



## **AGENDA**

### **FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON**

**19 SEPTEMBER 2016 AT CONCLUSION OF BUDGET AND FINANCE  
COMMITTEE**

**IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

#### **MEMBERS**

Cr B Vermeer (Chairman)  
Mayor G Aldridge (ex officio)  
Cr D Balaza  
Cr S Bedford  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington  
Cr D Proleta

#### **REQUIRED STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Communications and Customer Relations, Mr M Bennington

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 15 August 2016.

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## OTHER BUSINESS

## CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

**15 AUGUST 2016**

**MEMBERS PRESENT**

Cr D Balaza  
Cr S Bedford  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Ms T Norman  
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 7:06 pm.

The Deputy Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies were received from Cr B Vermeer and Cr D Proleta.

**LEAVE OF ABSENCE**

Nil

## **PRESENTATION OF MINUTES**

Moved Cr S Bedford  
Seconded Cr D Bryant

The Minutes of the Resources and Governance Committee Meeting held on 18 July 2016, be taken and read as confirmed.

**CARRIED**

## **REPORTS**

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr L Caruso  
Seconded Cr D Pilkington

1. The information be received.

**CARRIED**

### *External Relations*

#### **3.4.1 Nominations Sought for the South Australian Public Health Council**

Moved Cr S Bedford  
Seconded Cr L Caruso

1. Cr C Buchanan be nominated as a Local Government Member on the South Australian Public Health Council.

**CARRIED**

### *Corporate Governance*

#### **3.6.1 Local Government Association Annual General Meeting 21/10/2016 - Call for Notices of Motion**

Moved Cr D Pilkington  
Seconded Cr L Caruso

1. The information be received.
2. No additional Notices of Motion be submitted to the Local Government Association Annual General Meeting (aside from that referred to in paragraph 3.2 of Item No. 3.6.1, Resources and Governance Committee, 15/08/2016).

**CARRIED**

**3.6.2 Local Government Finance Authority Annual General Meeting:  
21 October 2016 - Council Representatives, Board Nominations and  
Notices of Motion**

Moved Cr D Pilkington  
Seconded Cr L Caruso

1. The information be received.
2. Cr Damien Pilkington be appointed as Council Representative (Voting Delegate) to the Local Government Finance Authority Annual General Meetings, with Cr David Bryant as his deputy.
3. No Notice of Motion be submitted to the Local Government Finance Authority Annual General Meeting being held on 21 October 2016.
4. The nomination of members to the LGFA Board of Trustees be deferred to Council on the basis that a quorum was not able to be achieved for the nomination of representatives at the Resources and Governance Committee.

**CARRIED**

**3.6.3 Summary of Elected Member Training and Development  
Expenditure and Outstanding Summary Reports**

Moved Cr S Bedford  
Seconded Cr L Caruso

1. The information be received.

**CARRIED**

**OTHER BUSINESS**

Nil

The meeting closed at 7:18 pm.

CHAIRMAN.....

DATE.....



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<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**

1. The information be received.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Report authors and General Managers.
- 2.2 External
  - 2.2.1 Nil.

### 3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
22/06/2015 3.3.2  <b>Due:</b> <b>Deferred to:</b> <b>Reason:</b>	<b>Amendments to the Dog and Cat Management Act</b> 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. December 2016 July 2017 The Dog and Cat Management Act amendments were only passed in Parliament in July 2016 and not likely to be implemented until July 2017.	John Darzanos
28/09/2015 3.6.1 <b>Due:</b>	<b>Review of Provision of Elected Member IT Equipment</b> 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
23/11/2015 NOM2 <b>Due:</b>	<b>Local Government Association of SA Governance Review and City of Salisbury Membership status</b> 3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region. October 2016	Charles Mansueto
27/06/2016 3.6.2 <b>Due:</b>	<b>Mobile Food Van Policy</b> 3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement. January 2017	Tim Starr

### 4. CONCLUSION / PROPOSAL

4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

### CO-ORDINATION

Officer:	EXECUTIVE GROUP	GMCID	GMBE	GMCI
Date:	12/09/16	08/09/16	08/09/16	08/09/16



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<b>ITEM</b>	3.2.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>HEADING</b>	Road Name Change - Anguilla Lane, Mawson Lakes to Anguilla Court
<b>AUTHOR</b>	Heidi Crossley, Coordinator - Administrative Support Services, City Development
<b>CITY PLAN LINKS</b>	3.4 Be a proud, accessible and welcoming community.
<b>SUMMARY</b>	<p>In December 2004 Delfin Lend Lease requested Council give consideration to changing the name of Anguilla Court to Anguilla Lane. The name change was not completed and the road is still commonly known as Anguilla Court. This report seeks to amend Deposited Plan 66459 from Anguilla Lane back to its original name of Anguilla Court, to be consistent with existing street name signs, street directories and addresses used by residents.</p>

## **RECOMMENDATION**

1. Deposited Plan 66459 be amended to show Anguilla Lane as Anguilla Court, Mawson Lakes and the necessary statutory processes and notifications to effect the change to the Deposited Plan be implemented.

## **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Deposited Plan 66459
2. Locality Plan - Anguilla Lane, Mawson Lakes

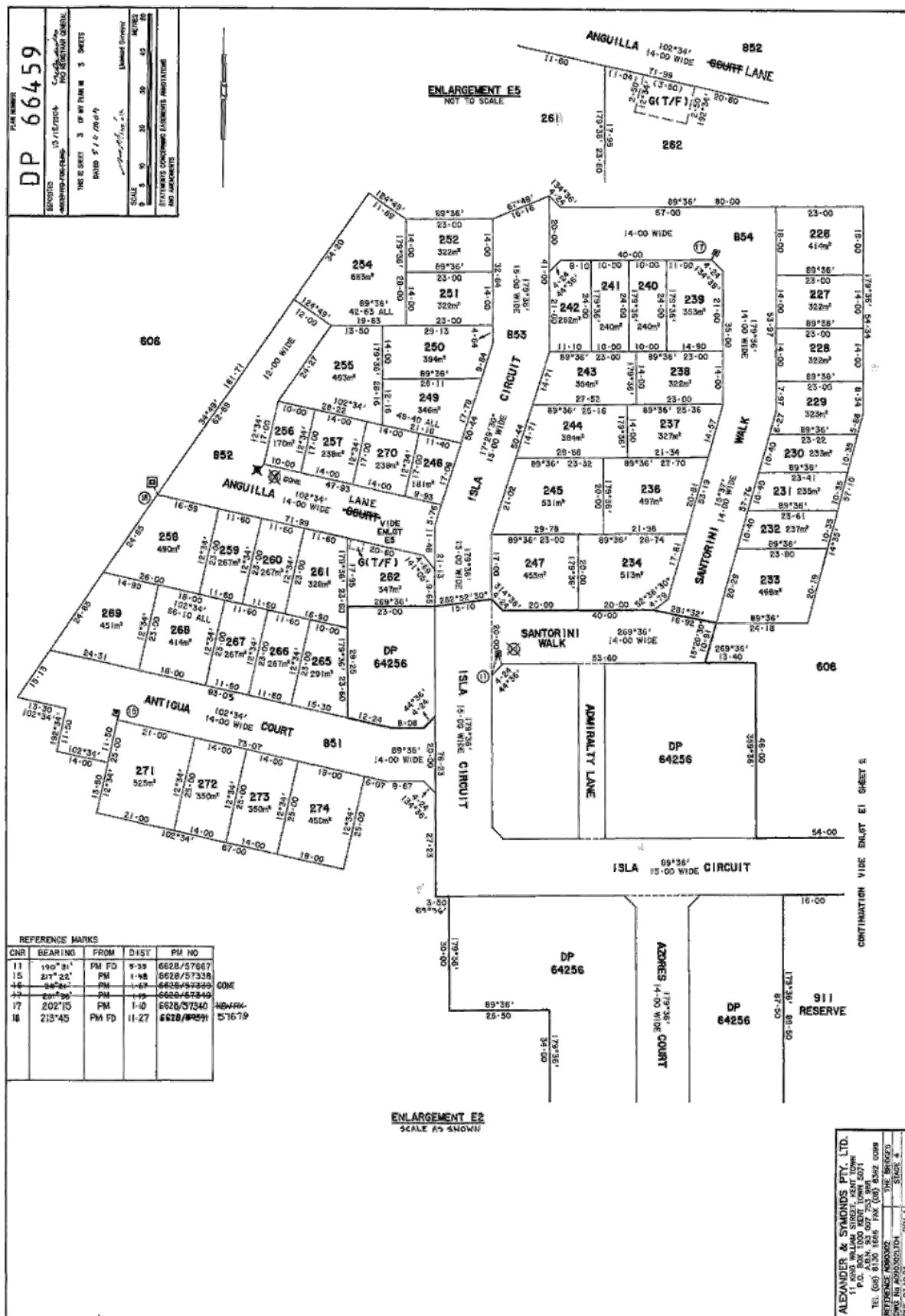
## **1. REPORT**

- 1.1 In December 2004 Delfin Lend Lease requested Council give consideration to changing the name of Anguilla Court to Anguilla Lane. Council resolved to support the recommendation at its meeting held on 13 December 2004 and the Deposited Plan 66459 was amended showing Anguilla Lane, Mawson Lakes.

- 1.2 The name change was not however fully implemented. Council's property databases still show Anguilla Court. A review has also revealed that Anguilla Court is also still used by residents, in the road signage and the UBD street directory. The public reserve off Anguilla Court is also named Anguilla Court Reserve.
- 1.3 Given the proposed changes in 2004 have not been implemented in full, this report seeks to revert the Deposited Plan 66459 from Anguilla Lane back to Anguilla Court, to remove any potential confusion, and avoid any disruption to residents.
- 1.4 Under the Local Government Act Section 219(1) a Council may assign a name to a public or private road, or to a public place, or change the name of public or private road, or of a public place.
- 1.5 The Geographical Names Board has advised that amending the deposited plan back to Anguilla Court requires a Council resolution.
- 1.6 The amendment will not affect residents who still know the road as Anguilla Court.
- 1.7 Should Council adopt the name change, the Local Government Act requires notification to the Register-General, the Surveyor-General, the Valuer-General and that a public notice be placed in the Government Gazette and The Advertiser.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 12/09/2016







## Anguilla Lane, Mawson Lakes



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1:5,258

Wednesday August 24, 2016





<b>ITEM</b>	3.4.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>PREV REFS</b>	
<b>HEADING</b>	Nominations Sought for LGA President and Metropolitan Adelaide Representative on the LGA Board
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	In accordance with the LGA Constitution, all officers on the LGA Board are to retire every second year. Nominations are now being called to fill these positions, and if necessary, conduct an election (by way of postal voting).

#### RECOMMENDATION

1. \_\_\_\_\_ be nominated to the Office of President of the Local Government Association.
2. \_\_\_\_\_ be nominated as a member of the Local Government Association Board representing the Metropolitan Local Government Group.

#### ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Correspondence from Local Government Association dated 18 August 2016

#### 1. BACKGROUND

- 1.1 In accordance with the Local Government Association (LGA) Constitution, on a date determined by the Returning Officer and being not later than 1 September before officers are to retire in every second year, the LGA must send to all Ordinary Members notices calling for nominations for the office of President, Board Members, and Deputy Board Members.
- 1.2 On 18 August 2016, the Chief Executive Officer of the LGA, Matt Pinnegar, wrote to the Chief Executive Officer inviting nominations from the City of Salisbury for President, Board Members and Deputy Board Members.
- 1.3 All Councils are invited to submit nominations for the position of LGA President and Metropolitan Councils only are invited to submit nominations for up to 8 Board Members and 4 Deputy Board Members representing the Metropolitan Local Government Group.

## **2. REPORT**

### **2.1 Nomination for President**

- 2.1.1 In order to be eligible for nomination to the Office of President a person must be a Councillor or Mayor who has served as a Board member of the LGA Board for at least 12 continuous months from the conclusion of the previous general election, being 1 May 2015, to the date of the call for nominations for President.
- 2.1.2 The Office of President must be occupied on a rotational basis by a member of a 'country' council (being any council that is not a member of the Metropolitan Local Government Group) and then, a member of a constituent Council of the Metropolitan Local Government Group. Commencing at the end of the next election the Office of the President will be occupied by a member of a metropolitan council for a two year term.
- 2.1.3 A Deputy Board Member cannot be nominated for the position of President.
- 2.1.4 A Council may nominate an individual from the following list of Board Members who are eligible to be nominated for President:
  - a) Cr Sue Clearihan (Adelaide)
  - b) Mayor David Parkin (Burnside)
  - c) Cr Jill Whittaker (Campbelltown)
  - d) Mayor Angela Evans (Charles Sturt)
  - e) Mayor Glenn Spear (Mitcham)
  - f) Mayor Robert Bria (Norwood, Payneham & St Peters)
  - g) Mayor Lorraine Rosenberg (Onkaparinga)
  - h) Mayor David O'Loughlin (Prospect)
  - i) Mayor Lachlan Clyne (Unley)

### **2.2 Nomination for Metropolitan Zone Representative**

- 2.2.1 In order to be eligible for nomination as a Board Member or Deputy Board Member representing the Metropolitan Local Government Group, a person must be a member of a constituent Council of the Metropolitan Local Government Group. That is, a member of one of the following Councils:
  - a) Adelaide City Council
  - b) Adelaide Hills Council
  - c) City of Burnside
  - d) Campbelltown City Council
  - e) City of Charles Sturt
  - f) Town of Gawler
  - g) City of Holdfast Bay
  - h) City of Marion
  - i) City of Mitcham
  - j) City of Norwood, Payneham & St Peters



- k) City of Onkaparinga
  - l) City of Playford
  - m) City of Port Adelaide Enfield
  - n) City of Prospect
  - o) City of Salisbury
  - p) City of Tea Tree Gully
  - q) City of Unley
  - r) Town of Walkerville
  - s) City of West Torrens
- 2.2.2 A Council may nominate one eligible person to act as a Board Member or Deputy Board Member from their own Council. However, only one member of any Council may be nominated for such office.
- 2.2.3 Unless stated otherwise, a nomination to act as a Board Member includes a nomination to act as a Deputy Board Member.
- 2.2.4 A nomination for a Board Member may only be made by resolution of the Council and using the appropriate Nomination and Candidate Information Forms, copies of which are included in the correspondence from the LGA attached to this report.
- 2.2.5 No allowance is currently payable in relation to the position of Metropolitan Representative.
- 2.2.6 Should the number of nominations for the above positions exceed the required number of candidates, a ballot will be conducted.
- 2.2.7 If a ballot is required, the distribution of ballot papers to Councils will include any information provided by the candidates to the Returning Officer in accordance with the requirements specified in clause 64.2 of the Constitution.
- 2.2.8 As per the LGA Constitution, if an election is required, a preferential voting system will be used being the system contained in the *Local Government (Elections) Act 1999*, commonly known as 'proportional representation'.
- 2.2.9 The following timetable will be adhered to

Action	Responsibility	Due Date
Receipt of Nominations	CEO of Ordinary Member Council	By Thursday 6 October 2016
Ballot Papers prepared (if required)	CEO of the LGA	By Friday 21 October 2016
Ballot Papers posted to Councils	CEO of the LGA	Monday 24 October 2016
Closing date for receipt of votes	CEO of Ordinary Member Council	By 5:00pm Friday 9 December 2016
Vote count and (provisional) declaration		Monday 12 December 2016

- 2.2.10 All nominations (and any accompanying candidate information) must be received by the LGA Returning Officer, Matt Pinnegar, by 5pm on Thursday 6 October 2016.
- 2.2.11 Extracts from the LGA Constitution in relation to the role and responsibilities of the President and other LGA Board Members are included in the correspondence from the LGA attached to this report.

### **3. CONCLUSION / PROPOSAL**

- 3.1 Council is asked to determine if nominations are to be made for the Office of President and Board Member/Deputy Board Member of the LGA Board.
- 3.2 It should be noted that Council is not obliged to submit a nomination.

### **CO-ORDINATION**

Officer: Executive Group  
Date: 12/09/2016



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Our Reference: 642096/RD : DB

18 August 2016

Mr John Harry  
Chief Executive Officer  
City of Salisbury  
PO Box 8  
SALISBURY SA 5108

Dear John

**Call for Nominations for LGA President, and Board Members and Deputy Board Members  
representing Metropolitan Local Government Group**

The LGA Constitution outlines the process and timeline for the conduct of Board elections. It includes provision for the calling of nominations for the office of President, Board Members, and Deputy Board Members by no later than 1 September before officers are to retire in every second year. This means that an election is due to be commenced prior to 1 September 2016. The purpose of this letter is to invite nominations from your council for President, Board Members and Deputy Board Members.

In accordance with clause 55 of the LGA Constitution, (available at <http://www.lga.sa.gov.au/corpdocs>) I am required to call for nominations for the office of President and Board Members and Deputy Board Members and, if necessary, conduct an election (by way of postal voting).

Accordingly, I write to you in your capacity as the Chief Executive Officer of an Ordinary Member Council of the Metropolitan Local Government Group to invite nominations from your council, firstly, for the position of LGA President, and, secondly, for the positions of Board Members and Deputy Board Members representing the Metropolitan Local Government Group.

Pursuant to clause 49.3 of the Constitution the number of positions available are up to 8 Board Members and 4 Deputy Board Members to represent the Metropolitan Local Government Group. If the number of nominations exceeds the number of vacancies, the representatives will be elected from those persons who are nominated.

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### **Eligibility Criteria**

#### **for President**

Clause 46 of the Constitution requires that:

- In order to be eligible for nomination to the **Office of President** a person must be a Councillor or Mayor who has served as a Board Member of the LGA Board for at least 12 continuous months from the conclusion of the previous general election, 1 May 2015, to the date of the call for nominations for President.
- The office of President must be occupied on a rotational basis by a member of a 'country' council (being any council that is not a member of the Metropolitan Local Government Group) and then, a member of a constituent council of the Metropolitan Local Government Group. Commencing at the end of the next election the Office of the President will be occupied by a member of a 'metropolitan' council for a two year term.
- a Deputy Board Member cannot be nominated for the position of President.

#### **for Board Members and Deputy Board Members**

Pursuant to Clause 57 of the Constitution:

- in order to be eligible for nomination as a Board Member or Deputy Board Member representing a Region, a person must be a member of a constituent council of that Region;
- a council may nominate one eligible person to act as a Board Member or Deputy Board Member from their own council. However, only one member of a council may be nominated for such office;
- a nomination for a Board Member may only be made by resolution of the council and using the **enclosed** form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council; and
- unless stated otherwise a nomination to act as a Board Member includes a nomination to as a Deputy Board Member.

### **Nomination**

Under Clause 57.4 of the Constitution *"an Ordinary Member cannot nominate a candidate outside of its own elected body"*

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Mail to the Chief Executive Officer, Local Government Association of South Australia, PO Box 1000, Adelaide SA 5000. Tel: 08 8224 2000. www.lga.sa.gov.au



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A nomination as a Board Member or Deputy Board Member representing the Metropolitan Local Government Group must be a member of a constituent council of the Metropolitan Local Government Group. That is, a member of one of the following councils:

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

A council may nominate one eligible person to act as a Board Member or Deputy Board Member from their own council. However, only one member of any council may be nominated for office. A President may be from the same council as a Board or Deputy Member.

A nomination may only be made by resolution of the council and using the **enclosed** form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council;

I have enclosed, for your information, a list of the Board Members who are eligible to be nominated for President.

#### **Voting**

As the Returning Officer I am required to conduct a postal ballot if the number of nominations for the above positions exceeds the required number of candidates. If a ballot is required, the distribution of ballot papers to councils will include any information provided by the candidates to the Returning Officer in accordance with the requirements specified in clause 64.2 of the Constitution. This information is to be provided by the candidate with the nomination form.

As per the LGA Constitution, if an election is required, a preferential voting system will be used being the system contained in the *Local Government (Elections) Act 1999*, commonly known as 'proportional representation'.

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#### **Timetable**

The following timetable will be adhered to:

Action	Responsibility	Due Date
Receipt of Nominations	CEO of Ordinary Member Council	by Thursday 6 October 2016
Ballot Papers Prepared (if required)	Chief Executive Officer of the LGA	by Friday 21 October 2016
Ballot Papers posted to councils	Chief Executive Officer of the LGA	Monday 24 October 2016
Closing date for receipt of votes	CEO of Ordinary Member Council	by 5:00pm Friday 9 December 2016
Vote Count and (provisional) declaration		Monday 12 December 2016

**All nominations (and any accompanying candidate information) must be addressed to me as the LGA's Returning Officer using the envelope provided and must be received by 5:00pm, Thursday 6 October 2016.**

Extracts from the LGA Constitution in relation to the role and responsibilities of the President and other LGA Board Members are enclosed for your information.

If you have any questions in relation to the election process, please contact myself or Robert Drusetta, Director Corporate Services on 8224 2020 or email [robert.drusetta@lga.sa.gov.au](mailto:robert.drusetta@lga.sa.gov.au).

