



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

**23 JANUARY 2017 AT THE CONCLUSION OF BUDGET AND FINANCE
COMMITTEE**

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

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

REQUIRED 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

APOLOGIES

An apology has been received from Mayor G Aldridge.

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 12 December 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**

12 DECEMBER 2016

MEMBERS PRESENT

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

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager, Environmental Health and Safety, Mr J Darzanos
Manager Communications and Customer Relations, Mr M Bennington
Acting Manager Governance, Ms J Rowett

The meeting commenced at 7:25 pm.

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr L Caruso
Seconded Cr D Pilkington

The Minutes of the Resources and Governance Committee Meeting held on 21 November 2016, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Appointment of Deputy Chairman - Resources and Governance Committee

Moved Cr D Pilkington
Seconded Cr D Proleta

1. Cr R Cook be appointed as Deputy Chairman of the Resources and Governance Committee for a term of twelve (12) months until December 2017.

CARRIED

3.0.2 Future Reports for the Resources and Governance Committee

Moved Cr L Caruso
Seconded Cr D Bryant

1. The information be received.

CARRIED

Cr R Cook left the meeting at 7:27 pm.

Cr R Cook returned to the meeting at 7:30 pm.

Health, Animal Management and By-laws

3.3.1 Policy Review - Food Act Inspection Fees

Mayor G Aldridge declared a perceived conflict of interest as her son has a stall at markets to which Food Act Inspection Fees would apply. Mayor Aldridge left the meeting at 7:30 pm.

Cr R Cook declared an actual conflict of interest as she owns a business which is subject to Food Act Inspection Fees. Cr R Cook left the meeting at 7:30 pm

Moved Cr D Proleta
Seconded Cr D Bryant

1. The Information be received.
2. That the Food Act 2001 – Inspection Fees Policy as set out in Attachment 1 to the Item No. 3.3.1, Resources and Governance Committee, 12/12/2016 be endorsed.

CARRIED

Mayor Aldridge returned to the meeting at 7:36 pm.

Cr R Cook returned to the meeting at 7:36pm.

External Relations

3.4.1 Nominations Sought for the South Australian Local Government Grants Commission

Mayor G Aldridge declared a material conflict of interest as she has been nominated for the position which has a fee attached. Mayor Aldridge left the meeting at 7:40 pm.

Moved Cr L Caruso
Seconded Cr D Balaza

1. Mayor G Aldridge be nominated as a Local Government Member on the South Australian Local Government Grants Commission.

CARRIED

Mayor G Aldridge returned to the meeting at 7:43 pm.

3.4.2 Nominations Sought for the Power Line Environment Committee

Moved Cr L Caruso

Seconded Cr D Bryant

1. The information be received.
2. No nomination be made as a Local Government Member on the Power Line Environment Committee.

CARRIED

Corporate Management

3.5.1 Request to Attend Interstate Activity - Australian Local Government Women's Association Biennial Conference, Launceston

Moved Cr L Caruso

Seconded Mayor G Aldridge

1. Attendance by Cr Betty Gill and Cr Julie Woodman at the Australian Local Government Women's Association National Conference in Launceston, Tasmania from 11 – 13 April 2017 be approved.

With leave of the meeting and consent of the seconder Cr L Caruso

VARIED the MOTION as follows:

Consideration of attendance by Cr Betty Gill and Cr Julie Woodman at the Australian Local Government Women's Association National Conference in Launceston, Tasmania from 11 – 13 April 2017 be deferred until the Council meeting on 19 December 2016 to allow for receipt of additional information.

CARRIED

3.5.2 Local Government Association of SA Governance Review Update

Moved Cr L Caruso

Seconded Cr D Pilkington

1. The information is received
2. Staff report back on the proposed changes from the LGA Governance Review once the LGA have finalised their position

CARRIED

Corporate Governance

3.6.1 Updated Elected Member Allowances, Facilities and Support Policy

Mayor G Aldridge declared a material conflict of interest as she receives 'benefits' under the policy in addition to those provided to other Elected Members and left the meeting at 7:50 pm.

Cr D Balaza sought leave of the meeting to speak for a second time and leave was granted.

Cr D Proleta sought leave of the meeting to speak for a second time and leave was granted.

Cr R Cook sought leave of the meeting to speak for a second time and leave was granted.

Cr B Vermeer sought leave of the meeting to speak for a second time and leave was granted.

Moved Cr D Proleta

Seconded Cr D Pilkington

1. The Elected Member Allowances, Facilities and Support Policy as attached to Item 3.6.1, Resources and Governance, 12/12/2016 be endorsed.

With leave of the meeting and consent of the seconder Cr D Proleta
VARIED the MOTION as follows:

1. The Elected Member Allowances, Facilities and Support Policy as attached to Item 3.6.1, Resources and Governance, 12/12/2016 be endorsed with the following amendment:
 - The *Annual Christmas Dinner* be deleted from Clause 4 of Schedule 2 of the Elected Member Allowances, Facilities and Support Policy.

CARRIED

Mayor G Aldridge returned to the meeting at 8:06 pm.

OTHER BUSINESS

Nil

CLOSE

The meeting closed at 8:07 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	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 Due:	Amendments to the Dog and Cat Management Act 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. July 2017	John Darzanos
28/09/2015 3.6.1 Due:	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
27/06/2016 3.6.2 Due: Deferred to: Reason:	Mobile Food Van Policy 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 March 2017 As the State Government has not passed any legislative changes to the Local Government Act Section 222, staff have no further information at this stage.	Tim Starr
28/11/2016 Cnl-OB1 Due:	Provision of IT Loan Equipment 1. That staff report on options for Council consideration to facilitate provision of IT equipment to community groups through appropriate Council locations. March 2017	Pippa Webb
19/12/2016 3.5.2 Due:	Local Government Association of SA Governance Review Update 2. Staff report back on the proposed changes from the LGA Governance Review once the LGA have finalised their position. May 2017	Charles Mansueto

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	GMBE	A/GMCI	GMCID
Date:		09/01/17	10/01/17	12/01/17

ITEM	3.2.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Appointment of Independent Members to Development Assessment Panel
AUTHOR	Chris Zafiropoulos, Manager Development Services, City Development
CITY PLAN LINKS	1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Council is required to appoint independent members to the Development Assessment Panel when the current term of the members expires in May 2017. Given the imminent changes to constitution of Panels as a result of the Planning, Development and Infrastructure Act, it is recommended that the term of the current members be extended for a period not exceeding 6 months.

RECOMMENDATION

1. The term of the existing independent members of the Development Assessment Panel be extended until such time the requirements of the *Planning, Development and Infrastructure Act 2016* are known, but for a period not exceeding 6 months.
2. A further report is provided on the changes to Development Assessment Panels as a result of the Planning, Development and Infrastructure Act once the full information has been released by the state government.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The Development Act 1993 (the Act) establishes Councils as an authority to administer significant segments of the Act. The Act requires the Council to establish a Development Assessment Panel (the Panel) primarily for the assessment and determination of development applications.
- 1.2 The Act requires that the period of appointment not exceed two years but members whose term expires may nevertheless continue to act as a member for a period up to 6 months until they are reappointed or a successor is appointed.

- 1.1 The current term of the independent members expires in May 2017. The current independent members of the Panel are:

- Ross Bateup;
- Stephanie Johnston;
- Doug Wallace (Presiding Member); and
- John Watson.

- 1.3 In October 2016, Council resolved the Elected Members membership of the Panel appointing Cr White, Cr Linda Caruso, and Cr Reynolds to the Panel for the term to 30 November 2018 (the balance of the current Council term).

2. CONSULTATION / COMMUNICATION

- 2.1 No internal or external consultation has been undertaken in relation to this matter.
- 2.2 If council determines to appoint new members to the Panel, the normal practice would be to place a public notice seeking nominations from suitably qualified people.

3. REPORT

- 3.1 In considering membership of the Panel, the Act requires that the following should be taken into consideration when making appointments to the Panel:
- 3.1.1 The Panel must comprise seven (7) members with not more than three Elected Members.
- 3.1.2 The Presiding Member must be an independent member (currently Mr Doug Wallace).
- 3.1.3 There must be at least one male and one female on the Panel with a balance of gender being desirable. (There are currently two female members on the Panel, one Independent Member, Ms Stephanie Johnson, and Cr Linda Caruso).
- 3.1.4 It is desirable that members of the Panel have a range of skills and experience relative to their role as a development assessment authority.
- 3.2 The Act requires that the Panel establish its Operating Procedures. A copy of the current Operating Procedures has previously been provided to Elected Members.
- 3.3 The Act currently provides that there be no more than three Elected Members on the Panel.
- 3.4 The Planning, Development and Infrastructure (PDI) Act 2016 has introduced changes to Panels including:
- 3.4.1 The total number of members cannot exceed five people and members must be accredited professionals.
- 3.4.2 Only one member may be a member of a council.
- 3.5 The PDI Act will be rolled out over a 5 year implementation program and while the details of this program are currently being prepared by the government, the most recent advice (December 2016) is that the new Panel arrangements could be introduced from July 2017.

- 3.6 Given that the likelihood that constitution of the Panel will change over this next period of appointment, it is recommended that Council consider extending the term of the current Independent Members until such time the requirements of the PDI Act are known, but that this period not exceed 6 months.

4. CONCLUSION / PROPOSAL

- 4.1 The term of the existing independent members of the Development Assessment Panel be extended until such time the requirements of the Planning, Development and Infrastructure Act are known, but for a period not exceeding 6 months.
- 4.2 A further report is provided on the changes to Panels as a result of the Planning, Development and Infrastructure Act once the full information has been released by the state government.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16.01.17

ITEM	3.4.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
PREV REFS	
HEADING	Nominations Sought for the Local Government Advisory Committee on the Implementation of the New Planning System
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
SUMMARY	The Planning, Development and Infrastructure Act 2016 was assented to in April 2016. The Minister for Planning is now seeking nominations for membership to the Local Government Advisory Committee on the implementation of the new planning system, for a term not exceeding twelve months. Nominations must be forwarded to the LGA by COB Thursday 9 February 2017.
RECOMMENDATION	<ol style="list-style-type: none"> 1. _____ be nominated as a Local Government Member on the Local Government Advisory Committee on the Implementation of the New Planning System.
ATTACHMENTS	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> 1. Terms of Reference - Local Government Advisory Committee on the Implementation of the New Planning System 2. Selection Criteria - Part A - Local Government Advisory Committee on the Implementation of the New Planning System 3. Nomination Form - Part B - Local Government Advisory Committees on the Implementation of the New Planning System
1. BACKGROUND	<ol style="list-style-type: none"> 1.1 The <i>Planning, Development and Infrastructure Act 2016</i> was assented to in April 2016. 1.2 The Minister for Planning is now seeking nominations for membership to the Local Government Advisory Committee on the implementation of the New Planning System, for a term not exceeding twelve months. 1.3 Nominations must be forwarded to the LGA by COB Thursday 9 February 2017.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Circular 51.5 dated 16 December 2016 from the LGA was posted on the Elected Members Portal and emailed to Elected Members, Executive Group and relevant Officers on 19 December 2016.

External

- 2.1.2 Nil

3. REPORT

- 3.1 The Minister for Planning has written to the LGA advising of his intention to establish three advisory committees to provide guidance on the implementation of the new planning system. One of these committees specifically relates to the local government sector.
- 3.2 The objectives of the Local Government Advisory Committee will be to:
- 3.2.1 Meet the requirements set out in Section 244 of the *Planning Development and Infrastructure Act 2016* (the Act);
- 3.2.2 Provide advice on and represent the interests of local government in South Australia on matters related to the implementation of the Act as referred to it by the Minister; and
- 3.2.3 Act as a conduit for information and assist in the facilitation of engagement activities between local government and the DPTI Planning Reform Project team through the implementation process.
- 3.3 A copy of the Terms of Reference for the Advisory Committee is attached to this report for information.
- 3.4 The Committee will comprise up to 10 members and nominations are sought from inner, middle and outer metropolitan councils and regional councils.
- 3.5 Appointments are for a term not exceeding twelve months.
- 3.6 Membership of the Local Government Advisory Committee will be on a voluntary basis with the Committee meeting at least four times during the year; details to be determined once the Committee has been finalised.
- 3.7 The role of members of the Advisory Committee is to represent a broader Local Government view rather than the specific view of the Elected Member's or staff member's Council, and there is therefore some potential for the views of the Advisory Committee not aligning with the views of individual Councils. The position of individual members of the Advisory Committee on particular issues should also therefore not be directed by their respective Council, although the collective views of Councils will be a significant factor in the views expressed by the Advisory Committee. There is however also a potential benefit in having representation on the Advisory Committee by an Elected Member or a staff member through the ability to have some influence on the views the Advisory Committee conveys to the Minister, and having a direct interface with the matters being considered by the Advisory Committee.
- 3.8 The Committee is only required to operate during the implementation phase of the new planning system as outlined in the Act.

