entities will, typically, be identified as part of the financial statement preparation process in accordance with the relevant accounting standards and will most likely be disclosed in the notes relating to interests in other entities where deemed to be material.

Disclosure in Council's Annual Financial Statements will only be made where a transaction has occurred between Council and a related party of Council, and the transaction is material in nature or size, when considered individually or collectively.

**4.7. Information Access and Privacy Considerations**

Confidentiality applies to documents and information collected for the purposes of this procedure in accordance with the Local Government Act 1999.



**PR166 – Related Party Disclosures PROCEDURE**

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The following persons are permitted to access, use and disclose the information for the purposes of compiling Council's financial statements:

- a) Chief Executive Officer;
- b) Executive Assistant to the CEO and Mayor;
- c) Director Corporate & Community Services;
- d) Council's Finance staff responsible for the preparation and review of financial statements;
- e) Governance Officer;
- f) Internal Audit staff;
- g) Records staff;
- h) An authorised Auditor of Council; and
- i) Other officers as approved by the Chief Executive Officer.

**5. COMPLAINTS**

Complaints about this policy can be made in writing to the Director Corporate Community Services. All complaints will be managed in accordance with Council's Complaints Policy PO147.

**6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines and stakeholder feedback.

**7. TRAINING**

Council is committed to supporting Council/Committee Members and Employees in complying with this Policy/Procedure. Training needs will be reviewed, as necessary, in consideration of any changes to legislation, relevant standards, codes and guidelines and audit findings.

**8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

Code of Conduct for Council Employees  
Code of Conduct for Council Members  
Code of Practice for Access to Council Meetings and Council Documents Policy (PO015)  
Internal Financial Control Policy (PO156)  
Related Party Declaration by Key Management Personnel Standard Form (SF527)  
Related Party Disclosures Policy (PO166)  
Related Party Transactions Declaration by Key Management Personnel (SF528)  
Risk Management Policy (PO091)

**PR166 – Related Party Disclosures PROCEDURE****10. REFERENCES AND LEGISLATION**

AASB 10 Consolidated Financial Statements  
 AASB 11 Joint Arrangements  
 AASB 124 Related Party Disclosures  
 AASB 128 Investments in Associates and Joint Ventures  
 Local Government (Financial Management) Regulations 2011  
 Local Government Act 1999  
 Local Government Association South Australia Model Financial Statements

**11. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>

**12. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	TBC	New Procedure (previously contained within PO166 – Related Party Disclose Policy and with some expansion).

**PR166 – Related Party Disclosures PROCEDURE****ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Close Family Member of a person	Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include: <ul style="list-style-type: none"> <li>(a) that person's children and spouse or domestic partner;</li> <li>(b) children of that person's spouse or domestic partner; and</li> <li>(c) dependants of that person or that person's spouse or domestic partner.</li> </ul>
Control	An investor controls an investee when the investor is exposed, or has rights, to variable returns from its involvement with the investee and has the ability to affect those returns through its power over the investee.
Joint control	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel	Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.
Material	Information is material to financial statements if omitting it or misstating it could influence decisions that users make on the basis of financial information.
Ordinary Citizen Transaction	Transactions which occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives.
Prescribed Officers	As defined in section 112 of the Local Government Act 1999
Related Party	Is a person or entity that is related to the entity that is preparing its financial statements (the 'reporting entity'). A person or a close family member of that person's family is related to a reporting entity if that person: <ul style="list-style-type: none"> <li>(a) has control or joint control of the reporting entity;</li> <li>(b) has significant influence over the reporting entity; or</li> <li>(c) is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.</li> </ul>
Related Party Transaction	A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Significant Influence	is the power to participate in the financial and operating policy decisions of the investee but is not control or joint control of those policies.

**YORKE PENINSULA COUNCIL**

PRINCIPAL OFFICE:  
8 Elizabeth Street, Maitland  
ALL CORRESPONDENCE TO:  
PO Box 57, MAITLAND, SA 5573  
Telephone (08) 8832 0000  
Email: [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)  
Website: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)



<b>RELATED PARTY DECLARATION BY KEY MANAGEMENT PERSONNEL</b>	SF527
	Responsible Officer: Manager Financial Services
	Issue Date: <a href="#">Click to insert issue date.</a>
	Next Review Date: <a href="#">Click to insert date – to be determined by the Form Owner.</a>

This form is to be completed by Council’s key management personnel (KMP) pursuant to PR166 Related Party Disclosures Procedure. The information collected in this declaration will be used for the purposes of identifying related party transactions in order to ensure appropriate disclosure is made in the annual financial statements of Council and its controlled entities in accordance with Australian Accounting Standard AASB 124 Related Party Disclosures and is subject to audit by Council’s external auditor.

Please refer to Council’s PR166 - Related Party Disclosure Procedure when completing this form. Return completed form to the [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

<b>Reporting Period:</b>	
<b>Your Details</b>	
<b>Full Name:</b>	
<b>Position:</b>	

<b>Your Close Family Members</b>	
<b>Name of Close Family Member</b>	<b>Relationship to You</b>

<b>Entities Controlled or Jointly Controlled by You and/or Close Family Members</b>		
<b>Name of Entity</b>	<b>ABN or ACN of Entity</b>	<b>Period Related (If not full period)</b>

<b>Declaration</b>			
I declare that, to the best of my knowledge, the above information is a complete and accurate record of my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the PR166 - Related Party Disclosures Procedure which details the purposes for which this information will be used and disclosed.			
<b>Signature:</b>		<b>Date:</b>	

*Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.*

*Updated: [Click to insert issue date](#)*

**YORKE PENINSULA COUNCIL**

PRINCIPAL OFFICE:  
8 Elizabeth Street, Maitland  
ALL CORRESPONDENCE TO:  
PO Box 57, MAITLAND, SA 5573  
Telephone (08) 8832 0000  
Email: [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)  
Website: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)



<p><b>RELATED PARTY TRANSACTIONS DECLARATION BY KEY MANAGEMENT PERSONNEL</b></p>	SF528
	Responsible Officer: Manager Financial Services
	Issue Date: <a href="#">Click to insert issue date.</a>
	Next Review Date: <a href="#">Click to insert date – to be determined by the Form Owner.</a>

This form has been pre-populated by appropriately authorised Council employees pursuant to PR166 - Related Party Disclosures Procedure and is based on information provided in the related party declarations by key management personnel (KMP) and information from Council's records. Related party transactions identified in this declaration may be used for the purposes of preparing Council's financial statement disclosures in accordance with Australian Accounting Standards and are subject to audit by Council's external auditor. KMP should review the information below for completeness and accuracy and make any necessary updates prior to signing the declaration. Please refer to PR166 - Related Party Disclosure Procedure when completing this form. Return completed form to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

Related Party Transactions with Council					
Details of Transaction	Details and Nature of Relationship	Total Value of Transactions for Period (GST Incl.)	Outstanding Balances as at Year End (30 <sup>th</sup> June)	Commitment as at Year End (30 <sup>th</sup> June)	Comments / Terms and Conditions of Transaction
<i>e.g., Provision of electrical services</i>	<i>e.g., Sparky Pty Ltd – company wholly owned by my son &lt;name of son&gt;</i>	<i>e.g., \$25,000</i>	<i>e.g., \$7,500 receivable from Council</i>		<i>e.g., awarded through request for quote, standard terms, and conditions</i>

Declaration			
<p>I declare that, to the best of my knowledge, the above information is a complete and accurate record of related party transactions with Council involving myself, close family members or entities controlled or jointly controlled by myself or close family members. For any close family members noted above, I have informed them about the purpose of this declaration and how the information will be used and disclosed. I have also informed you of any updates to my related parties since my last declaration. I make this declaration after reading PR166 - Related Party Disclosures Procedure.</p>			
<b>Signature:</b>		<b>Date:</b>	

*Printed copies are considered uncontrolled.  
Before using a printed copy, verify that it is the current version.*

**24 ASSETS AND INFRASTRUCTURE SERVICES****24.1 STRATEGY RESPONSE TO NETWORK LEVEL HEAVY VEHICLE ROUTE ASSESSMENT AND RISK ANALYSIS****Document #:** 23/84195**Department:** Assets and Infrastructure Services**PURPOSE**

To obtain Council endorsement for the current draft Strategy to go to public consultation before Strategy adoption and implementation.

**RECOMMENDATION**

That Council:

1. Receive the Strategy for managing risk of B-Double+ access to Yorke Peninsula Council's road network post HDS 'commodity' route reviews - Version 2.
2. Endorse the above Version 2 proceeding to public consultation.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.4 Explore provision of new infrastructure**BACKGROUND**

At the 9 December 2015 Council meeting, the elected body unanimously carried a motion to endorse the access of vehicles with Higher Mass Limits (HML), including 36.5 Road Trains, to Council's entire road network (Minute Reference: 306/2015).

Subsequently, Council provided pre-approval for the use of 26m B Doubles fitted with Certified Road-Friendly Suspension at HML on all commodity routes in the Council area to the National Heavy Vehicle Regulator (NHVR).

This was done with no risk assessment having been undertaken of the suitability of the road network to cater for 26m B Doubles.

Following the increase in popularity of 30m Road Trains, at its meeting on 8 November 2017, Council moved a motion to support an application to the NHVR for blanket approval of all Council roads and intersections for Road Trains up to 30m (Minute Reference: 278/2017).

Council's request for pre-approval for 30m Road Trains was not accepted by the NHVR, as not all roads had been assessed.

In 2018, Council engaged HDS Australia to undertake an investigation into the safety aspects of Council's road network.

At the 8 June 2022 Council meeting, a report (CM Reference 22/52917) provided an overview of the outcomes of the Network Level Heavy Vehicle Route Assessment and Risk Analysis undertaken by HDS Australia and sought Council to move to the next steps (Minute Reference 106/2022) being:

1. Receive the Network Level Heavy Vehicle Route Assessment and Risk Analysis undertaken by HDS Australia.

2. Liaise with the Roads Working Party and bring a report to the November 2022 meeting of Council on the proposed long term risk management strategy and proposed funding source for future budgets, prior to community consultation and final adoption of the strategy.
3. Endorse the focus of the 2022/2023 intersections budget on P1 and P2 signage and sight distance issues associated with existing Over Size Over Mass (OSOM) and agricultural permit.

Since the above in the last quarter of 2022, Council's Director Assets and Infrastructure held several Q&A meetings (one at Yorketown and one at Maitland) for farmers, transport operators and Councilors to help the community better understand the challenges, needs and possibilities. Additionally, an online survey was conducted around the same time, and Council's external Roads Working Party (a stakeholder/ reference group representative of HV road users on Yorke Peninsula who provide a sounding board of perspectives on potential impact change) was consulted for their views on major transport routes.

In 2023 all was distilled into a draft Strategy Version 1 (V1) which was presented and discussed as follows:

- 22 March 2023 - Presented to Council's External Roads Working Party for comment;
- 26 April 2023 - Presented to Councilors at an Information and Briefing Session open to the public;
- 24 May 2023 - Road Working Party discussion of the V1 draft and staff sought to seek clarification from the National Heavy Vehicle Regulator on process. Subsequently V1 was updated to Version 2;
- 23 August 2023 - Overview of NHVR implications and possible changes flagged with the Roads Working Party to be incorporated into the current Version No.2 attached to this report.

## DISCUSSION

The aim of the Network Level Heavy Vehicle Route Assessment was to determine the overall risk of each road segment and categorise the identified risk as Low (P4), Moderate (P3), High (P2) or Very High (P1), in accordance with accepted heavy vehicle route assessment criteria.

This initial investigation focused on Council's rural sealed roads and High Use sheeted roads, which make up approximately 1,000km of Council's road network. HDS Australia provided a report and presentation to Council in July 2019.

The findings from the 2019 report were included in *Table 6.2: Risks and Treatment Plans* of the Transport Asset Management Plan (TAMP), with a recommendation that the remainder of the road network be assessed. Council included funding for this project in the 2021/2022 budget and HDS Australia provided a final report.

The High and Very High risks identified in the final report have been separated into eight categories, with a high-level budget estimated placed against each category to address the issues identified. The total cost to fix all the issues was estimated by HDS at approximately \$121 million per the following summary table.

Category	Description	Total no. of P1 Issues	P1 Cost	Total no. of P2 Issues	P2 Cost
1	Signage	2	\$4,000	2	\$2,000
2	Alignment	2	\$300,000	24	\$3,600,000
3	Major intersection upgrades	52	\$26,000,000	22	\$11,000,000
4	Minor intersection upgrades	13	\$1,950,000	16	\$8,000,000
5	Road width	22	\$8,690,000	9	\$360,000
6	Sight distance	40	\$500,000	93	\$4,650,000
7	Intersection widening	5	\$500,000	21	\$2,100,000
8	Pavement	32	\$14,560,000	65	\$39,515,000
<b>TOTALS</b>		<b>168</b>	<b>\$52,504,000</b>	<b>252</b>	<b>\$69,227,000</b>

HDS Australia presented the findings of their report at the Elected Members Information and Briefing Session held on 25 May 2022.

At the same Elected Member Information and Briefing Session, the Director Assets and Infrastructure Services suggested next steps for implementing recommendations.

If money was no object and a total road upgrade and fix scenario was an option to Council, the above orders of funding magnitude could be applied to good end. However, Council's reality is that the above levels of funding are not going to happen. Council needs to do what it can to cost effectively reduce the risk ratings, for the safety of all road users in our Local Government Area (LGA). Whilst some have asserted not much has happened by way of accidents to date, effectively questioning the need for status quo change, Council is on notice to endorse a strategic response and apply necessary funding underpinning that strategy now that engineering risk reviews have been undertaken, particularly noting the increasing tourism road user cohort that is becoming an increasing user of Council's road network.

Going forward the key is risk management and the current Strategy Version 2 is close to providing the balance between the competing issues of; limited funding, HV network access continuance, reducing risk ratings and increasing road user safety through: speed reduction, increased roadside vegetation management with subsequent sight distance improvement, use of HV signage, use of stop signs on some problematic acute angled Priority 1 risk rated intersections, community education etc.

The first 17 pages of the attached strategy spell out the suggested balance.

## COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

## CONSULTATION PROCESS

In preparing this report, the following were consulted:

- Chief Executive Officer
- Asset Manager
- Works Manager
- Yorke Peninsula Council External Roads Working Party
- National Heavy Vehicle Regulator



- HDS Australia

## POLICY IMPLICATIONS

PO091 Risk Management Policy  
PO128 Asset Management Policy  
Transport Asset Management Plan

## BUDGET AND RESOURCE IMPLICATIONS

The current level of funding being applied in 2023/2024 is approximately \$600k per year from a 3% rate levy on primary producers. There is a serious limit to what this can achieve but it is a start. During the pending Rates Review that will be undertaken this financial year, there may be scope to consider reasonably increasing the level of funding that is 'ring fenced' to dealing with the ongoing risk reduction approach to road network access management, particularly from major beneficiaries of Council's road network like extractive industries.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999.