Yours sincerely

**Matt Pinnegar**

**Chief Executive Officer/Returning Officer**

Telephone: (08) 8224 2022

Email: [matt.pinnegar@lga.sa.gov.au](mailto:matt.pinnegar@lga.sa.gov.au)

#### **Attachments:**

- 1 List of Board Members eligible to be nominated as President
- 2 Nomination Form - President
- 3 Nomination Form - Board Member/Deputy Board Member representing the Metropolitan Local Government Group
- 4 Returning Officer requirements for candidate information
- 5 Roles & Responsibilities - President and Board Members (extract from LGA Constitution)



169 From: directly (mailto:robert.drusetta@lga.sa.gov.au) Sent: Friday, 18 August 2016 11:01 AM To: 'City of Salisbury' (mailto:city@salisbury.sa.gov.au)



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## **Attachment 1**

# **Persons Eligible for Nomination as President**

(in alphabetical order by council name)

<b>Name</b>	<b>council</b>
Cr Sue Clearihan	Adelaide
Mayor David Parkin	Burnside
Cr Jill Whittaker	Campbelltown
Mayor Angela Evans	Charles Sturt
Mayor Glenn Spear	Mitcham
Mayor Robert Bria	Norwood, Payneham & St Peters
Mayor Lorraine Rosenberg	Onkaparinga
Mayor David O'Loughlin	Prospect
Mayor Lachlan Clyne	Unley



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## 2016 Nomination Form

### President

The \_\_\_\_\_  
(Name of council making the nomination)

hereby nominates \_\_\_\_\_  
(Full Name)

of \_\_\_\_\_  
(Name of council of which the nominee is a member)

being a Member of such council to the position of **LGA President**

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as President if so elected.

\_\_\_\_\_  
(Signature of Candidate)

**Close of Nominations: 5:00pm 6 October 2016**





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## 2016 Nomination Form

### Representative of Metropolitan Local Government Group

The

*(Name of council making the nomination)*

hereby nominates

*(Full Name)*

of

*(Name of council of which the nominee is a member)*

being a Member of such council to the position of **Board Member or Deputy Board Member**  
representing the Metropolitan Local Government Group

Dated this

day of

*(Signature of Chief Executive Officer)*

and I, the person nominated, hereby accept such nomination and consent to act as a  
**Board Member or Deputy Board Member** if so elected

*(Signature of Candidate)*

**Close of Nominations: 5:00pm 6 October 2016**



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## **Attachment 4**

# **Specifications for the Provision of Candidate Information**

## **LGA President / Board Member Representative of Metropolitan Local Government Group**

### **The information must:**

- be typed in the attached format (and must not exceed one side of an A4 sheet of paper).
- be provided under the following headings:
  - Name of Candidate
  - Name of council
  - Current council Position(s)
  - Local Government Experience/Knowledge
  - Local Government Policy Views and Interests
  - Other Information
- not contain any references, direct or otherwise, to any other candidates
- not include a photograph
- be supplied in a manner that is suitable and ready for photocopying
- not contain any statement purporting to be a fact that is inaccurate or misleading.

### **Please note:**

1. The information does not need to be authorised by anyone.
2. The Returning Officer reserves the right to determine whether or not the information provided fits within the above requirements. In the event that the Returning Officer determines that it does not, the Returning Officer will endeavour to contact the candidate to discuss the matter.
3. The information needs to be received by the Returning Officer **by 5.00pm on 6 October 2016.**

**Matt Pinnegar  
Returning Officer**



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### **LGA Board Member**

## **Candidate Information**

**Position Sought** (tick whichever position applicable):

- ☐ **LGA President or**
- ☐ **Board Member Representative of Metropolitan Local Government Group**

**Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)**

**Name:** \_\_\_\_\_  
**Council:** \_\_\_\_\_  
**Current council position(s)** \_\_\_\_\_  
**Local Government Experience / Knowledge** \_\_\_\_\_

### **Local Government Policy Views & Interests**

### **Other Information**

**This information is to accompany a nomination form and must be received by the Returning Officer  
of the Region by 5.00pm on 6 October 2016**



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## Attachment 5

# LGA Board Member Roles & Responsibilities

## Extract From LGA Constitution

### The President

*46.4 The President has these functions:*

- 46.4.1 to be a member of, to chair and to provide leadership to the Board;*
- 46.4.2 to be a member of, to chair and to provide leadership to the Management Group;*
- 46.4.3 to chair general meetings;*
- 46.4.4 to represent the LGA to the wider community and the media, consistent with adopted policy positions of the LGA; and*
- 46.4.5 those of a Board Member, as if a Board Member.*

### Board Members

*50.4 A Board Member has these functions:*

- 50.4.1 to be on the Board and make reasonable endeavours to attend and participate in each meeting of the Board;*
- 50.4.2 contribute to the LGA by providing leadership for local government and pursuing the objects of the LGA;*
- 50.4.3 represent the LGA in a positive manner to the wider community in South Australia and, if the opportunity arises, nationally and internationally;*
- 50.4.4 present to the Board the interests and views of the Ordinary Members of the Region they represent or of the Unincorporated Areas as the case may be; and*
- 50.4.5 (subject to any overriding duty of confidentiality) convey decisions of the Board and other information back to the Ordinary Members of the Region they represent or Unincorporated Areas as the case may be.*

<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>PREV REFS</b>	Resources and Governance 3.6.3 15/02/2016 Committee
	Resources and Governance 3.6.1 16/05/2016 Committee
<b>HEADING</b>	Representation Review
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides details of progress of the Representation Review and seeks Council endorsement of an option for public consultation.

## RECOMMENDATION

1. The information be received.
2. The submission received with respect to the Representation Review Options Paper, released for public consultation in June 2016, be noted.
3. Based on the recommendations of CL Rowe and Associates Pty Ltd, in principle support is granted to the following:
  - a. The principal member of Council continue to be a mayor, elected by the community;
  - b. The Council area continue to be divided into wards;
  - c. The future elected body of Council comprise twelve (12) ward councillors;
  - d. The Council area be divided into four wards, as depicted as Option 8.5 in the Representation Options Paper (Item No. 3.6.1, Resources and Governance Committee, 19/09/2016, Attachment 2); and
  - e. The proposed wards be named River (Ward 1); Salisbury (Ward 2); Mawson (Ward 3); and Vista (Ward 4)

as the basis for preparation of the Representation Review Report to be prepared for consideration by Council pursuant to the provisions of Section 12(8a) of the *Local Government Act 1999*.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Consultation Report prepared by CL Rowe and Associates Pty Ltd
2. Option 8.5 in the Representation Options Paper

## 1. BACKGROUND

- 1.1 At its February meeting, Council resolved:

*“The Chief Executive Officer be delegated the power to appoint a qualified Independent Person to prepare the Representation Options Paper, following the conduct of a procurement process in accordance with Council’s Procurement Policy.”*

*(Council, 22 February 2016, Item No. 3.6.3 – Resolution No 0907/2016)*

- 1.2 CL Rowe and Associates Pty Ltd were engaged to facilitate the Elector Representation Review process and prepared a Representation Options Paper to be endorsed by Council.

- 1.3 An initial Elected Member briefing was conducted by Craig Rowe on 6 April 2016, at which he outlined a range of matters which must be considered in a representation review.

- 1.4 A subsequent Elected Member workshop was conducted by Craig Rowe on 3 May 2016, at which he presented Elected Members with a range of options for consideration for inclusion in the Options Paper to be released for the first round of public consultation.

- 1.5 At its May meeting Council resolved:

*“1. The information be received.*

*2. The Representation Options Paper document (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1) be endorsed to release for community consultation, containing options 1-6.”*

*(Council, 23 May 2016, Item 3.6.1 – Resolution No 1088/2016)*

- 1.6 The required six (6) week public consultation period commenced on 2 June 2016 and concluded on 15 July 2016. One (1) submission was received.

## 2. REPORT

- 2.1 The Representation Options Paper underwent the required six (6) week community consultation period from 2 June 2016 to 15 July 2016.

- 2.2 Section 12(8a) of the *Local Government Act 1999* (the ‘Act’) states:

*“(8a) The council must, at the conclusion of the public consultation undertaken under subsection (7)(a), prepare a report that—*

*(a) provides information on the public consultation and the council’s response to the issues arising from the submissions made as part of that process; and*

*(b) sets out—*

*(i) any proposal that the council considers should be carried into effect under this section; and*

*(ii) in respect of any such proposal—an analysis of how the proposal relates to the principles under section 26(1)(c) and the matters referred to in section 33 (to the extent that may be relevant); and*

*(c) insofar as a decision of the council is not to adopt any change under consideration as part of the representation options paper or the public consultation process—sets out the reasons for the council’s decision.”*



- 2.3 C L Rowe and Associates Pty Ltd prepared a “Consultation Report” which provided information pertaining to the public consultation undertaken; the submission received; and the various key issues to be considered (e.g. mayor/chairperson, composition of council and potential future ward structures).
- 2.1 C L Rowe and Associates Pty Ltd conducted a Workshop for Elected Members on 9 August 2016 to discuss the outcomes of the first consultation; the “Consultation Report”; and the issues concerning the aspects of Council’s composition and electoral structures. In particular, discussion focused on:
- The submission provided by a resident of the City of Salisbury;
  - Mayor/Chairperson
  - Ward/No Wards
  - Elector ratio, this being the number of electors who (in the opinion of Council) can be adequately and fairly represented by a Councillor determining the total number of Councillors;
  - Ward structure composition
- 2.2 As a result of the discussions at that workshop no further options were requested.
- 2.3 The submission received is included as Attachment A to the “Consultation Report” (Attachment 1).
- 2.4 The “Consultation Report” proposes that:
- 2.4.1 The principal member of Council continue to be a Mayor, elected by the community;
  - 2.4.2 The Council area continue to be divided into wards;
  - 2.4.3 The future elected body of Council comprise twelve (12) ward councillors;
  - 2.4.4 The Council area be divided into four wards, as depicted as Option 8.5 in the Representation Options Paper (refer Attachment 2); and
  - 2.4.5 The proposed wards be named River (Ward 1); Salisbury (Ward 2); Mawson (Ward 3); and Vista (Ward 4).
- 2.5 The next stage in the Representation review process includes:
- 2.5.1 Based on Council’s in-principle decisions at the September Council Meeting, an Elector Representation Review Report will be prepared for endorsement at the October Council Meeting.
  - 2.5.2 There is then a further period of consultation for a minimum of 3 weeks pursuant to section 12(9) of the Act to allow for the submission of comments on the preferred ward structure.
  - 2.5.3 Any submissions will be referred back to Council for consideration and there will be an opportunity for those making submissions to present their views to Council in accordance with Section 12(10) of the Act.
  - 2.5.4 A final Representation Review Report (for presentation to the Electoral Commissioner) will then be prepared for consideration by Council.

- 2.5.5 As and when the final report is endorsed by Council, it will be referred back to the Electoral Commissioner for consideration.

### **3. CONCLUSION / PROPOSAL**

- 3.1 Council is requested to consider the submission received from a member of the public during the first round of public consultation and the “Consultation Report” prepared by C L Rowe and Associates Pty Ltd; and to make “in-principle” decisions to inform the preparation of the draft Elector Representation Review Report which will form the basis of the next round of public consultation.

### **CO-ORDINATION**

Officer:	Exec Group	MG
Date:	12/09/2016	08/09/2016

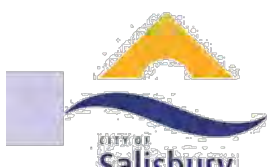


## **ELECTOR REPRESENTATION REVIEW**

### First Public Consultation

A Report to the  
City of Salisbury

August 2016



C L Rowe & Associates Pty Ltd

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Prepared for the City of Salisbury by C L Rowe and Associates Pty Ltd, August 2016 (Version 1)

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## 1. Introduction

Section 12(4) of the Local Government Act 1999 (the Act) requires Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years). The review must be conducted and completed during the period April 2016 - April 2017.

The current review commenced with Council in March 2016 to enable preliminary tasks such as engagement of a suitably qualified person and presentation of Elected Members to occur and has progressed to the point where the first of two prescribed public consultation stages has been completed. Council must now give consideration to the submission which was received and determine ("in principle") what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

## 2. Public Consultation

Public consultation commenced on Wednesday 1st June 2016 with the publishing of a public notice in the "Northern Messenger" newspaper, followed by the publishing of a notice in the Government Gazette on Thursday 2nd June 2016. In addition, the public consultation process included promotion of the review (and the opportunity for submission of electronic feedback) on the Council website; and provision of the Representation Options Paper and associated documents in the "Consultation Corner" of the Civic Centre.

At the expiration of the public consultation period (i.e. close of business on Friday 15<sup>th</sup> July 2016) Council had received one submission, this being from an Elector of Parafield Gardens, who expressed support for:

- the retention of a mayor elected by the community;
- the retention of the division of the Council area into wards;
- a ward structure comprising three wards;
- a Council comprising fifteen ward councillors (5 councillors per ward); and
- the proposed wards being named Vista, Coast and River.

The Elector also provided a ward structure for consideration by Council. The ward structure incorporates three large wards with boundaries which primarily align with existing suburb boundaries; and the elector ratios within each of the proposed wards lay comfortably within the specified quota tolerance limits. Overall the proposed ward structure is sound and is an acceptable alternative.

A copy of the submission received is provided in Attachment A; and a map of the Elector's proposed ward structure (with accompanying elector data) is provided in Attachment B.

The receipt of only one submission is disappointing but not entirely unexpected, given that at this stage of the previous elector representation review in 2009, Council received only two submissions. Whilst the opinions and comments expressed in the submission received cannot be considered to represent the attitudes of a community which comprises over 90,000 electors, they do provide some insight in respect to several specific issues being addressed by the representation review.

It should be noted that the provisions of Section 12 of the Act do not require Council to provide the individuals who made written submissions with the opportunity to address Council at this stage of the review process.

### 3. Future Composition and Structure

Council has now reached the stage of the prescribed review process where it must identify what changes (if any) it proposes to make to its current composition and/or ward structure. More specifically, Council is required to make "in principle" decisions in respect to all of the following issues and present details of its preferred future structure and composition to the community for consideration and comment by the community during the second of the prescribed consultation periods.

#### 3.1 Mayor/Chairperson

The submission received favoured the retention of an elected mayor.

The principal member of Council has always been a mayor elected by the community. The only alternative to this position is a chairperson chosen by the members of Council.

The following arguments for and against the two alternatives are provided to assist members in their deliberations.

- The mayor does not have a deliberative vote on a matter before council, but has, in the event of a tied vote, a casting vote. On the other hand, the chairperson has a deliberative vote at a council meeting, but does not have a casting vote.
- The mayor is elected for a four year term (which provides stability to Council), whereas the term of a chairperson is decided by council (but cannot exceed the term of the Council).
- Council can decide on the title of a chairperson (e.g. mayor), pursuant to Section 51(1)(b) of the Act.
- An elected mayor cannot be removed from office unless where legislative breaches are proven.
- The election of the mayor affords all eligible members of the community the opportunity to express faith in a candidate and the result of the vote provides the elected Council with an identifiable principal member who is accountable to the community.
- The office of chairperson provides flexibility and opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council; and to bring their particular skill set and opinions to the position, albeit for what could be a limited period of time.
- The office of mayor (elected) is additional to the number of councillors and, as such, comes at an additional cost to Council (i.e. members allowances, administrative costs and the like).
- As an election (or supplementary election) for the office of mayor must be conducted across the whole of the Council area, a significant cost can be incurred by Council on every occasion the office is contested. On the other hand, the selection of a chairperson is not reliant upon an election and, as such, costs will only be incurred by Council where the incumbent's position as a councillor is to be contested (i.e. at either a general or supplementary election, and then only in a specific ward if a ward structure is in place).
- At present all of the metropolitan councils have an elected mayor, as do all but sixteen regional Councils.
- Candidates for the office of mayor cannot also stand for election as a councillor and, as such, the experience and expertise of unsuccessful mayoral candidates will be lost to council.
- Any proposal to have a chairperson rather than an elected mayor cannot proceed unless or until a poll has been conducted in accordance with the requirements of Section 12 (11a-d) of the Local Government Act.

Given that the principal member of the City of Salisbury has always been an elected mayor; nothing extraordinary has occurred that warrants a change to the way that the principal member is determined; a mayor is democratically elected by the community as its principal member (and is therefore accountable to the community); and no significant benefits (in terms of elector representation) will likely be achieved by a move to a chairperson, it is considered that there is no need for change at this time. This course of action is consistent with the view expressed in the submission.

## 3.2 Structure

### 3.2.1 Wards/No Wards

The City of Salisbury has always been divided into wards; and the submission received supported the retention of a ward structure, albeit in a three ward configuration rather than the existing eight ward configuration.

The main arguments supporting a ward structure include:

- wards guarantee some form and level of direct representation to existing communities of interest and/or parts of the Council area;
- ward councillors can focus on local issues;
- under the "no wards" structure Council has to conduct elections and supplementary elections across the whole of the Council area (at a significant expense); and
- under the "no wards" structure the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads).

The key arguments supporting the abolition of wards include:

- the electors have the opportunity to vote for all of the vacant positions on Council;
- the most supported candidates from across the Council area will likely be elected;
- the elected members should be free of parochial local/ward attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than being encouraged or believing they need to consult with their specific ward councillors;
- under the current proportional representation method of voting the "no ward" structure still affords opportunities for the smaller "communities of interest" within the Council area to be directly represented on Council (subject to voter turnout); and
- the "no ward" structure automatically absorbs fluctuations in elector numbers (i.e. the quota tolerance limits do not apply).

Should it be the preference of the elected members to retain a ward structure, Council will not only have to identify an appropriate ward structure but will also have to determine the need for area councillors in addition to ward councillors; the level of representation within the wards; and appropriate ward names.



### 3.2.2 Ward Structures

Council has previously considered a number of potential future ward structure options, and the Representation Options Paper contained five ward structures to demonstrate how the Council area could be divided under circumstances whereby Council comprised sixteen, fourteen or twelve ward councillors.

The current structure cannot be retained because the elector ratios within the Para and Central wards lay outside the specified 10% quota tolerance limit prescribed under Section 33(2) of the Act.

This being the case, the elected members will have to identify their preferred ward structure. This could be one of any of the ward structure options previously presented to Council or a newly developed structure based on the specific needs of Council in respect to councillor numbers and/or levels of ward representation. Regardless, any preferred ward structure option will need to take into account a number of factors including the character and topography of the area; the likely impacts upon existing "communities of interest"; the preferred level of ward representation and the total number of elected members; future anticipated population/elector growth; the need for an equitable distribution of electors between wards; and the requirement that the elector ratios within all of the proposed wards will have to lay with the specified quota tolerance limits.

### 3.2.3 Area Councillors (in addition to ward councillors)

The Submission favoured a structure which contained only ward councillors.

As indicated in the Representation Options Paper, ward councillors generally consider themselves to represent not only their ward, but the Council area as a whole. This seemingly negates the need for area councillors in addition to ward councillors, an assertion which is supported by the fact that only the City of Adelaide has a ward structure which incorporates two levels of representation. Further, it is noted that under such an arrangement area councillors hold no greater status than a ward councillor; have no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements.

In addition, any contested election (and/or supplementary election) for area councillors must be conducted across the whole of the Council area, at a significant cost to Council.

For these and the other reasons previously presented to Council, it is considered that area councillors (in addition to ward councillors) are an unwarranted, unnecessary and potentially costly additional tier of representation.

### 3.2.4 Ward Identification

The Submission suggested three ward names (i.e. Vista, Coast and River) which befitted his proposed three ward structure.

As previously advised, wards can be identified using numbers, alphabetical letters, direction or geographical references (e.g. north, south, east, west, central); place names; and/or names of European and/or Aboriginal heritage/cultural significance. Experience indicates that reaching consensus over the selection of appropriate ward names may prove to be a difficult exercise.

It is suggested that the allocation of place names may be the most appropriate and palatable means of ward identification. Depending on the ward structure selected, the existing ward names could be retained. However, if a new ward structure is selected, entirely new ward names may be required in order to avoid confusion between the past and proposed structures. In this case names such as those suggested by Mr Stokes could be considered, as well as Salisbury and/or Mawson.



### 3.3 Composition

The Submission favoured a Council comprising fifteen ward councillors.

Sections 26 and 33 of the Local Government Act 1999 espouse the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term). In addition, Section 12(6)(a) of the Act requires that where a council is constituted of more than twelve (12) members, the question of whether the number of members should be reduced must be examined.

When determining the appropriate composition of Council some consideration needs to be given to the role of the elected members, as the commitment and workloads of the elected members need to be taken into account.

Section 59 of the Act specifies that the role of a member of Council is:

- to participate in the deliberation and activities of Council;
- to keep Council's objectives and policies under review to ensure that they are appropriate and effective; and
- to keep Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

Section 59 also requires a person elected to the Council to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council.

The function of a Council can be affected by:

- a temptation to micro-manage;
- the lack of a functioning committee structure;
- a lack of elected members, given the need to lead and form the core of the committees and share in the other works of the Council, and the need for sufficient members to reflect the desired diversity in Council as well as assure the range of viewpoints that spurs innovation and creativity in Council planning and decision-making; and
- the lack of a strategic plan and/or vision to provide clear direction.

Whilst it is difficult to specify an appropriate size for a Council as an elected body, the provisions of Sections 26 and 33 of the Act require that consideration be given to the composition and elector ratios of other Councils of a "similar size and type".

The Representation Options Paper contained the following table which indicates that the City of Salisbury has, in comparison to the larger of the metropolitan Adelaide councils, the third largest area; the second highest number of electors; the third highest number of councillors; and the third highest elector ratio.