- 3.9 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee, be currently serving Council Members or Council Staff.
- 3.10 The Manager Development Services, Mr. Chris Zafiropoulos, has expressed interest in being nominated as a member of the Local Government Advisory Committee. Mr. Zafiropoulos is an experienced planner having worked within both Local Government and State Government for over 26 years, and has a sound understanding of both the *Planning Development and Infrastructure Act 2016*, and the current *Development Act 1993*. However, it is at Council's discretion whether it wishes to nominate a staff member, an Elected Member, or not put forward a nomination for consideration.
- 3.11 Nominations addressing the attached Selection Criteria for the Advisory Committee must be forwarded to the LGA using the attached Part B by COB Thursday 9 February 2017. In addition to the Part B Nomination Form and due to changes in State Government requirements, all nominees must also provide an up-to-date CV/resume.
- 3.12 The LGA Executive Committee will consider nominations received at its first meeting on Thursday 23 February 2017.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the Local Government Advisory Committee on the Implementation of the New Planning System.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer: Executive Group
Date: 16/01/2017



Terms of Reference – Local Government Advisory Committee

OBJECTIVE

The objective of the Local Government Advisory Committee is to:

- Meet the requirements set out in Section 244 of the *Planning, Development and Infrastructure Act 2016* (the Act).
- Provide advice on and represent the interests of Local Government in South Australia on matters related to the implementation of the Act as referred to it by the Minister.
- Act as a conduit for information and assist in the facilitation of engagement activities between Local Government and the DPTI Planning Reform Project team through the implementation process.

PRINCIPLES

The Committee will work together to support the successful implementation of the Planning Reform Project by:

- Working with purpose and alignment to achieve quality outcomes for the new system;
- Creating an environment of participation, where honest, open and robust discussions are encouraged;
- Remaining open, acting with integrity and providing frank and fearless advice;
- Being professional on all fronts, including in the respectful recognition of differing views and opinions; and
- Recognising that Communication, information sharing and consultation are the keys to facilitating effective cooperation and a spirit of trust.

MEMBERSHIP

The Local Government Advisory Committee will be constituted of no more than 12 persons appointed by the Minister.

Each member will be appointed for a term not exceeding 12 months.



Membership is on a voluntary basis and, as such, will not be remunerated.

Membership will include an independently appointed Chair, an Executive Officer from within DPTI and no less than 10 representatives from Local Government to be selected from a pool of nominees provided to the Minister by the Local Government Association. The membership of this Committee shall be broadly inclusive of all areas of the state, including regions, as far as practicable.

Presiding member (Chairperson)

The Minister will appoint an independent Member of the Committee to act as the Presiding Member (Chairperson).

ROLES & RESPONSIBILITIES

Minister

In accordance with the Act, the Minister will be responsible for determining:

- The membership of the Committee
- The procedures of the Committee
- The functions and scope of operation of the Committee; and
- Any other matters of interest.

Chairperson

The primary role and function of the Chairperson is to lead and manage the processes and practices of the Committee and ensure the effective delivery of the group's Objectives.

Executive Officer

An Executive Officer shall be assigned from the DPTI Planning Reform management team to support the Committee.

The Executive Officer will ensure agendas, minutes, including a record of agreed actions, and other appropriate documentation for each meeting are recorded, prepared and distributed.

The Executive Officer provides advice in relation to project management aspects of planning reform.

Guests

The Minister or Executive Officer may arrange for guests to attend or contribute to scheduled meetings for the purpose of providing specialised expertise or guidance on a particular item.

Conflict of Interest

Committee Members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item. The Chairperson will determine whether the Committee member should:

- Not take part in any discussion by the Board relating to the matter; and
- Not vote in relation to the matter; and
- Be absent from the meeting room when any such discussion or voting takes place.

Independent Commission Against Corruption

In accordance with the Directions and Guidelines published by the Independent Commissioner Against Corruption, members of the Committee are classified as 'public officers' because they are:

- A person who is a member of a local government body; and
- A person who is an officer or employee of a local government body.

In accordance with the Commissioner's Directions and Guidelines all 'public officers' have an obligation to report a matter that is reasonably suspected of involving corruption, misconduct or maladministration in public administration to the OPI. The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document and on the Independent Commissioner Against Corruption internet site at www.icac.sa.gov.au.

Confidentiality

Committee Members must ensure confidential information received in the process of acting as a Committee Member remains confidential and is not disclosed improperly to others.

Committee Members must refer all enquiries from all external parties (including media) directly to the Executive Officer for action.

MEETINGS & PROCEEDINGS

Meeting schedule

The Committee shall meet at least four times in a calendar year or more frequently as required by the Minister or his delegate.

Special meetings may be held at any time as required and agreed by the Minister or his delegate.

Agendas and supporting documentation

An agenda and any associated papers for prior reading will be distributed through the Executive Officer not less than one week (five working days) prior to the next scheduled meeting.

Proceedings

The Chairperson presides at meetings of the Committee. If the Chairperson is absent, an Acting (Alternate) Chairperson or a Committee Member chosen by the Committee Members present presides at the meeting.

A quorum of the Committee consists of a number ascertained by dividing the total number of appointed Members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the Board unless a quorum is present).

Meetings are carried out in such a manner as to ensure the fair and full participation of all Committee Members

If required, Committee business may be conducted 'out-of-session' by electronic correspondence between the Executive Officer on behalf of the Chairperson and Committee Members.

Proxy

If a Member is not able to attend a scheduled meeting, a proxy of appropriate level and experience may attend in their place, otherwise an apology is to be tendered.

Minutes

Minutes are to be collated and distributed electronically by the Executive Officer to the Minister's office, Chairperson and Committee Members no later than one week after the meeting was held.

REVIEW

These Terms of Reference, including membership composition, shall be reviewed:

- Every 12 months, or more frequently at the discretion of the Minister; and
- The review will include an assessment of the effectiveness of the Committee and individual members with particular reference to the group meeting its Objectives and its interface with the CAT.

3.4.1 Terms of Reference - Local Government Advisory Committee on the Implementation of the New Planning System

ECM 645997

TERMS

Minister	Minister for Planning
DPTI	Department of Planning, Transport and Infrastructure
LGA	Local Government Association

ADOPTED

.....

Date: / /

ADOPTED by the Chairperson

Nominations to Outside Bodies



PART A

Name of Body	Local Government Advisory Committee
Legal Status of Body	Advisory Committee
Summary Statement	<p>The objectives of the LGAC are to:</p> <ol style="list-style-type: none"> 1. Meet the requirements set out in Section 244 of the Planning Development and Infrastructure Act 2016 2. Provide advice on and represent the interests of local government in South Australia on matters related to the implementation of the Act as referred to it by the Minister 3. Act as a conduit for information and assist in the facilitation of engagement activities between local government and the DPTI Planning Reform Project team through the implementation process.
<p align="center"><u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u></p> <p align="center">The following selection criteria must be addressed when completing Part B</p>	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required
Industry Experience	Experience and knowledge of the Local Government Act and Development Act.
Board / Committee Experience	n/a
Key Expertise	Description of likely contribution in terms of skills and experience with local government sector.
<p align="center"><u>LIABILITY AND INDEMNITY COVER</u></p> <p align="center">The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)</p>	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ECM 646052

PART B: Nominations to Outside Bodies



This form:

- must not exceed 2 pages;
- must be submitted by a Council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: Local Government Advisory Committee

COUNCIL DETAILS			
Name of Council submitting the nomination			
Name of person submitting this form on behalf of Council		Name: Email: Telephone:	
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member OR <input type="checkbox"/> Current Council Officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience (short description of likely contribution in terms of skills and expertise in the local government sector)			
Key Expertise:			
Any other comments:			
Undertaking:			
The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current Local Government Members or officers. If you leave Local Government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?			
Yes <input type="checkbox"/>		No <input type="checkbox"/>	
Signature of Nominee:			

ECM 646053

ITEM	3.4.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Nominations Sought for the State Records Council
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	State Records SA has written to the Local Government Association (LGA) requesting nominations for a Local Government Member on the State Records Council for a term commencing immediately. Nominations must be forwarded to the LGA by COB 14 February 2017.

RECOMMENDATION

1. _____ be nominated as a Local Government Member on the State Records Council.

ATTACHMENTS

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

1. State Records Council Terms of Reference
2. Part A Selection Criteria - State Records Council
3. Part B Nomination Form - State Records Council

1. BACKGROUND

- 1.1 State Records SA has written to the Local Government Association (LGA) requesting nominations for a Local Government Member on the State Records Council for a term commencing immediately. Nominations must be forwarded to the LGA by COB 14 February 2017.
- 1.2 The appointment to the State Records Council will be for a period of just under three years, commencing immediately and expiring 22 November 2019. The LGA was most recently represented by Ms Jane Fetherstonhaugh (District Council of Grant) whose term expired on 22 November 2016.

1. CONSULTATION / COMMUNICATION

- 1.1 Internal
 - 1.1.1 Circular 1.4 dated 4 January 2017 from the LGA was posted on the Elected Members Portal and emailed to Elected Members and Executive Group on 5 January 2017. Ms Laura Fischetti, Team Leader Information Management and Service Desk has indicated an interest in being nominated as a Local Government Member on the State Records Council.

- 1.2 External
 - 1.2.1 Nil

2. REPORT

- 2.1 The State Records Council is pursuant to the *State Records Act 1997*.
- 2.2 The role of the State Records Council is to provide advice to the Minister or Director of State Records with respect to policies relating to record management or access to official records as well as to approve determinations made by the Director of State Records relating to the disposal of official records. The terms of reference are set out in Part 4 of the Act.
- 2.3 The current approved fee structure for payment to members is a fee of \$206 per session (2-4 hours duration) plus \$51.50 per hour for every hour of preparation time beyond the third hour.
- 2.4 The State Records Council meets every two months on a Tuesday. Meetings will be held at State Records, Pirie Street, Adelaide.
- 2.5 LGA nominations on outside bodies will, unless determined otherwise by the LGA Board or Executive Committee be currently serving council members or council staff.
- 2.6 Nominations addressing the Selection Criteria provided in Part A (attached) for the State Records Council must be forwarded to the LGA by COB Tuesday 14 February 2017. In addition to the Part B Nomination Form (attached), the Department of Premier & Cabinet requires up to date fulsome CV's of candidates. Councils must provide these at the time of submitting nominations.
- 2.7 The LGA Executive Committee will consider nominations received at its meeting on Thursday 23 February 2017.

3. CONCLUSION / PROPOSAL

- 3.1 Council is asked to determine if a nomination is to be made for the State Records Council.
- 3.2 It should be noted that Council is not obliged to submit a nomination.

CO-ORDINATION

Officer: Executive Group
Date: 16/01/2017

[Terms of Reference]

Part 4—State Records Council

9—Establishment of Council

- (1) The *State Records Council* is established.
- (2) The Council is to consist of nine persons appointed by the Minister, of whom—
 - (a) one will be a historian nominated by the Minister to whom the administration of the *History Trust of South Australia Act 1981* is committed after consultation with academic historians from South Australian tertiary education institutions; and
 - (b) one will be a person eligible for professional membership of the Australian Society of Archivists; and
 - (c) one will be a person eligible for membership of the Records Management Association of Australia; and
 - (d) one will be the chief executive of an agency nominated by the Commissioner for Public Sector Employment, or a delegate of the chief executive; and
 - (e) one will be a person with experience in local government (who may, but need not, be a member or officer of a council) nominated by the Local Government Association of South Australia; and
 - (f) one will be a person with practical business experience; and
 - (g) one will be a person nominated by the Chief Justice of the Supreme Court; and
 - (h) one will be an Aboriginal person engaged in historical research involving the use of official records nominated by the Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Aboriginal Heritage Act 1988*; and
 - (i) one will be a person who, as a member of the public, makes use of official records in the custody of State Records for research purposes.
- (3) One member of the Council will be appointed by the Minister to chair the Council.
- (4) At least two members of the Council must be women and at least two must be men.

10—Functions

The Council has the functions of—

- (a) approving determinations under this Act relating to the disposal of official records; and
- (b) providing advice to the Minister or the Manager, either on its initiative or at the request of the Minister or the Manager, with respect to policies relating to record management or access to official records.

11—Terms and conditions of office

- (1) A member of the Council is to be appointed for a term, not exceeding three years, specified in the instrument of appointment and is, on the expiration of a term of office, eligible for reappointment.

State Records Act 1997—1.2.2010**Part 4—State Records Council**

- (2) A member of the Council is entitled to such remuneration and expenses as may be determined by the Governor.
- (3) A member of the Council may be removed from office by the Minister—
 - (a) in the case of a member appointed on the nomination of a person or body—at the request of that person or body; or
 - (b) for misconduct; or
 - (c) for incapacity or failure to carry out satisfactorily the duties of his or her office.
- (4) The office of a member of the Council becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is removed from office under this section.
- (5) On the office of a member becoming vacant, a person must be appointed in accordance with this Act to the vacant office.