Heavy Vehicle National Law and Regulations.

As presented in the Network Level Heavy Vehicle Route Assessment and Risk Analysis, many of Council's roads have inbuilt issues that pose a risk to road user safety if the road network remains open to B double use. This presents a civil liability risk to Council.

Council needs to have a strategy which provides a level of network access for heavy vehicles that balances the tension between the majority of real heavy vehicle access needs and the community's willingness to pay for such safe access.

To date there has been ample interaction and opportunity for the Roads Working Party and a fair representation of HV road users across the Yorke Peninsula to be engaged. The last step is one last community consultation opportunity for those unfamiliar with the journey to date before the Strategy Version 2 and consultation outcomes are brought back to Council along with staff recommendation on Strategy amendment and endorsement.

Once a Strategy is endorsed, Council will update the Transport Asset Management Plan including road hierarchy and road standards to be worked towards.

## ATTACHMENTS

1. **Heavy Vehicle Access Strategy - V2 (under separate cover)** 
2. **Community Engagement Plan - Heavy Vehicle Access Strategy**  



**COMMUNITY ENGAGEMENT PLAN**

SF215  
 Responsible Officer: Community Development & Engagement Officer  
 Issue Date: 09/12/2021  
 Next Review Date: December 2025

**PROJECT NAME: STRATEGY RESPONSE TO NETWORK LEVEL HEAVY VEHICLE ROUTE ASSESSMENT AND RISK ANALYSIS**

Stakeholders	Level 1 INFORM	Level 2 CONSULT	Level 3 PARTICIPATE	Level 4 COLLABORATE	Responsibility	Start Date	End Date	Status	Evaluation Method
All residents		Website			Community Development and Engagement Officer	14/09/2023	6/10/2023	NS	# views
All residents		Public Notice			Community Development and Engagement Officer	19/09/2023	6/10/2023	NS	# responses
All residents		Social Media			community Development and Engagement Officer	15/09/2023	6/10/2023	NS	# reach

## 24.2 ROADS WORKING PARTY

**Document #:** 23/84362

**Department:** Assets and Infrastructure Services

### PURPOSE

To obtain Council endorsement to accept the three nominations for the Roads Working Party current member vacancies in the Agriculture Transport and Tourism sectors by amendment to the wording of the current Terms of Reference.

### RECOMMENDATION

That Council:

1. Endorse and adopt the draft Roads Working Party Terms of Reference as presented for inclusion on Council's website.
2. Endorse the recommendation to accept the three nominations to fill the current vacancies.

### LINK TO STRATEGIC PLAN

**Goal:** 2 Community Connected through Infrastructure

**Strategy:** 2.4 Explore provision of new infrastructure

### BACKGROUND

At the April 2023 Council meeting, endorsement was received for the current Terms of Reference for the Roads Working Party.

### DISCUSSION

1. Endorse the rewording of section 3 (Members) from a maximum of three community representatives from each of the agriculture and transport industries and one representative from the tourism industry (total of seven community representatives) to a maximum of seven community representatives with a demonstrated interest in the agriculture, transport and tourism industries.
2. Endorse the recommendation to accept of the three nominees received prior to the above amendment.

### COMMUNITY ENGAGEMENT PLAN

### CONSULTATION PROCESS

In preparing this report, the following were consulted:

- Chief Executive Officer
- Yorke Peninsula Council External Roads Working Party

### POLICY IMPLICATIONS

PO091 Risk Management Policy

Transport Asset Management Plan

**BUDGET AND RESOURCE IMPLICATIONS**

Nil

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

Heavy Vehicle National Law and Regulations

**ATTACHMENTS**

1. **Draft - Terms of Reference - Roads Working Party - Marked up** [↓](#) 
2. **Draft - Terms of Reference - Roads Working Party - No Mark Up** [↓](#) 
3. **Expression of Interest - Roads Working Party** [↓](#) 



## TERMS OF REFERENCE

### Roads Working Party

#### 1. Purpose

The Roads Working Party has been formed to be a source of focused stakeholder information in relation to the future use of Council's road network, for community access, freight, tourism and agriculture.

The Roads Working Party will be known herein as the Working Party.

#### 2. Roles and Responsibilities

Individual Working Party members will:

- Attend meetings where reasonably possible.
- Contribute to and participate in formulating recommendations to Council.
- Understand the strategic implications and outcomes of initiatives being pursued as part of the project.
- Have a broad understanding of the project, the approach and the objectives.

The Director Assets and Infrastructure Services will:

- Take responsibility for overseeing the planning and execution of transport asset management plans and/or strategies relating to the future use of Council's road network.
- Ensure the project's scope aligns with the requirements of the community and/or stakeholders and that these requirements are met.
- Keep the project scope under control as emergent issues arise and are considered.
- Report on project progress to Council.
- Provide Working Party members with guidance and assistance on project business issues, as necessary.
- Ensure adherence of project activities to legislative requirements, standards, codes, Council policies, processes, procedures, etc.

The Working Party will report directly to the Director Assets and Infrastructure Services and shall make whatever recommendations to the Director it deems appropriate on any area within its Terms of Reference where, in its view, action or improvement is needed. The Director is then responsible for taking the Working Party's recommendations to Council, if necessary.



### 3. Members

Members of the Working Party shall consist of:

- Mayor (Ex Officio)
- Four Elected Members
- Chief Executive Officer
- Director Assets and Infrastructure Services
- Asset Manager
- Works Manager
- Executive Assistant to the Director Assets and Infrastructure Services (Note Taker)
- A maximum of seven community representatives with a demonstrated interest in the agriculture, transport and tourism industries.
- ~~A maximum of three community representatives from the agricultural industry~~
- ~~A maximum of three community representatives from the transport industry~~
- ~~A maximum of one community representative from the tourism industry~~

The Director Assets and Infrastructure Services will coordinate the Working Party meetings.

All Elected Members of the Working Party are appointed for the term of Council.

### 4. Quorum

A quorum for a meeting of the Working Party shall be half the membership of the Working Party. Meetings are to be rescheduled where there is no quorum.

### 5. Frequency of Meetings

The Working Party shall meet a minimum of two times per calendar year, or as deemed necessary by the majority of the Working Party.

Notice of meeting dates and times will appear in the notes from the previous Working Party meeting and will be displayed on Council's website.

When required, the rescheduling of meetings will be facilitated by the Director Assets and Infrastructure Services and Working Party members notified.

### 6. Agenda Items

All Working Party agenda items must be forwarded to the Executive Assistant to the Director Assets and Infrastructure Services by close of business ten working days prior to the next scheduled meeting.

The Working Party agenda, with attached supporting documents, will be distributed at least three working days prior to the next scheduled meeting.



The Working Party agenda will be distributed via email to all Working Party members and placed on Council's website for access by the public.

## **7. Record of Meetings**

The Director Assets and Infrastructure Services must keep, or arrange to be kept, notes of every meeting of the Working Party. The notes of the proceedings and meetings of the Working Party must include:

- a) the date, time and location of the meeting;
- b) the names of the Working Party members in attendance;
- c) in relation to each member present, if the member was not present for the entire meeting, the time at which the person entered or left the meeting;
- d) any recommendations the Working Party agree to make; and
- e) any disclosure of interest made by a member.

Full copies of the meeting notes will be distributed no more than ten working days after a meeting has been held.

The Working Party meeting notes will be distributed via email to all Working Party members and placed on Council's website for access by the public.

Notes of the meeting must be placed on the next immediate Council Agenda for any recommendations from the Working Party to be considered by Council.

## **8. Meeting Procedures**

Councillor Naomi Bittner will chair the Working Party meetings; however, at their discretion, may choose to nominate an alternate member to chair the Working Party meetings in consultation with the other Working Party members.

## **9. Decision Making**

All recommendations of the Working Party will be made on the basis of a majority of the members present.

Each member of the Working Party present at a meeting must, subject to that person having an interest in the matter, participate in formulating a recommendation at that meeting.

Any member of the Working Party who has a personal interest or a direct or indirect pecuniary interest in any matter before the Working Party (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberations of the Working Party in relation to that matter.

## **10. Review**

These Terms of Reference are to be reviewed during the different phases of the life of the project in consultation with the Director Assets and Infrastructure Services.



Endorsed by Council	Next Review	Version	Record Number	Owner
13/02/2019	December 2022	1	19/2837	Director Assets and Infrastructure Services
08/05/2019	December 2022	2	19/2837[v2]	Director Assets and Infrastructure Services
12/04/2023	December 2026	3	19/2837[v3]	Director Assets and Infrastructure Services
<u>13/09/2023</u>	<u>December 2026</u>	<u>4</u>	<u>19/2837[v4]</u>	<u>Director Assets and Infrastructure Services</u>





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The Director Assets and Infrastructure Services will:

- Take responsibility for overseeing the planning and execution of transport asset management plans and/or strategies relating to the future use of Council's road network.
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The Working Party will report directly to the Director Assets and Infrastructure Services and shall make whatever recommendations to the Director it deems appropriate on any area within its Terms of Reference where, in its view, action or improvement is needed. The Director is then responsible for taking the Working Party's recommendations to Council, if necessary.



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- Four Elected Members
- Chief Executive Officer
- Director Assets and Infrastructure Services
- Asset Manager
- Works Manager
- Executive Assistant to the Director Assets and Infrastructure Services (Note Taker)
- A maximum of seven community representatives with a demonstrated interest in the agriculture, transport and tourism industries.

The Director Assets and Infrastructure Services will coordinate the Working Party meetings.

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A quorum for a meeting of the Working Party shall be half the membership of the Working Party. Meetings are to be rescheduled where there is no quorum.

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## 10. Review

These Terms of Reference are to be reviewed during the different phases of the life of the project in consultation with the Director Assets and Infrastructure Services.



<b>Endorsed by Council</b>	<b>Next Review</b>	<b>Version</b>	<b>Record Number</b>	<b>Owner</b>
13/02/2019	December 2022	1	19/2837	Director Assets and Infrastructure Services
08/05/2019	December 2022	2	19/2837[v2]	Director Assets and Infrastructure Services
12/04/2023	December 2026	3	19/2837[v3]	Director Assets and Infrastructure Services
13/09/2023	December 2026	4	19/2837[v4]	Director Assets and Infrastructure Services

**Karen Brokenshire**

---

**From:** Cr Naomi Bittner [REDACTED]  
**Sent:** Friday, 25 August 2023 9:42 AM  
**To:** [REDACTED]  
**Cc:** Corporate Email Address  
**Subject:** YPC Road Working Party

Dear Craig,  
thank you for your expression of interest to join the Yorke Peninsula Council's Roads Working Party. We received three worthy applications for the one open agricultural position. Given an absence of applicants for the transportation and tourism industry positions, we would like to provisionally accept all three agricultural applicants, pending an amendment to our terms of reference being endorsed at the next Council Meeting on September 13th. Hopefully this is just a formality and I will be in touch after this meeting to officially welcome you to the working party.

Kind regards,  
Cr Naomi Bittner

Chairperson  
YPC Roads Working Party  
[REDACTED]

**Karen Brokenshire**

---

**From:** Cr Naomi Bittner [REDACTED]  
**Sent:** Friday, 25 August 2023 10:01 AM  
**To:** [REDACTED]  
**Cc:** Corporate Email Address  
**Subject:** YPC Roads Working Party

Dear Sam,  
thank you for your expression of interest to join the Yorke Peninsula Council's Roads Working Party. We received three extremely worthy applications for the one open agricultural position. Given an absence of applicants for the transportation and tourism industry positions, we would like to provisionally accept all three agricultural applicants, pending an amendment to our terms of reference being endorsed at the next Council Meeting on September 13th. Hopefully this is just a formality and I will be in touch after this meeting to officially welcome you to the working party.

Kind regards,  
Cr Naomi Bittner

Chairperson  
YPC Roads Working Party  
[REDACTED]

**Karen Brokenshire**

---

**From:** Cr Naomi Bittner [REDACTED]  
**Sent:** Friday, 25 August 2023 1:00 PM  
**To:** [REDACTED]  
**Cc:** Corporate Email Address  
**Subject:** YPC Roads Working Party

Dear Martin,  
thank you for your expression of interest to join the Yorke Peninsula Council's Roads Working Party. We received three extremely worthy applications for the one open agricultural position. Given an absence of applicants for the transportation and tourism industry positions, we would like to provisionally accept all three agricultural applicants, pending an amendment to our terms of reference being endorsed at the next Council Meeting on September 13th. Hopefully this is just a formality and I will be in touch after this meeting to officially welcome you to the working party.

Kind regards,  
Cr Naomi Bittner

Chairperson  
YPC Roads Working Party  
[REDACTED]

## 25 DEVELOPMENT SERVICES

### 25.1 ACCESS ADVISORY WORKING PARTY MINUTES

**Document #:** 23/81662

**Department:** Development Services

#### PURPOSE

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 28 July 2023.

#### RECOMMENDATION

That Council:

1. Receive the Minutes of the Access Advisory Working Party meeting held on 28 July 2023.
2. Commit \$750 to obtain design plans for the proposed Minlaton Town Hall access ramp.

#### LINK TO STRATEGIC PLAN

**Goal:** 2 Community Connected through Infrastructure

**Strategy:** 2.2 Provide disability access infrastructure

#### BACKGROUND

To keep Council informed of regular Access Advisory Working Party meetings and to consider identified projects to meet the needs of accessibility and social inclusivity.

#### DISCUSSION

Attached are the Minutes of the Access Advisory Working Party meeting held on 28 July 2023.

Item 1.5 of the Minutes;

***Heather Shepley moved Jane Lavery seconded***

*That the minutes of the Access Advisory Working Party meeting held on 28 April 2023 as circulated, be confirmed as a true record.*

**CARRIED**

Item 2 of the Minutes;

***Heather Shepley moved Bruce Cook seconded***

*It is recommended that Council commit \$750 for the preparation of design plans for the proposed Minlaton Town Hall access ramp.*

**CARRIED**

The Access Advisory Working Party budget for the 2023/2024 financial year is \$25,000. If Council endorses the above recommendation the remaining funds will be \$24,250.

#### COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Minutes will be available on Council's website.



**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Operations Coordinator

In preparing this report, the following external parties were consulted:

- Access Advisory Working Party
- Progress Associations

**POLICY IMPLICATIONS**

Yorke Peninsula Council Disability Action and Inclusion Plan 2020-2024

**BUDGET AND RESOURCE IMPLICATIONS**

Consistent with the 2023/2024 budget allocation of \$25,000.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Disability Discrimination Act 1992

Council's Disability Access and Inclusion Plan 2020-2024 aligns with disability access to Council and community functions, facilities and services.