Table 2: Elector data and representation (metropolitan councils with similar elector numbers)

Council	Councillors	Electors	Ratio
West Torrens (37.1km <sup>2</sup> )	14	39,994	1:2,856
Campbelltown (24.4km <sup>2</sup> )	10	34,700	1:3,470
Mitcham (75.6km <sup>2</sup> )	13	47,661	1:3,666
Playford (346km <sup>2</sup> )	15	56,087	1:3,739
Pt Adelaide Enfield (97km <sup>2</sup> )	17	79,099	1:4,653
Charles Sturt (52.1km <sup>2</sup> )	16	74,602	1:4,994
Marion (55.5km <sup>2</sup> )	12	62,486	1:5,207
<b>Salisbury (158.1km<sup>2</sup>)</b>	<b>16</b>	<b>90,581</b>	<b>1:5,661</b>
Onkaparinga (518.4km <sup>2</sup> )	20	117,896	1:5,895
Tea Tree Gully (95.2km <sup>2</sup> )	12	72,232	1:6,019

Source: Electoral Commission SA , House of Assembly Roll (February 2016 and Council Voters Roll (3rd March 2016)

In addition, previous comparisons between the elector representation arrangements of Council and those of nine interstate councils of a similar size (in elector numbers) revealed that all of the interstate councils have fewer elected members (i.e. 9 - 15 elected members with an average of 10.5 members) and therefore higher elector ratios (i.e. 1:6,469 - 1:10,084 at an average of 1:8,856), and most cover a smaller area.

Regardless of the aforementioned comparisons, Council will have to give consideration to reducing the number of elected members so as to comply with the requirements of Section 12(6)(a) of the Act.

When considering a reduction in the number of councillors, care must be taken to ensure that:

- sufficient elected members are available to manage the affairs of Council;
- the elected members' workloads do not become excessive;
- there is an appropriate level of elector representation; and
- adequate lines of communication will exist between a growing community and Council.

A reduction in the number of elected members will result in some cost savings to Council (e.g. elected member's allowances alone are \$21,500 per annum per councillor); and may serve to expedite the decision making process in Council. Further, it is suggested that enhanced communication and information technology also serves to reduce any difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community.

On the other hand, all indicators suggest that there may be a significant increase in the population (and therefore elector numbers) within the Council area in the foreseeable future, primarily as a consequence of on-going sub-divisions, urban regeneration and in-fill development. For example, the population projections provided by the Department of Planning, Transport and Infrastructure (DPTI), as at February 2016, indicate that the population of the City of Salisbury is expected to increase by 6,918 or 5.0% during the period 2016 - 2026. Advice received from Council's planning staff suggests that the anticipated population growth is expected to occur at varying rates across the Council area.

Given all of the aforementioned, and despite anticipated future population growth, it is suggested that a reduction in the number of councillors warrants some consideration. Obviously, such a course of action will comply with the intent of Section 12(6)(a) of the Act which requires councils constituted of more than twelve (12) members to examine the question of whether the number of elected members should be reduced.

Notwithstanding the above, members should be aware that it may prove difficult to increase the number of elected members in the future (in order to provide fair and adequate representation to an increased population), should it opt to reduce elected member numbers at this time.

#### 4. Review Process

The next stage of the review process, as specified under Section 12(8a) of the Act, involves Council preparing a "Representation Review Report" which will:

- provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received;
- set out the proposal that Council considers should be carried into effect; and
- present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the Act.

Once completed, the report has to be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the Act. This second public consultation stage must:

- extend for a minimum period of three (3) weeks;
- provide copies of the report for public inspection; and
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission must be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

## 5. Conclusion

The City of Salisbury has completed the first public consultation stage of the elector representation review process, attracting one written submission which supported the retention of an elected mayor but favoured the introduction of a three ward structure, with each ward being represented by five councillors (i.e. total of fifteen councillors).

Having completed the initial public consultation stage of the elector representation review, Council now needs to make some "in principle" decisions regarding its future composition and structure, taking into account the information previously provided and the submission received from a member of the community.

The **principal member** of Council has always been a mayor, elected by the community so as to provide Council with an identifiable leader who is accountable to the community. It is considered that a change to the alternative (i.e. a chairperson chosen by the elected members of Council), offers few tangible benefits and would be at odds with all of the other metropolitan Councils. Further, it is considered unlikely that such a proposal would get strong support from the community through the conduct of a poll (as required under Section 12(11) of the Act).

As for the issue of **wards or "no wards"**, the Council area has always been divided into wards and, as such, the retention of wards (albeit in a different configuration to the current ward structure) could be perceived as a sign of stability by the community. Whilst the "no wards" option has benefits, a ward structure guarantees direct representation of areas and/or communities within the Council area; affords the ward councillors the opportunity to be more familiar with their constituents and the issues affecting the local community; ensures local interests and/or issues are not overlooked in favour of the bigger "area-wide" picture; and provides recognisable lines of communication with Council through the ward councillors.

The current ward structure cannot be retained because the elector ratios within two of the existing wards breach the specified quota tolerance limits. Council therefore needs to identify its preferred future ward structure which should exhibit, where possible, an equitable distribution of electors between wards; allow for anticipated future residential growth; and take into account established communities of interest. The ward structure alternatives previously presented to Council are all capable of sustaining fluctuations in elector numbers; exhibit appropriate boundaries; and all incorporate proposed wards which have elector ratios which lay within the specified quota tolerance limits.

In respect to the composition of Council, there are two issues that need to be addressed, these being the number of elected members required to provide fair and adequate representation; and whether there is a need for area councillors in addition to ward councillors (should Council retain a ward structure).

The introduction of **area councillors in addition to ward councillors** serves little if any purpose other than to create an additional tier of representation at an additional cost to Council). As ward councillors generally deliberate in the best interests of the whole Council area, there appears to be little role or reason for area councillors.



As for the issue of the **number of councillors**, there is no formula to calculate an appropriate level of representation, however some guidance can be taken from the provisions of Sections 26 and 33 of the Act which speak against over-representation when compared to Councils of a similar size and type; and Section 12(6) which essentially requires councils with twelve or more members to examine/consider a reduction in elected member numbers.

The City of Salisbury is the second largest council (in terms of elector numbers) in South Australia; and exhibits the third highest elector ratio. It is difficult to compare the elector representation arrangements of Council with those of other councils, simply because of the disparity in elector numbers between councils. Whilst the local community may be used to or expect a certain level of representation, the Act seeks fair, adequate and comparable representation. Further, Section 12(6) of the Act seemingly seeks a reduction in the number of elected members, or at least consideration of a reduction to, and/or justification of any number of elected members above twelve councillors.

Given the above it is considered that Council should consider a reduction in the number of councillors.

A reduction to twelve or fourteen councillors would result in elector ratios of 1:7,548 and 1:6,470 respectively. Such elector ratios would be the highest in South Australia (at current) but would still be low when compared to the elector ratios exhibited by similarly sized interstate councils.

Any reduction in the number of elected members will be in accord with the perceived intent of the Local Government Act, and will likely result in significant cost savings to Council. However, care must be taken to ensure that there are sufficient elected members to manage the affairs of Council; the workloads of the elected members do not become excessive; a diversity in skill sets, opinions and experience is maintained amongst the elected members; an appropriate level of elector representation is provided; and adequate lines of communication between the community and Council will exist, taking into account the anticipated future growth in the population (and therefore elector numbers).

On the other hand, it is considered that any proposal to increase the number of elected members at this time will be extremely difficult to justify and, as such, will likely not receive favourable consideration by the Electoral Commissioner.

Finally, the issue of **ward names** will need to be further addressed once a decision has been made regarding the issue of wards/no wards. Notwithstanding this, the ward names suggested by the respondent have merit and are worthy of further consideration should circumstances dictate.

## 6. Recommendations


It is recommended that the City of Salisbury resolve as follows.

1. To note and receive the submission received from Mr Peter Stokes.
2. To agree 'in principle' to the following.
  - 2.1 The principal member of Council continue to be a mayor, elected by the community.
  - 2.2 The Council area continue to be divided into wards.
  - 2.3 The future elected body of Council comprise twelve (12) ward councillors.
  - 2.4 The Council area be divided into four wards, as depicted as Option 8.5 in the Representation Options Paper (refer Attachment C).
  - 2.5 The proposed wards be named River (Ward 1); Salisbury (Ward 2); Mawson (Ward 3) and Vista (Ward 4).
3. Based on recommendation 2, a draft Representation Review Report be prepared (for consideration by Council) pursuant to the provisions of Section 12(8a) of the Local Government Act 1999.



## ATTACHMENT A

### Public submission



**CITY OF  
Salisbury**

### Elector Representation Review

SECTION 12 OF THE LOCAL GOVERNMENT ACT 1999

This document is provided to assist community members to make a submission to Council regarding the key issues being addressed under the current elector representation review. Interested persons should take the opportunity to read the Representation Options Paper prior to making a submission; and are encouraged to provide any additional relevant comments.

Please ✓ where appropriate.

**1. PRINCIPAL MEMBER:**

Section 51 of the Local Government Act indicates that a Council may have a mayor or a chairperson as its principal member.

Should the principal member of Council be a mayor elected by the community or a chairperson (perhaps with the title of mayor) chosen by the elected members of Council from within the elected members?

MAYOR (elected) ☒ CHAIRPERSON (chosen) ☐

**2. WARDS/NO WARDS:**

The City of Salisbury is currently divided into eight wards. This structure was adopted by Council during the elector representation review that was undertaken in 2008/2009 and came into effect at the 2010 Local Government elections.

Should Council retain a ward structure or abolish wards?

WARDS ☒ NO WARDS ☐

**3. NUMBER OF WARDS:**

If you support the retention of a ward structure, how many wards would you prefer?

THREE (3)

**4. NUMBER OF COUNCILLORS:**

The City of Salisbury currently has a total of sixteen councillors.

How many councillors are required to provide fair and adequate representation to the electors within the City of Salisbury?

16 ☐ 15 ☒ 14 ☐ 13 ☐ 12 ☐ OTHER ☐

**5. WARD NAMES:**

If the City of Salisbury were to continue to be divided into wards, what would be suitable ward names?

VISTA WARD, COAST WARD, RIVER WARD

**6. OTHER COMMENTS:**

SEE ATTACHED SUBMISSION

Please return completed form to:

Chief Executive Officer,  
City of Salisbury,  
PO Box 8,  
SALISBURY, SA 5108

by close of business on Friday, 15<sup>th</sup> July, 2016.

Information regarding the Representation Review can be obtained by contacting  
Joy Rowett, Governance Coordinator, on 8406 8222 or email [jrowett@salisbury.sa.gov.au](mailto:jrowett@salisbury.sa.gov.au).

*Thank you for your interest in the future of the City of Salisbury*

### Number of Wards and Number of Councillors

I believe the appropriate number of councillors for the City of Salisbury is 15 because this would be the minimum change necessary to demonstrate a move to a more lean representation. Also the current arrangement of eight wards with two councillors per ward, being both even numbers, is less likely to result in a clear majority than odd numbers (3x5) when voting.

Therefore for 15 councillors, the number of wards would be either three wards (with five councillors for each ward) or five wards (with three councillors for each ward). My preference is for three wards with five councillors for each ward because this gives the option to move to 12 councillors (three wards with four councillors per ward). Having five wards would mean the only realistic reduction would be to 10 councillors (two councillors per ward), this may be a step too far, without a subsequent further change of ward structure, with a move to 12 councillors requiring a change to four wards (three councillors per ward).

Three wards with five councillors for each ward allows one, two, three, four or five councillors to be represented in working groups, committees, etc. where the optimum size of the group could be as low as three (one councillor from each ward). Obviously with three wards, one would need to approximately evenly split the City of Salisbury three ways. In my view the most logical way to do this is to examine the topography of the City. The most obvious features to me are the Para Escarpment, the Little Para River/Helps Road Drain plains and the Dry Creek coastal areas. Apart from the above natural features, the important considerations of the built environment are suburb boundaries and arterial roads and railways.

### Population Analysis (see attachments)

In the absence of other readily available data, I have used ABS population statistics (see attached), these are based on areas rather than every suburb, so I have included Para Hills West in my suggested Ward 1 = Vista Ward, with Parafield and Salisbury South having very few, if any, residents. Also some suburbs, such as Globe Derby Park and St Kilda are not shown. Therefore, it is requested that my analysis be updated using the correct data (electors, as opposed to population) please. I have used the forecast figures noting that the 2016 Census results when available will enable forecasts to be updated.

**Ward 1**

Suburbs along the Para Escarpment from Salisbury Heights in the north to Walkley Heights in the south, including the following suburbs: Valley View, Walkley Heights, Ingle Farm, Para Vista, Para Hills, Para Hills West, Gulfview Heights, Salisbury East and Salisbury Heights.

**Ward 2**

Suburbs below the Para Escarpment south-west of Kings Road and south-west of the section of Burton Road north-west of Bolivar Road, including the following suburbs: Pooraka, Cavan, Dry Creek, Parafield, Mawson Lakes, Parafield Gardens, Greenfields, Globe Derby Park, Bolivar, Waterloo Corner, St Kilda and part Paralowie (south-west of Kings Road and south-west of the section of Burton Road north-west of Bolivar Road).

**Ward 3**

Suburbs below the Para Escarpment north-east of Kings Road and north-east of the section of Burton Road north-west of Bolivar Road, including the following suburbs: Salisbury Downs, Salisbury South, Brahma Lodge, Salisbury, Elizabeth Vale, Salisbury Park, Burton, Edinburgh, Direk, Salisbury North and part Paralowie (north-east of Kings Road and north-east of the section of Burton Road north-west of Bolivar Road).

Note 1: In the attached analysis I have used 50% of Paralowie in Ward 2 and 50% of Paralowie in Ward 3, not having ready access to all data.

Note 2: There is potential for the City of Salisbury to substantially grow in population west of Port Wakefield Road and decline (relatively) in Ward 1. The ward boundaries within the suburb of Paralowie may need to be adjusted long-term to maintain an approximate even balance of eligible voters between the three wards.

### Ward Names

I believe ward names should be easy to remember and be representative of the location. Because I am suggesting a significant change it would be best to move away from existing names, this rules out North, South, East, West, Levels, Central, Hills and Para. I believe ward names should be culturally neutral, avoiding European settler names, for example.

I am suggested the following because they are short words (all five letters), each starts with a different letter, are representative of the locality, are enduring (not time sensitive) and are appealing:

**Ward 1 = Vista Ward**

**Ward 2 = Coast Ward**

**Ward 3 = River Ward**

The change from 16 to 15 councillors will have some ongoing cost savings but to implement the change there will be some one-off costs. I suggest suburb signs at key ward entry points be modified or replaced to include the ward name. For example, on Martins Road, either side of the Kings Road Roundabout, signs would be **Parafield Gardens – Coast Ward** and **Salisbury Downs – River Ward**.

Consideration could also be given for ward logos, for example, using the City of Salisbury logo, the yellow shape could be used for the Vista Ward logo, the blue shape for the River Ward logo and Coast Ward could have a logo consisting of two horizontal lines, blue on top of yellow, to represent the sea and land (or sand).



## Population summary

This table summarises the population for the City of Salisbury and each of its small areas. This enables you to see how population change is affecting different parts of the LGA in different ways. Some small areas may be rapidly growing whilst others are stable or even declining in population.

Continue to the forecast results section to see detailed forecasts of **population, households, and dwellings** for each of the small areas.

Please note that population numbers in forecast id for the 2011 base year are derived from Estimated Resident Population from the Australian Bureau of Statistics. These differ from (and are usually higher than) Census counts as they factor in population missed by the Census and population overseas on Census night. They are generally considered a more accurate measure of population size than Census counts.

## Population summary

City of Salisbury	Forecast year						Change between 2011 and 2036	
	2011	2016	2021	2026	2031	2036	Total change	Annualised increase
City of Salisbury	132,863	139,207	144,213	147,544	149,543	151,038	+18,859	+0.53
Brahmfield-Lodge - Salisbury Park - Salisbury Park - Salisbury Park	8,167	7,138	7,342	7,456	7,610	7,731	+564	+0.36
Burton - Non Urban West	2,338	9,030	8,550	9,149	9,660	10,217	+7,879	+1.31
Calverton Heights	3,780	3,760	3,728	3,803	3,993	3,974	+194	+0.19
Ingles Farm	8,848	9,131	9,321	9,580	9,887	10,188	+1,310	+0.55
Marshall Lodge	11,100	13,451	14,977	16,888	18,861	21,421	+10,321	+0.76
Para Hills	6,612	6,768	6,803	7,051	7,218	7,378	+766	+0.44
Para Hills West - Para Hills - Salisbury South	5,428	5,425	5,800	5,807	5,781	5,893	+465	+0.39
Para Vista - Valley View - Winkley Heights	6,039	9,092	9,099	9,238	9,449	9,607	+3,568	+0.28
Warfield Gardens - Green Fields	15,885	15,364	17,358	18,847	20,202	21,363	+5,478	+0.45
Paralowie	16,342	16,378	17,053	17,662	17,899	17,856	+1,514	+0.31
POCana	1,307	7,303	7,450	7,567	7,696	7,846	+639	+0.29
Salisbury	7,737	8,059	8,564	8,896	9,120	9,317	+1,580	+0.25
Salisbury Downs	5,181	5,552	6,167	6,521	6,863	7,110	+1,928	+0.35
Salisbury East	9,078	9,059	9,127	9,242	9,386	9,675	+597	+0.21
Salisbury Heights	4,395	4,411	4,525	4,754	4,912	5,009	+614	+0.19
Salisbury North - Edinboro	3,758	10,049	10,539	10,803	10,932	11,011	+7,253	+0.46

Population and household forecasts, 2011 to 2036, prepared by **id**, the population experts, October 2015.

 **Historical population and dwellings (1991-2011)**

 **Historical Estimated Resident Population (2003-2013)**



		2011	2016	2021	2026	2031	2036
City of Salisbury	Ward	132,883	139,207	144,213	147,544	149,543	151,537
Brahma Lodge - Salisbury Park - Salisbury Plain - Elizabeth Vale	River	6,867	7,128	7,332	7,480	7,610	7,733
Burton - Non Urban West	River	7,338	8,030	8,550	9,149	9,660	10,217
Gulfview Heights	Vista	3,790	3,760	3,728	3,823	3,893	3,974
Ingla Farm	Vista	8,848	9,151	9,321	9,580	9,887	10,158
Mawson Lakes	Coast	11,100	13,451	14,077	13,848	13,633	13,421
Para Hills	Vista	6,612	6,786	6,903	7,051	7,218	7,379
Para Hills West - Parafield - Salisbury South	Vista	3,424	3,495	3,609	3,737	3,781	3,830
Para Vista - Valley View - Walkley Heights	Vista	9,035	9,092	9,099	9,235	9,449	9,697
Parafield Gardens - Green Fields	Coast	15,893	16,994	17,838	18,047	17,992	17,965
Paralowie	River/Coast	16,342	16,378	17,053	17,682	17,698	17,656
Pooraka	Coast	7,307	7,393	7,459	7,557	7,696	7,846
Salisbury	River	7,737	8,098	8,564	8,895	9,123	9,317
Salisbury Downs	River	5,391	5,852	6,387	6,623	6,663	6,719
Salisbury East	Vista	9,076	9,093	9,127	9,242	9,395	9,575
Salisbury Heights	Vista	4,345	4,411	4,626	4,784	4,913	5,039
Salisbury North - Edinburgh	River	9,758	10,049	10,539	10,803	10,932	11,011
Total		132,883	139,207	144,213	147,544	149,543	151,537
River		45,282	47,346	49,893	51,797	52,837	53,825
Vista		45,130	45,834	46,413	47,452	48,536	49,652
Coast		42,471	46,027	47,901	48,293	48,170	48,060
Total		132,883	139,207	144,213	147,544	149,543	151,537
Mean		44,294	46,402	48,071	49,161	49,848	50,513
River Plus or minus %		2	2	4	5	6	7
Vista Plus or minus %		2	-1	-3	-4	-3	-2
Coast Plus or minus %		-4	-1	0	-2	-3	-5