12—Procedures of Council

- (1) The Council may meet at times and places determined by the Council but must meet at least once every three months and at any other time required by the Minister.
- (2) The member appointed to chair the Council will preside at meetings of the Council or, in the absence of that member, a member chosen by those present.
- (3) Five members of the Council constitute a quorum for a meeting of the Council and no business may be transacted at such a meeting unless a quorum is present.
- (4) The Manager must receive notice of meetings of the Council and he or she, or a member of the staff of State Records nominated by the Manager, may attend any meeting of the Council and, with the exception of voting, take such part in the proceedings as the Council approves.
- (5) A decision carried by a majority of the votes cast by the members present at a meeting is a decision of the Council.
- (6) Each member present at a meeting of the Council has one vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (7) The Council must have accurate minutes kept of its proceedings and must provide a copy of the minutes to the Manager.
- (8) Subject to this Act, the Council may determine its own procedures.

Nominations to Outside Bodies – Part A

Name of Body	State Records Council
Legal Status of Body	Council established under the State Records Act 1997
Summary Statement	The Council has the functions of: (a) approving determinations under the State Records Act 1997 relating to the disposal of official records; and (b) providing advice to the Minister or the Director, either on its initiative or at the request of the Minister or the Director, with respect to policies relating to record management or access to official records.
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required.
Industry Experience	Relevant knowledge of records management issues as they impact on local government.
Board / Committee Experience	Relevant experience serving on high level intergovernmental boards or committees is highly desirable.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	<ul style="list-style-type: none"> • Practical knowledge of and experience in local government, including processes, community consultation and the law as it applies to local government. • Experience in the administration of legislation, particularly the State Records Act 1997. • Knowledge of policies as they relate to matters of records management and access to official records.
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

ECM 646435

Nominations to Outside Bodies - Part B

This form:

- must not exceed 2 pages;
- must be submitted by a council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: STATE RECORDS COUNCIL

COUNCIL DETAILS			
Name of council submitting the nomination			
Name of person submitting this form on behalf of council	Name: Email: Telephone:		
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member OR <input type="checkbox"/> Current council officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience:			
Key Expertise:			
Any other comments:			
Undertaking: The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA? Yes <input type="checkbox"/> No <input type="checkbox"/> Signature of Nominee: _____			

ECM 646436

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Elector Representation Review
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The report provides information concerning the submission received in response to the Representation Review Report which was the subject of consultation from 3 – 24 November 2016. The report seeks a final determination from Council on the Representation Review for submission to the Electoral Commissioner of South Australia pursuant to Section 12(12) of the <i>Local Government Act 1999</i> .

RECOMMENDATION

1. The information be received.
2. The principle member of Council continue to be a Mayor elected by the community.
3. The Council area be divided into four wards as per the Proposed Ward Structure presented in Attachment 1 to this report (Item 3.6.3 – Resources and Governance Committee, 23 January 2017).
4. The future elected body of Council comprise a mayor and twelve (12) ward councillors, each ward being represented by three (3) Councillors.
5. That the Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner of SA, pursuant to the provisions of Section 12(11) and 12(12) of the *Local Government Act 1999*.

ATTACHMENTS

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

1. Proposed Ward Structure
2. Elector Representation Review - Second Public Consultation - January 2017

1. BACKGROUND

- 1.1 At its February 2016 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 prepare 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 2016 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.
- 1.7 On 26 September 2016, Council considered the outcome of the first round of public consultation on the Elector Representation Review Options paper and resolved:
 - 1. The submission received from a resident of the City of Salisbury, with respect to the Representation Review Options Paper – May 2016, released for public consultation in June 2016, be noted.*
 - 2. Agreement in principle be given to:*
 - 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 – May 2016 (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1); and*
 - e. The proposed wards be named River (Ward 1); Baynes (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.

(Council, 26 September 2016, Item NOM7 – Resolution No 1305/2016)

- 1.8 CL Rowe and Associates subsequently prepared the Representation Review Report which was presented to Council in October 2016, where it resolved:

1. *The information be received.*
2. *The Elector Representation Review report (Item No. 3.6.3, Resources and Governance Committee, 16/05/2016, Attachment 1) be endorsed to release for community consultation.*
3. *That, on conclusion of the consultation period, staff provide a further report to Council to consider submissions in the context of the Report and to make its final determination on the Review.*

(Council, 24 October 2016, Item 3.6.3 – Resolution No 1392/2016)

- 1.9 The required three (3) week public consultation period commenced on 3 November 2016 and concluded on 24 November 2016. One (1) submission was received.
- 1.10 It is noted that the minutes from the Council meeting held on 24 October 2016 as outlined in 1.8 above, incorrectly reference a meeting date of 16/05/2016 when describing the attachment in recommendation 2, whereas the date should be 17/10/2016. The item number, Committee and Attachment Number mentioned in the recommendation are all correct. A separate report will be presented to Council on 30 January 2017 recommending the minutes be corrected to reflect the 17/10/2016 date.

2. REPORT

- 2.1 Following the October 2016 Council meeting and the required three (3) week public consultation period, Craig Rowe of CL Rowe and Associates has now prepared the Second Public Consultation Report (Attachment 2) for Council consideration, resolution and referral to the Electoral Commissioner of South Australia pursuant to Section 12(12) of the *Local Government Act 1999* (the Act).
- 2.2 In accordance with section 12(10) of the Act, the ratepayer making the submission has been invited to address Council at its meeting on 30 January 2017.
- 2.3 Once the verbal submission has been heard, Council will be required to either “*finalise its report (including in its report recommendations with respect to such related or ancillary matters as it thinks fit)*”, or amend its proposal and initiate another public consultation for a minimum period of three (3) weeks, pursuant to the provisions of Section 12(11) of the Act.
- 2.4 The first course of action requires Council to make its final decisions in respect of its desired future composition and structure, and to prepare a detailed report outlining its proposal, the rationale behind its decisions and the review process undertaken.
- 2.5 Once Council has prepared a detailed report outlining its proposal as indicated in 2.3 above, , it will then be referred to the Electoral Commissioner, who will then be required to determine if the requirements of the Act have been satisfied and whether certification can be given pursuant to Sections 12(12) and 12(13) of the Act.

- 2.6 Following formal certification by the Electoral Commission SA, Council will be required to publish an appropriate notice in the Government Gazette (on a date specified by the Electoral Commissioner) which will effectively provide for the implementation of the proposed (certified) future composition and structure of Council at the November 2018 Local Government elections.
- 2.7 Should Council decide to change its proposal at this time, an amended Representation Review Report will have to be prepared and another public consultation period of not less than 3 weeks conducted at the earliest opportunity, given that the review must be completed by the end of April 2017. A Third Public Consultation Report will then need to be prepared and presented to Council and those making a written submission will be invited to address Council on their submission in accordance with section 12(10) of the Act.

3. CONCLUSION / PROPOSAL

- 3.1 Council is requested to make its final determination on the Elector Representation Review so that it can confirm its decision with the Electoral Commissioner of South Australia pursuant to Section 12(12) of the Act.

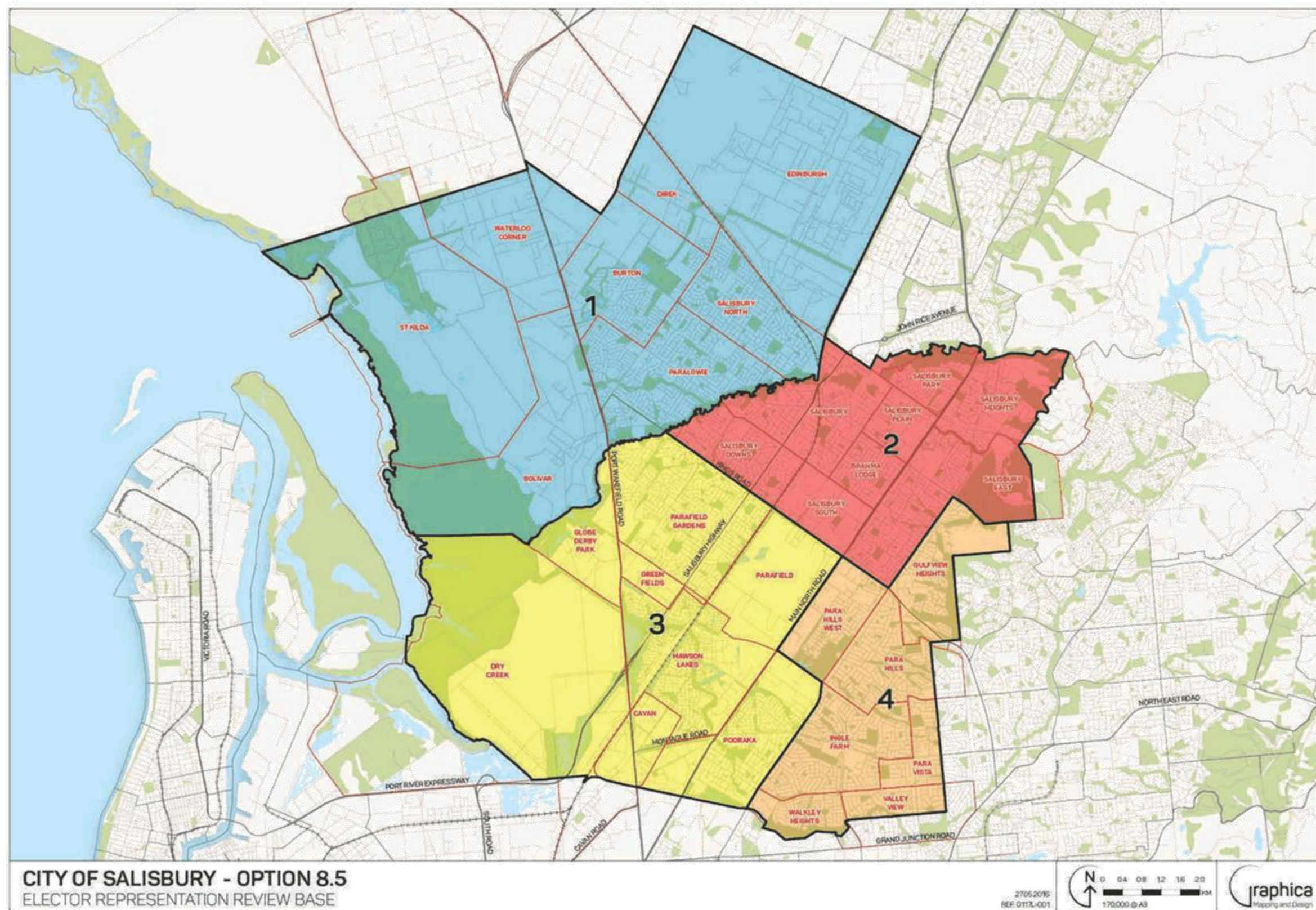
CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16/01/2017



CITY OF SALISBURY

Proposed Ward Structure



ELECTOR REPRESENTATION REVIEW

Second Public Consultation

A Report to
City of Salisbury

January 2017



C L Rowe & Associates Pty Ltd

Disclaimer

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Prepared for the City of Salisbury by C L Rowe and Associates Pty Ltd, January 2017 (Version 1)

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1. Introduction

In accordance with Section 12 of the Local Government Act 1999 (the Act), Council is undertaking an elector representation review with the view to determining whether the local community would benefit from an alteration to the current composition and/or structure of Council.

The review commenced in March 2016 and the process has progressed to the point where Council has completed the second of the prescribed public consultations. This consultation was conducted over a three week period, as prescribed by the Act, and primarily sought comment from the community regarding the "in principle" decisions made by Council on the 26th September, 2016, these being that:

- the principal member of Council continue to be a mayor elected by the community;
- the Council area continue to be divided into wards;
- the future body of Council comprise twelve (12) ward councillors;
- the Council area be divided into four wards, as depicted as Option 8.5 in the Representation Options Paper dated May 2016; and
- the proposed wards be named River Ward (Ward 1), Baynes Ward (Ward 2), Mawson Ward, (Ward 3) and Vista Ward (Ward 4).

Council must now give consideration to the submission that was received from the community in response to the second public consultation; and formally determine what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

2. Second Public Consultation

The second public consultation commenced on Wednesday 2nd November, 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 3rd November, 2016. In addition, the public consultation process included promotion of the review (and the opportunity for electronic feedback) on the Council website; and provision of the Representation Review Report and associated documents at the Civic Centre.

At the expiration of the public consultation period (i.e. close of business on Thursday 24th November 2016) Council had received one submission, this being from Lindsay Virgo of Saint Kilda. In brief, Mr Virgo agreed with Council's proposal (our interpretation) but sought clarification regarding the issue of member's remuneration; whether it is a requirement for a councillor to reside in the ward that he/she represents; and who is responsible for the final decision regarding the reduction in elected member numbers.

A copy of Mr Virgo's submission is provided as Attachment A.

The receipt of one written submission was another poor response from a community which comprises over 90,000 eligible electors, however, the result may not have been completely unexpected given that one submission was received in response to the initial consultation undertaken by Council, and likewise only one submission was received at the same stage of the previous review which was undertaken in 2009.

It should be noted that, pursuant to the provisions of Section 12(10) of the Act, Mr Virgo has been invited to appear before the Council at the meeting to be convened on the 30th January 2017, to be heard in respect to his submission. It is understood that Mr Virgo has accepted the invitation.

3. Review Process

As previously indicated, Council must now give due consideration to the submission received in response to the latest public consultation and hear a verbal submission from Mr Virgo.