**ATTACHMENTS**

1. **Access Advisory Working Party Minutes - 28 July 2023** [↓](#) 



## Yorke Peninsula Council

### Minutes of the Meeting of the Access Advisory Working Party

Held on Friday 28 July 2023  
In the Council Chambers  
57 Main Street Minlaton commencing at 1.30pm  
(Subject to confirmation)

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#### **ITEM 1**

##### **1.1 WELCOME BY CHAIRPERSON**

Cr Richard Carruthers welcomed everyone to the meeting and declared the meeting open at 1.30pm.

##### **1.2 PRESENT**

Jane Lavery (Warooka Progress Assoc.), Heather Shepley (Corny point Progress Assoc.), Bruce Cook (Minlaton Progress Assoc.), Alan Algie (Friends of Yorketown Hospital), Cr Richard Carruthers.

##### **IN ATTENDANCE**

Dusting Guthberg	Director Development Services
Nick Hoskin	Operations Coordinator
Maddy Pulling	Minute Secretary

##### **1.3 APOLOGIES**

Cr Alan Headon, Perry Woodward (Port Julia Progress Assoc.)

##### **1.4 MINUTES OF THE PREVIOUS MEETING**

**Heather Shepley moved Jane Lavery seconded**

That the minutes of the Access Advisory Working Party meeting held on 28 April 2023 as circulated, be confirmed as a true record.

**CARRIED**

**1.5 MATTERS ARISING FROM MINUTES****1. Individual updates on projects allocated funding**

Nil

**2. Other Matters Arising**

2.1 Bruce Cook enquired about the outcome of discussions with Department of Transport (DIT) regarding a crossover from the Gum Flat rest area to the Uniting Church, Minlaton.

Nick Hoskin advised DIT had indicated that they would support the proposed project, however will not commit funding for the works. Nick advised he obtained a quote from Wax Designs for a design however it exceeds the budget capacity for Access Advisory. Nick will obtain a second quote and report back at the next meeting. Discussion ensued that the installation of a crossover would result in the loss of five car parks, including the disabled car park located adjacent the Gum Flat Rest Area. Consultation would need to be undertaken within the local business precinct to ensure all business operators are supportive of the proposed crossover.

2.2 Council to undertake proposed audit of access ramps for maintenance purposes.

Nick advised there are approximately 72 access ramps within the Council area which he will endeavor to audit over a period of time and report back to advise of maintenance requirements and associated costs.

**1.6 MATTERS REFERRED BY COUNCIL**

Nil

**1.7 PRESIDING MEMBER'S REPORT**

Nil

**ITEM 2 CORRESPONDENCE**

2.1 Correspondence dated 18 April 2023 from YP Leisure Options requesting financial assistance to install an access ramp at the rear (exterior) of the Minlaton Town Hall. The initial quote to construct the ramp with handrails was \$11,800 excluding GST. After inspecting the location and reviewing the quote, it was decided by the Working Party that plans would need to be drafted in order for accurate quotes to be obtained.

Dusting Guthberg presented a quote dated 21 July 2023 from Building and Planning Advisory Services for the preparation of design plans for the Working Party's consideration.

**Bruce Cook moved Heather Shepley seconded**

That the quote dated 21 July 2023 from Building and Planning Advisory Services for the preparation of plans for the proposed Minlaton Town Hall access ramp be received.

**CARRIED**

**Heather Shepley moved Bruce Cook seconded**

It is recommended that Council commit \$750 for the preparation of design plans for the proposed Minlaton Town Hall access ramp.

**CARRIED**

**ITEM 3 GENERAL BUSINESS**

Nick Hoskin enquired if the Working Party would contribute funding for eight (8) access ramps that were installed in the main street of Arthurton in the 2022-2023 financial year, which was part of the main street precinct beautification project. Cr Carruthers advised Nick that the request would need to be submitted in writing to the Working Party for their consideration.

Jane Lavery from Warooka Progress Association advised she will be an apology for the 27 October 2023 meeting.

Cr Carruthers thanked those who were in attendance and encouraged other Progress Associations to attend future meetings.

**ITEM 4 NEXT MEETING**

Friday, 27 October 2023 at 1.30pm

**ITEM 5 CLOSURE**

The meeting closed at 1.50 pm

.....  
**Chairperson – Cr Richard Carruthers**  
Friday, 27 October 2023

## 25.2 PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING) - ROUND 2

**Document #:** 23/66700

**Department:** Development Services

### PURPOSE

To consider submissions received in relation to the community engagement process for Permit to Use Public Road for exclusive use (cropping and grazing) – Round 2 and seek permission to authorise these permits for a period of five (5) years.

### RECOMMENDATION

That Council:

1. Receive the written submission made in response to the community engagement process for Permits to Use Public Roads for exclusive use (cropping and grazing) – Round 2.
2. Endorse authorising the following Permit to Use Public Road for exclusive use (cropping and grazing) – Round 2 for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

Permit Number	Register of Roads Reference	Locality
2	RR0216	Dividing Sections 92 & 93 HD Ramsey
20	RR0352	Dividing Sections 27 & 5, 66 HD Warrenben
36	RR0069	Dividing Sections 43 & 501 HD Clinton
67	1062005	Dividing Sections 233 & 234 HD Tiparra
74	PR0271	Dividing Sections 84 & 204 HD Moorowie
98	RR0242	Dividing Sections 337 & 329E HD Dalrymple
156	RR0191	Dividing Sections 81 & 109 HD Ramsay
161	1049005	Dividing Sections 135 & 136, 129 HD Clinton
Permit 164 (new)	RR0016	Dividing Sections 21,22 & 15, 14 HD Coonarie

### LINK TO STRATEGIC PLAN

**Goal:** 1 Economically Prosperous Peninsula

5 Responsible Governance and Leadership

**Strategy:** 1.8 Efficient delivery of permits, leases and licences

5.3 Meet all legislative requirements and compliance with Council's internal controls

## BACKGROUND

At the Ordinary Council meeting held on 28 June 2023, Council gave permission to commence the community engagement process for a further round of applications received for Permits to Use Public Road (Permits - Round 2) for exclusive use (cropping and grazing) for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

At the same Council meeting, Council authorised Permit to Use Public Road (Permits - Round 1) applications for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

At the Council meeting of 9 August 2023, Council rescinded the 28 June 2023 resolution for (Permits - Round 1) for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028. A further resolution was then made to authorise those (Permits – Round 1) for exclusive use (cropping and grazing) for a twelve (12) month period commencing 1 July 2023 and expiring on 30 June 2024.

The purpose of this decision was to ensure that the roads under Permit to Use Public Road(s) are clearly identifiable for both Elected Members and the public through the community engagement process, and additionally to provide opportunity for Council to review those land parcels for potential suitability for sale in the future.

## DISCUSSION

The Community engagement process commenced on 4 July 2023 and concluded on 26 July 2023. A public notice appeared in the Yorke Peninsula Country Times on 4 July 2023 and the information contained in the public notice was also provided to the public via Council's website and social media sites.

The Community Engagement Report was made available at all Council's offices and on Council's website. Personalised letters were also posted to adjoining landowners affected by the proposed Permits to Use Public Road on 3 July 2023.

At the close of the community engagement process, one (1) submission was received (refer Attachment 2). The author of the submission also provided Council with a submission in response to the community engagement process for Permit to Use Public Road – Round 1.

In response to the attached submission request, the author was provided with South Australian Property & Planning Atlas (SAPPA) maps to clarify the roads for Permit to Use Public Road – Round 2.

In addition, Council staff responded to one (1) telephone enquiry. Council's website had 43 views and Council's Facebook 783 views in response to the community engagement process.

Council can issue Permits for any time frame up to a maximum five (5) year term. Whilst Council recently endorsed the (Permits - Round 1) to be issued for twelve (12) months, it is proposed that Council give consideration to issuing (Permits - Round 2) for the period of five (5) years.

A five year permit (as opposed to a 12 month permit) would:

- Reduce impacts on administration resources of Council by undertaking the Permit application, Community Engagement and approval process once every 5 years. Each permit cycle currently involves the following:
  - Post letter of renewal of Permit including new application form and location map for Permit holder's reference. To be completed and returned to Council for approval.
  - Collate returns and ensure completion of forms including that Certificate of Currency is supplied
  - Separate exclusive use applications
  - Post Reminders (if necessary)
  - Prepare Community Engagement Report
    - Collate Location maps and reference to Register of Roads

- Prepare Report to Council to seek permission to commence the community engagement process
- Prepare Public Notice
- Prepare letters to adjoining landowners
- Respond to enquiries/submissions received during the community engagement period
- At close of community engagement period, prepare Report to Council to receive submissions received during community engagement period including recommendation
- Prepare Permit approval documentation and invoices
- Reduce budget impacts associated with the community engagement process by undertaking the process less frequently. The required public notice currently costs \$336 inclusive of GST.
- Reduce impacts on administration resources of permit holders by undertaking the application process once every five (5) years.
- Provide additional guarantee to permit holders regarding any cropping or grazing they may be undertaking within the scope of their permit.

Should Council identify any of the applicable Road Reserves to be potentially suitable for sale within the permit term, the permit could be cancelled in accordance with the legislative process to facilitate an agreed sale.

## COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to the Local Government Act 1999 – Section 223

- (1) If a Council proposes to grant an authorisation or permit that:
  - (a) Would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage to a material degree; or
  - (b) In relation to a use of activity for which public consultation is required under the regulations,  
(Local Government (General) Regulations 2013),

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

## CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Property Tenure Officer

In preparing this report, the following external parties were consulted:

- Landowners

## POLICY IMPLICATIONS

PO057 Community Engagement Policy

R011 Yorke Peninsula Council Fees and Charges Register

RO09 Register of Public Roads

**BUDGET AND RESOURCE IMPLICATIONS**

The Yorke Peninsula Country Times Public Notice (\$336 inclusive of GST) and the associated administrative costs with issuing permits will be absorbed within existing 2023/2024 budget.

Permit fees to be invoiced in 2023/2024 financial year as per the Fees and Charges Register.

Fee schedule (GST included) as a minimum charge for a Permit to Use Public Road based on a fee per hectare.

Cropping	\$70 per hectare
Combination - Cropping and Grazing	\$70 per hectare
Grazing	\$30 per hectare
Other (ie, access/vegetation)	\$30 per hectare

Administration fee of \$200 for an initial road permit application.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

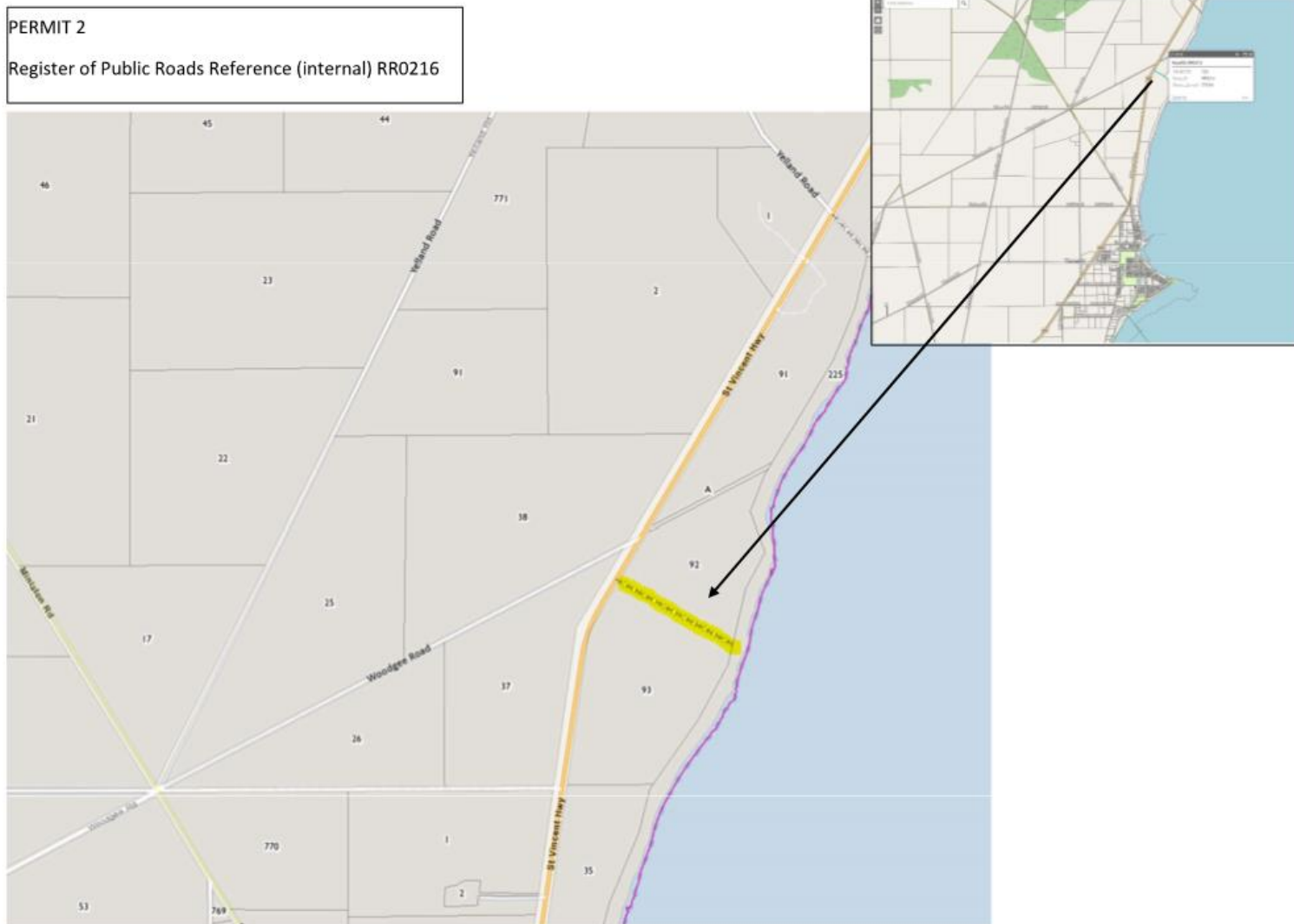
Section 223 (1) (c) of the Local Government Act 1999 and Section 25 (1)(a) of the Local Government Regulations 2013.

Section 225 of the Local Government Act 1999 – Cancellation of authorisation or permit.