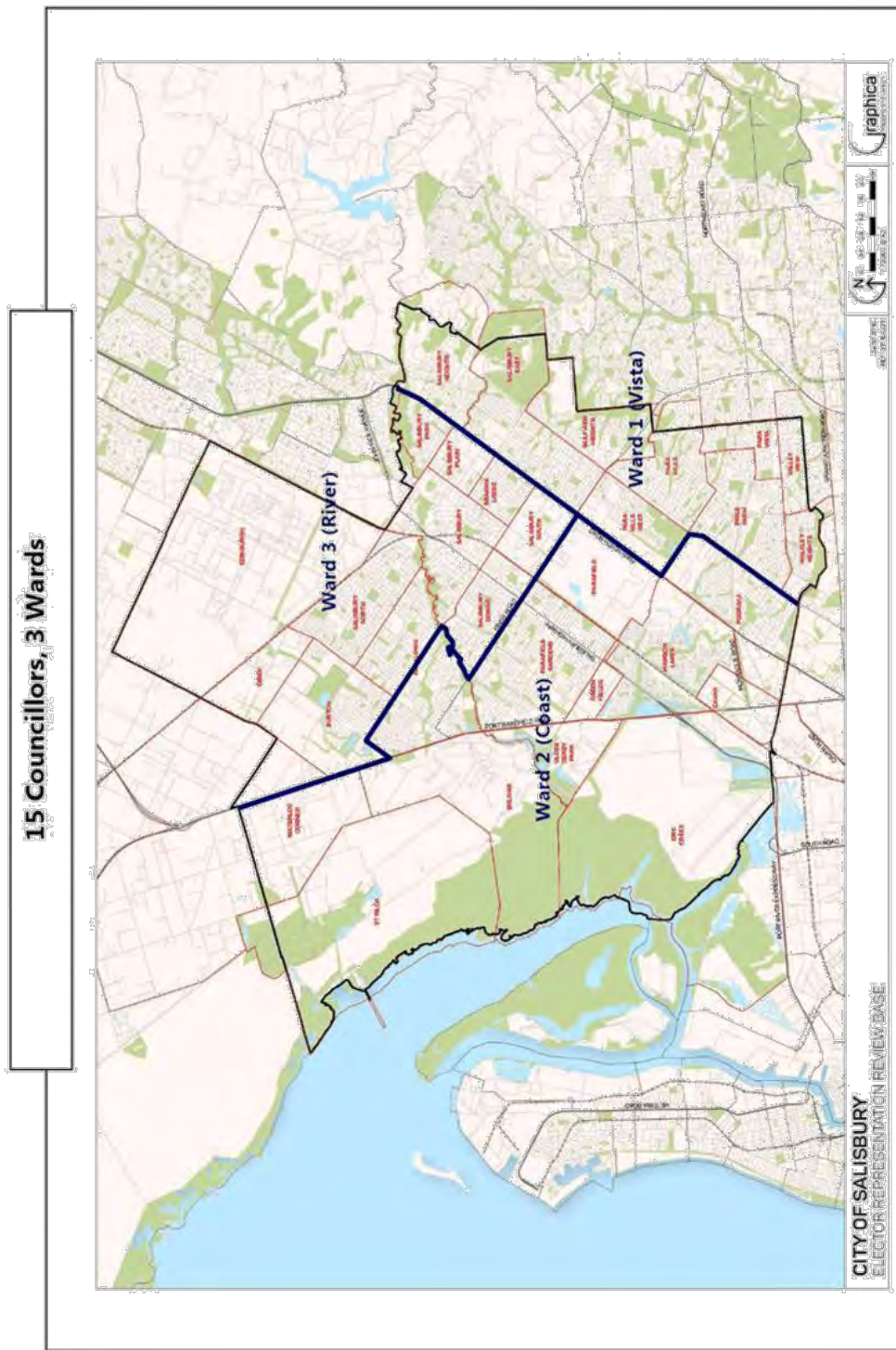
## ATTACHMENT B

### Proposed ward structure - Elector Submission

**15 Councillors, 3 Wards**

Ward	Councillors	Electors	Ratio	% Variance
Ward 1 (Vista)	5	31,236	1:6,247	+ 3.5
Ward 2 (Coast)	5	30,610	1:6,122	+ 1.4
Ward 3 (River)	5	28,735	1:5,747	- 4.8
<b>Total</b>	15	90,581		
<b>Average</b>			1:6,039	

Source: Electoral Commission SA , House of Assembly Roll (February 2016)  
Council Voters Roll (29<sup>th</sup> February 2016)



## ATTACHMENT C

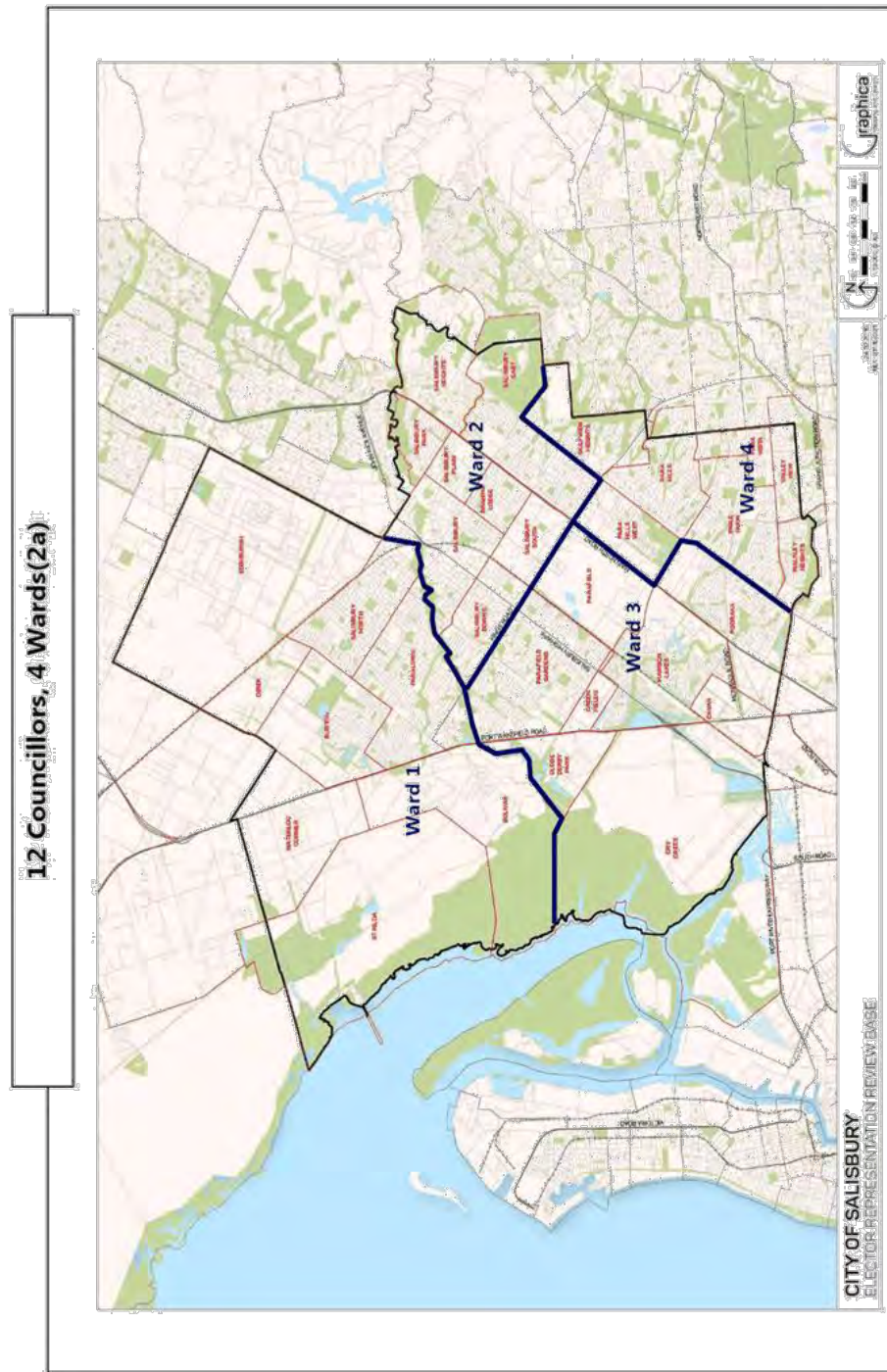
### Recommended ward structure

### 12 Councillors, 4 Wards(2a)

Ward	Councillors	Electors	Ratio	% Variance
Ward 1	3	21,540	1:7,180	- 4.9
Ward 2	3	23,208	1:7,736	+ 2.5
Ward 3	3	23,949	1:7,983	+ 5.8
Ward 4	3	21,884	1:7,295	- 3.4
<b>Total</b>	<b>12</b>	<b>90,581</b>		
<b>Average</b>			<b>1:7,548</b>	

Source: Electoral Commission SA, House of Assembly Roll (February 2016)  
Council Voters Roll (29<sup>th</sup> February 2016)









## 12 Councillors, 4 Wards(2a)

Ward	Councillors	Electors	Ratio	% Variance
Ward 1	3	21 540	1:7,180	- 4.9
Ward 2	3	23,208	1:7,736	+ 2.5
Ward 3	3	23,949	1:7,983	+ 5.8
Ward 4	3	21,884	1:7,295	- 3.4
<b>Total</b>	12	90,581		
<b>Average</b>			1:7,548	

Source: Electoral Commission SA , House of Assembly Roll (February 2016)  
Council Voters Roll (29<sup>th</sup> February 2016)



<b>ITEM</b>	3.6.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>HEADING</b>	Alternative Committee Structures
<b>AUTHOR</b>	Tami Norman, Manager Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	<p>In response to a resolution of Council a report has been prepared providing a number of options for alternative Committee Structures. The report sets out legislative or other obligations that Council must meet in establishing committees, and also provides a summary of the current committee structure. Cost information for each committee structure option compared with the existing committee structure (based primarily on allowance costs) is also included within the report.</p> <p>Council's resolution also called for options for appointment of committee members/Chairman. The report provides a brief summary of options available for nomination of committee members/Chairman, along with options for voting on the appointment process.</p> <p>Council is asked to consider the information contained within the report and determine what action is required in response.</p>
<b>RECOMMENDATION</b>	<p>1. The information be received.</p>
<b>ATTACHMENTS</b>	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> <li>1. Scope of Activity – Current Standing Committees (excl. Audit Committee), CEO Review Committee and Sub Committees</li> <li>2. Standing Committees: No. of Items and Meeting Duration (in mins) for 2014/15 and 2015/16</li> </ol>
<b>1. BACKGROUND</b>	<p>1.1 At the July 2016 meeting Council resolved as follows:</p>

**OB3 Options for Standing Committee Structure and Appointment of Chairman**

*Staff prepare a report that:*

1. *Explores options available for alternate standing committee structures including comparisons of costs to Council of the current and proposed structures.*
2. *Explores options for the election of the membership of these standing committees and their presiding members.*

**CARRIED  
1233/2016**

- 1.2 At the August 2016 meeting, Council resolved to defer consideration of a series of Notice of Motions intended to appoint Chairman to Standing Committees, until such time as the above report was considered (Resolution No. 1256/2016).

1.3 Relevant Legislative Provisions and Requirements

- 1.3.1 **Section 41** of the *Local Government Act 1999* (the Act) empowers a Council to establish committees for the purpose of:
- a. Assisting the council in the performance of its functions
  - b. Inquiring into and reporting to the council on matters within the ambit of the council's responsibilities
  - c. Providing advice to the council
  - d. Exercising, performing or discharging delegated powers, functions or duties.
- 1.3.2 Membership of committees will be determined by the council and may consist of persons who are not members of the council. Council must appoint a person as the presiding member of a committee or make provision for the appointment of a presiding member.
- 1.3.3 **Section 81** of the Act provides that:
- a. there must be at least one ordinary council meeting in each month,
  - b. ordinary meetings of a council may not be held on Sundays, or on public holidays;
  - c. in the case of a municipal council, ordinary meetings of the council may not be held before 5pm, unless the council resolves otherwise by a resolution supported unanimously by all members of the council.
- 1.3.4 **Section 87** of the Act provides that:
- a. Ordinary meetings of a council committee will be held at times and places appointed by the council, or subject to a decision of the council, the council committee.
- 1.3.5 **Section 126** of the Act provides that Council must have an audit committee. The section includes provisions relevant to membership and functions of an audit committee. **Part 5** of the *Local Government (Financial Management) Regulations 2011* also specifies requirements



for Audit Committee membership. Councils current Audit Committee complies with the relevant statutory requirements. Given Council is obligated to establish an Audit Committee, the Audit Committee has not been included in the consideration of alternative committee structures.

- 1.3.6 **Section 56A** of the *Development Act 1993* requires Council to establish a panel (a council development assessment panel). The functions of the panel are to:
- a. Act as a delegate of the council in accordance with the requirements of the *Development Act 1993*.
  - b. As it thinks fit, provide advice and reports to the council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the *Development Act 1993*.
  - c. Perform other functions (other than functions involving the formulation of policy) assigned to the panel by the council.
- 1.3.7 While Council is obligated to establish a Development Assessment Panel under the *Development Act*, it is not a standing committee of council (established under section 41 of the Act) and as such, has not been included in the consideration of alternative committee structures.
- 1.3.8 **Section 101A** of the *Development Act 1993* requires Council to establish a strategic planning and development policy committee. The functions of the committee are to:
- a. Provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy;
  - b. Assist the council in undertaking strategic planning and monitoring directed at achieving:
    - Orderly and efficient development within the area of the council; and
    - High levels of integration of transport and land-use planning; and
    - Relevant targets set out in the Planning Strategy within the area of the council; and
    - The implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and
    - Other outcomes of a prescribed kind (if any)
  - c. Provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing:
    - A Strategic Directions Report; or
    - A Development Plan Amendment proposal
  - d. Other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.



- 1.3.9 The Policy and Planning Committee currently fulfils the functions required by section 101A of the *Development Act 1993*.
- 1.3.10 The employment contract of the Chief Executive Officer requires that the CEO Performance Review shall be conducted by a committee appointed by the Council. The CEO Review Committee has been established for that purpose.
- 1.3.11 While Council has the freedom to determine any committee structure in support of decision making processes, Council is obligated to have in place:
  - a. An Audit Committee of Council (section 126, Local Government Act)
  - b. A development assessment panel (section 56A, Development Act)
  - c. A strategic planning and development policy committee (section 101A, Development Act)
  - d. A committee to review the performance of the CEO (CEO employment agreement).
- 1.3.12 The Options for alternative Committee Structures set out in this report exclude both the Audit Committee and Development Assessment Panel, but assume the continuation of a committee in some form to meet section 101A Development Act and CEO review obligations.
- 1.4 Decision Making Processes
  - 1.4.1 In exercising its decision making capacity Council must ensure it acts pursuant to legislative provisions and in accordance with applicable policies and procedures of the Council.
  - 1.4.2 A robust decision making process ensures that Elected Members are given reasonable opportunity to evaluate/debate the information related to any matter for decision prior to making a decision. This process includes the capacity to seek further information, defer any decision or delegate authority for decision making to an alternative body/position.
  - 1.4.3 In considering any alternative committee structure Council should have regard to the impact the preferred committee structure may have on the decision making process, and ensure that Elected members have the opportunity to appropriately consider and debate information presented by staff (both formally and informally) prior to making a decision.
- 1.5 Allowances and Payments to Elected Members/Committee Members
  - 1.5.1 Allowances for Elected Members are determined by the Remuneration Tribunal. The current determination (Determination 7 of 2014) provides for the following annual allowances for City of Salisbury Elected Members (as at 7 November 2015, next adjustment due 7 November 2016):
    - a. for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee  
**\$21,744**

- b. for a principal member will be equal to four (4) times the annual allowance for councilors

**\$86,976**

- c. for a deputy mayor, deputy chairperson or the presiding member of a prescribed committee will be equal to one and a quarter (1.25) times the annual allowance for councilors

**\$27,180**

- 1.5.2 In addition, an allowance in the form of a sitting fee is payable to a councillor (other than a principal member, deputy mayor or presiding member of a prescribed committee) who is the presiding member of a committee that is not a prescribed committee (e.g. current City of Salisbury sub-committees).
- 1.5.3 The sitting fee for City of Salisbury Elected Members who are Chairman of a sub-committee is **\$200 per meeting**, limited to an aggregate amount of **\$1,200 per annum**. Please note, this payment is only available to 'councillors' so is not applicable to the Chairman of the Youth Council.
- 1.5.4 The total annual base allowance cost (i.e. not including allowance payments for Chairman of Standing Committees) for the City of Salisbury, applying the above figures, is as follows:

Mayor	\$86,976
Deputy Mayor	\$27,180
Elected Members x 15	\$326,160
<b>TOTAL</b>	<b>\$440,316</b>

- 1.5.5 The Remuneration Tribunal defines a 'prescribed committee' as  
*"a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas:*
- *Audit*
  - *Chief Executive Officer performance review*
  - *Corporate services*
  - *Finance*
  - *Governance*
  - *Infrastructure and works*
  - *Risk management*
  - *Strategic planning and development"*
- 1.5.6 The Audit Committee of Council has an independent chair, appointed by Council. Council also determines the sitting fees payable to independent members of the Audit Committee. This is currently set at \$500 per meeting and is only payable for meetings attended.

## 1.6 Other Costs Associated with Council/Committee meetings

- 1.6.1 Catering is provided prior to all sub committee/committee/council activities, including informal gatherings/development workshops. The average monthly cost for catering based on the current meeting cycle and number of meetings/informal gatherings is \$2,600 (or an average annual cost of \$31,200).
- 1.6.2 The other cost directly attributable to meetings is the cost of security. Based on an hourly rate of \$39.06 (as charged by Titanium Security for a static guard) and a minimum four hour payment, an approximate cost for provision of a security guard is \$156.24 per meeting night, however this figure varies based on total hours spent on duty.

## 2. **REPORT**

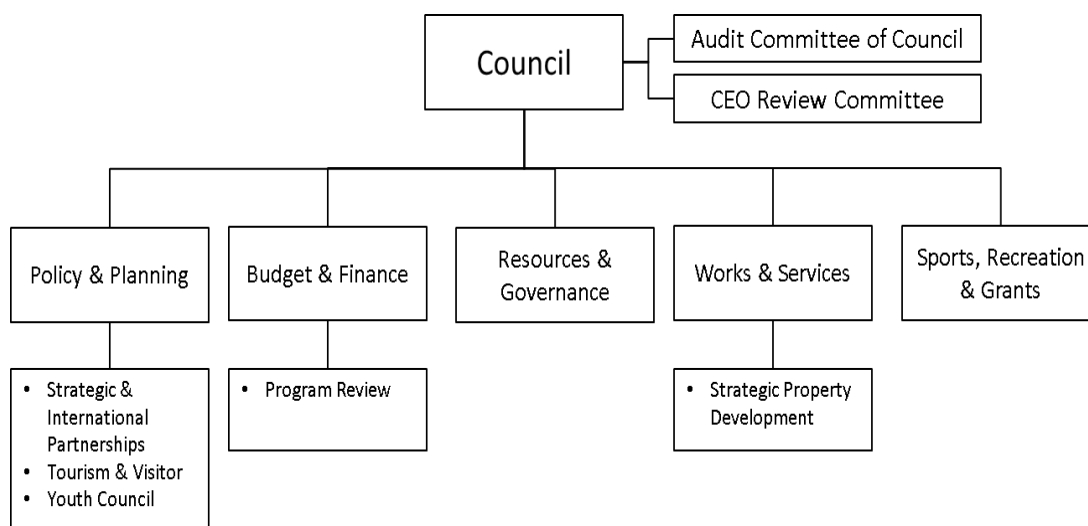
### 2.1 Current Committee Structure

2.1.1 Council currently has in place a committee structure comprising:

- six (6) Standing Committees,
- five (5) Sub Committees; and
- the CEO Review Committee.

2.1.2 It should be noted that the term ‘Standing Committee’ is not defined within the Act, however, is commonly understood to be a committee that is established and remains in place for the term of Council. This is consistent with the definition of a ‘prescribed committee’ within the Remuneration Tribunal Determination 7 of 2014.

2.1.3 The current committee structure is shown in the diagram below:



2.1.4 Attachment 1 provides a summary of the Scope of Activity for each of the Standing Committees (excluding the Audit Committee), the CEO Review Committee and existing Sub Committees.

2.1.5 Meetings for the current committee structure are scheduled based on a four (4) weekly meeting cycle as follows:

Monday Week 1	Informal Strategy
Monday Week 2*	Sports, Recreation & Grants Committee Sub Committees as required
Monday Week 3	Standing Committees
Monday Week 4	Council

\* Where necessary, sub committee meetings are scheduled on Tuesday of Week 2. The Audit Committee of Council meets 4-5 times a year on Tuesday of Week 2.

2.1.6 Attachment 2 provides details of the number of items and meeting duration (in minutes) for each of the current Standing Committee meetings during 2014/15 and 2015/16.

2.1.7 Average monthly meeting duration (in minutes) for each of the Standing Committees over the past two years was as follows:

Committee	Average Meeting Duration (Mins)		
	2014/15	2015/16	2yr Avg
Policy & Planning	99	75	87
Budget & Finance	31	23	27
Works & Services	40	35	38
Resources & Governance	28	17	23
Sports, Recreation & Grants	29	19	24

2.1.8 The following table provides details of the additional Elected Member allowances payable as a result of the current committee structure.

Standing Committee Chairman x 5* (\$5,436 per Chairman position)	\$27,180
Sub Committee Chairman x 4 (\$1,200 per Chairman position)	\$4,800
<b>TOTAL</b>	<b>\$31,980</b>

\* Does not include Audit Committee

## 2.2 Option 1 – No Change

2.2.1 Option 1 proposes no change to the existing Committee Structure.

2.2.2 Based on the current four weekly meeting cycle and the 2 year average meeting duration the Current Committee Structure results in an average of 152 minutes spent in meetings on the 3<sup>rd</sup> Monday of each month.

2.2.3 The current (or a very similar) structure has been in place for at least the last two terms of Council. It provides an effective mechanism for the management of Council business and includes up to three opportunities for a matter to be debated prior to a Council decision being made (sub-committee/committee/council meeting).

2.2.4 Within the existing Committee Structure, Council has delegated authority to the Sports, Recreation and Grants Committee to:

- a. Allocate the funds available within the annual Minor Capital Works Program budget
- b. Allocate funds available within the annual Community Grants budget
- c. Allow the Chairman and one other Committee member to assess and determine youth sponsorship applications
- d. Award the Phoebe Wanganeen Indigenous Scholarships.