Once the verbal submission has been heard, Council will be required to either:

- *"finalise its report (including in its report recommendations with respect to such related or ancillary matters as it thinks fit)", pursuant to the provisions of Section 12(11) of the Local Government Act; or alternatively*
- amend its proposal and initiate another public consultation.

The initial course of action referred to above simply requires Council to formally re-affirm its support for the proposed changes to its composition and structure, as presented in the "Representation Review Report", and to prepare a detailed report to the Electoral Commissioner outlining its proposal, the rationale behind its decisions and the review process undertaken. The Electoral Commissioner will then be required to determine whether the requirements of the Act have been satisfied and whether certification is warranted (refer Sections 12 (12) and 12(13) of the Act).

Upon receipt of the formal certification from Electoral Commission SA, Council will be required to publish an appropriate notice in the Government Gazette (on a date specified by the Electoral Commissioner) which will effectively provide for the implementation of the proposed (certified) future composition and structure of Council at the November 2018 Local Government elections.

Should Council opt to change its proposal at this time, an amended Representation Review Report will have to be prepared and another public consultation (over a minimum period of three weeks) will have to be initiated at the earliest opportunity, given that the review must be completed by the end of April 2017. Further, advice recently received from Electoral Commission SA suggests that the Act does not provide the Electoral Commissioner with any power to extend the prescribed completion date of Council's elector representation review. Notwithstanding this, should circumstances dictate that the review cannot be completed in the prescribed period, a request for an extension could be made to the Minister for Local Government.

4. Future Composition and Structure

Council is now at the stage in the review process where it must either confirm (by formal resolution) its proposed future composition and/or structure, as presented in the Representation Review Report, or amend its proposal and initiate another public consultation for a minimum period of three (3) weeks.

In reaching the final decisions, the elected members must be mindful that the purpose of the review is to determine whether the electors/community will benefit from an alteration to the current composition and/or structure of Council.

In order to finalise its review and initiate the preparation of a comprehensive report to the Electoral Commissioner, Council must now make final decisions in regards to the following.

- Whether the principal member of Council should continue to be a mayor elected by the community or be a chairperson chosen by the elected members.
- Whether the Council area should continue to be divided into wards, or alternatively whether wards should be abolished.
- If the Council area is to be divided into wards, which ward structure is to be established; whether there is a need for area councillors (and the required number thereof) in addition to ward councillors; the level of representation in each of the proposed wards; and the name of each of the proposed wards.
- The number of councillors (ward, area and/or both) that are required to provide fair and adequate representation of the electors within the Council area.

Information and advice pertaining to the aforementioned matters has previously been presented to Council in the Information Paper (March 2016); the Representation Options Paper (dated June 2016); the "Submissions Report" to Council (dated August 2016) and the Representation Review Report (second public consultation document dated October 2016).

The following brief information is provided to assist the elected members with their final deliberations in respect to the key issues.

4.1 Mayor/Chairperson

Council has previously indicated its preference to retain a mayor elected by the community as the principal member of Council. Council has always had an elected mayor as its principal member and the two submissions received during the course of the review (including the latest submission received from Mr Virgo) both supported this position (i.e. there was no call for change to a chairperson).

The election of a mayor affords all eligible electors the opportunity to express faith in a candidate; provides Council with an identifiable principal member who is directly accountable to the community; is consistent with the structure of all other metropolitan Adelaide councils; and should bring stability and continuity to the Council, given the four year term of office.

On the downside, an elected mayor is generally 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); the election (or supplementary election) for the office of mayor must be conducted across the whole of the Council area, at significant cost to Council (if contested); and 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.

It is considered that, on balance, the introduction of a chairperson selected by the elected members will provide only a few benefits. These include (but are not limited to) the fact that a likely reduction in the number of elected members (with associated cost savings); flexibility in the tenure of the principal member; the 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); and avoidance of the potential loss of high calibre candidates through the mayoral election process. On the downside, a chairperson is chosen by the elected members, not elected by the community.

Finally, any proposal to change from an elected mayor to a chairperson cannot proceed unless a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Act (either during the course of the review or at the time of the Local Government election in November 2018), and the result of the poll favours the proposed change. The implications and cost of such a poll should be taken into account (as two of a number of factors) when forming a final opinion as to whether a change to the principal member of Council is warranted.

4.2 Wards/No Wards

The City of Salisbury has always been divided into wards; Council has previously indicated its preference to retain wards; the submission received from Mr Virgo supported the retention of wards; and the sole submission received during the initial public consultation stage of the review also supported the retention of wards.

It is the general perception that wards:

- provide for direct representation of all areas and communities within the Council area;
- ensure local interests and/or issues are not overlooked in favour of the bigger "council-wide" picture; and
- provide recognizable lines of communication with Council through the ward councillors.

In addition, it is considered that ward councillors should generally have an affiliation with the community within their ward; have an understanding of the issues and/or concerns of the local residents; and deliberate and make decisions on the basis of achieving the best outcomes for both their ward and the Council area as a whole. On the downside, ward councillors are not required to reside in the ward that they represent and, as such, ward councillors may (potentially) have little or no relationship with the ward or constituents that they represent.

The benefits to be achieved through the abolition of wards include the following.

- The community will be afforded the opportunity to vote for all members of Council.

- The most favoured candidates from across the Council area will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward based system (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- The elected members should not have parochial ward attitudes.
- The “no wards” structure is not affected by fluctuations in elector numbers, the on-going need to review elector distribution and/or ward boundaries, and/or the constraints of complying with quota tolerance limits.
- Existing “communities of interest” are not affected or divided by arbitrary ward boundaries.
- In the event that an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election.
- The lines of communication between Council and its 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 be obliged to consult with their specific ward councillors.
- Under the proportional representation voting system the “no wards” structure affords opportunities for smaller communities to be directly represented on Council, provided they are able to muster sufficient support for a preferred candidate.

Notwithstanding this, the “no wards” alternative:

- does not guarantee direct representation of all communities across the Council area;
- may make it easier for single interest candidates and/or groups to gain support (than does the existing ward based system);
- has the potential to make the task and expense of contesting council-wide elections difficult and excessive; and
- has the potential to increase the cost of conducting elections and supplementary elections, given that all contested elections must be conducted on a council-wide basis.

4.3 Number of Councillors

The Representation Review Report indicated that Council’s preference is to reduce the number of councillors from sixteen (16) to twelve (12). Mr Virgo seemingly supports this proposal but raised the issue of resultant financial savings being utilised to fund potential future increases in councillor allowances; and sought clarification as to who makes the final decision as to whether to reduce councillor numbers.

Sections 26 and 33 of the Local Government Act 1999 specify: *“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, the provisions of Section 12(6)9a) of the Local Government Act states/requires: *“if the council is constituted of more than 12 members - examine the question of whether the number of members should be reduced”*.

The elected members have previously expressed support for a reduction to twelve (12) councillors because:

- it is obviously considered that fewer councillors can provide adequate and fair representation of/to the electors within the Council area;
- fewer elected members will result in some cost savings to Council (e.g. members' allowances alone are \$21,500 per annum per councillor), with any resulting savings being available for redirection to community projects and/or programs;
- fewer members may serve to expedite the decision making process in Council, if only through the reduction in the incidence of similar opinions being expressed;
- such action should not create excessive or extraordinary workloads for the elected members, given that there is not an extraordinary large number of electors to represent, there are continual advances being made in information technology which should enhance communication between the elected members and the community, and other large councils (in terms of physical area and/or elector numbers) can seemingly function appropriately with fewer elected members and/or at higher elector ratios; and
- twelve councillors befits the preferred future four ward structure, in that it enables each of the proposed wards to be represented by three ward councillors, thereby affording consistent levels of ward representation, adequate lines of communication between the ward councillors and their ward constituents, and the ability to gain a level of consensus amongst at least two of the three ward councillors during consideration of matters before Council.

The elected members may also be interested to know that, whilst no two councils (and/or Council areas) are the same, in terms of size (elector numbers and/or area), population, topography, communities of interest, character, predominant land uses and/or the level of administrative support, there are a good number of interstate metropolitan councils which comprise similar or far greater numbers of electors than the City of Salisbury, yet seemingly function successfully with twelve or less elected members (refer Table 1). There are at least another twelve interstate metropolitan councils in addition to those listed in Table 1 which have between approximately 111,000 and 164,000 electors; comprise between nine and eleven councillors; and exhibit elector ratios between approximately 1:12,200 and 1:14,900.

Table 1: Elector representation arrangements, various interstate councils (2016)

Council	Councillors	Electors	Ratio
Salisbury (158km²)	12*	92,386	1:7,699
Joondalup (WA – 99km ²)	12	107,681	1:8,973
Port Phillip (Vic – 21km ²)	9	90,188	1:10,021
Stonnington (Vic – 26km ²)	9	91,030	1:10,114
Glen Eira (Vic – 39km ²)	9	104,265	1:11,585
Frankston (Vic – 131km ²)	9	106,203	1:11,800
Banyule (Vic – 63km ²)	7	90,094	1:12,871

* Denotes proposed number of councillors

Source: Western Australian Electoral Commission (2015 Election Results)
Victorian Electoral Commission (2016 Election Results)

On the other hand, Council should be mindful that the community may have expectations regarding the quality and level of representation which have long been experienced (and expected); there will likely be an increase in the population (and therefore elector numbers) within the Council area in the foreseeable future; and the proposed reduction in the number of councillors may result in increased workloads for the councillors which in turn, could impact upon the quality of representation provided.

Regardless, the elected members need to be confident that:

- sufficient elected members will be available to manage the affairs of Council;
- the elected member's workloads will not become excessive;
- there will be an appropriate level of elector representation within the proposed wards and across the Council area;
- a diversity in member's skill sets, experience, expertise, opinions and backgrounds will be maintained so as to provide robust discussion amongst the elected members on an on-going basis; and
- adequate lines of communication will exist between a growing community and Council.

Finally, given the fact that there was no opposition to Council's proposed reduction in the number of councillors, it can only be concluded that the community are either not aggrieved by Council's proposal and/or have little, if any interest in the subject matter.

4.4 Area Councillors (in addition to ward councillors)

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

4.5 Ward Identification

Council has previously resolved "in principle" to name the existing wards River, Baynes, Mawson and Vista. Mr Virgo agreed with the use of these proposed names.

Given the above there is little need to consider potential alternative ward names at this time, unless Council reconsiders its position in respect to its preferred future ward structure and/or composition.

5. Recommendations

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

1. To note the submission received from Mr Lindsay Virgo.
2. In respect to the issues of the future composition and structure of the City of Salisbury, Council re-affirm its support for the following.
 - a) The principal member of Council continue to be a mayor elected by the community.
 - b) The future elected body of Council comprise the mayor and twelve (12) ward councillors.
 - c) The Council be divided into four wards, as per the ward structure presented as the "Proposed Ward Structure" in the Representation Review Report (dated October 2016).
 - d) Each of the proposed wards be represented by three (3) ward councillors.
 - e) The proposed wards be identified as River Ward, Baynes Ward, Mawson Ward and Vista Ward.
3. Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(11) and 12(12) of the Local Government Act 1999.

ATTACHMENT A
Public submission

24.11.2016

TO: City of Salisbury Chief Executive Officer.

FROM: Lindsay Virgo.

REFERENCE: Public Consultation, Review of Elector Representation.

WRITTEN SUBMISSION

ITEM 4. I question the use of two terms, "Ward 1" & "River Ward", the current identification of wards is by names that relate to the areas which works quite well, I therefore suggest that names only be used.

ITEM 5.1. I agree with the appointment of the principal member being retained by the constituents of the Council. This method allows the entire community to have a say in the appointment, not a small select group.

ITEM 5.2. I agree with retaining Wards over No Wards. This system would then readily identify the representatives a constituent can contact to resolve issues. The comment "ward councillors generally have an affiliation with the community within their ward" indicates that councillors or prospective councillors should reside within the ward they represent. Is this a requirement?

ITEM 5.4. I do not agree with the introduction of Area Councillors, this is a backward step reverting to the days of Aldermen & Councillors. If this review is about saving money, adding an additional level of bureaucracy only adds to the finances.

ITEM 5.5. As stated in my thoughts to Item 4, I agree with the wards being identified by the suggested names, as they are representative of the areas.

ITEM 5.6. Should the decision be made to reduce the number of elected councillors from 16 to 12, the savings to the ratepayers would amount to \$86,000, plus saving the costs of the supply of IT equipment, phones etc. However if the remaining councillors consider their workload will be increased with the reduction in councillors, will they seek an increase to their allowance thereby negating any expected savings. The reference to Section 59 “requirements of elected persons” should be stringently managed for both existing councillors and prospective councillors.

Overall I agree with the contents of the proposal, but seek clarification on some items.

Who sets the allowances and what parameters are used to determine the dollar value of the allowance?

Is it a requirement that a councillor or prospective councillor must reside within the ward they choose to represent?

Who makes the final decision as to the whether the number of councillors reduces?