**ATTACHMENTS**

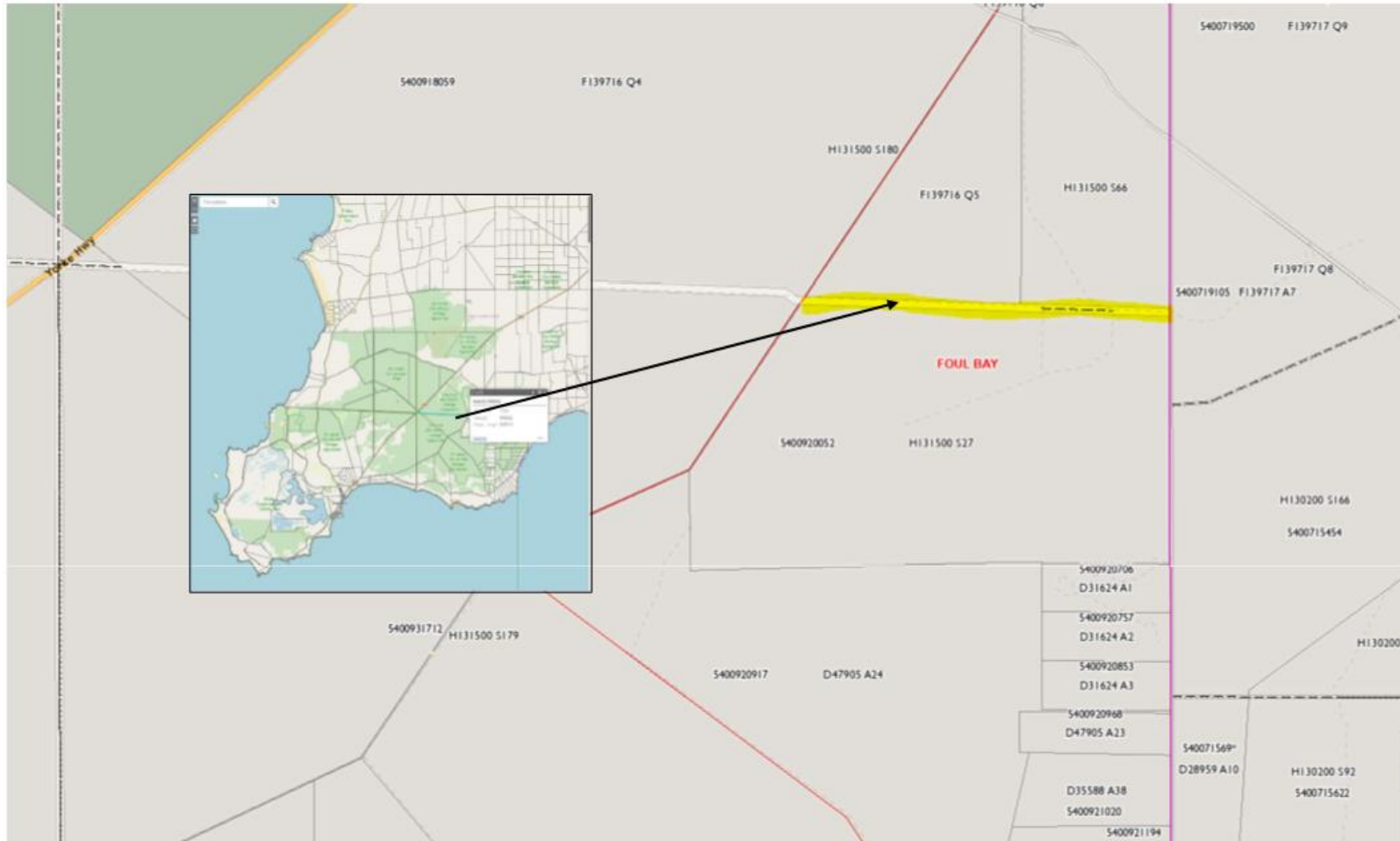
1. **Maps - Round 2** [↓](#) 
2. **Community Engagement Plan** [↓](#) 
3. **Community Engagement Submission** [↓](#) 





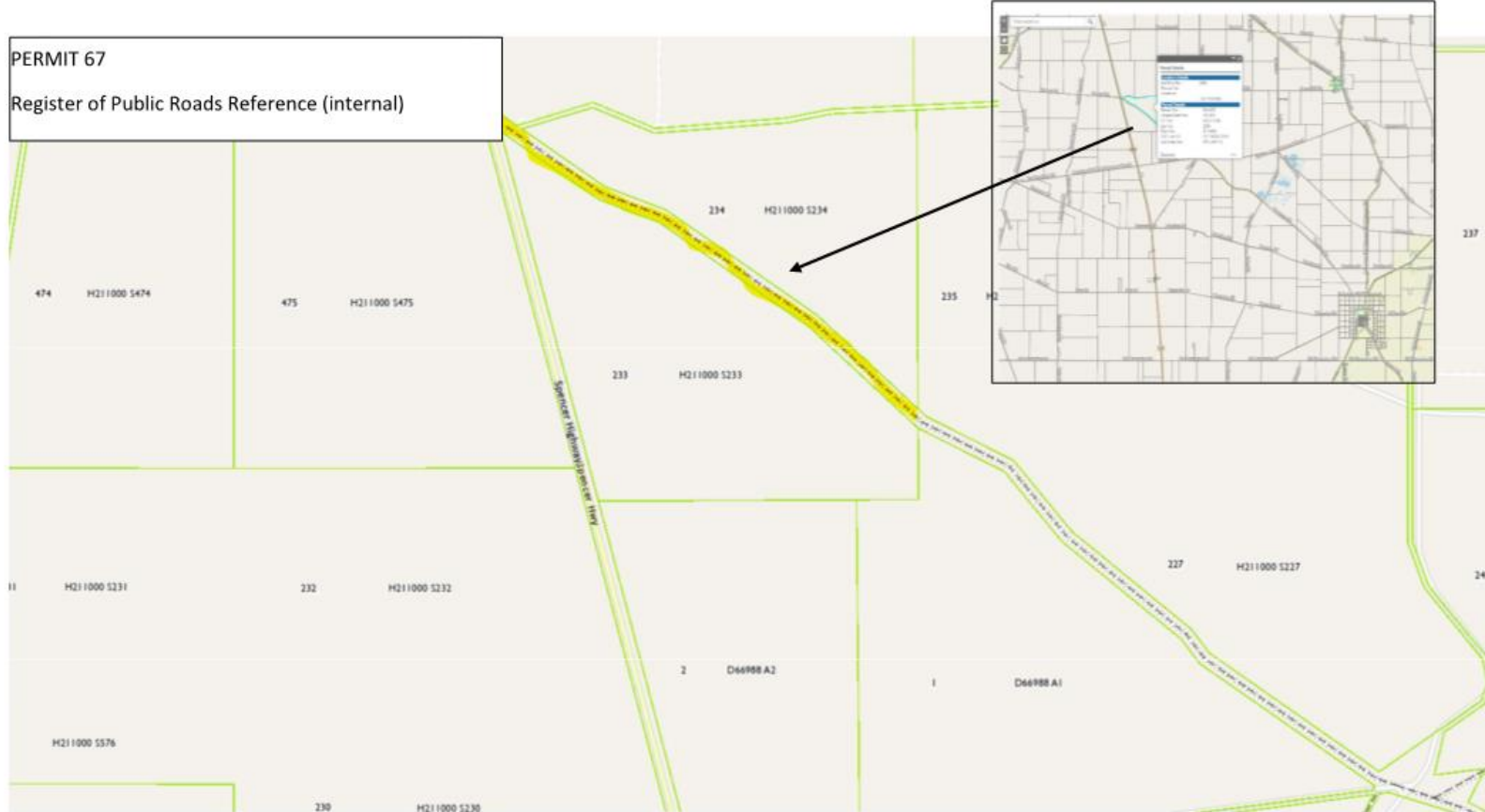
PERMIT 20

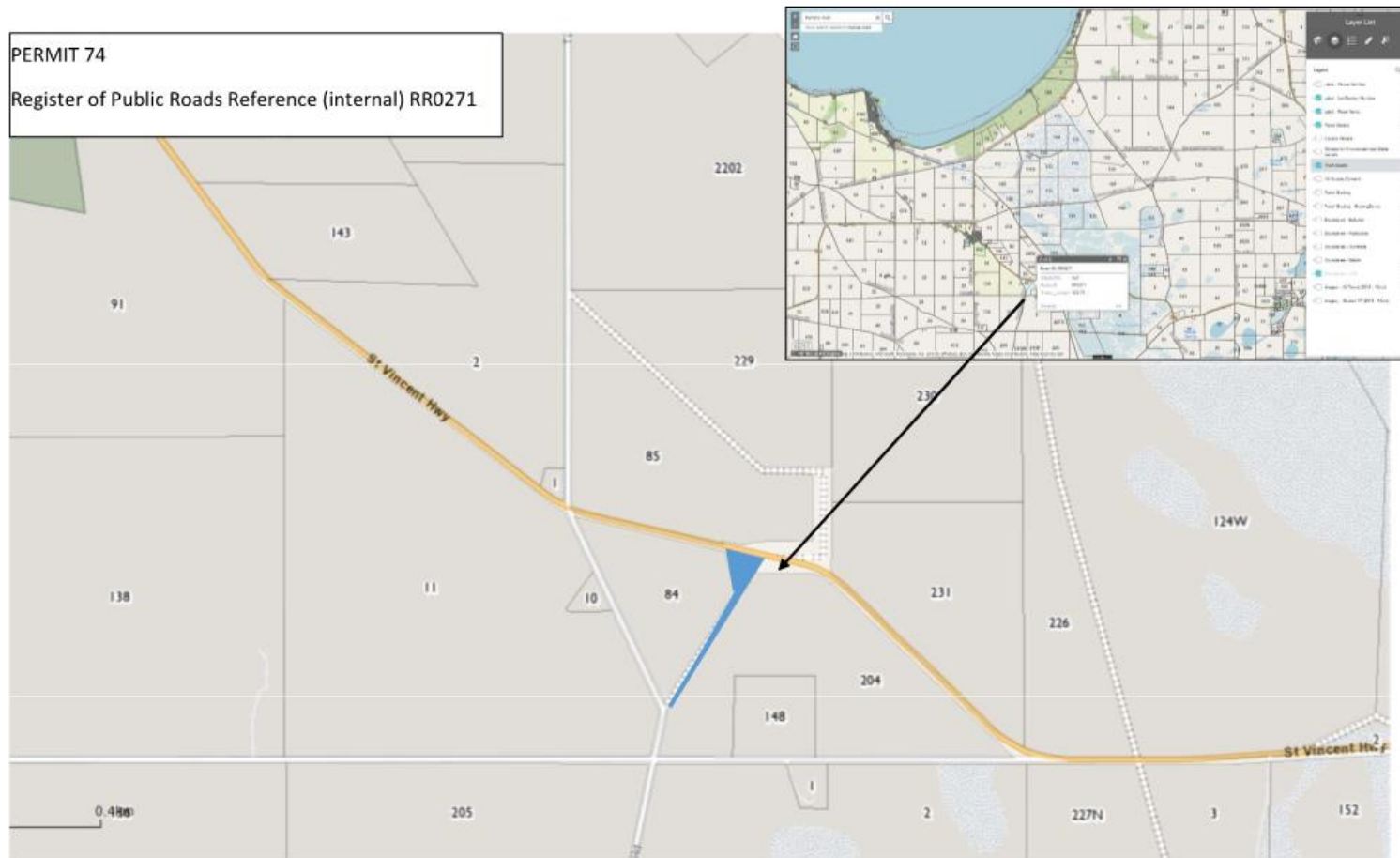
Register of Public Roads Reference (internal) RR0352