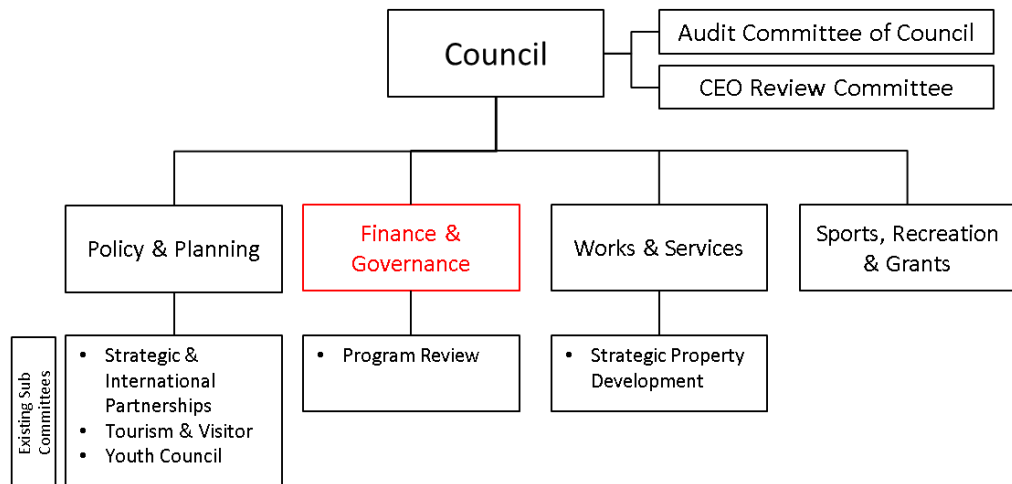
2.2.5 Council has also delegated authority to the CEO Review Committee to:

- a. By agreement with the CEO appoint an independent advisor to assist with the CEO performance appraisal process; and
- b. Determine any amendments to the CEO's employment arrangements and incentive payments as provided for within the contract of employment.

### 2.3 Option 2 – Reduce to Four (4) Standing Committees

2.3.1 Option 2 proposes a reduction in the number of Standing Committees through the amalgamation of the Resources and Governance (R&G) Committee with the Budget and Finance (B&F) Committee to form the Finance and Governance Committee.

2.3.2 The diagram below depicts the Option 2 Committee Structure.



2.3.3 The Option 2 Committee structure would:

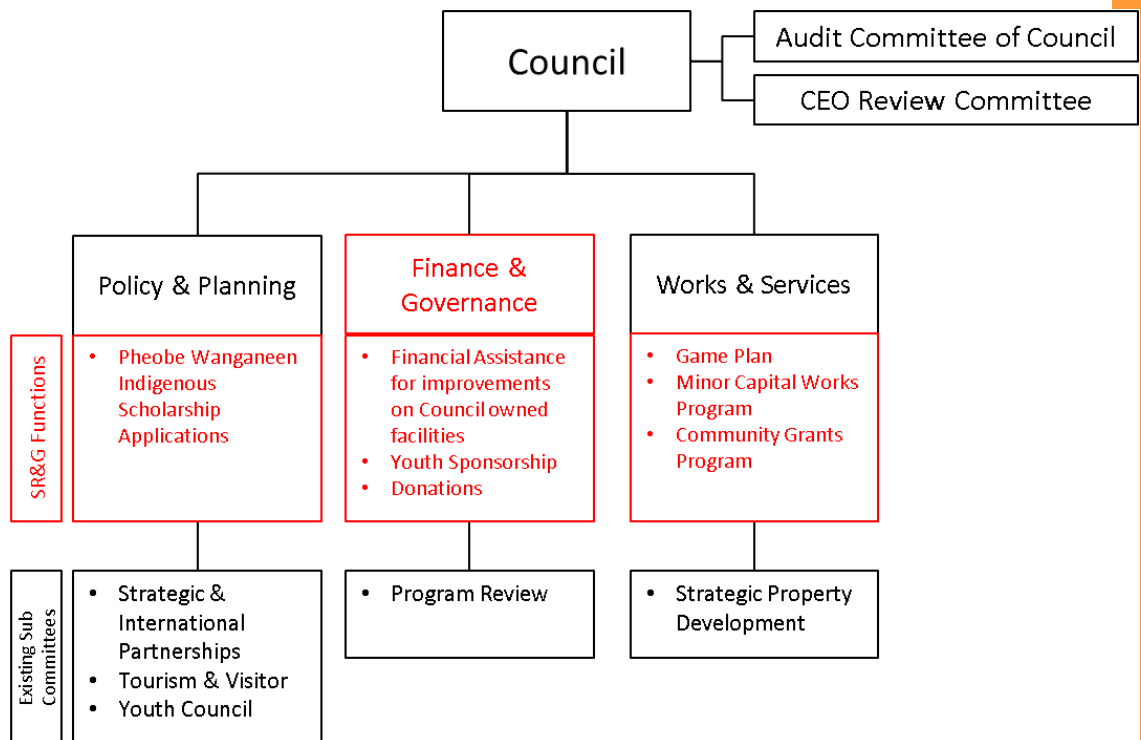
- a. Allow for three whole of council committees to convene on the third Monday of each month;
- b. Allow for the continuation of existing sub committees in their current form;
- c. Enable the existing four weekly meeting cycle to be retained, including the informal briefing session in week 1 of the month;
- d. Provide up to three opportunities for a matter to be debated prior to a Council decision being made (sub-committee/committee/council meeting).
- e. Reduce administrative activity of remaining Committees and Council, i.e. less Apologies to note, minutes to adopt, Terms of Reference to review, Chairman/Deputy Chairman positions to appoint.

- f. Reduce administrative support activity required for Councils Committee structure, i.e. less meetings to schedule, agenda to compile, minutes to be taken etc.
- g. Reduce the cost of Chairman allowance payments by \$5,436 per annum;
- h. Based on the 2 year average meeting duration, increase the average time spent in meetings on the 3<sup>rd</sup> Monday of each month from 152 minutes to 175 minutes.
- i. The following table provides details of the additional Elected Member Allowances payable as a result of the Option 2 Committee structure:

Standing Committee Chairman x 4 (\$5,436 per Chairman position)	\$21,744
Sub Committee Chairman x 4 (\$1,200 per Chairman position)	\$4,800
<b>TOTAL</b>	<b>\$26,544</b>

#### 2.4 Option 3 – Reduce to Three (3) Standing Committees

- 2.4.1 Option 3 proposes a reduction in the number of Standing Committees through the formation of the Finance & Governance Committee as proposed in Option 2 and through allocating activity that currently falls within the Terms of Reference of the Sports, Recreation and Grants (SR&G) Committee to other Standing Committees.
- 2.4.2 The diagram below depicts the Option 3 Committee Structure, and shows proposed allocation of current SR&G functions across the remaining three committees.





## 2.4.3 The Option 3 Committee structure would:

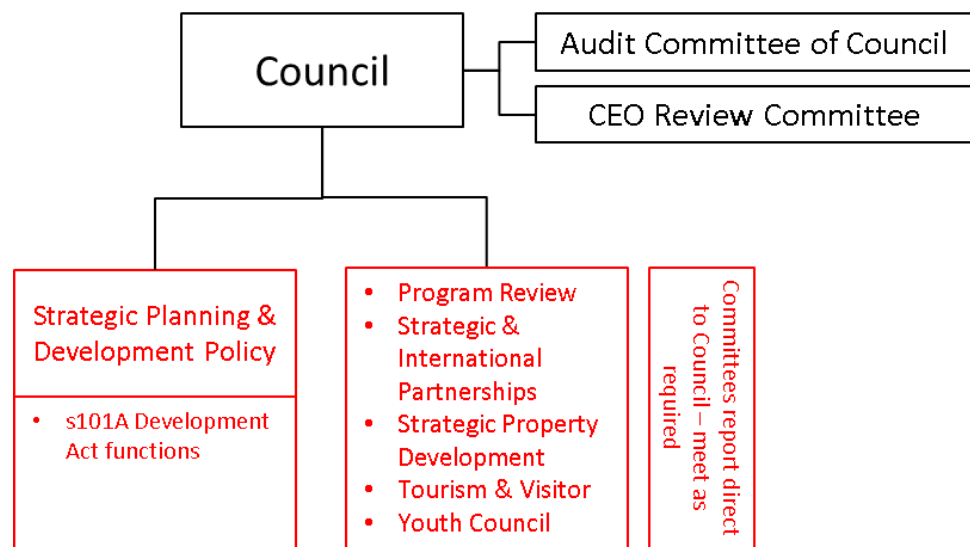
- a. Allow for three whole of council committees to convene on the third Monday of each month;
- b. Alternatively, allow for two whole of council committees to convene on the third Monday of each month, with the third whole of council committee convening on the second Monday of each month (as per the current timing of the SR&G committee meeting);
- c. Allow for the continuation of existing sub committees in their current form and reporting relationships;
- d. Enable the existing four weekly meeting cycle to be retained, including the informal briefing session in week 1 of the month;
- e. Provide up to three opportunities for a matter to be debated prior to a Council decision being made (sub-committee/committee/council meeting)
- f. Reduce administrative activity of remaining Committees and Council, i.e. less Apologies to note, minutes to adopt, Terms of Reference to review, Chairman/Deputy Chairman positions to appoint.
- g. Reduce administrative support activity required for Councils Committee structure, i.e. less meetings to schedule, agenda to compile, minutes to be taken etc.
- h. Reduce the cost of Chairman allowance payments by \$10,872 per annum;
- i. Based on the 2 year average meeting duration (and assuming Standing Committee meetings are scheduled on the same night), increase the average time spent in meetings on the 3<sup>rd</sup> Monday of each month from 152 minutes to 199 minutes.
- j. The following table provides details of the additional Elected Member Allowances payable as a result of the Option 3 Committee structure:

Standing Committee Chairman x 3 (\$5,436 per Chairman position)	\$16,308
Sub Committee Chairman x 4 (\$1,200 per Chairman position)	\$4,800
<b>TOTAL</b>	<b>\$21,108</b>

2.5 Option 4 – Reduce to One (1) Standing Committee

- 2.5.1 Option 4 proposes the retention of one Standing Committee (Strategic Planning and Development Policy Committee) to fulfil the requirements of s101A of the *Development Act*, with all other activity currently within the Terms of Reference of Standing Committees (including activities in the Policy & Planning Committee terms of reference not related to s101A) referred directly to Council.

- 2.5.2 Option 4 would require a review of existing sub-committees to determine appropriate reporting lines, given the change in focus of activity for the Policy and Planning Committee. This option assumes existing sub committees would continue in their current form as a committee reporting directly to council (but not as a Standing Committee).
- 2.5.3 An alternative is that the Sub Committees could be discontinued, with all matters previously reported to the sub committees presented directly to Council.
- 2.5.4 The diagram below depicts the Option 4 Committee Structure, assuming continuation of all current sub committees as committees reporting directly to Council.



- 2.5.5 The Option 4 Committee Structure would:
- Allow for one whole of council committee (the Strategic Planning and Development Policy Committee) to convene once or twice a month (subject to the volume of activity for the Committee);
  - Allow for Council to convene once or twice a month;
  - Allow for committees reporting directly to Council to meet in alternate weeks to the Council meeting, potentially once or twice a month (subject to the volume of activity for each Committee);
  - Allow for informal briefing sessions to be scheduled in alternate weeks to the Council meeting as required, subject to scheduling of other Committee meetings;
  - Provide two opportunities for a matter to be debated prior to a Council decision being made (committee/council meeting);
  - Reduce administrative activity of remaining Committees and Council, i.e. less Apologies to note, minutes to adopt, Terms of Reference to review, Chairman/Deputy Chairman positions to appoint.

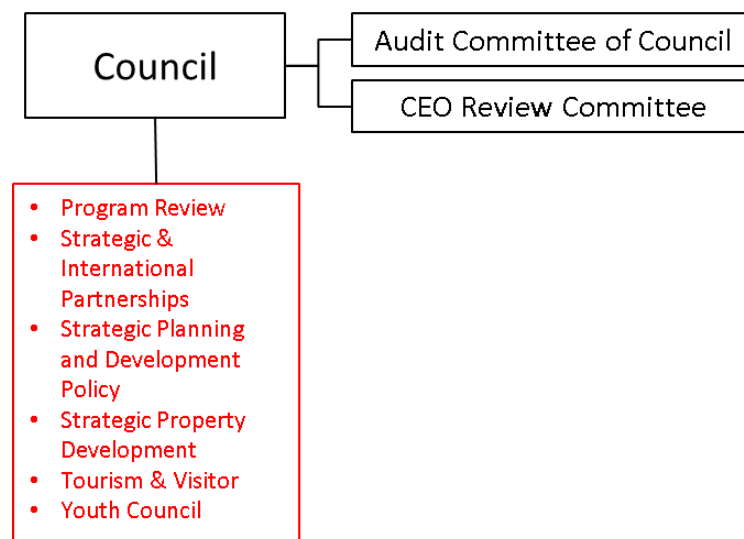
- g. Reduce administrative support activity required for Councils Committee structure, i.e. less meetings to schedule, agenda to compile, minutes to be taken etc.
- h. Reduce the cost of Chairman allowance payments by \$21,744 per annum;
- i. Continue to require additional allowance payments for Chairman position of sub committees or committees reporting directly to Council;
- j. The following table provides details of the additional Elected Member Allowances payable as a result of the Option 4 Committee structure:

Standing Committee Chairman x 1 (\$5,436 per Chairman position)	\$5,436
Sub Committee Chairman x 4* (\$1,200 per Chairman position)	\$4,800
<b>TOTAL</b>	<b>\$10,236</b>

\* assumes no change to number of 'sub-committees or committees reporting directly to Council'

## 2.6 Option 5 - Fortnightly Council Meetings

- 2.6.1 Option 5 proposes Council convene on a fortnightly basis, with a number of committees reporting directly to Council, meeting as required. The committees would include the Strategic Planning and Development Policy Committee required by section 101A of the *Development Act*.
- 2.6.2 The diagram below depicts the Option 5 Committee Structure, with the Strategic Planning and Development Policy Committee listed with other current sub-committees as reporting directly to Council.



- 2.6.3 The Option 5 Committee Structure would:
  - a. Allow for Council to convene once or twice a month;
  - b. Allow for committees reporting directly to Council to meet in alternate weeks to the Council meeting as required, potentially once

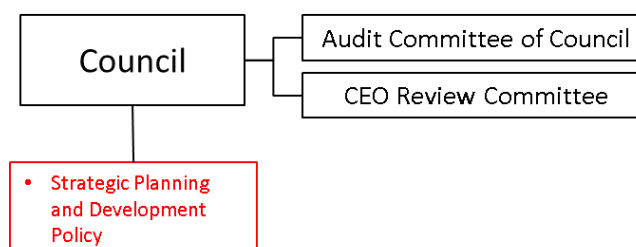
- or twice a month (subject to the volume of activity for each Committee);
- c. Allow for informal briefing sessions to be scheduled in alternate weeks to the Council meeting as required, subject to scheduling of other Committee meetings;
  - d. Provide two opportunities for a matter to be debated prior to a Council decision being made where the matter falls within the scope of activity of a committee (committee/council meeting), all other matters would be debated and determined (unless deferred) at one Council meeting;
  - e. Reduce administrative activity of Council, i.e. less Apologies to note, minutes to adopt, Terms of Reference to review, Chairman/Deputy Chairman positions to appoint.
  - f. Reduce administrative support activity required for Councils Committee structure, i.e. less meetings to schedule, agenda to compile, minutes to be taken etc.
  - g. Reduce the cost of Chairman allowance payments by \$25,980 per annum;
  - h. Continue to require additional allowance payments for Chairman position of committees reporting directly to Council;
  - i. The following table provides details of the additional Elected Member Allowances payable as a result of the Option 5 Committee structure:

Committee Chairman x 5* (\$1,200 per Chairman position)	\$6,000
<b>TOTAL</b>	<b>\$6,000</b>

*\* assumes no change to current number of 'sub-committees' with addition of Strategic Planning & Development Policy committee*

## 2.7 Option 5A - Fortnightly Council Meetings

- 2.7.1 Option 5A proposes a slight variation to Option 5, in that Council would still convene on a fortnightly basis, but would have only one committee reporting directly to it, the Strategic Planning and Development Policy Committee as required by the *Development Act*, meeting as required. All other business would be presented directly to Council.
- 2.7.2 The diagram below depicts the Option 5A Committee Structure:



- 2.7.3 The Option 5 Committee Structure would:
  - a. Allow for Council to convene once or twice a month;

- b. Allow for Committees reporting directly to Council to meet in alternate weeks to the Council, with meetings scheduled as required.
- c. Allow for informal briefing sessions to be scheduled in alternate weeks to the Council meeting as required
- d. For matters considered by the Strategic Planning and Development Policy Committee, provide two opportunities to be debated prior to a Council decision being made, all other matters would be debated and determined (unless deferred) at one Council meeting;
- e. Reduce administrative activity of Council, i.e. less Apologies to note, minutes to adopt, Terms of Reference to review, Chairman/Deputy Chairman positions to appoint.
- f. Reduce administrative support activity required for Councils Committee structure, i.e. less meetings to schedule, agenda to compile, minutes to be taken etc.
- g. Reduce the cost of Chairman allowance payments by \$25,980 per annum;
- h. Continue to require additional allowance payments for one Chairman position of the committee reporting directly to Council;
- i. The following table provides details of the additional Elected Member Allowances payable as a result of the Option 5 Committee structure:

Committee Chairman x 1 (\$1,200 per Chairman position)	\$1,200
<b>TOTAL</b>	<b>\$1,200</b>

## 2.8 Appointment of Members to Council Committees

There are a number of options available for the appointment of members/Chairman to Council Committees. Each option is described below.

### 2.8.1 *Informal Self nomination/nomination of another*

- a. This is the approach that is currently applied to appoint elected members to Council Committees. At the time a committee is established individuals either nominate, or are nominated, to join the committee. There is no requirement for any 'formal' application to become a member of the committee, nor are there specific criteria used to assess any nomination. The Council resolution determines Committee membership.

### 2.8.2 *Formal self nomination/nomination of another*

- a. A variation to the informal process above, a formal self nomination/nomination of another would require an individual to complete an endorsed 'nomination form' setting out relevant skills/knowledge/experience in support of their membership of the committee.

- b. Any formal nominations received would be presented to Council for consideration. Evaluation criteria would need to be determined in advance of the application process to assist with the selection decision.

#### 2.8.3 ***External members – formal nomination***

- a. Where Council determines that a committee should include external persons as members a formal nomination process is applied. This currently takes the form of calling for nominations, either through a general public notice (e.g. for Audit Committee members) or through direct approach to individuals/organisations of relevance to the Committee (e.g. as per the approach recently applied for the establishment of the Tourism and Visitor sub committee).
- b. Nominations received from external members are generally evaluated by staff, with a recommendation put forward to Council for consideration and decision.

### 2.9 Appointment of Chairman

#### 2.9.1 ***Informal self nomination/nomination of another***

- a. As per the approach for committee membership. This is an approach currently applied, and results in a nomination when made becoming the subject of a motion to be voted on. The meeting procedures prevent amendments being made to the motion to add a second (or additional) names for consideration.
- b. With this approach there is no requirement for any ‘formal’ application for the position of Chairman, nor are there specific criteria used to assess any nomination made. The Council resolution determines the appointment of Chairman for each committee.

#### 2.9.2 ***Formal self nomination/nomination of another***

- a. An approach could be introduced for Chairman appointments that seeks formal nominations (of either self or another) for the position of Chairman. Such a process would provide an opportunity for individuals to articulate their (or the person they are nominating) relevant skills/knowledge/experience and to articulate what they would bring to the role. Evaluation criteria would need to be determined to enable an assessment of the applications received. Once a preferred ‘applicant’ has been determined a resolution would be required to make the appointment.

### 2.10 Voting processes for appointments

- 2.10.1 Historically, where a motion has included more than one nomination Council has then used a number of voting processes to determine the preferred nomination. These processes have included:
  - a. Show of hands vote, with the person receiving the most votes then being put forward as the preferred nominee for appointment to the position;



- b. First past the post ballot process, where members write their preferred nominee on a ballot paper and the nominee with the most votes is put forward for appointment to the position;
- c. Preferential ballot process, where members list the nominees in order of preference on a ballot paper. If no nominee is the first choice of the majority then votes cast for the nominee with the lowest number of first preference are redistributed to remaining candidates. Redistribution of preferences continues until an outcome is clear, and the winner of the ballot process is put forward for appointment to the position;

2.10.2 A further option Council could use for voting purposes is the Exhaustive ballot process, where members write the name of one nominee on a ballot paper, if no nominee is supported by an overall majority, then the nominee with the fewest votes is eliminated, and a further vote is conducted from the remaining nominees. This continues until a 'winner' is identified, with that person put forward for appointment to the position.

2.11 Should Council determine a preferred approach for the appointment of members/Chairman it would be appropriate to document the approach, including assessment criteria (if required) and return that to Council for endorsement as the method to be used.

### **3. CONCLUSION / PROPOSAL**

- 3.1 In response to Council's resolution a number of options for alternative committee structures have been prepared. The options include cost comparisons, primarily based on allowance payments required for the position of Chairman, with the current committee structure.
- 3.2 In addition, information has been provided in relation to options for appointment of members/Chairman of committees.
- 3.3 Council is asked to consider the information contained within this report and determine if any changes are required to the current committee structure or the approach to appointment of members/Committee Chairman.