Regards,

Lindsay Virgo

2 Shell Street,

St Kilda SA 5110

Mobile: 0408829586

ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Naming of Roads and Public Places Policy
AUTHOR	Chris Zafiropoulos, Manager Development Services, City Development
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	Section 219 of the Local Government Act requires Council to have a policy for the naming of roads and public places. Council's current policy is due for review and it is recommended that current policy be readopted with a minor change.

RECOMMENDATION

1. The Naming of Roads and Public Places Policy forming an attachment to this Report (Item No. 3.6.2, Resources and Governance Committee, 23/01/2017) be adopted and that public notice be given in accordance with the *Local Government Act 1999*.

ATTACHMENTS

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

1. Naming of Roads and Public Places Policy Jan. 2017

1. REPORT

- 1.1 The changing of names for roads and public places occurs infrequently and involves the consultation with affected parties and prescribed stakeholders.
- 1.2 The most common occurrence is when new roads are created in the land division process.
- 1.3 A minor amendment is proposed to the policy in section 5 to clarify that public consultation is not required where a name is being assigned to a new road created by a land division. This is consistent with the requirements of the Local Government Act 1999 and current practice. This amendment and other minor editorial amendments are highlighted in Attachment 1.
- 1.4 Council is required to give notice of adopting or altering the policy by notice in the government gazette, a newspaper circulating throughout the area and on the Council website.

2. CONCLUSION / PROPOSAL

- 2.1 The Naming of Roads and Public Places Policy forming Attachment 1 to this report be adopted and that public notice be given in accordance with the Local Government Act 1999.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 16.01.17



Naming of Roads and Public Places Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2010/2208, 2011/262 2012/1019, 2015/0123
Approval Date:	24 May 2010	Last Reapproval Date:	27 January 2015
Review Date:	27 January 2017	Internal Reference No.:	
Department:	City Development	Division:	Development Services
Function:	14 - Infrastructure	Responsible Officer:	Manager, Development Services

A - PREAMBLE

A Council has the power under section 219 of the *Local Government Act 1999* (the LG Act) to assign a name to, or change the name of:

- a public road;
- a private road; and
- a public place.

B - SCOPE

This policy applies to all sealed public roads, all formed public roads within the Council area that are regularly accessed, all formed private roads that are accessible to the public (subject to specified criteria) and public places within the City of Salisbury.

C – POLICY PURPOSE/OBJECTIVES

Council *must* assign a name to each public road created by land division.

It is Council's policy that all sealed public roads and all formed public roads within the Council area that are regularly accessed will be assigned a name. This does not include 'unmade' road reserves.

All formed private roads that are accessible to the public (with the exception below) will also be assigned a name. This includes roads within complexes such as universities, hospitals, retirement villages, and roads in forests or parks etc. Private roads with five or less property addresses do not need to be named. In these cases address numbers will be assigned off the road that the private road ~~connects~~exits on to.

All roads that can be used as part of an address for an address site will be assigned a name.

Road name signs that identify each public road will, as far as practicable, be placed at every road intersection and will clearly indicate the road to which it applies.

D - DEFINITIONS

Nil

E - POLICY STATEMENT

1. Initiating the Road and Public Place Naming Process

A road naming or public place naming process may be initiated if:

- a request is received by the Council from a Government agency (such as DPTI);
- a request is received by the Council from an affected land owner or their agent;
- Council resolves that a name change be investigated;
- Council staff determine it is in the public interest to investigate a change in road name;
- Council opens or forms a road or public place; or
- Council receives an application for a land division.

2. Names of Roads and Public Places

In the naming and renaming of public roads or public places, the following principles will be observed.

2.1 *Uniqueness*

- a) A road or public place will have only one name.
- b) A road name will be unique within an official suburb, postcode or rural locality. Duplicate road names within a suburb/locality will be resolved in order to avoid confusion (eg emergency services response).
- c) Roads that are maintained by the Department for Planning, Transport and Infrastructure (DPTI) will be named by DPTI. Council will consult with DPTI in relation to naming these roads.
- d) Duplicate names and similar sounding names (e.g. Paice, Payce or Pace Roads) within a suburb or locality will be avoided where possible.
- e) If possible, duplication of names in proximity to adjacent suburb or locality will also be avoided. However, roads crossing Council boundaries should have a single and unique name.
- f) Wherever practicable, road names will be continuous from the logical start of the road to the logical end of the road, irrespective of Council boundaries, landforms and intersecting roads.

2.2 *Name Sources*

Sources for road names or public places may include:

- Aboriginal names taken from the local Aboriginal language;
- early explorers, pioneers, and settlers;
- eminent persons;
- local history;
- thematic names such as flora, fauna, ships etc;
- war/casualty lists; and
- commemorative names.

Names will be selected so as to be appropriate to the physical, historical or cultural character of the area concerned.

The local Aboriginal community will be consulted when choosing Aboriginal names or using words from relevant Aboriginal languages.

2.3 Propriety

Names of living persons will be avoided.

Names, which are characterised as follows, will not be used.

- Offensive or likely to give offence;
- Incongruous - out of place; or
- Commercial or company.

2.4 Communication

Names will be reasonably easy to read, spell and pronounce in order to assist service providers, emergency services and the travelling public.

Unduly long names and names composed of two or more words should be avoided:

- a given name will only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names will generally be avoided;
- whilst street and cul-de-sac names should have only one word, it is recognised that some roads require a two word name because of their geographic relationship e.g. Proof Range Road;
- roads with double destination names will be avoided.

2.5 Spelling

Where it is intended that a road have the same name as a place or feature with an approved geographical name, particular care will be taken to ensure that the correct spelling of the official place name is adopted as shown in the State Gazetteer.

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

Generally road names proposed or approved will not contain abbreviations e.g. the “Creek” in “Wallaby Creek Road” must not be abbreviated. There are, however, two exceptions, “St” will always be used in place of “Saint” and it is acceptable to use “Mt” for “Mount”.

2.6 Form

The apostrophe mark ‘ will be omitted in the possessive case e.g. “Smith’s Road” will be “Smiths Road”.

Names will avoid the use of the possessive “s” unless the euphony becomes harsh e.g. “Devil Elbow”.

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

2.7 Type of Road

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

- The suffix chosen will be compatible with the class and type of road. Assistance to both the motorists and pedestrians is a major consideration in choosing the suffix.

- When a suffix with a geometric or geographic connotation is chosen it will generally reflect the form of the road, eg,
 - Crescent - a crescent or half-moon, re-joining the road from which it starts;
 - Esplanade - open, level and often along the seaside or a river.
- For a cul-de-sac use Place, Close, Court or a suffix of similar connotation.
- Highway (HWY) will be specifically reserved for roads associated with the state arterial road network. Its use will be restricted to roads of strategic importance constructed to a high standard.

The following list of suitable road type suffixes is included as examples. [The list has been sourced from Australian Standards AS 1742.5 - 1986 and AS4212 – 1994. An expanded road type list and acceptable abbreviations can be sourced from AS 4590:2006. In most instances the connotations are clear but where necessary a definition can be checked in a dictionary.] Only road types shown in the standards documents will be used.

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

2.8 *No Prefix or Additional Suffix*

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

3. **Naming of Private Roads**

This policy covers all formed roads that are regularly accessed and therefore includes private roads. Private land owners are not obliged to seek Council approval for naming their roads. However, there is a public interest in encouraging private land owners and developers to select suitable names, preferably in accordance with this policy, and to obtain Council endorsement for the name. Where Council proposes to assign a name to a private road it will consult with the owner of the land over the proposed name and the signage requirements for the road.

4. **Consultation with Adjoining Councils**

If a Council decides to change the name of a public road that runs into the area of an adjoining Council, the Council will give the adjoining Council at least two months notice of the proposed change and consider any representations made by the adjoining Council in response to the notice. [See section 219(2) of the Local Government Act 1999]

5. **Public Notice of Name Assignment or Change**

Council will give public notice of the assigning or changing of a road name or public place. This will be by publication in the Government Gazette and by notice in a newspaper circulating generally throughout the State, as required under the Local Government Act 1999. Public notice will include the date that the new name takes effect and notice will also be published on the Council’s website www.salisbury.sa.gov.au.

Public consultation is not required where a name is being assigned to a new road created via a land division. When Council is approving names proposed by applicants for land division, consideration will be given to the provisions of this policy.

6. Advise Relevant Parties of New Name or Name Change

Council will provide written notice (e.g. by email) of Council's decision on a new road name or name change to all relevant parties, including:

- Registrar-General;
- Surveyor-General;
- Valuer-General [see section 219(3)(a) of the *Local Government Act 1999*];
- the owner of the road (if a private road);
- owners of abutting properties;
- Australia Post;
- Telstra;
- SA Water;
- ETSA Utilities;
- SA Police;
- SA Ambulance Service; and
- SA Metropolitan Fire Service and/or Country Fire Service.

7. Date of Effect for New Names or Name Changes

The date of effect of the new or changed road name or public place will be determined at the time the decision to assign the name is made so as to allow sufficient time for all stakeholders to make arrangements to ensure a smooth transition.

The date of effect will be determined after considering:

- In respect of renaming an existing road, the impact on existing property owners, residents, tenants and occupiers. For example the time required to advise relevant parties to change letterhead stationery and advertising references;
- Potential confusion for people using maps and street directories that effectively become out of date; and
- The desire of some developers to sell property 'off the plan' and the opportunity for new owners to know their future address at an early stage.

Council will update the Register of Public Roads as required by section 231 of the *Local Government Act 1999*.

8. Road Name Signage

Council will ensure road naming signage in accordance with the relevant Australian Standard (AS 1742.5 – 1997) is erected. (Signage may be erected during construction of a sub-division).

Note: Signage for State road names is the responsibility of DPTI.

9. Monitor and Review of Policy

This policy will be regularly monitored and reviewed every 2 years, or more frequently as required. Public notice will be given of adopting or altering this policy. [See section 219(7) of the *Local Government Act 1999*]

F - LEGISLATION

Local Government Act 1999 (Section 219)

1. Document Control

2. Document ID	3. Naming of Roads and Public Places Policy
4. Prepared by	5. Alan Taylor Chris Zzafiropoulos
6. Release	7. 3.00
8. Document Status	9. Approved
10. Date Printed	11. 19/01/2017

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Variations to Delegations
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment or to correct errors that have been identified.</p> <p>Norman Waterhouse has updated the delegations templates to reflect changes to legislation as contained within LGA Circulars 50.3 and 51.9 dated 13 December and 20 December 2016 respectively.</p>

RECOMMENDATION

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 31 January 2017 of those powers and functions under the following:
 - 1.1 *Local Government Act 1999*
 - Section 235(1) and 236(2)
2. Council makes the following delegations under the Local Government Act 1999:
 - 2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and Regulations and specified in the proposed 'Instruments of Delegation', are hereby delegated from 1 February 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified within the Delegations Register.
 - 2.1.1 *Local Government Act 1999*
 - Sections 236(2)
 - 2.1.2 *Local Nuisance and Litter Control Act 2016*
 - Whole Instrument of Delegation
 - 2.1.2 *Water Industry Act 2012 and Water Industry Regulations 2012.*
 - Section 86F(1), 86G(1)(c), 86G(2), 86I(3), 86I(4), 86I(6), 86I(7), 86J(1), 86K(2), 86N(3), 86Z(2), 86ZD(1), 86ZE, 86ZG(1), 86ZG(3), 86ZJ, 86ZK(5), 86ZK(6), 86ZK(8), 86ZL(1), 86ZM(7), 86ZN, 86ZR(2)

3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

ATTACHMENTS

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

1. LGA Circular 50.3 - Delegations Updates - Local Nuisance and Litter Control Act and the Local Government Act
2. LGA Circular 51.9 - Delegations Updates - Water Industry Act
3. Delegations Table of Updates - Local Government Act 1999 and Local Nuisance and Litter Control Act 2016 - As at 1 December 2016
4. Delegations Table of Updates - Water Industry Act - As at 30 September 2016
5. Instrument of Delegations under the Local Government Act as at 1 December 2016
6. Instrument of Delegations under the Local Nuisance and Litter Control Act - Dec 2016
7. Instrument of Delegations under the Water Industry Act 2012 and Water Industry Regulations 2012

1. BACKGROUND

- 1.1 The LGA regularly advises Council of amendments to delegations due to changes in legislation as well as corrections to templates provided for recording the delegations.
- 1.2 This report deals with variations to the delegations as a result of the following LGA Circulars:
 - 1.2.1 LGA Circular 50.3 dated 13 December 2016 which set out amendments to the *Local Government Act 1999* and a new Instrument of Delegation under the *Local Nuisance and Litter Control Act 2016*.
 - 1.2.2 LGA Circular 51.9 dated 20 December 2016 which provides for amendments to the *Water Industry Act 2012* and *Water Industry Regulations 2012*.

2. REPORT

- 2.1 Section 44 of the *Local Government Act 1999* (the Act) provides Council may delegate a power or function vested or conferred upon by this or another Act. Such powers and functions may be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit. A delegation made pursuant to Section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.

2.2 Some legislative amendments will mean that some clauses are redundant and have been deleted from the relevant Act. Powers or duties automatically lapse when sections or clauses of the Act are deleted, and so it is not necessary for Council to revoke any related delegations.