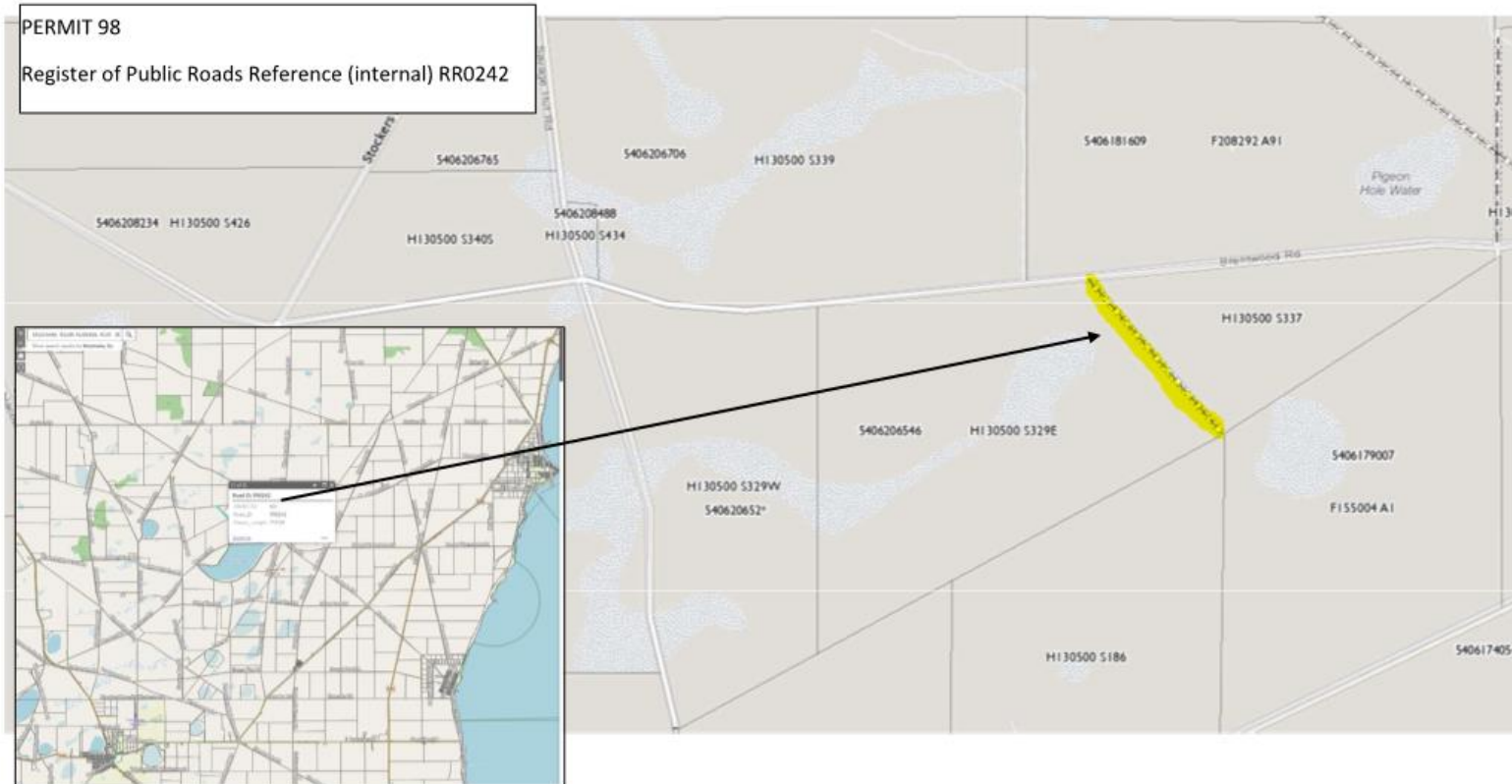


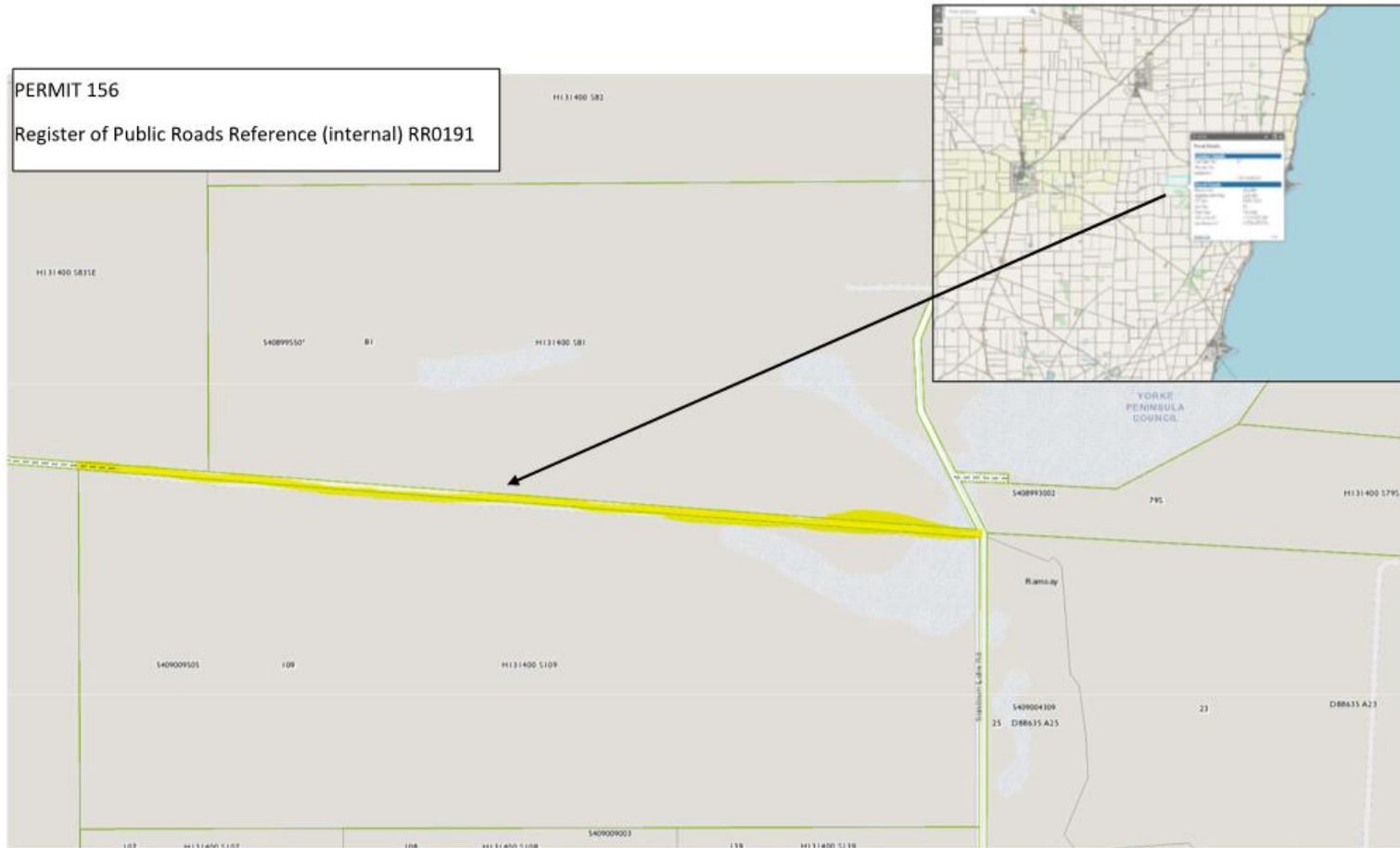
PERMIT 36  
Register of Public Roads Reference (internal) RR0069

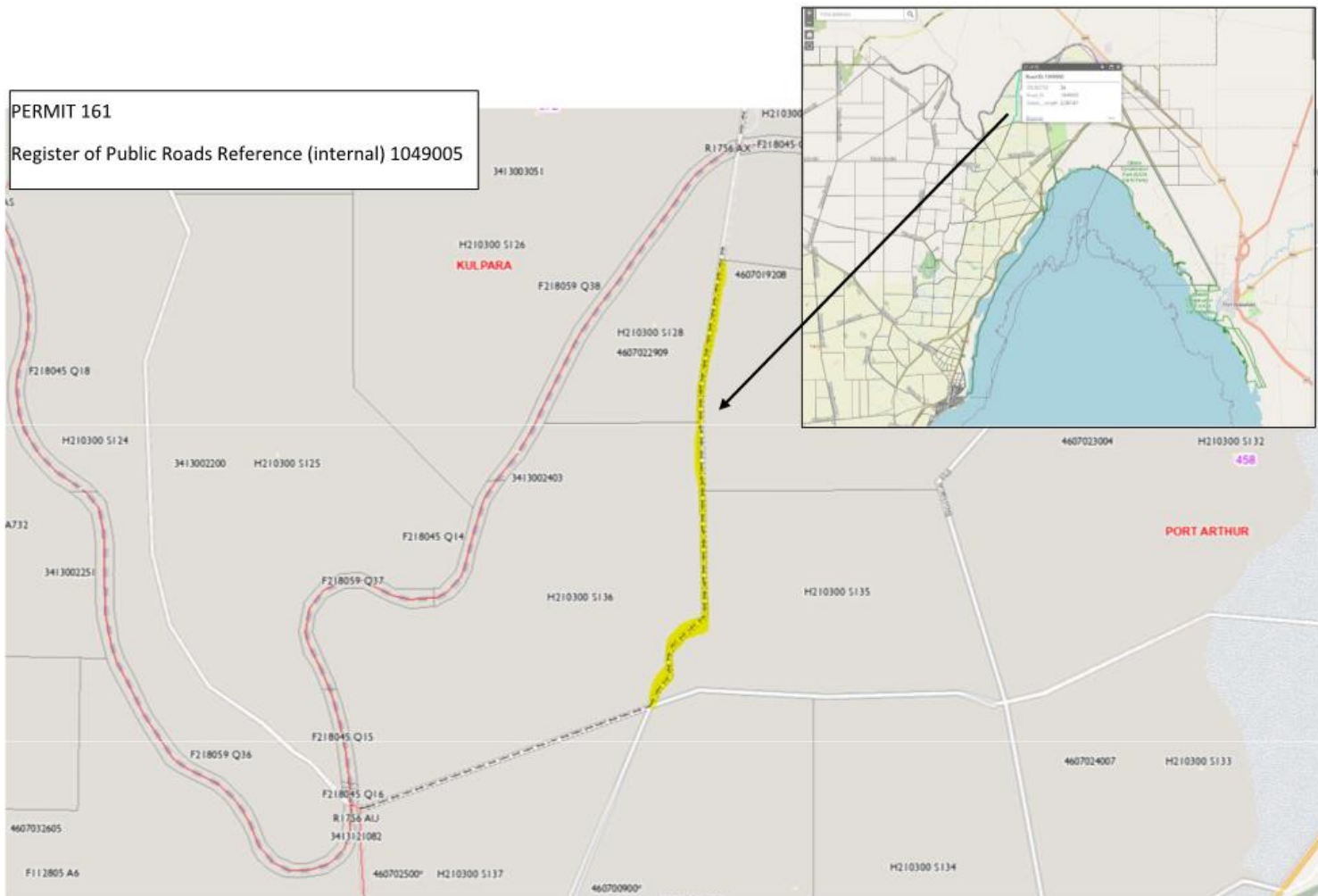




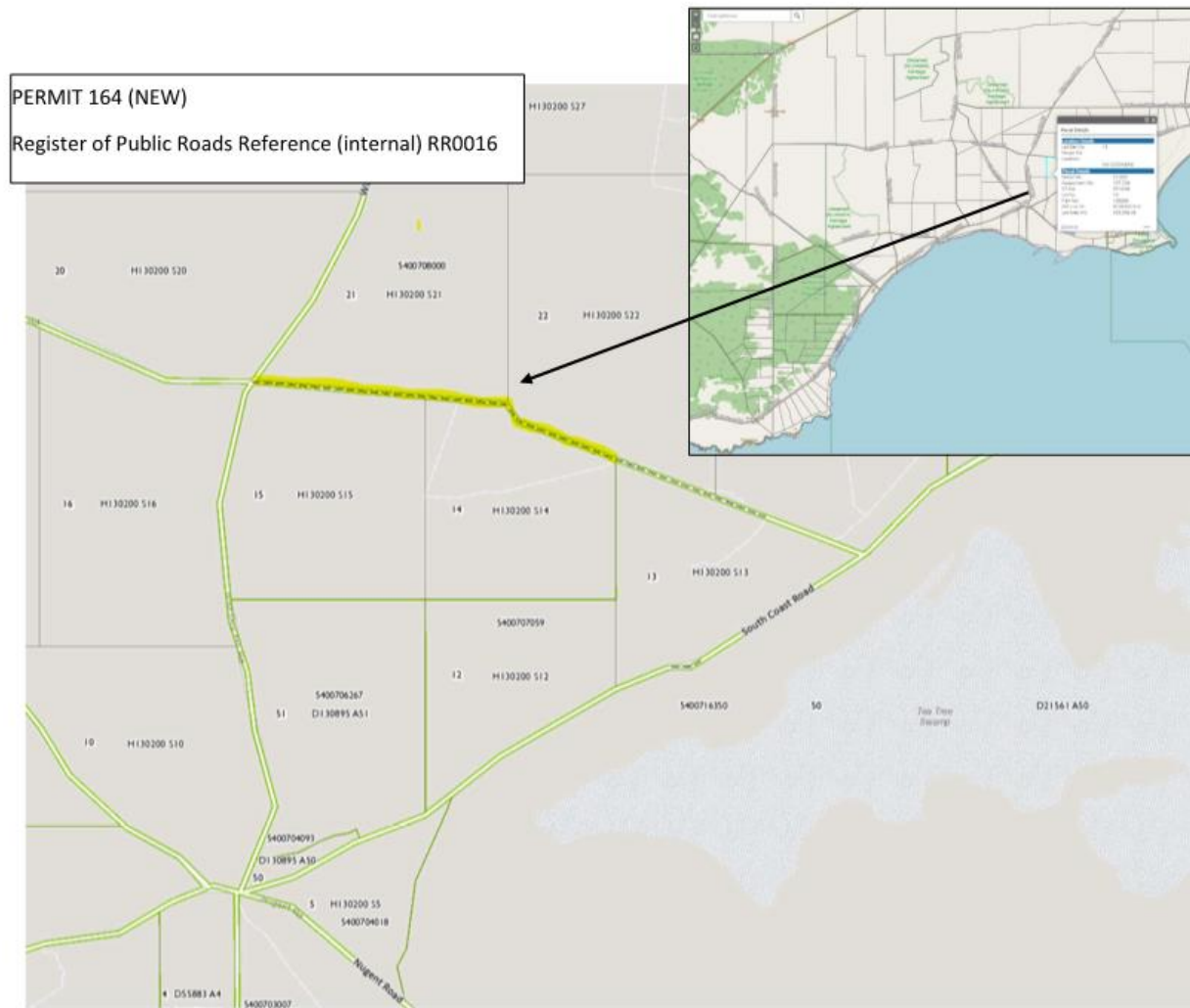














## COMMUNITY ENGAGEMENT PLAN

SF215  
Responsible Officer: Community Development & Engagement Officer

Issue Date: 09/12/2021  
Next Review Date: December 2025

**PROJECT NAME: PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING)**

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Website	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	C	Letter to adjoining landowners  Report back to Council on outcome of public consultation. Elected members to made decision based on any submissions received from the public consultation process.
Entire community	Social Media	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	C	
Other Visitors	Personalised Letter Ability to appear before Council	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	C	
		Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	C	

██████████  
Yorketown SA 5576

Yorke Peninsula Council  
att: Mayor, Deputy Mayor and Councillors  
PO Box 57  
Maitland SA 5573  
08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

25 July 2023

Dear Mayor, Deputy Mayor and Councillors

Re: feedback community engagement PERMIT TO USE PUBLIC ROAD (round 2)

thank you for giving the opportunity to provide feedback to the proposed issuing of permits.

Council is progressing with its public consultation round 2 to issue permits for exclusive use. The public notice only describes the permit as if it would affect part of the road rather than notify that the permit will allow exclusive use and will deny public access to a public road. The Mayor's argument that it is not cost effective or practical to include important information in a public notice is not persuasive.

It is most often not cost effective or practical for Public Notices to contain all of the information that relates to matters being consulted upon; the Public Notice that appeared in the Yorke Peninsula Country Times, and many others like it, provided a summary of the information and stated "The Community Engagement Report, which includes details of proposed permit authorisations, is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton and Yorketown and on Council's website." The public Report clearly states that exclusive use by permit holders is being considered.

As during the consultation before the public was provided with section numbers and the name of the Hundreds. Both details are not compatible with the search function used on the SAPPa website. Council directs the public to the SAPPa website for further information even it does not return any results.

I am still waiting for the response to the letter I wrote to council's tenure officer on 23 July 2023 (attachment 1) asking for

- a reference to council's Register of Public Roads R009, and
- compatible details for the permits to allow the use of the SAPPa website.

The Mayor has confirmed that the permit documentation is stored and managed through Council's records management system. He further has confirmed that council has on its records an established mapping layer for all road reserves that have been under a permit before. Therefore it should not be difficult to produce maps to clearly show the location of the public roads affected by the proposed permits.

It is important to note that even the Mayor is not sure if the permits could have a negative affect on the public. The Mayor does not confirm that none of the permits affect trafficable public roads.

I understand that none of the unmade public roads being considered adjoin your property and that many of them are not clearly visible due to cropping and other farming use and that the PTO has directed you to the Plan SA website (with instructions), where you should be able to determine their location.

To fulfil the purpose of a public consultation the public needs easy access to accurate and adequate information to make an informed decision.

The location of the public road affected by Permit 164 (New) Dividing Sections 21, 22 and 15, 14 HD Coonarie is known to me. That section of the road was and is currently not prepared for the passage of vehicles and I do not object to the issuing of a permit.