### **CO-ORDINATION**

Officer:

Date:

Scope of Activity – Current Standing Committees (excl. Audit Committee & incl. CEO Review Committee)			
Policy & Planning	Resources & Governance	Sports, Recreation & Grants	CEO Review Committee
<ul style="list-style-type: none"> <li>Community Development</li> <li>Economic Development</li> <li>Urban Development</li> <li>Environmental Sustainability</li> <li>Strategic Asset Management</li> <li>Subsidiaries</li> <li>Corporate Plans</li> <li>plus functions as required by s101A of the <i>Development Act 1993</i></li> </ul>	<ul style="list-style-type: none"> <li>Development Control Administration</li> <li>Health, Animal Management and By-Laws</li> <li>External Relations</li> <li>Corporate Management</li> <li>Corporate Governance</li> </ul>	<ul style="list-style-type: none"> <li><b>Sport and Recreation</b> <ul style="list-style-type: none"> <li>monitor delivery of the Implementation Strategy for the Game Plan;</li> <li>consider the development of recreation infrastructure within Salisbury as it relates to the Game Plan;</li> <li>make recommendations to Council regarding future amendments to the Game Plan;</li> <li>consider means for provision of financial assistance to community groups that lease facilities from the City of Salisbury who are seeking to undertake club improvement projects in/on council assets;</li> <li>allocate the Minor Capital Works funding on an annual basis and provide a report of these allocations to Council for information;</li> <li>report and make recommendations to Council on the eligibility criteria for the Minor Capital Works funding program;</li> <li>assess and determine all applications for the Youth Sponsorship program applying the Team Funding Allocation Scale;</li> </ul> </li> <li><b>Community Grants Program</b> <ul style="list-style-type: none"> <li>Advise Council on policies, procedures and eligibility for the allocation of Community Grants;</li> <li>assess and determine all applications submitted for Community Grants (Projects and Events) and allocate those funds to successful applicants;</li> </ul> </li> <li><b>Assess and determine specific request for occasional and ongoing funding (donations) within the allocated budget;</b></li> <li><b>Phoebe Wanganeen Indigenous Scholarship applications</b></li> <li><b>Youth Sponsorship Applications</b></li> </ul>	<ul style="list-style-type: none"> <li>The CEO's performance will be reviewed (at least) annually by the CEO Review Committee.</li> <li>The Review Committee will: <ul style="list-style-type: none"> <li>By agreement with the CEO appoint an independent advisor to assist in the CEO performance appraisal process as provided for within the CEO Contract of Employment;</li> <li>Develop a Performance Plan for the CEO</li> <li>Monitor the performance of the CEO against his/her contract of employment, responsibilities and performance plan and provide regular feedback;</li> <li>Facilitate the conduct of the CEO's annual performance and remuneration reviews;</li> <li>Receive reports from the CEO regarding the performance of the organisation;</li> <li>Determine, under delegated authority from Council, any amendments to the CEO's employment arrangements and incentive payments to the CEO as provided in the contract of employment.</li> </ul> </li> </ul>
Budget & Finance	Works & Services		
<ul style="list-style-type: none"> <li>Finance</li> <li>Financial Sustainability</li> <li>Long Term Financial Plan</li> <li>Annual Plan and Budget</li> <li>Budget Review</li> <li>Rating Matters</li> <li>Business Units</li> </ul>	<ul style="list-style-type: none"> <li>Community Centres and Youth</li> <li>Community Health and Wellbeing</li> <li>Libraries</li> <li>Landscaping</li> <li>Property</li> <li>Public Works</li> <li>Traffic Management</li> <li>Waste Management</li> </ul>		

### Scope of Activity – Current Sub Committees

<b>Strategic &amp; International Partnerships</b> <i>(Reports to Policy &amp; Planning)</i>	<b>Tourism and Visitor</b> <i>(Reports to Policy &amp; Planning)</i>	<b>Youth Council</b> <i>(Reports to Policy &amp; Planning)</i>	<b>Program Review</b> <i>(Reports to Budget &amp; Finance)</i>	<b>Strategic Property Development</b> <i>(Reports to Works &amp; Services)</i>
<p>The aim of the Sub Committee is to develop, co-ordinate and enhance the City of Salisbury's relationships with international communities for the social, economic, educational and cultural benefit of Salisbury and its community members.</p> <p>The specific objectives of the Sub Committee are to:</p> <ul style="list-style-type: none"> <li>- review international relations opportunities;</li> <li>- advise Council relating to international relation's policy, strategy, current issues or trends;</li> <li>- develop and maintain relationships with international communities;</li> <li>- enhance Salisbury's economy through improved business, trade and tourism links;</li> <li>- promote and facilitate the Salisbury community enjoying direct associations with international communities;</li> <li>- develop activities such as student exchange, teacher exchange, citizen exchange, cultural and sporting exchange, community involvement;</li> <li>- raise awareness of the city's international relationships;</li> <li>- promote the City of Salisbury and the potential for increasing tourism and trade; and support Council in hosting international delegations where appropriate.</li> </ul>	<p>The Tourism and Visitor Sub Committee has been established to:</p> <ul style="list-style-type: none"> <li>• Promote and facilitate tourism and visitor opportunities for the City of Salisbury.</li> <li>• Identify and advise Council on tourism opportunities</li> <li>• Develop and maintain professional relationships that support the implementation of Councils Tourism and Visitor Strategy.</li> <li>• Identify linkages and opportunities to leverage benefit between the Tourism and Visitor Strategy and other state and local government plans and strategies.</li> </ul>	<p>The Youth Council is an approach to fulfilling the following objectives:</p> <ul style="list-style-type: none"> <li>• to consult with young people to contribute to more effective Council decision-making and achieve improved outcomes across Council;</li> <li>• to develop young people's skills in civic participation in fulfilling the democratic right of young people to participate in decisions that affect their lives; and</li> <li>• to enhance young people's roles as active community members in achieving outcomes towards a more inclusive community.</li> </ul> <p>The aims of Youth Council are to:</p> <ul style="list-style-type: none"> <li>- act as an advocate and provide expertise to Council on issues important to young people in the City of Salisbury;</li> <li>- make recommendations to Council on issues affecting young people in the City of Salisbury;</li> <li>- address issues of concern to young people;</li> <li>- monitor and evaluate Council's youth services and Youth Action Plan;</li> <li>- monitor and evaluate Council's policy and strategic directions in other areas of interest to young people;</li> <li>- raise community awareness of issues important to young people;</li> <li>- foster better working relationships between young people and local government;</li> <li>- undertake consultations with other young people to inform Council's policies and program development; and</li> <li>- provide advice to Council on the implementation of Council strategy by undertaking projects.</li> </ul>	<p>The Program Review Sub Committee has been established to provide advice to the Budget and Finance Committee in relation to the appropriateness of programs and services that Council delivers. To achieve this goal, the Program Review Sub Committee will:</p> <ul style="list-style-type: none"> <li>• Review programs and services provided by Council.</li> <li>• Address such matters as: <ul style="list-style-type: none"> <li>- Service levels</li> <li>- Service delivery models</li> <li>- Demand on services.</li> </ul> </li> <li>• Make recommendations to the Budget and Finance Committee on programs and service levels to be delivered by the City of Salisbury.</li> </ul>	<ul style="list-style-type: none"> <li>• To examine and make decisions on strategic property development projects;</li> <li>• To consider property development proposals in terms of their overall commercial and community benefit.</li> <li>• To assess and consider Council's risk exposure related to the projects.</li> </ul>

### Standing Committees: No. of Items and Meeting Duration (in mins) - 2014/15

	Month	P&P		B&F		W&S		R&G		SR&G	
		Items	Mins	Items	Mins	Items	Mins	Items	Mins	Items	Mins
2014	Jul	21	216	3	15	5	47	12	65	-	-
	Aug	23	195	5	22	3	32	4	3	8	49
	Sep	8	87	5	44	7	39	7	16	14	34
	Oct	20	18	7	17	4	21	7	66	-	-
	Nov	-	-	-	-	-	-	-	-	-	-
	Dec	13	131	5	5	14	71	11	21	14	52
2015	Jan	8	87	3	1	9	58	7	34	11	46
	Feb	9	29	10	19	7	32	7	47	6	13
	Mar	9	174	8	22	8	26	16	16	7	42
	Apr	14	138	19	138	7	51	21	33	9	66
	May	4	6	13	51	9	64	12	24	9	21
	Jun	15	105	9	42	8	31	7	7	10	20
TOTAL		144	1186	87	376	81	472	111	332	88	343

### Standing Committees: No. of Items and Meeting Duration (in mins) - 2015/16

	Month	P&P		B&F		W&S		R&G		SR&G	
		Items	Mins	Items	Mins	Items	Mins	Items	Mins	Items	Mins
2015	Jul	15	8	6	20	8	19	6	12	9	35
	Aug	5	46	5	50	5	25	7	19	8	29
	Sep	9	102	3	3	11	80	8	20	5	45
	Oct	15	179	7	29	7	72	4	18	9	19
	Nov	4	34	4	81	9	73	13	64	10	27
	Dec	13	131	5	35	10	42	5	10	5	8
2016	Jan	5	53	3	51	8	57	5	30	6	17
	Feb	10	133	4	7	9	54	7	29	6	43
	Mar	6	165	8	45	7	49	9	46	6	18
	Apr	7	75	13	134	6	65	4	6	10	28
	May	6	100	9	60	8	21	5	25	7	24
	Jun	11	101	8	173	8	7	5	39	11	66
TOTAL		76	892	37	276	67	422	55	202	58	223





<b>ITEM</b>	3.6.3
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>HEADING</b>	Election for Two Representative Members on the Local Government Finance Authority Board of Trustees
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	<p>As part of a report to Council in August, nominations were sought via two processes for members on the Local Government Finance Authority (LGFA) Board of Trustees. One was directly through the Local Government Finance Authority (LGFA) and the other through the Local Government Association (LGA). This report addresses the process required by the LGFA now that nominations have closed.</p> <p>Seven nominations were received for two available positions and an election will now be conducted.</p>

#### RECOMMENDATION

1. Council indicates its two preferences for:
  - a. \_\_\_\_\_; and
  - b. \_\_\_\_\_

for the position of representative members of the Board of Trustees for the Local Government Finance Authority and instructs its delegate to vote accordingly.

#### ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Details Supplied by Candidates for Local Government Finance Authority Board Election 2016



## 1. BACKGROUND

- 1.1 Pursuant to the Act, the LGFA Board has seven (7) members made up by:
  - 2 are persons elected in accordance with the rules of the Authority;
  - 2 are persons appointed by an AGM of the Authority upon nomination of the LGA;
  - 1 is a person appointed by the Minister;
  - 1 is a person appointed by the Treasurer;
  - 1 is the person for the time being holding or acting in the office of Secretary of the LGA (ie the LGA CEO).
- 1.2 This report addresses membership via the first dot point above.
- 1.3 As a reminder, a report was presented to Council in August, seeking nominations via two processes for members on the Local Government Finance Authority (LGFA) Board of Trustees.
- 1.4 One was through the Local Government Finance Authority (LGFA), seeking to fill two representative member positions in accordance with the LGFA (first dot point above). Council did not make a nomination via this process.
- 1.5 The other process was through the Local Government Association (LGA), seeking to fill two representative member positions held via the LGA (second dot point above).
- 1.6 Council resolved to nominate Cr David Bryant and Cr Damien Pilkington via the LGA process. Nominations closed on 9 September and the successful nominees will be appointed at the LGFA Annual General Meeting in October. Council has no more input into the LGA process.
- 1.7 In relation to the LGFA process, seven nominations were received for the two available positions and as such, an election will now be conducted by postal ballot.

## 1. REPORT

- 1.1 The LGFA have advised seven nominations have been received for the two available positions and as such, an election will now be conducted by postal ballot.
- 1.2 The two positions are currently held by Cr John L Sanderson from the City of Mitcham and Cr John W Frogley from the City of Norwood, Payneham and St Peters.
- 1.3 The candidates are listed below (in alphabetical order) and profiles on each candidate are attached:

H Abiad	Councillor, Adelaide City Council
C Davies	CEO, The Flinders Ranges Council
JW Frogley	Councillor, City of Norwood, Payneham and St Peters
A Martin	Manager, City of Charles Sturt
MJ Rabbitt	Councillor, City of Unley
JL Sanderson	Councillor, City of Mitcham
J Woodward	Councillor, City of West Torrens

- 1.4 In order to comply with the Rules of the Authority, the casting of the vote by Council must be conducted as follows:
- 1.4.1 The voting must be on the ballot paper issued by the LGFA which has all candidates listed in alphabetical order.
  - 1.4.2 Council must by resolution determine which candidates (being not more than two) they wish to elect.
  - 1.4.3 Cr Damien Pilkington, as Council's representative to the LGFA (or in his absence the Councillor chairing the Council meeting) shall at the Council meeting in their own hand writing mark the ballot paper with an 'x' next to the two candidates whom the Council wishes to elect. Do not mark the ballot paper in any other way.
  - 1.4.4 The ballot paper should then be inserted into the small white envelope addressed to the Returning Officer which is marked 'Confidential Ballot Paper'.
  - 1.4.5 The 'Confidential Ballot Paper' envelope should then be placed in the middle sized envelope addressed to the Returning Officer and Council's name is to be recorded only on this particular envelope. The signature of the appointed AGM delegate (Cr Damien Pilkington) should be added (or the signature of the Chairman of the Council meeting in his absence).
- 1.5 All votes must be received by the Returning Officer by 5:00 pm on Friday 14 October 2016.

## **2. CONCLUSION / PROPOSAL**

- 2.1 Council is asked to determine the two preferred candidates it wishes to vote for in the election for representative member positions on the Local Government Finance Authority Board and direct its' delegate to complete the ballot paper.

### **CO-ORDINATION**

Officer:	Executive Group	MG
Date:	12/09/2016	07/09/2016



**NAME:** HOUSSAM ABIAD

**OCCUPATION:** Self Employed, Boards, etc.

**QUALIFICATIONS & AWARDS:** BSc Health Science  
B Engr Biomedical Engineering (Hons)  
Member, AICD  
Fellow, Governors leadership foundation

**CURRENT POSITION IN LOCAL GOVERNMENT:** Councillor, Adelaide City Council

**PERIOD IN LOCAL GOVERNMENT** 6 Years

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

Past:

- City of Adelaide  
Deputy Lord Mayor
- Rundle Mall Management Authority  
Board Member
- SA Motor Sports Board  
Board Member

Present:

- City of Adelaide, Finance & Business services  
Chairperson
- Australia Day Council of South Australia  
Chairperson
- Department of Foreign Affairs and Trade  
Board Member
- Development Assessment Panel  
Panel Member

**NAME:** COLIN DAVIES

**OCCUPATION:** Chief Executive Officer/ Chief Finance Officer

**QUALIFICATIONS & AWARDS:** Justice of Peace in SA 25540  
Fellow Institute of Public Accountants  
Fellow Institute of Financial Accountants (UK)  
Fellow Local Government Professionals

**CURRENT POSITION IN LOCAL GOVERNMENT:** CEO, The Flinders Ranges Council

**PERIOD IN LOCAL GOVERNMENT** 15 years

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

Past:

Many and various usually as Treasurer

Present:

Regional Development Australia Far North  
Board Member

Pichi Richi Railway Preservation Society  
Treasurer

Rotary International District 9500 Inc  
Treasurer

Rotary E-club of Greater South Oz  
Treasurer

Local Government Systems Inc  
Vice Chair

SA Local Government Financial Managers Group  
Local Government Professionals  
Institute of Public Administration Australia  
Local Government Information Technology SA  
Revenue Professionals SA  
Emergency Management Committee Far North  
Bushfire Management Committee

**NAME:** JOHN WREFORD FROGLEY

**OCCUPATION:** Semi-retired Company Director/  
Chartered Accountant  
Semi-retired

**QUALIFICATIONS & AWARDS:** Bachelor of Economics (Adelaide University)  
Chartered Accountant  
Recently retired Fellow AICD

**CURRENT POSITION IN LOCAL GOVERNMENT:** Councillor, City of Norwood Payneham & St Peters

**PERIOD IN LOCAL GOVERNMENT** 10 years

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

**Past:**

City of Norwood Payneham & St Peters  
Development Assessment Panel  
Business & Economic Development Committee  
CEO Performance Review Committee  
Payneham Rd Precinct Committee  
Board Member, Eastside Business Enterprise Centre Inc  
Deputy Board Member – Waste Care SA

**South Australian Government**

Trustee, SA Superannuation Investment Trust  
Director, Enterprise Investments Limited  
Director, various Government commercial entities  
Secretary, Industries Development Committee (SA Parliament)  
Executive Director, Department of State Development

**Present:**

Local Government Finance Authority of SA  
Deputy Chairman, Board of Trustees  
Chairman, Audit Committee

**City of Norwood Payneham & St Peters**

Strategic Planning & Development Policy Committee  
Chairman, Audit Committee



**NAME:** ANNETTE MARTIN

**OCCUPATION:** Manager Financial Services

**QUALIFICATIONS & AWARDS:** B.A. Accountancy  
Certified Practising Accountant (CPA)

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

**PERIOD IN LOCAL GOVERNMENT** 16 years

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

**Past:**

Executive of SALGFMG for 16 years including President from 2010 to 2014  
Chair and/or active member of numerous SALGFMG working parties on projects such as development of internal financial controls framework, asset management and financial management addressing updates of information papers, development of model financial statements and harmonisation of reporting, development of long term financial plans, industry ratios for financial sustainability.

SALGFMG representative on work groups for grants commission methodology review and asset management with update of CPA guide.

Local government excellence awards for leadership in financial management for development of an industry wide internal controls framework and financial modelling for Bowden Urban Village Local Government IT Professionals Award for Digital transformation initiative in development of a budget bid solution.

**Present:**

Executive of SALGFMG  
Chair of SALGFMG internal controls working party and review of internal controls framework  
Member of current working parties on fees and charges, financial management and asset management for SALGFMG  
Life member SALGFMG for services to industry

**NAME:** MICHAEL RABBITT

**OCCUPATION:** Retired

**QUALIFICATIONS & AWARDS:** Bachelor of Business (Banking and Finance)  
Diploma of Financial Planning

**CURRENT POSITION IN LOCAL GOVERNMENT:** Councillor, City of Unley

**PERIOD IN LOCAL GOVERNMENT** Elected November 2014

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

Past:

- Reserve Bank of Australia  
Senior Management and member of Economic Liaison Committees with State and Federal Government departments (1965 – 1987)
- Financial Planning Industry (1988 – 2010)
- University of SA (1994 – 1997)  
Lecturer in Accounting/Personal Finance
- Parliamentary Joint Committee on Corporations and Financial Services (2003)

Present:

- City of Unley
  - Audit and Governance Committee
  - Community and Culture Committee
  - CEO Performance Review Panel
  - Deputy Mayor

**NAME:** JOHN LIDDELL SANDERSON

**OCCUPATION:** Retired Finance Consultant  
(after 47 years in the Banking & Finance Sector)

**QUALIFICATIONS & AWARDS:** Land Managers Certificate

**CURRENT POSITION IN LOCAL GOVERNMENT:** Councillor, City of Mitcham

**PERIOD IN LOCAL GOVERNMENT** 27 Years

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

**Past:**

Local Government Finance Authority of South Australia  
Deputy Trustee

City of Mitcham  
Alderman  
Chairman, Planning Committee; Corporate & Community Services

Ashford Community Hospital Inc  
Deputy Treasurer, Board Member

Local Government Purchasing Co-operative  
Board Member

**Present:**

Local Government Finance Authority of South Australia  
Member, Board of Trustees  
Member, Audit Committee

City of Mitcham  
Member, CEO Performance Review Committee  
Member, Strategic Planning and Development Policy Committee  
Member, Audit Committee  
Member, Community Development Grants Committee

**NAME:** JOHN WOODWARD

**OCCUPATION:** Director

**QUALIFICATIONS & AWARDS:** MBA, GAICD

**CURRENT POSITION IN  
LOCAL GOVERNMENT:** Councillor, City of West Torrens

**PERIOD IN LOCAL GOVERNMENT** 20 months

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

Present:  
Statewide Super



<b>ITEM</b>	3.6.4
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	19 September 2016
<b>HEADING</b>	Boundary Adjustment Bill Submission
<b>AUTHOR</b>	Michelle Tucker, Coordinator Urban Policy & Planning, City Development
<b>CITY PLAN LINKS</b>	3.3 Be a connected city where all people have opportunities to participate. 4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides a draft submission to the Minister for Regional Development and Local Government on the proposed amendments to the draft Local Government (Boundary Adjustment) Amendment Bill 2016.

## RECOMMENDATION

1. That the proposed submission on the draft *Local Government (Boundary Adjustment) Amendment Bill 2016*, as set out in Attachment 4 to this report (Item No. 3.6.4, Resources and Governance Committee, 19/09/2016), be endorsed and forwarded to the Minister for Regional Development and Local Government, with a copy also forwarded to the Local Government Association of South Australia.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Attachment 1 - Legislative Framework for Boundary Adjustment Process: Local Government Association of SA
2. Attachment 2 - Draft Local Government (Boundary Adjustment) Amendment Bill 2016
3. Attachment 3- Explanatory Paper: Local Government (Boundary Adjustment) Amendment Bill 2016
4. Attachment 4 - Draft Submission to the Minister for Regional Development and Local Government in relation to the draft Local Government (Boundary Adjustment) Amendment Bill 2016

## 1. BACKGROUND

- 1.1 The former Boundary Facilitation Panel was abolished in 2014 as part of the State Government's broad review of boards and committees. As a result the Local Government Association initiated a boundary adjustment reform process in 2015 and has been working with the Office of Local Government to review the initiation, assessment and decision making process for boundary adjustments.