2.3 This report deals with variations to the Delegations as a consequence of:

2.3.1 **Review of Delegations Templates by Norman Waterhouse in LGA Circulars 50.3 and 51.9 dated 13 December and 20 December 2016 respectively.**

Due to legislative amendments, Norman Waterhouse conducted a review of relevant legislation which necessitated amendments to the Delegations Templates for the following Acts:

Local Government Act 1999

The *Local Government Act 1999* (the Act) has been amended at the following sections:

- Section 236(2) – amended to remove reference to “farm implement”; and
- Section 235(1) – deletion of section that deals with deposit of rubbish.

These provisions cover actions that are considered examples of littering and illegal dumping, which will be dealt with under the new *Local Nuisance and Litter Control Act 2016*. The provisions will operate more effectively within this legislation as it has been designed specifically for the purposes of better regulating these types of offences.

The amendments to existing provisions are as per the shaded areas in the Instrument of Delegation contained within Attachment 5. Deleted provisions have been deleted from the Instrument.

Local Nuisance and Litter Control Act 2016

The *Local Nuisance and Litter Control Act 2016* was proclaimed on Thursday 21 July 2016 for staged commencement, 1 Feb 2017 for litter and 1 July 2017 for local nuisance.

As a result, Norman Waterhouse has conducted a review of the relevant legislation and prepared a new Instrument of Delegation contained within Attachment 6 under the *Local Nuisance and Litter Control Act 2016* which aims to reduce the prevalence of nuisance complaints through a greater understanding of nuisance, better consideration of nuisance by Councils in development assessment and improved methods of resolution, and to lower the prevalence of litter across South Australia, particularly in tourist and shopping precincts.

Water Industry Act 2012 and Water Industry Regulations 2012

The *Water Industry Act 2012 and Water Industry Regulations 2012* have been amended at Section 86, adding new provisions that establish a water industry third party access regime (the Regime) and appointing the Essential Services Commission of South Australia (ESCOSA) as the regulator of that regime. The Regime provides a framework for the

negotiation of access to certain water and sewerage infrastructure services, with the potential for arbitration should negotiations fail. As the regulator of the Regime, ESCOSA has the function of monitoring and enforcing compliance with the requirements of the Regime.

These new provisions are contained within the shaded area in the Instrument of Delegation contained within Attachment 7.

2.4 Process to be followed

- 2.4.1 In order for the statements contained in the Instruments of Delegations to come into effect, Council must first resolve to revoke the existing delegations that have been added or amended. Council then resolves to adopt the amended and new delegations contained in the highlighted sections of the Instruments of Delegations attached to this report.
- 2.4.2 Any sub-delegations that have been made in relation to the existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their, the resolution is worded so that the revocation of any existing delegations occurs on Tuesday 31 January 2016 and new delegations come into force from 1 February 2017. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.4.3 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

3. CONCLUSION / PROPOSAL

- 3.1 A review of Council Delegations has been conducted following amendments to the *Local Government Act 1999* and *Water Industry Act 2012 and Water Industry Regulations 2012* and the commencement of some of the provisions of the *Local Nuisance and Litter Control Act 2016* and is presented to Council for endorsement.

CO-ORDINATION

Officer: Executive Group
Date: 16/01/2017



Delegations Updates – Local Nuisance and Litter Control Act and the Local Government Act - Circular 50.3

To
Chief Executive Officer
Governance Officers

Date
13 December 2016

Contact
Andrea Malone
Email: andrea.malone@lga.sa.gov.au

Response Required
No

Summary
New delegations templates are now available for the Local Nuisance and Litter Control Act. The template for the Local Government Act has also been updated.

New delegations templates are now available for the Local Nuisance and Litter Control Act. The template for the Local Government Act has also been updated.

Please note that the template for Draft Resolutions for Making Delegations has been reviewed and revised to include new Acts and Regulations and to remove those that have been repealed.

[The Table of Updates is available here.](#)

[The templates for the Local Nuisance and Litter Control Act and the Local Government Act are available here.](#)

[The revised template for Draft Resolutions is available here.](#)

For further information please contact Andrea Malone (andrea.malone@lga.sa.gov.au)



Delegations Updates – Water Industry Act - Circular 51.9

To

Chief Executive Officer
Governance Officers

Date

20 December 2016

Contact

Andrea Malone
Email: andrea.malone@lga-sa.gov.au

Response Required

No

Summary

New delegations templates are now available for the Water Industry Act.

New delegations templates are now available for the Water Industry Act.

The [new template](#) is available [here](#), under the link Water Industry Act and Regulations.

The [Table of Updates](#) is available [here](#).

For further information please contact Andrea Malone (andrea.malone@lga-sa.gov.au)

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 1 December 2016)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Local Government Act 1999	118	235(1)	Deletion	Legislative amendment	1 December 2016	NOTE: LEGISLATIVE AMENDMENTS NOT YET COMMENCED. Use updated Instrument upon commencement of legislative amendments.
	119	236(2)	Amendment	Legislative amendment	1 December 2016	
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016	All	All	Addition – new Instrument	New Act	1 December 2016	NOTE: ACT NOT YET COMMENCED. Use new Instrument upon commencement of new Act

FXD\DELEGATIONS TABLE OF UPDATES - AS AT 1 DECEMBER 2016.DOC

- 1 -

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 30 September 2016)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012	38A.1	86F(1)	Addition	Legislative Amendment	30 September 2016	Use updated Instrument at next review or earlier if wish to exercise power earlier
	38B.1	86G(1)(c)	Addition	Legislative Amendment	30 September 2016	
	38B.2	86G(2)	Addition	Legislative Amendment	30 September 2016	
	38C.1	86I(3)	Addition	Legislative Amendment	30 September 2016	
	38C.2	86I(4)	Addition	Legislative Amendment	30 September 2016	
	38C.3	86I(6)	Addition	Legislative Amendment	30 September 2016	
	38C.4	86I(7)	Addition	Legislative Amendment	30 September 2016	
	38D.1	86J(1)	Addition	Legislative Amendment	30 September 2016	
	38E.1	86K(2)	Addition	Legislative Amendment	30 September 2016	

- 2-

38F.1	86N(3)	Addition	Legislative Amendment	30 September 2016
	86Z(2)	Addition	Legislative Amendment	30 September 2016
	86ZD(1)	Addition	Legislative Amendment	30 September 2016
	86ZE	Addition	Legislative Amendment	30 September 2016
	86ZG(1)	Addition	Legislative Amendment	30 September 2016
38J.2	86ZG(3)	Addition	Legislative Amendment	30 September 2016
38K.1	86ZJ	Addition	Legislative Amendment	30 September 2016
38L.1	86ZK(5)	Addition	Legislative Amendment	30 September 2016
38L.2	86ZK(6)	Addition	Legislative Amendment	30 September 2016
38L.3	86ZK(8)	Addition	Legislative Amendment	30 September 2016
38M.1	86ZL(1)	Addition	Legislative Amendment	30 September 2016
38N.1	86ZM(7)	Addition	Legislative Amendment	30 September 2016
38O.1	86ZN	Addition	Legislative Amendment	30 September 2016
38P.1	86ZR(2)	Addition	Legislative Amendment	30 September 2016

**INSTRUMENT OF DELEGATION UNDER THE
LOCAL GOVERNMENT ACT 1999**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Composition and Wards	
1.1	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,
1.1.1	alter the composition of the Council;
1.1.2	divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.
1.2	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to
1.2.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
1.2.2	alter the name of:
1.2.2.1	the Council;
1.2.2.2	the area of the Council;
1.2.3	give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).
1.3	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward

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	structure.
1.4	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.
1.5	Deliberately left blank.
1.6	Deliberately left blank.
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.
1.8	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.
1.9	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).
1.10	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:
1.10.1	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and
1.10.2	sets out:
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in

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	Section 33 of the Act (to the extent that may be relevant); and
1.10.3	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.
1.11	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.
1.12	The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.
1.13	The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:
1.14.1	insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and
1.14.2	to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.
1.15	Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:
1.15.1	prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and
1.15.2	obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and
1.15.3	after obtaining the certificate of the Electoral Commissioner,

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	ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.
1.16	The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.
1.17	The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.
1.19	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.
1.20	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.
1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.
2. Status of a Council or Change of Various Names	
2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the <i>Gazette</i> , after complying with the requirements of Section 13 of the Act:
2.1.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
2.1.2	alter the name of:

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2.1.2.1	the Council;
2.1.2.2	the area of the Council;
2.1.3	alter the name of a ward.
2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:
2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;
2.2.2	publish the notice in a newspaper circulating within the area; and
2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.
3.	Deliberately left blank
	Deliberately left blank
4.	Deliberately left blank
	Deliberately left blank
5.	Council Initiated Proposal
5.1	Deliberately left blank
5.2	Deliberately left blank
5.2.1	Deliberately left blank
5.2.2	Deliberately left blank
5.2.3	Deliberately left blank
5.2.4	Deliberately left blank
5.3	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister:
5.3.1	amending the proposal;
5.3.1	substituting an alternative proposal.

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6. Public Initiated Submissions	
6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Minister are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Minister, pursuant to Section 28(23)(f) and (g).
7. General Powers and Capacities	
7.1	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.
7.2	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or
7.3.2	in order to provide services to an unincorporated area of the State.
7.4	The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.
8. Provision Relating to Contract and Transactions	
8.1	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.

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9. Committees	
9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
9.3	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.
9.4	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.
9.5	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
10. Delegations	
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.
10.2	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.
11. Principal Office	
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.
11.2	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.
11.3	The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.
12. Commercial Activities	
12.1	Subject to the Act, the power pursuant to Section 46(1) of the Act to, in

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	the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').
12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:
12.2.1	establish a business;
12.2.2	participate in a joint venture, trust, partnership or other similar body.
13. Interests in Companies	
13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.
14. Prudential Requirements for Certain Activities	
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1	acts with due care, diligence and foresight; and
14.00.2	identifies and manages risks associated with a project; and
14.00.3	makes informed decisions; and
14.00.4	is accountable for the use of Council and other public resources.
14.0	The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.
14.1	Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:
14.1.1	Deliberately left blank.
14.1.2	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture,

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trust, partnership or other similar body) -	
14.1.2.1	where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
14.1.2.2	where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or
14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.
14.2	Deliberately left blank.
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).
15. Contracts and Tenders Policies	
15.0	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:
15.0.1	obtaining value in the expenditure of public money; and
15.0.2	providing for ethical and fair treatment of participants; and
15.0.3	ensuring probity, accountability and transparency in procurement operations.
15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:
15.1.1	the contracting out of services; and
15.1.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
15.1.3	the use of local goods and services; and

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15.1.4	the sale or disposal of land or other assets.
15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:
15.2.1	identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and
15.2.2	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
15.2.3	provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
15.2.4	are consistent with any requirement prescribed by the regulations.
15.3	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).
15.4	The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.
16. Public Consultation Policies	
16.1	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:
16.1.1	in cases where the Act requires the Council to follow its public consultation policy; and
16.1.2	in other cases involving Council decision making, if relevant.
16.2	The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.
16.3	The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:
16.3.1	the publication of a notice:

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16.3.1.1	in a newspaper circulating within the area of the Council; and
16.3.1.2	on a website determined by the Chief Executive Officer,
	describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
16.3.2	the consideration of any submissions made in response to that invitation.
16.4	The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
16.5.1	prepare a document that sets out its proposal in relation to the matter; and
16.5.2	publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;
16.5.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
16.6	The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.
16.7	The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.
17. Deliberately left blank	
17.1	Deliberately left blank
17.2	Deliberately left blank
17.3	Deliberately left blank
17.4	Deliberately left blank

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17.5	Deliberately left blank
18. Inspection of Register	
18.1	The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.
19. Reimbursement of Expenses	
19.1	The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.
19.2	The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.
20. Register of Allowances and Benefits	
20.1	The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.
21. Insurance of members	
21.1	The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.
22. Training and Development	
22.1	The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.
22.2	The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.
22.3	The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new

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	policy.
22.4	The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).
23. Committee Meetings	
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:
23.2.1	the availability and convenience of members of the committee; and
23.2.2	the nature and purpose of the committee.
24. Meetings To Be Held in Public Except in Special Circumstances	
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
24.2	The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.
24.3	The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.
25. Minutes and Release of Documents	
25.1	The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
25.2	Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.
25.3	Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:

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25.3.1	minutes of the Council and Council committee meetings; and
25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and
25.3.4	budgetary or other financial statements adopted by the Council.
26. Access to Meetings and Documents – Code of Practice	
26.1	The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.
26.2	The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.
26.3	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
26.4	The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:
26.4.1	copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and
26.4.2	the relevant steps set out in the Council's Public Consultation Policy are followed.
26.5	The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.
27. Meetings of Electors	
27.1	The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
27.2	The duty pursuant to Section 93(11) of the Act to provide each member

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	of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.
27.3	The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).
28. Obstructing of Meetings	
28.1	The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.
29. Register of Remuneration Salaries and Benefits	
29.1	The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.
30. Certain Periods Of Service To Be Regarded As Continuous	
30.1	The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.
30.2	The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.
30.3	The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.
31. Deliberately left blank	
31.1	Deliberately left blank
31.2	Deliberately left blank
31.3	Deliberately left blank
31.4	Deliberately left blank
31.5	Deliberately left blank
31.6	Deliberately left blank
32. Application of Division	

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32.1	The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.
33. Certain Aspects of Strategic Management Plans	
33.1	The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.
33.2	The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
34. Annual Business Plans and Budgets	
34.1	Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -
34.1.1	prepare a draft annual business plan; and
34.1.2	follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.
34.2	The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.
34.3	The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:
34.3.1	a facility for asking and answering questions; and
34.3.2	the receipt of submissions,
	on the Council's website during the public consultation period.
34.4	After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:
34.4.1	ensure:
34.4.1.1	that a summary of the annual business plan is prepared in accordance with the requirements set out

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	at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and
34.4.1.2	that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and
34.4.2	ensure:
34.4.2.1	that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
34.4.2.2	that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council; and
34.4.3	ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.
35. Accounting Records to be Kept	
35.1	The duty pursuant to Section 124(1) of the Act to:
35.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
35.1.2	keep the Councils accounting records in such manner as will enable:
35.1.2.1	the preparation and provision of statements that fairly present financial and other information; and
35.1.2.2	the financial statements of the Council to be conveniently and properly audited.
35.2	The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.