The location of all other roads affected by the proposed permits could not be located. Due to the lack of accurate and adequate information an informed decision as to agree or to object to the proposed permits could not be made.

The public consultation does not meet its objective and should be withdrawn.

Kind regards

A black rectangular redaction box covering the signature of the sender.

attachment letter to council's Tenure Officer

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Yorke Peninsula Council  
att: Sue Beech  
PO Box 57  
Maitland SA 5573  
08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)  
[sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au)

23 July 2023

Dear Sue,

Re: Community Consultation Round 2

during the recently undertaken public consultation (Round1, closed 6 June 2023) I found it impossible to locate the public roads affected by the proposed permits.

The reference to the SAPPA website during Round 2 is not helpful. The SAPPA website only allows the search for properties if any of the following details are known:

1. Plan and Parcel Number consisting of
  - *Plan type*
  - *Plan name or number*
  - *Parcel number*

**or**

2. Address consisting of
  - *Suburb*
  - *Street name*
  - *Street number*
  - *Street type*

**or**

3. Title Reference consisting of
  - *Title Prefix*
  - *Title Volume*
  - *Title Folio*

**or**

4. Valuation Number consisting of
  - *Valuation number*

None of the above details are provided in the *Community-Engagement-Report*. Provided are section numbers and the Hundreds in which they are located. Further the road reserve itself is not described only properties that abutting the public road.

The details provided in the *Community-Engagement-Report-Permit-to-Use-Public-Road-for-Cultivation-Purposes-Round-2.pdf* are not compatible with SAPPAs search function.

The SAPPAs website identifies public road as '*non identified parcel*', '*public road or other tenure*'. This does not allow any conclusion about to the physical state of the road.



In the *Community-Engagement-Report* there is no reference made to the available Register of Public Roads R009, which the Mayor has identified as a useful tool to identify the public roads affected.

Could you please provide references to the Register of Public Roads R009.

Because I am familiar with the surrounding area of our properties I could identify *Permit 164 (New) Dividing Sections 21, 22 and 15, 14 HD Coonarie*. This permit will only affect the section of RR0016 that is used for cropping and was and is currently not trafficable. Therefore the proposed permit will have no detrimental outcome for road users and there is no reason to object to the issuing of that permit.

Could you please provide one of the necessary details for each permit as provided under 1. to 4. and the reference to Register of Public Roads R009 to allow the identification of the remaining public roads that will be affected for 5 years by the proposed permits.

Kind regards,

[Redacted signature block]

**Sue Beech**

---

**From:** Sue Beech  
**Sent:** Wednesday, 26 July 2023 3:51 PM  
**To:** [REDACTED]  
**Subject:** RE: feedback community engagement PERMIT TO USE PUBLIC ROAD (round 2)

Dear [REDACTED]

Council acknowledges receipt of your submission.

Your submission will be included in a report to Council for consideration.

Yours sincerely,

**Sue Beech** | Property Tenure Officer  
Yorke Peninsula Council | Maitland Branch Office  
Ph: 08-8832 0000  
E: [sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au) | W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)



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**From:** [REDACTED]  
**Sent:** Tuesday, 25 July 2023 7:28 PM  
**To:** Corporate Email Address <admin@yorke.sa.gov.au>; Sue Beech <Sue.Beech@yorke.sa.gov.au>; Mayor Braund <darren.braund@yorke.sa.gov.au>; Cr Richard Carruthers <CrRichard.Carruthers@yorke.sa.gov.au>; Cr Roger Johns <roger.johns@yorke.sa.gov.au>; Cr Alan Headon <alan.headon@yorke.sa.gov.au>; Cr Tania Stock <tania.stock@yorke.sa.gov.au>; Cr Trevor Clerke <trevor.clerke@yorke.sa.gov.au>; Cr Naomi Bittner <naomi.bittner@yorke.sa.gov.au>; Cr Scott Hoyle <scott.hoyle@yorke.sa.gov.au>; Cr Kylie Gray <kylie.gray@yorke.sa.gov.au>; Cr Adam Meyer <adam.meyer@yorke.sa.gov.au>; Cr Kristin Murdock <CrKristin.Murdock@yorke.sa.gov.au>; Cr Michael O'Connell <michael.oconnell@yorke.sa.gov.au>  
**Subject:** feedback community engagement PERMIT TO USE PUBLIC ROAD (round 2)

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, please contact the Council's IT Team.

Please find attached submission.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]



**Sue Beech**

---

**From:** Sue Beech  
**Sent:** Friday, 28 July 2023 3:54 PM  
**To:** [REDACTED]  
**Subject:** Response - More Information - Permit to use Public Road - Round 2  
**Attachments:** Maps Round 2.docx

Dear [REDACTED]

We have prepared maps for each Permit taken from the SAPPA website, using the layers menu to identify unmade roads by section and Hundred. The maps also include a valuation number that should assist you when using the search function. This will give you the ability to see the map in full.

You will also note that I have included the Register of Public Roads reference number for you to use when viewing the Register of Public Roads.

The Register of Public Roads can be found on Council’s website at [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

The physical state of these roads can change from day to day. Topographic maps are not in real time.

We would suggest that if you wish to view the physical state of the road, that you would need carry out a site visit.

We hope that this information assists you with determining the location of the unmade roads you have requested.

Yours sincerely,

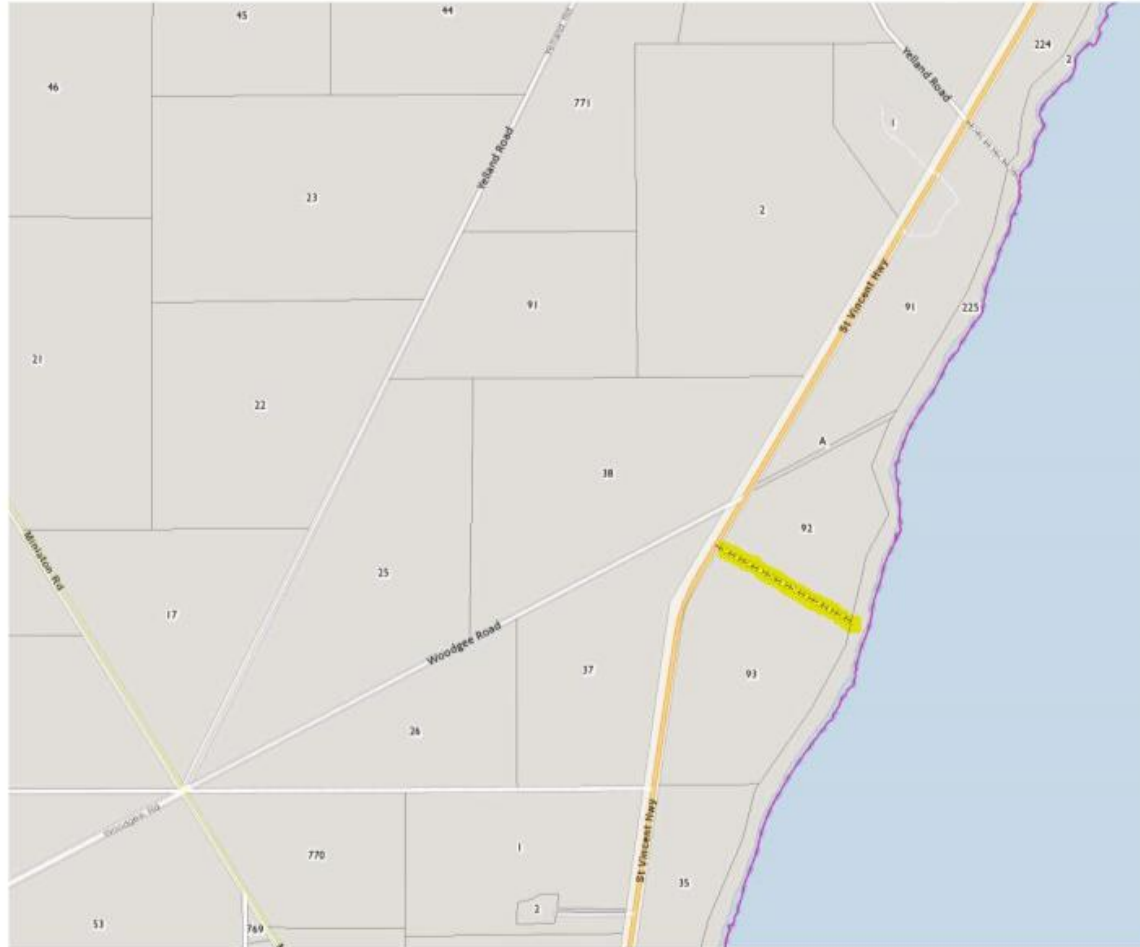
**Sue Beech** | Property Tenure Officer  
Yorke Peninsula Council | Maitland Branch Office  
Ph: 08-8832 0000  
E: [sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au) | W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)



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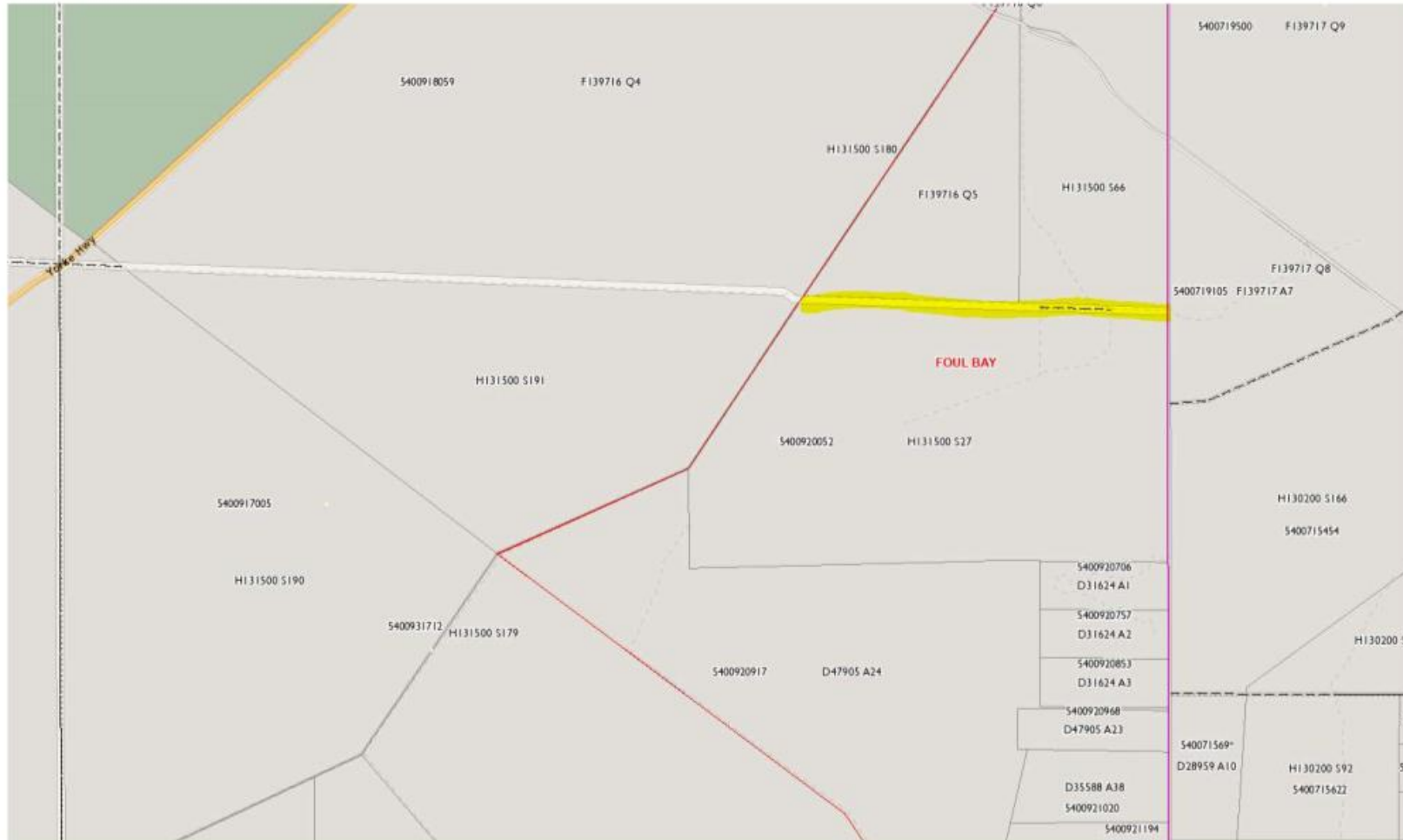
Permit 2