- 1.2 The outcome of that consultation was a proposal for a streamlined approach (Attachment 1) to adjustment and amalgamations that has formed the basis for the current Bill (Attachment 2).

## 2. REPORT

- 2.1 The Minister for Local Government has released a Bill to amend the provisions for boundary adjustments and amalgamations in the Local Government Act. Comments on proposed amendments are being sought from Local Councils with submissions to close Friday 30 September 2016. A copy of the draft Bill is at Attachment 2 and Explanatory Paper is at Attachment 3.
- 2.2 The Bill proposes to streamline the process for minor boundary changes and to enable freer debate and discussion on more significant structural reform proposal.
- 2.3 The key elements of the Bill are:
- 2.3.1 A simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government.
  - 2.3.2 The introduction of a simplified pathway for administrative (minor) proposals.
  - 2.3.3 An independent Commission to undertake the initial assessment of proposals, and to make recommendations to the Minister; and
  - 2.3.4 Independent analysis of general proposals including significant boundary changes, amalgamations or significant structural reform, by one or more investigators with the relevant expertise for each proposal.
- 2.4 The Draft Bill is substantially based on the LGA proposal. However there are some issues that require further consideration. These include:
- 2.4.1 Boundary Adjustment Commission (clause 4) - At this stage, the state government has not settled on a Boundary Adjustment Commission or Commissioner. However, the Minister has indicated that his preferred approach is to appoint an existing commission or commissioner to the role. The Office of Local Government Explanatory Paper specifically identifies the yet-to-be-established State Planning Commission and the Grants Commission as possible options.
  - 2.4.2 The preferred option is for the Grants Commission to assume the role of the Boundary Adjustment Commission. This is because the Grants Commission already collects large amounts of data on councils and would be well-placed to take on this role. There is an element of uncertainty around the yet-to-be established State Planning Commission as the legislation is still being drafted.
  - 2.4.3 Public Initiated Proposals (clause 28) - The current legislation requires a minimum of 20 eligible electors to initiate a public submission. The Bill proposes to allow a public initiated proposal to be made on the following conditions:
    - The proposal only relates to boundary adjustments, not to full amalgamations
    - The proposal is initiated by a minimum percentage of affected electors (10% is proposed)

- 2.4.4 This is to ensure that a proposal affecting fewer than 20 people can be considered, while also ensuring that proposals that could significantly impact more people are put forward by an appropriately larger group of electors. There is a need to ensure that the bar is set sufficiently high to deter vexatious, frivolous or trivial proposals, noting that the pre-assessment by the Commissioner can reject applications if considered trivial, frivolous, vexatious or not in the public interest.
- 2.4.5 Cost Recovery Proposal (clause 32B) - The LGA's original proposal did not include any proposal for the state government to recover 'costs' from councils for boundary adjustments from the person or body that initiated it. The current provisions governing boundary adjustments in the Local Government Act do not contain cost recovery provisions. The LGA believes that inserting cost recovery into the new model for boundary adjustment will significantly deter take up of the process by councils and is a considerable disincentive to reform. The preferred option is for all reference to cost recovery to be removed from the Bill.
- 2.4.6 In addition there are potential cost-shifting implications from State Government onto Local Government and/or new cost imposts upon Local Government. This has been a concern more generally in recent legislation, including the Planning, Development and Infrastructure Bill with regard to Infrastructure Schemes, and the fee for the proposed electronic planning system.
- 2.4.7 The Local Government (Boundary Adjustment) Amendment Bill needs to be carefully reviewed so as not to add costs to Local Government or the community, whilst at the same time facilitating the ability to make changes to boundaries in a timely and efficient manner where community benefit and governance outcomes are proven.

### 3. CONCLUSION / PROPOSAL

- 3.1 It is recommended that Council support the proposed reforms for a more streamlined and independent process for boundary adjustments and amalgamations subject to the issues raised in the draft submission being given further consideration, particularly in relation to further perceived and/or potential cost-shifting to Local Government and the communities they represent.

#### CO-ORDINATION

Officer: EXECUTIVE GROUP  
Date: 12.09.16





## Legislative Framework for Boundary Adjustment Process

### A. Principles for Local Government Boundary Reform

1. a transparent, accountable and independent decision making process;
2. assessment of proposals for change by an independent body with the appropriate skills, experience and knowledge;
3. a wide consideration of alternatives and options;
4. decisions made at the appropriate level;
5. opportunities provided for local communities and affected parties to have their say;
6. support for continuous improvement and shared learning;
7. minimisation of barriers to change, balanced by the need for robust decision-making;
8. broad opportunities to initiate change;
9. support and advice provided to proponents at all stages; and
10. collaboration and partnership between Councils, the community and State Government.

### B. Process for Reform of Boundary Adjustment

#### 1. Establish Independent Commission/er and Guidelines for Boundary Change Processes

- an independent Commissioner to be appointed to determine boundary adjustment issues
- Commissioner will develop guidelines for the assessment of proposals (major/minor)
- Commissioner may also establish a register of appropriately skilled people to form Advisory Boards for the consideration of major proposals (refer 5 below)

#### 2. Initiation Process

- require a submission, setting out proposal and reasons
- allow Ministerial submissions
- allow submissions from single Councils
- allow submissions from electors, but require a minimum number of five electors within an affected Council area to make a submission
- create a single application process for all proposals initiating a change
- require all submissions to be made direct to the Commissioner

**3. Pre-Assessment Process to Determine Major/Minor Proposals**

- empower the Commissioner to make an initial pre-assessment, including the ability to reject if trivial, frivolous, vexatious or not in the public interest
- formalise and simplify a pre-assessment filtering process for Council, public and Ministerial submissions with Commissioner to undertake a pre-assessment of initial proposal
- criteria for initial assessment for major or minor adjustment must include:
  - potential financial impact; and
  - number of people affected.
- enable Commissioner to seek information for the purposes of pre-assessment as the Commissioner sees fit

**4. Process for Minor Proposals**

- minor adjustments where consultation is not required or already demonstrated and Councils are supportive of change
- Commissioner to finalise report and recommend to Minister

**5. Process for Major Proposals**

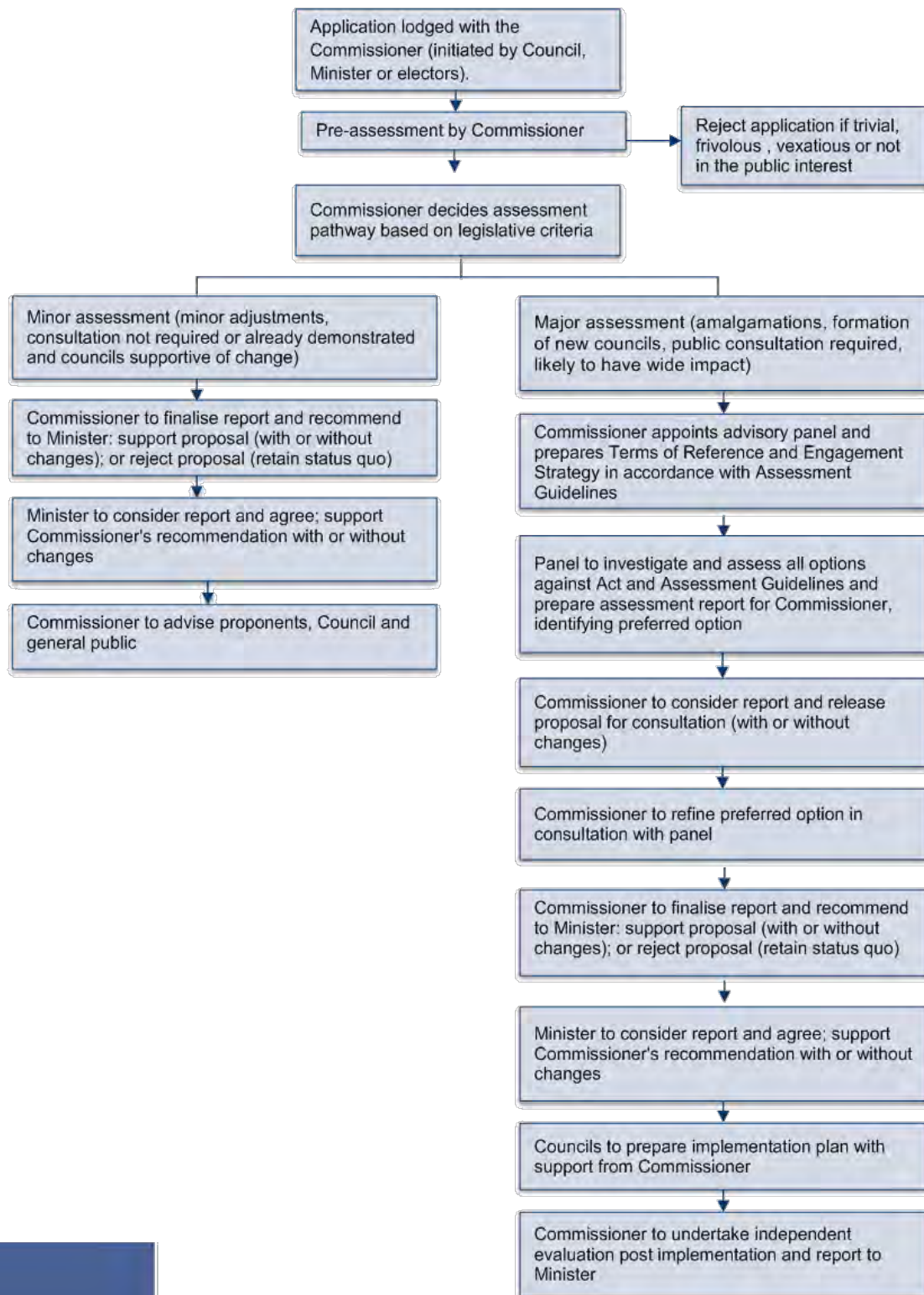
- Commissioner must appoint an appropriately qualified Advisory Body for major adjustments on a case by case basis (containing Local Government expertise as outlined in 1 above)
- Commissioner, together with Advisory Body, be given power to manage an options development phase that includes a consultation process with the relevant parties and collaborative optioneering
- Commissioner to develop Terms of Reference in line with the Guidelines
- require the Advisory Body's Terms of Reference to include an integrated stakeholder and community engagement plan into for major proposals

**6. Implementation Process for Major Proposals**

- Commissioner to develop guidelines and tools for implementation, apportionment and transitional arrangements
- Commissioner to assist affected Councils to prepare an implementation plan
- Commissioner to appoint a person to carry out an independent evaluation and provide a report



### Model for Local Government Boundary Change



ECM632441

LGA of SA Legislative Framework for Boundary Adjustment Process

Page 3 of 3





## Draft for comment

South Australia

# Local Government (Boundary Adjustment) Amendment Bill 2016

A BILL FOR

An Act to amend the *Local Government Act 1999*.

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Local Government Act 1999*

- 4 Amendment of section 4—Interpretation
- 5 Amendment of section 8—Principles to be observed by a council
- 6 Amendment of section 26—Principles
- 7 Substitution of Chapter 3 Part 2 Divisions 4 to 7
  - Division 4—Procedures for proposals
    - 27 Preliminary
    - 28 Commission to receive, prepare proposals
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    - 30 Inquiries—administrative proposals
    - 31 Inquiries—general proposals
    - 32 Notification of outcome of inquiries
    - 32A Powers relating to inquiries
    - 32B Costs
    - 32C Independence of inquiries etc
- 8 Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation
- 9 Amendment of section 122—Strategic management plans
- 10 Amendment of Schedule 5—Documents to be made available by councils

### Schedule 1—Transitional provision

- 1 Transitional provision

**Draft****Local Government (Boundary Adjustment) Amendment Bill 2016****Part 1—Preliminary****The Parliament of South Australia enacts as follows:****Part 1—Preliminary****1—Short title**

This Act may be cited as the *Local Government (Boundary Adjustment) Amendment Act 2016*.

**2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

**3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

**Part 2—Amendment of *Local Government Act 1999*****4—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *commercial project* insert:

*Commission* means the body declared by the regulations to be the Commission for the purposes of this definition;

**5—Amendment of section 8—Principles to be observed by a council**

Section 8—after paragraph (e) insert:

- (ea) seek to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;

**6—Amendment of section 26—Principles**

- (1) Section 26(1) and (2)—delete "Minister" wherever occurring and substitute in each case:

Commission

- (2) Section 26(1)(c)(x)—delete subparagraph (x)

- (3) Section 26(1)(c)(xii) and (xiii)—delete subparagraphs (xii) and (xiii) and substitute:

- (xii) a scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change; and

**Draft****Local Government (Boundary Adjustment) Amendment Bill 2016**  
Amendment of *Local Government Act 1999*—Part 2**7—Substitution of Chapter 3 Part 2 Divisions 4 to 7**

Chapter 3 Part 2 Divisions 4 to 7—delete Divisions 4 to 7 (inclusive) and substitute:

**Division 4—Procedures for proposals****27—Preliminary**

5

In this Division—

*administrative proposal*—see section 30(7);

*eligible elector*, in relation to a proposal, is—

10

(a) in the case of a proposal to alter council boundaries to incorporate land within the area of a council (the *first council*) into the area of another council—an elector in respect of a place of residence or rateable property within the area of the first council; or

15

(b) in the case of a proposal that relates to the composition of a council or the issue of wards within the area of a council—an elector in respect of a place of residence or rateable property within the area of the council; or

20

(c) in the case of a proposal to incorporate within the area of a council a part of the State that is not within the area of a council (the *outside area*)—a person, body corporate or group within the outside area who or which would, if the proposal were to proceed, be an elector in respect of a place of residence or rateable property within the area that would be so incorporated;

25

*general proposal* means a proposal for the making of a proclamation under this Chapter, other than an administrative proposal;

*proposal* includes an administrative proposal or a general proposal.

**28—Commission to receive, prepare proposals**

30

(1) Subject to this section, a proposal for the making of a proclamation under this Chapter may be referred to the Commission—

(a) by resolution of either House of Parliament; or

(b) by the Minister; or

(c) by a council; or

(d) by the prescribed percentage or number of eligible electors.

35

(2) A proposal referred under subsection (1)(d) by the prescribed percentage or number of eligible electors may only relate to—

(a) the alteration of council boundaries to incorporate land within the area of a council into the area of another council; or

40

(b) the composition of a council or its representative structure; or

**Local Government (Boundary Adjustment) Amendment Bill 2016****Part 2—Amendment of *Local Government Act 1999***

- (c) the incorporation within the area of a council a part of the State that is not within the area of a council.
- (3) A proposal under this section must—
- (a) set out in general terms the nature of the proposal; and
- (b) comply with any requirements published by the Commission; and
- (c) in the case of a proposal referred by a council—may nominate a responsible person for the purposes of the recovery of costs under section 32B; and
- (d) in the case of a proposal referred under subsection (1)(d)—must nominate a responsible person for the purposes of the recovery of costs under section 32B.

**29—Commission to deal with proposals**

- (1) The Commission must assess a proposal and determine whether—
- (a) to inquire into the proposal in accordance with subsection (2); or
- (b) to refuse to inquire into the proposal in accordance with subsection (3).
- (2) If the Commission determines to inquire into a proposal, the following provisions apply:
- (a) if the proposal is an administrative proposal, the Commission must inquire into the administrative proposal in accordance with section 30;
- (b) if the proposal is a general proposal, the Commission must inquire into the general proposal in accordance with section 31.
- (3) The Commission may refuse to inquire into a proposal if the Commission considers that—
- (a) the proposal is vexatious, frivolous or trivial; or
- (b) it is not in the public interest to inquire into the proposal; or
- (c) the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- (d) that there is some other good reason to refuse to inquire into the proposal.
- (4) For the purposes of this Division—
- (a) an inquiry may relate to 1 or more proposals before the Commission; and
- (b) a proposal received by the Commission after the commencement of an inquiry may be dealt with at the inquiry, if the Commission determines it appropriate to do so.

**Draft****Local Government (Boundary Adjustment) Amendment Bill 2016**  
Amendment of *Local Government Act 1999*—Part 2**30—Inquiries—administrative proposals**

- 5 (1) An inquiry under this section into an administrative proposal will be conducted by the Commission according to such procedures as the Commission thinks fit, provided that a reasonable amount of community consultation is conducted in accordance with any guidelines prepared and published by the Commission for the purposes of this section.
- 10 (2) Despite subsection (1), the Commission may determine not to conduct community consultation in relation to a particular administrative proposal if the Commission considers it unnecessary to do so.
- 15 (3) After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister on the matter (including on any recommendations that the Commission proposes to make in relation to the administrative proposal).
- 20 (4) After consulting with the Minister under subsection (3), the Commission must—
- (a) prepare and publish a report on the administrative proposal that includes the Commission's recommendations as to the administrative proposal (subject to any redactions or limitations that the Commission considers necessary to prevent the disclosure of confidential or commercially sensitive information); and
- (b) provide a copy of the report to the Minister.
- 25 (5) To avoid doubt, if the Commission determines to recommend an administrative proposal in a report under subsection (4), the administrative proposal recommended may involve such variations as the Commission thinks fit to the administrative proposal referred to the Commission under this Division.
- 30 (6) The Minister may, in relation to an administrative proposal set out in a report under subsection (4), determine that—
- (a) the administrative proposal proceed and forward it to the Governor with a recommendation that a proclamation be made under this Chapter in relation to the administrative proposal; or
- 35 (b) the administrative proposal not proceed.
- (7) In this section—
- administrative proposal*** means a proposal—
- (a) relating to the alteration of a boundary that is shared by 2 or more councils—
- (i) to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*; or
- 40



**Local Government (Boundary Adjustment) Amendment Bill 2016**Part 2—Amendment of *Local Government Act 1999*

- (ii) to correct an anomaly that is, in the opinion of the Commission, generally recognised; or
- (b) in the case of a boundary shared by 2 or more councils that falls along a road—relating to the alteration of the boundary following the realignment of the road; or
- (c) relating to the alteration of a boundary to incorporate within the area of a council vacant land in a part of the State that is not within the area of a council; or
- (d) of a kind prescribed by the regulations.

**31—Inquiries—general proposals**

## (1) The Commission—

- (a) in the case of an inquiry under this section into a general proposal—
  - (i) referred by the Minister; or
  - (ii) of a prescribed kind,
 must appoint 1 or more investigators to conduct the inquiry; or
- (b) in any other case—may appoint 1 or more investigators to conduct the inquiry.

## (2) In appointing investigators to conduct inquiries under this section, the Commission must seek to ensure, as far as is reasonably practicable, that—

- (a) the qualifications, knowledge, expertise and experience of a particular investigator are relevant to the inquiry for which the investigator is being appointed; and
- (b) councils affected by a proposal the subject of an inquiry are consulted on proposed appointments.

## (3) An inquiry into a general proposal under this section must—

- (a) be conducted in accordance with any guidelines prepared and published by the Commission; and
- (b) consider, in addition to the principles set out in section 26—
  - (i) the financial implications and impact on resources that the general proposal is likely to have on any council to which the general proposal relates; and
  - (ii) the level of community support for boundary reform in the area (in a general sense, rather than for the particular general proposal referred to the Commission); and
  - (iii) the nature and extent of any plans for implementing the general proposal if it were to proceed under this Chapter; and

**Draft****Local Government (Boundary Adjustment) Amendment Bill 2016**  
Amendment of *Local Government Act 1999*—Part 2

- (iv) any other matters prescribed by the regulations.
- (4) Guidelines under subsection (3) may relate to—
- (a) the procedures for inquiries; and
  - (b) the nature and extent of community consultation that must be conducted in inquiries; and
  - (c) any other matter the Commission thinks fit.
- (5) Without limiting subsection (3), an investigator appointed to conduct an inquiry under this section must—
- (a) comply with any directions or requirements of the Commission relating to the inquiry; and
  - (b) at the conclusion of the inquiry, provide a report on the inquiry to the Commission.
- (6) The Commission must—
- (a) after conducting an inquiry to which this section applies; or
  - (b) receiving a report under subsection (5),
- prepare and publish a report on the matter that includes the Commission's recommendations as to the general proposal (subject to any redactions or limitations that the Commission considers necessary to prevent the disclosure of confidential or commercially sensitive information) and provide a copy of the report to the Minister.
- (7) To avoid doubt, if the Commission determines to recommend a general proposal in a report under this section, the general proposal recommended may involve such variations as the Commission thinks fit to the general proposal referred to the Commission under this Division.
- (8) The Minister may send a report back to the Commission for reconsideration in accordance with any directions of the Minister.
- (9) The Commission may, after complying with any directions of the Minister, publish an amended report (which may include amended recommendations) and provide a copy of the amended report to the Minister.
- (10) The Minister may, in relation to a general proposal set out in a report of the Commission under subsection (6) or subsection (9)—
- (a) determine that the general proposal proceed and forward it to the Governor with a recommendation that a proclamation be made under this Chapter in relation to the general proposal; or
  - (b) determine that the general proposal not proceed; or

**Draft****Local Government (Boundary Adjustment) Amendment Bill 2016****Part 2—Amendment of *Local Government Act 1999***

- (c) in the case of a general proposal referred to the Commission by a council that the Commission has recommended in the report not proceed—at the request of 1 or more councils, consult with the relevant councils about the matter.
- (11) After consultation in accordance with subsection (10)(c), the Minister may—
- (a) if the Minister determines that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case, forward the general proposal to the Governor with a recommendation that a proclamation be made under this Chapter in relation to the general proposal; or
- (b) in any other case—determine that the general proposal not proceed.