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36. Internal Control Policies	
36.1	The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.
37. Audit Committee	
37.1	The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
37.2	If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.
38. Financial Statements	
38.1	The duty pursuant to Section 127(1) of the Act to prepare for each financial year:
38.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and
38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.
38.2	The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:
38.2.1	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and
38.2.2	comply with standards and principles prescribed by the Regulations; and
38.2.3	include the information required by the Regulations.
38.3	The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.
38.4	The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.

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38.5	The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
39. The Auditor	
39.1	The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.
39.2	The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.
39.3	The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:
39.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:
39.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and
39.3.1.2	other remuneration;
39.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.
40. Conduct of Audit	
40.1	The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.
41. Other Investigations	
41.1	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is

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	considered by the Delegate to be of such significance as to justify an examination under this Section.
41.2	Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:
41.2.1	unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;
41.2.2	if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.
42. Annual Report to be Prepared and Adopted	
42.1	The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.
42.2	The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.
42.3	The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.
42.4	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:
42.4.1	the Presiding Member of both Houses of Parliament; and
42.4.2	to the persons or body prescribed by the Regulations,
	on or before the date determined under the Regulations.
42.5	The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.
42.6	The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge)

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	and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
43. Access to Documents	
43.1	The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:
43.1.1	to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and
43.1.2	to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.
43.2	The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).
43.3	The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:
43.3.1	agendas for meetings of the Council or Council committees;
43.3.2	minutes of meetings of the Council or Council committees;
43.3.3	codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;
43.3.4	the Council's contract and tenders policies, public consultation policy and order-making policies;
43.3.5	the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;
43.3.6	the Council's budget (as adopted by the Council for a particular year);
43.3.7	a list of fees and charges imposed by the Council under this Act;
43.3.8	by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;
43.3.9	procedures for the review of decisions established by the

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Council under Part 2 of Chapter 13;
43.3.10 the audited financial statements of the Council;
43.3.11 the annual report of the Council;
43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.
44. Related Administrative Standards
44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:
44.1.2 to ensure compliance with any statutory requirements; and
44.1.2 to achieve and maintain standards of good public administration.
45. Sources of Funds
45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.
46. Ability of a Council to Give Security
46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:
46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);
46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);
46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.
46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:
46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues;

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and	
46.2.2	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.
47. Expenditure of Funds	
47.1	Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.
48. Investment Powers	
48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
48.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:
48.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
48.2.2	avoid investments that are speculative or hazardous in nature.
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:
48.3.1	the purposes of the investment;
48.3.2	the desirability of diversifying Council investments;
48.3.3	the nature of and risk associated with existing Council investments;
48.3.4	the desirability of maintaining the real value of the capital and income of the investment;
48.3.5	the risk of capital or income loss or depreciation;
48.3.6	the potential for capital appreciation;
48.3.7	the likely income return and the timing of income return;
48.3.8	the length of the term of a proposed investment;
48.3.9	the period for which the investment is likely to be required;

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48.3.10	the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;
48.3.11	the aggregate value of the assets of the Council;
48.3.12	the likelihood of inflation affecting the value of a proposed investment;
48.3.13	the costs of making a proposed investment;
48.3.14	the results of any review of existing Council investments.
48.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:
48.4.1	the anticipated community benefit from an investment; and
48.4.2	the desirability of attracting additional resources into the local community.
48.5	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.
49. Review of Investment	
49.1	The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.
50. Gifts to a Council	
50.1	Within the confines of Section 44(3) of the Act:
50.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;
50.1.2	the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;
50.1.3	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;
50.1.4	where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other

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	such manner as may be directed by the Supreme Court; and
50.1.5	the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <i>Gazette</i> , within 28 days after that order is made.
51. Duty to Insure Against Liability	
51.1	The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.
52. Writing off Bad Debts	
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:
52.1.1	if the Council has no reasonable prospect of recovering the debts; or
52.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered,
	up to and including an amount of \$5,000.00 in respect of any one debt.
52.2	The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:
52.2.1	reasonable attempts have been made to recover the debt; or
52.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.
53. Recovery of Amounts due to Council	
53.1	The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.
53.2	The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.
54. Land Against Which Rates May be Assessed	
54.1	The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the

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purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.	
55. Basis of Rating	
55.1 Before the Council:	
55.1.1	changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or
55.1.2	changes the basis on which land is valued for the purposes of rating; or
55.1.3	changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;
the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:	
55.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and
55.1.5	follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.
55.2	The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
56. General Rates	
56.1	The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.
57. Service Rates and Service Charges	
57.1	The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.

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57.2	The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.
58. Basis of Differential Rates	
58.1	The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.
58.2	The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -
58.2.1	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and
58.2.2	follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
58.3	The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
59. Notice of Differentiating Factors	
59.1	If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.
60. Preliminary	
60.1	The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
60.2	The power pursuant to Section 159(3) to grant a rebate of rates if

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	satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).
60.3	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.
60.4	The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.
61. Rebate of Rates - Community Services	
61.1	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:
61.1.1	is incorporated on a not-for-profit basis for the benefit of the public; and
61.1.27	provides community services without charge or for charge that is below the cost to the body of providing their services; and
61.1.3	does not restrict its services to persons who are members of the body.
62. Rebate of Rates - Educational Purposes	
62.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:
62.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or
62.1.2	occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or
62.1.3	land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.
63. Discretionary Rebates of Rates	
63.1	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):

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63.1.1	the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
63.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
63.1.4	any other matter considered relevant by the Council or the Delegate.
63.2	The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:
63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;
63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;
63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;
63.2.4	where the land is being used for educational purposes;
63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;
63.2.6	where the land is being used for a hospital or health centre;
63.2.7	where the land is being used to provide facilities or services for children or young persons;
63.2.8	where the land is being used to provide accommodation for the aged or disabled;
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the

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local community;	
63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:
63.2.12.1	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or
63.2.12.2	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.
63.2.13	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:
63.2.13.1	liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or
63.2.13.2	liability that is unfair or unreasonable;
63.2.14	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or
63.2.15	where the rebate is contemplated under another provision of the Act.
63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:
63.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or
63.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or
63.3.3	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of

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	access and enjoyment.
63.4	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.
64. Valuation of Land for the Purposes of Rating	
64.1	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.
64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:
64.2.1	valuations made, or caused to be made, by the Valuer-General; or
64.2.2	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;
	or a combination of both.
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.
65. Valuation of Land	
65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).
65.2	The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.
65.3	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.
66. Objections to Valuations Made by Council	
66.1	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:

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66.1.1	the objection does not involve a question of law; and
66.1.2	the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and
66.1.3	is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).
66.2	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.
66.3	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:
66.4.1	in the prescribed manner and form;
66.4.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and
66.4.3	accompanied by the prescribed fee.
66.5	The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.
67. Notice of Declaration of Rates	
67.1	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.
68. Alterations to Assessment Record	
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
68.2	The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.

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69. Inspection of Assessment Record	
69.1	The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.
70. Liability for Rates	
70.1	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:
70.1.1	the principal ratepayer; or
70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or
70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.
70.2	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.
70.3	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.
70.4	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.
71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	
71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
71.2	The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.
72. Service of Rate Notice	

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72.1	The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:
72.1.1	the declaration of a rate; or
72.1.2	the imposition of a service charge; or
72.1.3	a change in the rates liability of land.
73. Payment of Rates – General Principles	
73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
73.2	If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).
73.3	The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.
73.4	The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:
73.4.1	the amount of the instalment; and
73.4.2	the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
73.5	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.
73.6	The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or

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other incentives in order to encourage:	
73.7.1	the payment of instalments of rates in advance; or
73.7.2	prompt payment of rates.
73.8	The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.
73.9	The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.
73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:
73.10.1	the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.
74. Remission and Postponement of Payment	
74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or
74.1.2	remit the rates in whole or in part.
74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance

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	debenture rate);
74.2.2	to grant the postponement on other conditions determined by the Delegate; and
74.2.3	to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).
74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:
74.3.1	to assist or support a business in the Council's area; or
74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.
74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).
74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.
74.6	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).
75. Postponement of Rates - Seniors	
75.1	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
75.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:
75.2.1	reject an application for the postponement of rates; or
75.2.2	impose conditions on the postponement of rates but only in accordance with the Regulations.

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76. Application of money in respect of rates	
76.1	The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.
77. Sale of Land for Non-Payment of Rates	
77.1	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:
77.2.1	stating the period for which the rates have been in arrears; and
77.2.2	stating the amount of the total liability for rates presently outstanding in relation to the land; and
77.2.3	stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:
77.3.1	to any owner of the land who is not the principal ratepayer; and
77.3.2	to any registered mortgagee of the land; and
77.3.3	if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.
77.4	If:
77.4.1	the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or
77.4.2	the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,
the power pursuant to Section 184(4) of the Act to effect service of the notice by:	

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77.4.3	placing a copy of the notice in a newspaper circulating throughout the State; and
77.4.4	leaving a copy of the notice in a conspicuous place on the land.
77.5	The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.
77.6	The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.
77.7	The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.
77.8	The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.
77.9	The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.
77.10	The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.
77.11	The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.
78. Objection, Review or Appeal	
78.1	If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:

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78.1.1	to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or
78.1.2	to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.
79. Certificate of Liabilities	
79.1	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
79.1.1	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this Part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and
79.1.2	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.
80. Investigation by Ombudsman	
80.1	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
80.1.1	the Ombudsman; and
80.1.2	if relevant, the person who made the complaint.
80.2	The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.
81. Fees and Charges	
81.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
81.1.1	for the use of any property or facility owned, controlled,

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	managed or maintained by the Council;
81.1.2	for services supplied to a person at his or her request;
81.1.3	for carrying out work at a person's request;
81.2	The power pursuant to Section 188(3) of the Act to provide for:
81.2.1	specific fees and charges;
81.2.2	maximum fees and charges and minimum fees and charges;
81.2.3	annual fees and charges;
81.2.4	the imposition of fees or charges according to specified factors;
81.2.5	the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and
81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.
81.3	The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
81.4	The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
81.5	The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.
82. Acquisition of Land by Agreement	
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.
83. Compulsory Acquisition of Land	
83.1	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
83.2	The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an

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approved purpose.	
84. Assumption of Care, Control and Management of Land	
84.1	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
84.2	The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .
85. Classification	
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:
85.1.1	to exclude land from classification as community land under Section 193(4) of the Act; or
85.1.2	to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.
86. Revocation of Classification of Land as Community Land	
86.1	The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1	prepare and make publicly available a report on the proposal containing:
86.1.1.1	a summary of reasons for the proposal; and
86.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and
86.1.1.3	a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and
86.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and
86.1.1.5	if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as

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	a condition of approving the proposed revocation of the classification; and
86.1.2	follow the relevant steps set out in the Council's public consultation policy.
86.2	After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.
86.3	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.
87. Effect of Revocation of Classification	
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.
88. Management Plans	
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:
88.1.1	identifies the land to which it applies; and
88.1.2	states the purpose for which the land is held by the Council; and
88.1.3	states the Council's objectives, policies (if any) and proposals for the management of the land; and
88.1.4	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
88.2	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:
88.2.1	identify the owner of the land; and

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88.2.2	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and
88.2.3	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
88.3	The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.
89. Public Consultation on Proposed Management Plan	
89.1	Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:
89.1.1	make copies of the proposed plan available for inspection or purchase at the Council's principal office; and
89.1.2	follow the relevant steps set out in Council's public consultation policy.
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
90. Amendment or Revocation of Management Plan	
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
90.2	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.
90.3	The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.
91. Effect of Management Plan	
91.1	The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.