Register of Public Roads Reference RR0216



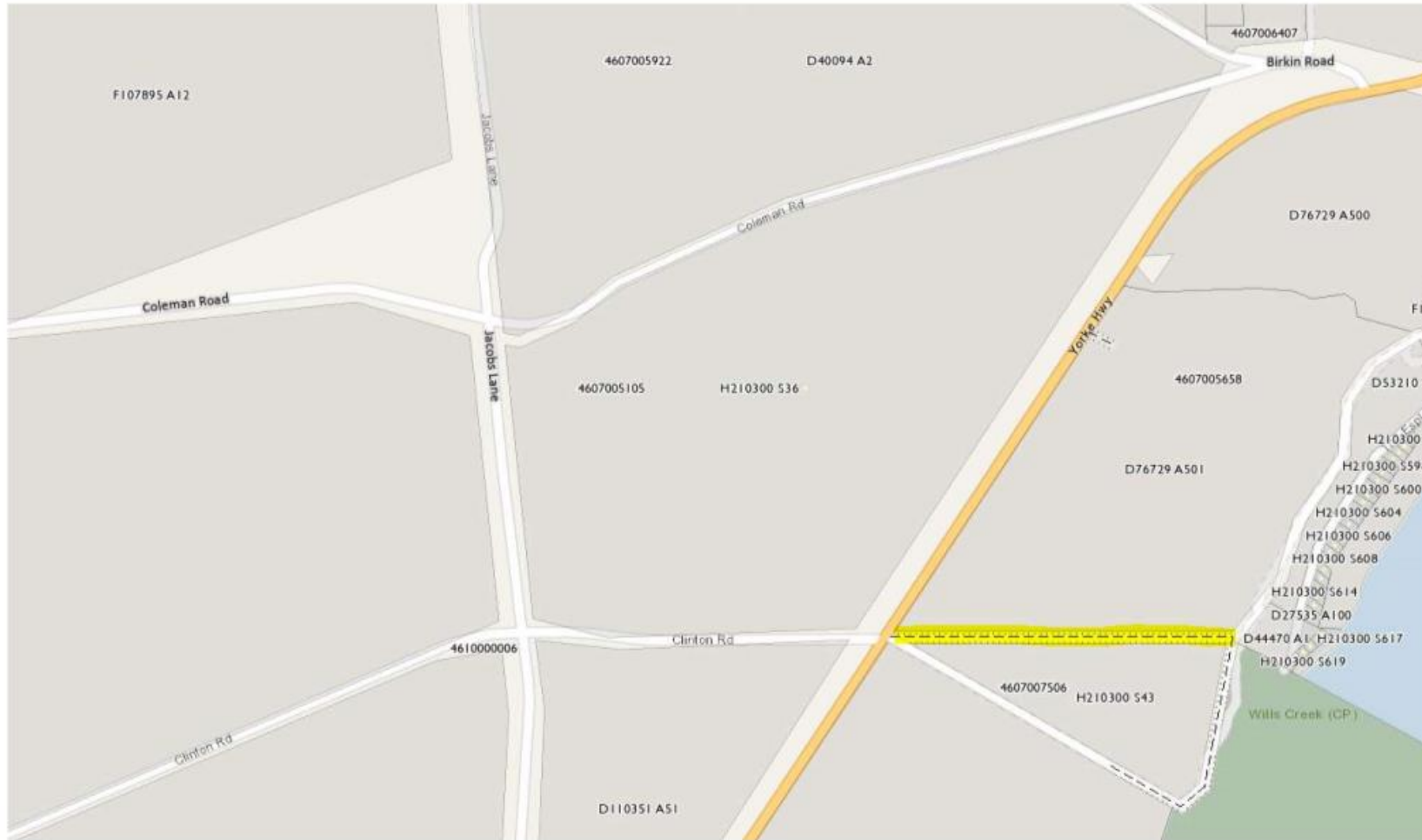
Permit 20

Register of Public Roads Reference RR0352



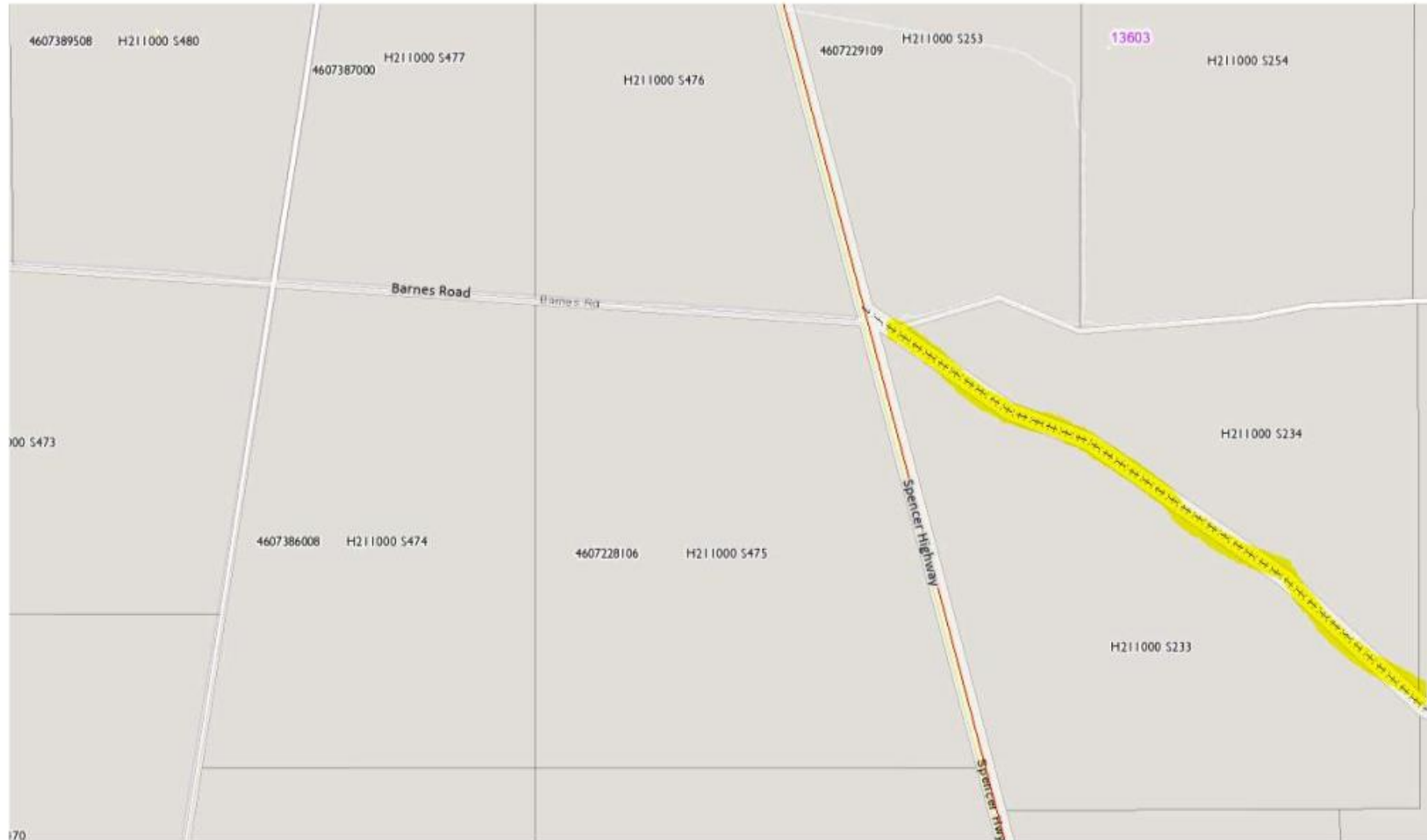
Permit 36

Register of Public Roads Reference RR0069



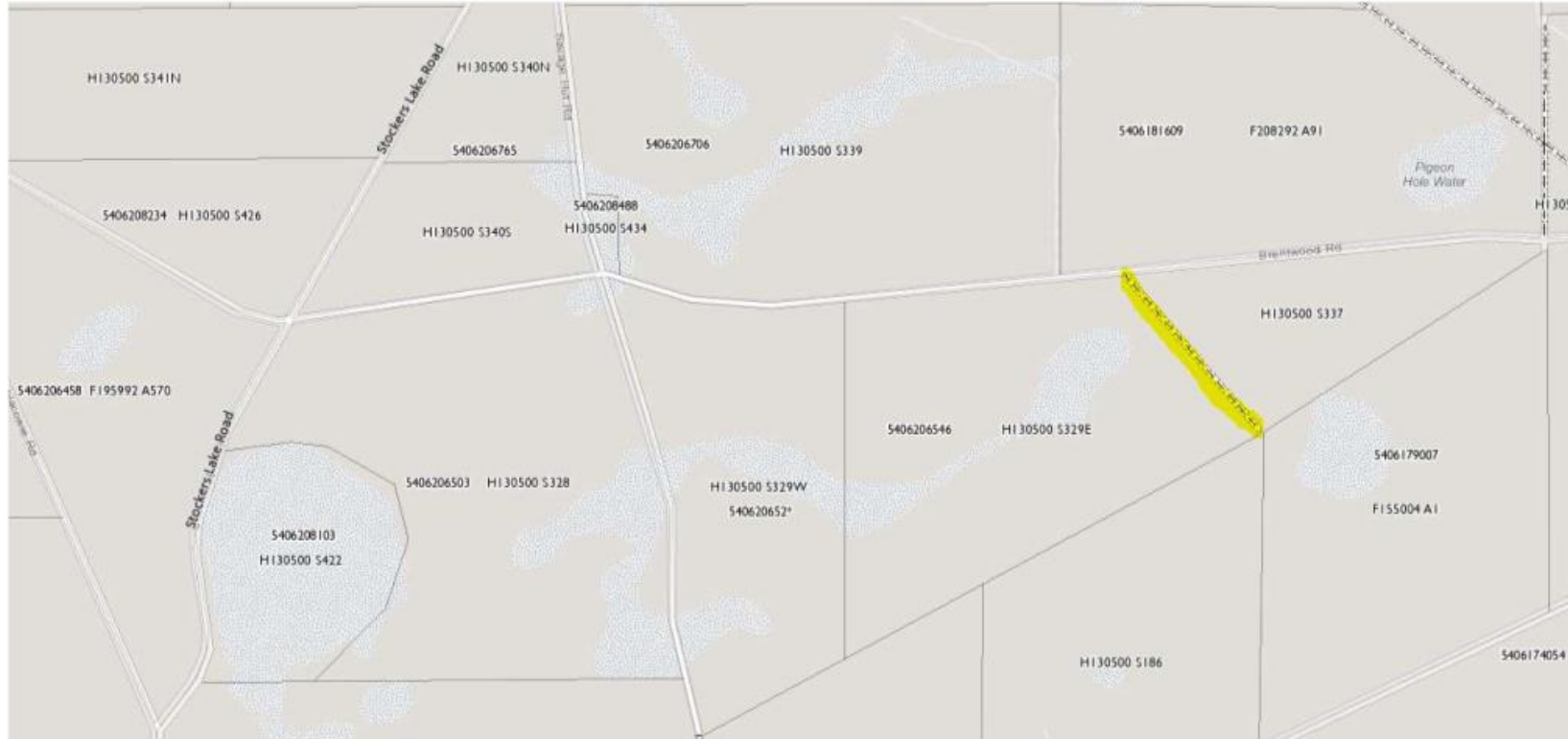
Permit 74

Register of Public Roads Reference: 26351



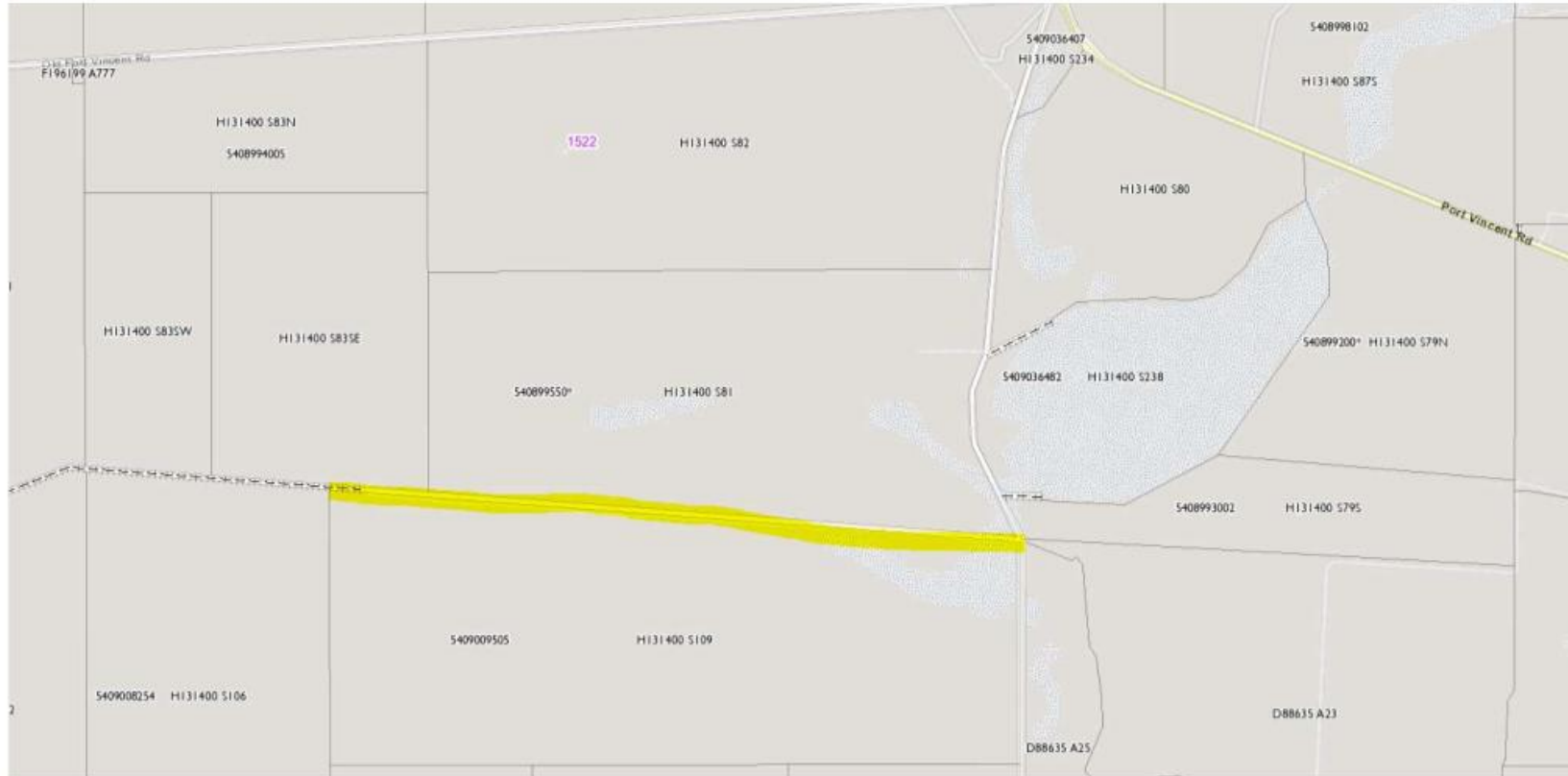
Permit 98

Register of Public Roads Reference RR0242



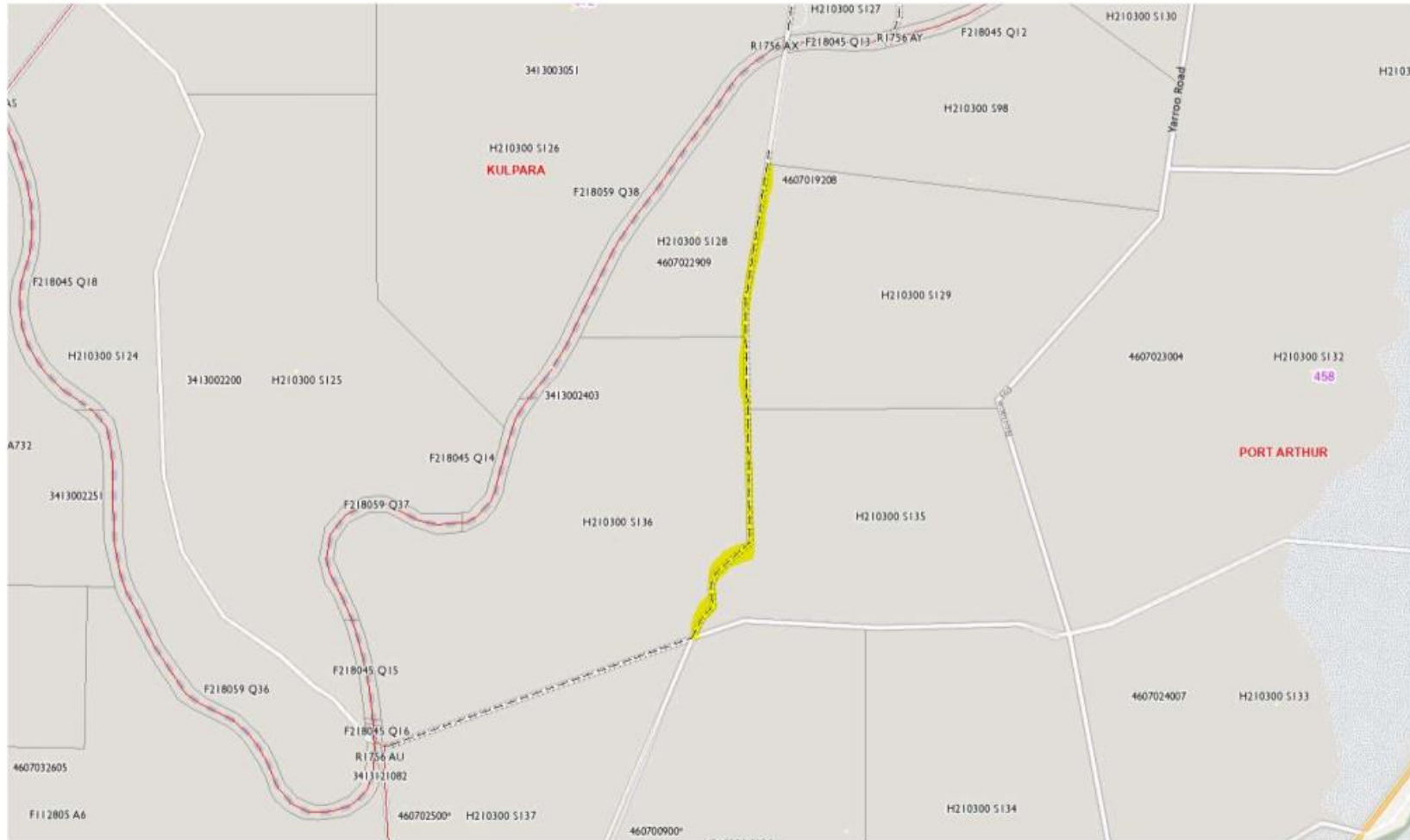
Permit 109

Register of Public Roads Reference RR0191



Permit 161

Register of Public Roads Reference 1049005





**25.3 LAND MANAGEMENT AGREEMENT - REQUEST WAIVER - LOT 269 BUSH TRACK PARSONS BEACH****Document #:** 23/70869**Department:** Development Services**PURPOSE**

To seek authorisation for the Chief Executive Officer to approve the request for a waiver of a Land Management Agreement from limiting development on land at Lot 269 Bush Track, Parsons Beach (Certificate of Title Volume 5429 Folio 895).

**RECOMMENDATION**

That Council authorise the Chief Executive Officer to approve the request for a waiver of a Land Management Agreement from limiting development on land at Lot 269 Bush Track, Parsons Beach (Certificate of Title Volume 5429 Folio 895).

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 3.3 Integrate environmental sustainability consideration in land use planning and development**BACKGROUND**

A Land Management Agreement (LMA) was applied to the land 32 years ago between the District Council of Minlaton and the landowner at the time, as an agreement restricting certain land uses and development to a certain area to conserve and preserve the native flora and fauna. The portion of the subject land referred to in the LMA is contained within the Rural Living Zone with the balance of the subject land located within the Conservation Zone.

The current landowner and their planning consultant have submitted a request for Council to consider a waiver of the LMA to enable development of a detached dwelling and tourist accommodation on the 4 hectare triangle of the allotment referred to as the building envelope in the LMA and which is currently within the Rural Living Zone.

The LMA provides that a waiver in writing can be provided by Council for part or all of the owner's obligations. The LMA also provides that Council may delegate any of its powers under the deed to any person.

**DISCUSSION**

The LMA has limits on building types, designs, materials and finishes that are no longer contemporary. The aim of the LMA was to limit building work to the building envelope and to ensure conservation of the existing native vegetation. The proposed dwelling and tourist accommodation is proposed to be sited on the portion of the land currently zoned Rural Living, within the building envelope detailed in the LMA, and would not impact the Conservation Zone and the existing native vegetation.

The current development application has been assessed against the relevant Planning and Design Code policies, with planning consent granted. The proposal is considered to align with growth strategies for regional tourism and would bring a positive contribution to the local economy from visitors utilising the tourist accommodation.

The waiver is required for the landowner to facilitate construction and implementation of the development upon receipt of Development Approval.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Planning Officer
- Manager Development

In preparing this report, the following external parties were consulted:

- Nil

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**





There are no immediate or ongoing costs to Council other than the administration tasks associated with signing the relevant documents.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Proceeding with the recommendation will not result in a risk to Council.

Planning Development Infrastructure Act 2016

**ATTACHMENTS**

1. Location Map [↓](#) 
2. LMA Waiver Request - Planning Consultant - S269 Bush Track - Parsons Beach [↓](#) 
3. LMA Waiver Request - Landowner - S269 Bush Track - Parsons Beach [↓](#) 
4. Land Management Agreement (under separate cover) 

Location Map – Lot 269 Bush Track, Parsons Beach – identified with red marker



Zone Map – subject land identified with blue marker





PO Box 392  
Brighton SA 5048

**Office**

51 Broadway  
Glenelg South SA 5045

M 0410 147 541

E [bengreen@bengreen.com.au](mailto:bengreen@bengreen.com.au)

[www.bengreen.com.au](http://www.bengreen.com.au)

ABN 98 829 437 619

10 July 2023

Yorke Peninsula Council  
Mr Andrew Cameron, *Chief Executive Officer*  
PO Box 57  
MAITLAND SA 5573

**Request to a Partial Waiver of a Land Management Agreement  
Subject Land – Lot 269 Bush Track Parsons Beach SA 5212**

Dear Mr Cameron

On behalf of the owners, Ms Kirri White and Mr Sven Kirkwood, we respectfully request a partial waiver of a Land Management Agreement (LMA) that applies to a property (land) identified as Lot 269 Bush Track, Parsons Beach.

The purpose of the LMA is to detail any restrictions on the property which relate to development management, preservation and conservation of the land in accordance with Part 14 (Sections 192 & 193) of the *Planning, Development and Infrastructure Act 2016*.

The LMA has applied to the land for some 30+ years, and amongst other matters it seeks to limit the landowner to constructing only a dwelling and associated outbuildings on a portion of the subject land.

It is evident that the relevant Planning legislation and guiding policy documents have changed/evolved over this period, and so too have the attitudes and expectations relating to development.

The vast majority of the subject land is located within the Conservation Zone, the Desired Outcome of which aligns generally with the intent of the LMA. A smaller portion of the subject land is located within the Rural Living Zone which anticipates various forms of development that are compatible with a secluded semi-rural or semi-natural character.

The owners have recently submitted a Development Application (Application ID: 23016543) for a small-scale and low intensive form of tourist accommodation in the form of two (2) glamping tents with a shared refuge/laundry building and associated managers dwelling which are to be wholly contained within the Rural Living zoned portion of the subject land. The public notification period for which has recently concluded with 2 representations received, both of which express a degree of support for the proposed development.

In our opinion the proposal satisfies the assessment criteria of the Planning and Design Code such that it warrants the issuing of Planning Consent. Prior to Council staff determining the application (which we trust will be in the affirmative) they have sought evidence of a partial waiver of the LMA.

Accompanying this request is a letter from the landowner outlining their motivations for the proposed development, which also cites various policy and strategies relevant to this type of tourist accommodation within the greater Yorke Peninsula region.

It is considered that the proposed development does not compromise the broader intent or purpose of the LMA and as such I request that you consider this request favourably. I look forward to the Councils positive resolution of this matter.

Regards

Ben Green & Associates



**Tom Gregory, RPIA**  
Senior Associate  
[tomgregory@bengreen.com.au](mailto:tomgregory@bengreen.com.au)

enc. Letter from Kirri White and Sven Kirkwood

Dear Sir/Madam,

We are the current landowners of Lot 269 Bush Track, Parsons Beach SA, CT 5429/895. We write to you today to ask that Council consider partial waiver with or variation to our Land Management Agreement (LMA). A waiver/variation of LMA requirement 2.3.1.1 of a singular detached dwelling is required on this occasion to allow assessment of our development application for Tourist Accommodation in line with current provisions of the State Planning and Design Code. We endeavour to provide some background regarding our development proposal as well as demonstrate why it is a zone appropriate land use that will bear no detriment to the overarching intent of the LMA.