**32—Notification of outcome of inquiries**

- (1) After completion of all relevant procedures in relation to an inquiry under section 30 or 31, the Commission must—
- (a) inform the person or body who referred the proposal to the Commission and any council to which the proposal relates of the Minister's determination in relation to the proposal; and
- (b) give public notice of the determination.
- (2) In addition, if a general proposal recommended by the Commission under section 31 does not proceed to a proclamation after completion of all relevant procedures under that section, the Minister must prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

**32A—Powers relating to inquiries**

- (1) The Commission or an investigator conducting an inquiry under this Division may, in connection with the inquiry—
- (a) by summons signed by the Commission or investigator (as the case requires), require a person's attendance; and
- (b) require a person to answer, orally or in writing, questions to the best of his or her knowledge, information and belief; and
- (c) require a person to verify an answer under paragraph (b) by declaration; and
- (d) require a council or person to produce any relevant documents or other records; and
- (e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
- (f) call for or receive submissions or representations.

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Amendment of *Local Government Act 1999*—Part 2

- (2) Subject to subsection (3), a person or council must not refuse or fail to comply with a requirement under subsection (1).

Maximum penalty: \$10 000.

- (3) A person is not obliged to comply with a requirement under subsection (1) if to do so might incriminate the person of an offence, and a person or a council is not required to provide information under subsection (1) that is privileged on the ground of legal professional privilege.

**32B—Costs**

The Commission may recover reasonable costs incurred in respect of an inquiry in relation to a proposal under this Division as a debt due from—

- (a) in the case of a proposal referred by a council—

- (i) if a responsible person was nominated by the council under that subparagraph—the responsible person; or

- (ii) in any other case—the council; or

- (b) in the case of a proposal referred under section 28(1)(d)—the responsible person nominated under that subparagraph.

**32C—Independence of inquiries etc**

Except as provided by this Division, the Commission or an investigator appointed to conduct an inquiry by the Commission under this Division is not subject to Ministerial direction in relation to the inquiry or a recommendation or report.

**8—Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation**

Section 34(1)—delete "or in a recommendation or report of the Minister" and substitute:

, in a recommendation of the Minister, or in a report of the Commission

**9—Amendment of section 122—Strategic management plans**

Section 122(1)(a)(iii)—after "governments" insert:

and councils or other regional bodies

**10—Amendment of Schedule 5—Documents to be made available by councils**

Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second and third dot points—delete the second and third dot points

**Draft**

**Local Government (Boundary Adjustment) Amendment Bill 2016**  
Schedule 1—Transitional provision

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**Schedule 1—Transitional provision**

**1—Transitional provision**

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Any process or proceeding commenced before the commencement of this clause under Chapter 3 Part 2 of the *Local Government Act 1999* (as in existence before the amendment of that Part by this Act) may be continued and completed in accordance with the process set out in Chapter 3 Part 2 of the *Local Government Act 1999* (and be the subject of any appropriate proclamation) as if that Part had not been amended by this Act.



# Explanatory Paper

*Local Government (Boundary Adjustment) Amendment  
Bill 2016*

August 2016



Government of South Australia

Department of Planning,  
Transport and Infrastructure



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*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016***INTRODUCTION**

The Government is seeking comment on the draft Local Government (Boundary Adjustment) Amendment Bill 2016 (the Bill). The Bill will reform the legislative provisions that govern how council boundaries can be changed under the [Local Government Act 1999](#) (the Act).

**Boundary Adjustment Facilitation Panel**

The legislative provisions governing council boundary changes have not changed since the Act came into force in 1999. At the commencement of the Act, the Boundary Adjustment Facilitation Panel (BAFP) was established as an interim body to refine council boundaries following the council amalgamations and boundary alterations that had occurred in South Australia in the late 1990s. Since that time, there have been almost no significant boundary changes.

The BAFP was abolished in 2015—following the State Government’s reform of Boards and Committees—and the Panel’s functions were transferred to the Minister for Local Government. At this time, the Minister directed the Office of Local Government (OLG) to work with the Local Government Association (LGA) on a full review of the Act’s boundary reform process.

**Legislative framework**

The legislative framework underpinning this Bill is based on the review work undertaken by OLG and LGA, as overseen by the Premier’s State/Local Government Forum. The framework sets out principles for local government boundary reform and a process for boundary adjustments that have been endorsed by the LGA Board and the Premier’s State/Local Government Forum.

To give effect to the framework, this Bill proposes to amend Chapter Three, Part Two of the Act to allow for a more efficient process to progress minor boundary changes, and to enable freer debate and discussion on more significant structural reform proposals.

**Key elements of the Bill**

The Bill provides an opportunity to remove the limitations and inefficiencies in the current boundary change processes contained within the Act. Some of these include current restrictions on who can initiate reform proposals, burdensome procedural requirements and the necessity for two or more councils to agree with reform proposals from members of the public.

The key elements of the Bill are—

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;

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- an independent Commission to undertake the initial assessment of proposals, and to make recommendations to the Minister; and
- independent analysis of general proposals—significant boundary changes, amalgamations or significant structural reform—by one or more investigators with the relevant expertise for each proposal.

A simplified flowchart outlining the Bill's procedures for boundary adjustment proposals is included in Attachment 1.

**BACKGROUND MATERIAL**

The Bill, this explanatory paper and other background material can be found on the OLG website at—

[www.dpti.sa.gov.au/local\\_govt](http://www.dpti.sa.gov.au/local_govt)

**SEEKING COMMENTS**

The Bill proposes to establish the legislative provisions that will independently investigate structural reform proposals.

The OLG is therefore seeking comments on the provisions of the draft Bill rather than comments or proposals for specific council boundary changes.

**HOW TO MAKE A COMMENT**

Comments on the draft Bill can be sent to the Office of Local Government—

*Email:* [DPTI.PDLocalGovernment@sa.gov.au](mailto:DPTI.PDLocalGovernment@sa.gov.au)

*Postal address:* GPO Box 1815, Adelaide SA 5001

The consultation will remain open until **5 pm on Friday 30 September 2016.**

*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016***THE PROVISIONS OF THE AMENDMENT BILL****Part 1 – Preliminary**

Part 1 of the Bill contains preliminary information about the short title of the Bill, commencement (the Act will come into operation on a day to be fixed by proclamation) and amendment provisions.

**Part 2 – Amendment of Local Government Act 1999**

Part 2 of the Bill contains provisions to amend the *Local Government Act 1999* (the Act).

**Establishment of an independent Commission**

The Bill provides for the establishment of an independent Commission to oversee the investigation of proposed boundary changes. The Commission's chief role would be to—

- assess proposals to determine their validity and significance;
- oversee a simple, essentially administrative process for the assessment of minor administrative matters;
- appoint one or more investigators to undertake detailed work on major proposals; and
- provide recommendations to the Minister for Local Government at the completion of these processes.

Given that the role of the Commission is one of oversight, it is proposed that an existing body undertake the Bill's boundary reform work. A range of bodies such as the Electoral Commission of South Australia, the South Australian Civil and Administrative Tribunal and the Surveyor-General have been considered. However, as these bodies already have very specific roles in relation to local government, another body may be more appropriate to oversee boundary reforms.

Given their broad involvement with the local government sector, consideration has been given to utilising a body such as the—

- State Planning Commission, which will be established under the *Planning, Development and Infrastructure Act 2016*, as its membership is expected to include both local government expertise, and expertise in areas that could be intrinsic to structural reform proposals, such as economics, planning and development, infrastructure management and public administration; or
- Local Government Grants Commission due to its knowledge, experience and role across all local government finances and services.

While clause 4 of the Bill provides for the Commission to be prescribed in regulation, it is anticipated that, following consideration of consultation comments, the specific Commission body will be included in an amended Bill.

A key question for consultation is therefore which existing statutory authority is best placed to oversee boundary change processes, and feedback is welcome on this matter.

*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016***Structural reform proposals—principles**

Section 26 of the Act contains principles that must be considered when decisions about structural reform are made. Clause 6(2) of the draft Bill removes the provision that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community.

Clause 6(3) includes a new principle for boundary change, where consideration will be given to regional activities that may offer a viable and appropriate alternative to structural change. As Clause 7(31)(3)(b) of the Bill requires inquiries into proposals to consider the principles contained in section 26, this will enable the Commission to make specific comment in its recommendations and final report to the Minister on potential regional service delivery models that could support, or possibly substitute for, structural reform.

**Division 4—Procedures for proposals****Initiation of proposals**

The initiation of council boundary change proposals is currently restricted to two or more councils in agreement with each other or members of the public. South Australia is the only State which does not allow the Minister to initiate proposals. It is also the only jurisdiction where council-led proposals must be agreed to by all councils involved before there can be any debate or discussion on these proposals.

Clause 7(28)(1) of the Bill therefore provides for a broader range of initiation powers by allowing proposals to be submitted to the Commission by—

Resolution of either House of Parliament

The Bill provides for one or both Houses of Parliament to submit a proposal to the Commission (as is currently the case).

The Minister for Local Government

Allowing the Minister to make an application for boundary change would align the initiation process in South Australia with other jurisdictions. It also has the potential to allow consideration of a wider range of potential options and ideas.

Council(s) or members of the public may also ask the Minister to initiate a proposal on their behalf.

Councils (including single councils)

If a single council can make a strong case for structural reform there should be a process by which this proposal is examined. Enabling single council initiated proposals could also increase the accessibility of boundary reform processes to members of the public as each affected council would not be required to agree to a public initiated submission for it to be submitted to the Commission.



*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016***Members of the Public**

Public initiated submissions currently require a minimum of 20 eligible electors. In the case of a proposal to alter the boundaries of two or more councils, eligible electors are those whose place of residence or rateable property is either within the area of the receiving council or the affected area. Under the Act's current provisions, a public initiated submission must also nominate five people who are willing to represent the interests of those who would be directly affected by any proposal contained in the submission.

The Bill proposes that a public initiated submission may be referred to the Commission by a prescribed percentage or number of eligible electors. While not stated in the Bill, it is expected that this prescribed percentage could be 10 percent. This will ensure that proposals affecting fewer than 20 people can be considered, while also ensuring that proposals that could affect significantly more people are put forward by an appropriately larger group of electors.

The Bill also proposes the definition of 'eligible electors' to only include people within the area that would be incorporated into another council area (in light of the fact that past proposals have only been made by people in these areas).

The Bill also replaces the currently separated public and council initiated processes with a single application process, irrespective of the initiator of the proposal. Currently, public initiated proposals are complex and time consuming as they must first be lodged with the relevant councils, which may choose to take it up themselves and submit a council initiated proposal. If the councils do not support the proposal, the group of electors may lodge the submission with the Minister. A single application process will streamline this process.

Proposals must set out in general terms the nature of the proposal and comply with any requirements published by the Commission.

**Dealing with proposals**

Clause 7(29) of the Bill enables the Commission to assess and investigate proposals. The Commission will have the power to refuse to investigate a proposal if it is considered to be trivial, frivolous or vexatious; if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into.

The ability to refuse a proposal that is substantially similar to a previous proposal clause 7(29)(3)(c)— combined with the Commission's ability to combine proposals into one inquiry (clause 7(29)(4)(a)), and to vary proposals under clause 7(30)(5) and clause 7(31)(6) is intended to allow the Commission sufficient flexibility to avoid undertaking separate investigations on separate proposals that are substantially the same.

**Inquiries—administrative proposals**

Whereas the Act currently makes no differentiation between the assessment of minor and major boundary reform proposals, clause 7(30) of the Bill introduces a simplified assessment pathway for minor administrative matters, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;



*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016*

- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area;
- any other matter declared in regulation.

For proposals of this nature, the Commission would conduct an inquiry, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission. The Commission would then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. The Minister may then determine whether the proposal should proceed or not.

**Inquiries—general proposals**

The Bill provides for an independent analysis of major proposals (significant boundary changes, amalgamations or significant structural reform) by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

It is essential that the process for examining significant proposals and making recommendations is as open and transparent as possible. Clause 7(31) of the Bill provides for the Commission to appoint one or more investigators to inquire into a proposal which is not an administrative matter.

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge expertise and experience of a particular investigator are relevant to each inquiry. The Commission must also consult with affected councils when appointing the investigator(s).

The intent of the requirement to appoint investigators is to ensure that the close analysis of significant proposals for boundary change is undertaken by people with expertise and knowledge that is specific to each proposal. The Bill also provides appropriate flexibility in appointing investigator(s)—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may only require a single investigator.

In addition to the principles set out in section 26 of the Act, an inquiry must consider—

- the financial implications and impact on resources that the proposal is likely to have on any council to which the proposal relates;
- appropriate community engagement;
- the level of community support for boundary reform in the area;
- the nature and extent of any plans for implementing the proposal;
- any guidelines published by the Commission; and
- any other matters prescribed by regulations.

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As further detailed in clause 7(31)(4)(a), the ability of the Commission to publish guidelines will enable it to provide more detail on the matters that should inform investigations, such as the division of council assets, management of council staff, potential impact on local government elections, impact on subsidiary bodies and so on.

It is also expected that the Commission would release guidelines on community engagement to ensure that consultation and engagement is properly undertaken while a proposal is being investigated. This is specifically recognised in clause 7(31)(4)(b).

At the conclusion of an inquiry, an investigator must provide a report to the Commission. The Commission would then prepare and publish a report that includes the Commission's recommendations and provide a report to the Minister. The requirement for the Commission to publish the report ensures that the Commission's advice to the Minister, and that the decision making that then follows, is fully transparent.

The Bill provides for the Minister to send the report back to the Commission for reconsideration in accordance with any directions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister.

The Minister may then determine whether a proposal recommended by the Commission should proceed.

**Powers Relating to Inquiries**

Clause 7(32A) sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable the Commission or an investigator to obtain information determined to be relevant to an inquiry.

**Costs**

Clause 7(32B) provides for the Commission to recover reasonable costs incurred in respect of an inquiry.

It is intended that the Commission would recover costs incurred in the investigation of a proposal from the person or body that initiated it. For council initiated submissions, the Commission would therefore recover costs from a responsible person nominated by the council, or the council. In the case of a public initiated submission, the Commission may recover costs from the responsible person nominated by the group of eligible electors.

This ensures that councils or electors initiating proposals can be assured that the investigations of these proposals are not delayed through limited resource allocations. If a council (or councils) or the public wishes to initiate a proposal without incurring these costs, they may approach the Minister who has the discretion to initiate a proposal on their behalf.

**Independence of Inquiries**

Clause 7(32C) provides that the Commission or an investigator conducted to appoint an inquiry by the Commission is not subject to Ministerial direction in relation to the inquiry or a recommendation or report (except as provided by Division 4 of the Bill).

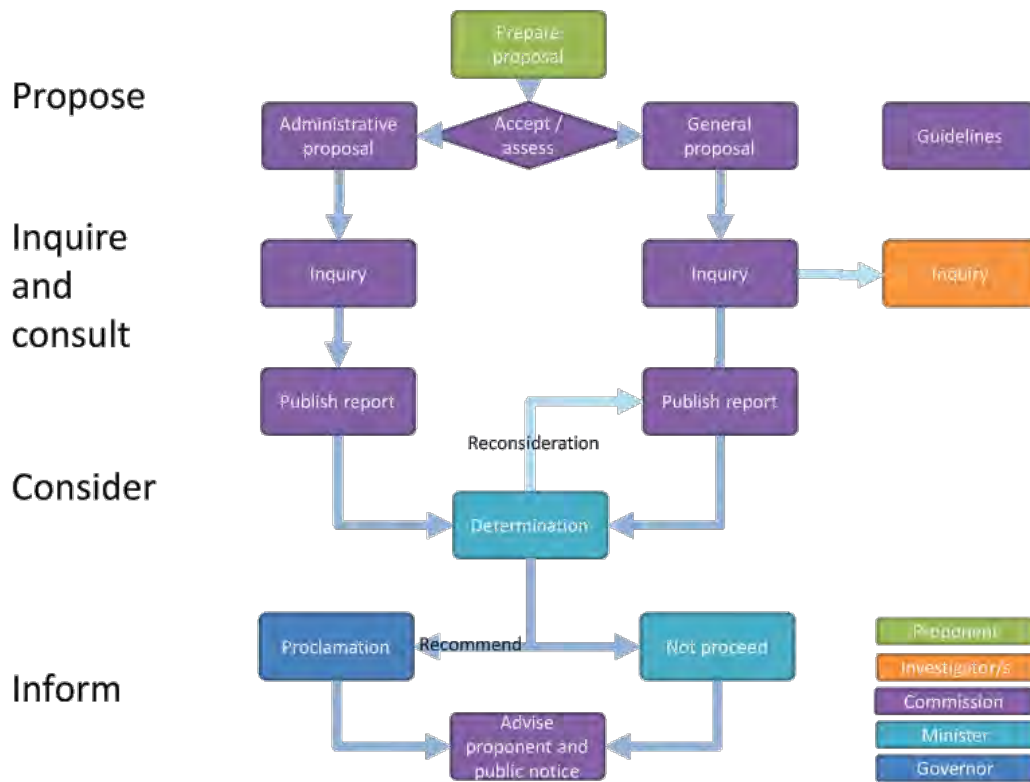
*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016***Support for regional governance models**

The LGA has requested additional amendments to the Act to support the development of effective regional governance models in local government. The Bill therefore amends section 8 of the Act to outline the objects and principles of regional collaboration and partnerships. Further, as part of the council boundary reform framework, the principles for boundary change will also include consideration of regional activities.

Further, as requested by the LGA, the Bill also amends section 122(1) of the Act to include a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

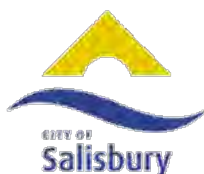
*Explanatory Paper—Local Government (Boundary Adjustment) Amendment Bill 2016*

**SIMPLIFIED FLOWCHART—BOUNDARY REFORM PROPOSALS**









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8 September 2016

Hon Geoff Brock MP  
Minister for Regional Development  
Minister for Local Government  
GPO Box 1815  
Adelaide 5001

Dear Minister Brock

**RE: Local Government (Boundary Adjustment) Amendment Bill 2016 Submission**

The City of Salisbury has considered the overall intent of the Local Government (Boundary Adjustment) Bill, and acknowledges that it has been drafted with considerable consultation with Local Government via the Local Government Association of South Australia. The Bill streamlines the process for boundary adjustments providing a more transparent accountable and independent decision making process.

The Bill also includes principles to support a regionalisation focus (clause 6) by amending the principles underpinning boundary adjustment and amalgamations to provide a principle supporting the regionalisation of functions and services where appropriate as an alternative to boundary adjustment. This is welcomed and is considered to potentially align with proposed regional agreements and regional plans under the Planning, Development and Infrastructure Act (2016).

The current Bill highlights some issues which have been raised by the Local Government Association of South Australia (LGA) and require further consideration. The City of Salisbury concurs with the LGA's issues which are as follows:

- Boundary Adjustment Commission (clause 4) - At this stage, the state government has not settled on a Boundary Adjustment Commission or Commissioner. However, the Minister has indicated that his preferred approach is to appoint an existing commission or commissioner to the role. The Office of Local Government Explanatory Paper specifically identifies the yet-to-be-established State Planning Commission and the Grants Commission as possible options.
- The preferred option is for the Grants Commission to assume the role of the Boundary Adjustment Commission. This is because the Grants Commission already collects large amounts of data on councils and would be well-placed to take on this role. There is an element of uncertainty around the yet-to-be established State Planning Commission as the legislation is still being drafted.
- Public Initiated Proposals (clause 28) - The current legislation requires a minimum of 20 eligible electors to initiate a public submission. The Bill proposes to allow a public initiated proposal to be made on the following conditions:
  - The proposal only relates to boundary adjustments, not to full amalgamations
  - The proposal is initiated by a minimum percentage of affected electors (10% is proposed)

This is to ensure that a proposal affecting fewer than 20 people can be considered, while also ensuring that proposals that could significantly impact more people are put forward by an appropriately larger group of electors. There is a need to ensure that the bar is set



sufficiently high to deter vexatious, frivolous or trivial proposals, noting that the pre-assessment by the Commissioner can reject applications if considered trivial, frivolous, vexatious or not in the public interest.

- Cost Recovery Proposal (clause 32B) - The LGA's original proposal did not include any proposal for the state government to recover 'costs' from councils for boundary adjustments from the person or body that initiated it. The current provisions governing boundary adjustments in the Local Government Act do not contain cost recovery provisions. The LGA believes that inserting cost recovery into the new model for boundary adjustment will significantly deter take up of the process by councils and is a considerable disincentive to reform. The preferred option is for all reference to cost recovery to be removed from the Bill.

In addition there are potential cost-shifting implications from State Government onto Local Government and/or new cost imposts upon Local Government. This has been a concern more generally in recent legislation including the Planning, Development and Infrastructure Bill with regard to Infrastructure Schemes, and the fee for the proposed electronic planning system.

The Local Government (Boundary Adjustment) Amendment Bill needs to be carefully reviewed so as not to add costs to Local Government or the community, whilst at the same time facilitating the ability to make changes to boundaries in a timely and efficient manner where community benefit and governance outcomes are proven.

Thank you for the opportunity to provide comments on the Draft Bill. Should you require any further information in relation to the above please contact me on 8406 8212 or [jharry@salisbury.sa.gov.au](mailto:jharry@salisbury.sa.gov.au).

Yours sincerely

**John Harry**  
Chief Executive Officer  
City of Salisbury