Residing in Adelaide, we ourselves have been long time visitors to the Yorke Peninsula region. We have always admired the rugged, natural landscapes of the Western coastline, so much so that it led us to purchase a sizable parcel of land within the Parsons Beach community. It is on this land, in an area zoned Rural Living that we propose development of tourist accommodation comprising two glamping tents, with the inclusion of a managers dwelling and shared fire refuge/laundry building.

Our goal is to develop and operate a small-scale, low impact, sustainable, nature-based glamping experience, attracting self-drive intrastate and interstate visitors. We have given much consideration to our developments location, purpose, scale, character, and design. The site's private rural coastal location offers direct access from the existing Walk the Yorke Trail and is within close proximity to the nearby service town of Minlaton. It adorns a beautiful coastline, an abundant range of flora and fauna, and is home to many native bird and animal species. Guests will have opportunity for a range of outdoor activities such as hiking, bird watching and the ability to swim or snorkel on a natural, secluded beach spotted with rock pools, boasting views of magnificent sand dunes and stunning sunsets. The protected coastal landscape provides visitors with a sense of isolation and the space to appreciate its natural beauty. The tents will bring the outside in and be a space where they can unwind, disconnect, and relax, fully immersed in natural coastal surrounds. Each tent will feature a private ensuite and kitchen facility, a private deck with outdoor bathtub and luxury high quality furnishings.

The LMA in place for Lot 269 Bush Track was instated 32 years ago on the 20<sup>th</sup> of November 1991. The LMA encompasses the entirety of our land, which comprises approximately 10 acres zoned rural living and 126 acres zoned conservation. Although an overarching intent of the LMA has not been specifically stipulated, its requirements would suggest that it serves to conserve and preserve the native flora and fauna and maintain the rural character and amenity of the area. The intent of the LMA is fundamentally similar to that of the objectives for the relevant zones.

Both the LMA and the Conservation Zone strive to protect and conserve the existing flora and fauna. The Conservation Zone covers approximately 92% of the land and applies strict regulations for development and land use. Prior to the creation of the LMA majority of the land was substantially cleared, following establishment of the LMA the area zoned Rural Living has been heavily revegetated with large native trees, as has a small portion of the Conservation zone with the remainder delicate dunal areas. Our development aims to sustain the local ecology and promote the natural environment whilst enabling the public to experience an area of high landscape value. Chosen for their ability to minimise environmental impacts, the light-weight canvas tents will be assembled on-site and are to be elevated on decked platforms ensuring the development 'touches the earth lightly'. During construction the original landscape will be carefully cleared by hand, so that delicate ecosystems, natural flora and birdlife are preserved. The chosen sites make use of open areas to ensure surrounding flora remains intact, no major earthworks or clearing will be done. Preservation of the delicate coastal landscape will be assured by the sensitive approach to all aspects of the proposals design, construction and operation. We believe that a mutually beneficial alliance can be achieved between tourism and conservation. Through understanding and enjoyment comes greater appreciation, empathy, advocacy and protection for the environment.

Both the LMA and the Rural Living Zone assert a desire to maintain a rural character and amenity. The Rural living zone accounts for 8% of the land and is defined in the code as *"a spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complements that lifestyle choice"*. A home-based tourism development, albeit not a traditional form of development, offers a sustainable, more contemporary rural lifestyle choice that has the capacity to contribute positively to the local community. Although our proposal seeks to erect multiple structures, fundamentally it will bear only a singular residence suitable for full time occupation. Visually the structures have been designed to complement the natural

environment with their fawn-coloured canvas and curved lines resembling dune like forms. The development's small-scale design on generous land, use of modest size structures and ability to blend with the environment guarantee the area's rural character and amenity will be retained. Our proposal is designed to ensure that a rural pattern of land use will be maintained, the open space, natural landscapes and vegetation will remain heavily predominant over the built forms.

In deciding our request for waiver/variation, we ask that regard be given to Yorke Peninsula Regional Land Use Framework as well as region-specific priorities identified by the South Australia Tourism Commission (SATC) for increasing tourism growth. Sustainable coastal growth, conservation and nature-based tourism, particularly in the Western and Southern Yorke Peninsula, were identified as key elements in the framework vision. The framework highlighted a *"fundamental issue affecting tourism is the availability of good quality accommodation, particularly environmentally sound and affordable accommodation that is linked to the natural coastal landscape and/or character of townships, particularly on the rugged western and southern coasts"* (pg37). More specifically the vision identified our location as an area sited for *"retention of natural landscape to support low impact nature-based tourism and eco-tourism"* as depicted in Map 3 (pg31). Region specific tourism priorities identified by SATC in the South Australian Regional Visitor Strategy Report included the development of *"new and promoting existing experiences that showcase the region's coastal lifestyle, wildlife and nature"*. The report purports a need for 32 new rooms of high-quality experiential accommodation to be established by 2025 and encourages building on the theme of a place to relax. The development we propose seeks to implement SATC's strategies for regional tourism growth and is in confluence with the states vision for the Yorke Peninsula.

We acknowledge and support the aspects of the LMA that serve to protect the natural environment and maintain the rural character and amenity of the area. We have demonstrated that the development we propose will uphold the overarching intent of the LMA and be a zone appropriate land use that will contribute positively to the local community. We therefore ask that partial waiver/variation of LMA requirement 2.3.1.1 be granted on this occasion and that we be allowed this opportunity for development assessment in line with current provisions of the code. If given the chance, our proposed development could offer a mutually beneficial alliance between tourism and conservation and provide a sustainable approach to tourism that will showcase the Western Peninsula's coastal lifestyle, wildlife and nature.

Yours Faithfully  
Kirri White and Sven Kirkwood

**26 GENERAL BUSINESS**

Section 85 of the Act requires that matters on the Agenda are described with reasonable “particularity and accuracy” and reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.



**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 INDEPENDENT MEMBER APPOINTMENT TO AUDIT AND RISK COMMITTEE****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(a),(j)(ii) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Independent Member Appointment to Audit and Risk Committee, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Asset Manager
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(a),(j)(ii) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Independent Member Appointment to Audit and Risk Committee, is confidential information relating to:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (j)(ii) information the disclosure of which would, on balance, be contrary to the public interest.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**RESUMPTION OF PUBLIC MEETING**

**28 NEXT MEETING**

Wednesday 11 October 2023

**29 CLOSURE**