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92. Use of Community Land for Business Purposes	
92.1	The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.
93. Sale or Disposal of Local Government Land	
93.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
93.1.1	vested in the Council in fee simple; or
93.1.2	vested in the Council as lessee.
93.2	The power pursuant to Section 201(2) of the Act to:
93.2.1	grant an easement (including a right of way) over community land; and
93.2.2	grant an easement (excluding a right of way) over a road or part of a road.
94. Alienation of Community Land by Lease or Licence	
94.1	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
94.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
94.1.2	the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);
94.1.3	any other matter relevant to the use or maintenance of the land.
94.2	The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
94.2.1	the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the

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	proposed lease or licence is 5 years or less; or
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
94.3	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
94.4	The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.
95. Register	
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:
95.2.1	contains the information required by the Regulations; and
95.2.2	contains copies of current management plans.
95.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.
95.4	The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
96. Ownership of Public Roads	
96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .
97. Ownership of Fixtures and Equipment Installed on Public Roads	
97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the

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98. Conversion of Private Road to Public Road	
98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.
98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:
98.2.1	if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and
98.2.2	if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and
98.2.3	give public notice of the proposed declaration.
98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.
98.4	The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.
99. Highways	
99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.
100. Power to Carry Out Roadwork	
100.1	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
100.2	The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:
100.2.1	the roadwork is carried out in compliance with any relevant

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requirement under the Road Traffic Act 1961; and
100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and
100.2.3 the roadwork in relation to a private road is only carried out if:
100.2.3.1 the owner agrees; or
100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or
100.2.3.3 the identity or whereabouts of the owner is unknown; and
100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).
101. Recovery of Cost of Roadwork
101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.
101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:
101.2.1 the person who caused the damage; or
101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.
101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.
102. Contribution Between Councils where Road is on Boundary Between Council Areas
102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act

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to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	
103. Special Provisions for Certain Kinds of Roadwork	
103.1	If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:
103.1.1	ensure that adjoining properties have adequate access to the road; and
103.1.2	construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.
103.2	The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:
103.2.1	there is no significant risk of damage to the adjoining property; or
103.2.2	the road work does not significantly increase the risk of damage to adjoining property.
103.3	The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.
104. Power to Order Owner of Private Road to Carry out Specific Roadwork	
104.1	The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.
104.2	The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
104.2.1	any proposal to make an order; and
104.2.2	if an order is made, any order,
	under Section 216(1) of the Act.
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.	

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105.1	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:
105.1.1	to carry out specified work by way of maintenance or repair; or
105.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.
105.2	Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
106. Power to Require Owner of Adjoining Land to Carry Out Specific Work	
106.1	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
106.2.1	any proposal to make an order; and
106.2.2	if an order is made, any order
	under Section 218(1) of the Act.
107. Power to Assign a Name, or Change the Name, of a Road or Public Place	
107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
107.2	The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.
107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:
107.3.1	give the adjoining council at least 2 months notice of the proposed change; and
107.3.2	consider any representations made by the adjoining council in

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response to that notice.
107.4 The duty pursuant to Section 219(3) of the Act to:
107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and
107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.
107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.
107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:
107.8.1 in the Gazette; and
107.8.2 in a newspaper circulating in the area of the council; and
107.8.3 on a website determined by the Chief Executive Officer.
108. Numbering of Premises and Allotments
108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.
108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.
108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.

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108.5	The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.
108.6	The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.
108.7	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.
109. Alteration of Road	
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
109.1.2	erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
109.1.3	changing or interfering with the construction, arrangement or materials of the road; or
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.
109.2	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:
109.2.1	unduly obstruct the use of the road; or
109.2.2	unduly interfere with the construction of the road; or
109.2.3	have an adverse effect on road safety.
109.3	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:
109.3.1	for a particular act or occasion; or

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109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.
110. Permits for Business Purposes
110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.
110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.
110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.
111. Public Consultation
111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:
111.1.1 that confers a right of exclusive occupation; or
111.1.2 that would have the effect of restricting access to a road; or
111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.
111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.
112. Conditions of Authorisation or Permit
112.1 The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.
113. Cancellation of Authorisation or Permit
113.1 The power pursuant to Section 225(1) of the Act by notice in writing to

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the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.
113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:
113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and
113.2.2 consider any representations made in response to the notice.
113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.
114. Register
114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:
114.1.1 includes the information required by regulation; and
114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.
114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
115. Trees
The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):
115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -
115.1.1 environmental and aesthetic issues; and
115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects)

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in the road); and
115.1.3 road safety matters; and
115.1.4 other matters (if any) considered relevant by the Delegate; and
115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.
116. Damage
116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.
117. Council's Power to Remove Objects etc from Roads
117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:
117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or
117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.
117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.
117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.
118. Deliberately left blank [Section 235 deleted]

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119. Abandonment of Vehicles and Farm Implements	
119.1	The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.
120. Removal of Vehicles	
120.1	The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:
120.1.1	by written notice in the prescribed form:
120.1.1.1	served on the owner personally; or
120.1.1.2	served on the owner by the use of person-to-person registered post,
	as soon as practicable after the removal of the vehicle; or
120.1.2	if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2	If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
120.3	The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:
120.3.1	the vehicle is offered for sale but not sold; or
120.3.2	the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.
120.4	The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:
120.4.1	firstly, in payment of the costs of and incidental to the sale;

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120.4.2	secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;
120.4.3	thirdly, in payment of the balance to the owner of the vehicle.
120.5	The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.
120.6	The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.
121. Time Limits for Dealing with Certain Applications	
121.1	Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.
121.2	The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.
122. Registrar-General to Issue Certificate of Title	
122.1	The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
122.2	The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:
122.2.1	in a manner and form approved by the Registrar-General; and
122.2.2	accompanied by:
122.2.2.1	Deliberately left blank
122.2.2.2	any surveys of the land and other materials that the Registrar-General may reasonably require; and

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122.2.2.3a fee fixed by the Registrar-General.
123. Liability for Injury, Damage or Loss Caused by Certain Trees
123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).
124. Council May Require Bond or Other Security in Certain Circumstances
124.1 Subject to Section 245A of the Act, if,
124.1.1 a person has approval to carry out development under the Development Act 1993; and
124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
125. Power to Make By-Laws
125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.

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126. Passing By-Laws
126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:
126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and
126.1.2 by notice in a newspaper circulating in the area of the Council:
126.1.2.1 inform the public of the availability of the proposed by-law; and
126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.
126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:
126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and
126.2.2 the by-law is not in conflict with the Act.
126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .
126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.
127. Model By-Laws
127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the <i>Gazette</i> .
127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

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128. Register of By-Laws and Certified Copies
128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.
128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.
128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.
129. Power to Make Orders
129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.
130. Procedures to be Followed
130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:
130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and
130.1.2 stating the reasons for the proposed action; and
130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).
130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.
130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:

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130.3.1	to make an order in accordance with the terms of the original proposal; or
130.3.2	to make an order with modifications from the terms of the original proposal; or
130.3.3	to determine not to proceed with an order.
130.4	The power pursuant to Section 255(5) of the Act to:
130.4.1	include two or more orders in the same instrument;
130.4.2	direct two or more persons to do something specified in the order jointly.
130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order:
130.5.1	subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and
130.5.2	states the reasons for the order.
130.6	The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.
130.7	If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.
130.8	The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.
130.9	If the Delegate, in the circumstances of a particular case, considers:
130.9.1	that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or
130.9.2	that an emergency situation otherwise exists,
	the Delegate has the power pursuant to Section 255(12) of the Act to:
130.9.3	Proceed immediately to make an order under this Section without giving notice under Section 255(1); and
130.9.4	require immediate compliance with an order despite Section 255(6)(a).

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131. Rights of Review
131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.
132. Action on Non-Compliance
132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.
132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.
132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.
132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:
132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and
132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
133. Councils to Develop Policies
133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
133.2 The power and duty pursuant to Section 259(2) of the Act to:
132.2.1 prepare a draft of a Policy; and

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133.2.2	by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).
133.3	The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
133.4	The power pursuant to Section 259(4) of the Act to amend a policy at any time.
133.5	The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
133.6	The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
133.7	The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.
134. Appointment of Authorised Persons	
134.1	The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.
134.2	The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.
134.3	The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:
134.3.1	containing a photograph of the authorised person; and
134.3.2	identifying any conditions or limitations imposed under Section 260(2) of the Act.

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134.4	The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.
135. Procedures for Review of Decisions and Requests for Services	
135.00	The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:
135.00.1	any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and
135.00.2	complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.
135.0	The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:
135.0.1	dealing with the relevant requests or complaints in a timely, effective and fair way; and
135.0.2	using information gained from the Council's community to improve its services and operations.
135.1	Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:
135.1.1	the Council;
135.1.2	employees of the Council;
135.1.3	other persons acting on behalf of the Council,
135.2	The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):
135.2.1	the manner in which an application for review may be made;
135.2.2	the assignment of a suitable person to reconsider a decision under review;

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135.2.3	the matters that must be referred to the Council itself for consideration or further consideration;
135.2.3A	in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;
135.2.4	the notification of the progress and outcome of an application for review;
135.2.5	the timeframes within which notifications will be made and procedures on a review will be completed.
135.3	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:
135.3.1	the application was made by an employee of the Council and relates to an issue concerning his or her employment; or
135.3.2	it appears that the application is frivolous or vexatious; or
135.3.3	the applicant does not have a sufficient interest in the matter.
135.4	The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.
135.5	The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.
135.6	The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:
135.6.1	the number of applications for review made under Section 270; and
135.6.2	the kinds of matters to which the applications relate; and
135.6.3	the outcome of applications under this Section; and
135.6.4	such other matters as may be prescribed by the Regulations.
135.7	The power pursuant to Section 270(9) of the Act on an application for

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the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.
136. Mediation, Conciliation and Neutral Evaluation
136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.
136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.
136A. Provision of Information to Minister
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:
136AA.2.1 the information was given to the Council in confidence; or
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
136B. Minister May Refer Investigation of Council to Ombudsman
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.
136C. Action on a Report
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.

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136D. Deliberately left blank
136D.1 Deliberately left blank
136D.2 Deliberately left blank
136E. Action on a Report
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
137. Special Jurisdiction
137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:
137.1.1 proceedings to try the title of a member to an office;
137.1.2 proceedings to try the right of a person to be admitted or restored to an office;
137.1.3 proceedings to compel restoration or admission;
137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;
137.1.5 proceedings to try the validity of a rate or service charge;
137.1.6 proceedings to try the validity of a by-law;
137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.
138. Service of Documents by Councils etc
138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.
139. Service of Documents on Councils
139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.

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140. Recovery of Amounts from Lessees or Licensees
140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.
141. Ability of Occupiers to Carry out Works
141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.
142. Power to Enter and Occupy Land in Connection with an Activity
142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.
142.2 The duty pursuant to Section 294(3) of the Act:
142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and
142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and
142.2.3 within 6 months of ceasing to occupy the land:
142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and
142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;
142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.

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143. Reclamation of Land
143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.
143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.
143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.
143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.
144. Property in Rubbish
144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.
145. Power of Council to Act in Emergency
145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.
146. Deliberately left blank
146.1 Deliberately left blank.
146.2 Deliberately left blank.
147. Costs of Advertisements
147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.
148. Whistleblowing

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148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.
148A Use of Facilities
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.
149. Deliberately left blank
150. Deliberately left blank
151. Deliberately left blank
151A Preparation of Stormwater Management Plans by Councils
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.
151B Authority May Issue Order
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).
152. Deliberately left blank
153. Deliberately left blank
154. Special Powers in Relation to Land
154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in

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accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
 - (i) fix posts, stakes or other markers on the land; and
 - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
 - (iii) remove samples for analysis.
- (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
- (f) hold any water in a watercourse or lake or by any other means; and
- (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
- (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
- (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and
- (j) undertake any testing, monitoring or evaluation; and
- (k) undertake any other activity of a prescribed kind.

154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.

155. Entry and Occupation of Land Other Than Council Land

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155.1	The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.
155.2	The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.
156. Vesting of Infrastructure, etc	
156.1	The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

**INSTRUMENT OF DELEGATION UNDER THE
LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Authorised Officers	
1.1	The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:
1.1.1	specified officers or employees of the Council; or
1.1.2	a specified class of officers or employees of the Council,
	to be authorised officers for the purposes of the Act.
1.2	The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.
1.3	The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.
2. Identity Cards	
2.1	The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:
2.1.1	containing the person's name and a recent photograph of the person; and
2.1.2	stating that the person is an authorised officer for the purposes of the Act; and

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2.1.3	specifying the name of the Council.
2.2	The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.
3.	Limit of Area of Authorised Officers Appointed by Councils
3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.
4.	Provisions Relating to Seizure
4.1	The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.
4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.
4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.
4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.
5.	Exemptions from Application of Section 18
5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.
5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.
5.3	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:
5.3.1	there are exceptional circumstances that justify the making of the declaration; and

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5.3.2	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.
5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:
5.4.1	the permitted times or periods of time for carrying on the activity; or
5.4.2	the manner of carrying on the activity.
5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.
5.6	The:
5.6.1	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and
5.6.2	duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.
6.	Disposing of Litter
6.1	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.
6.2	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.
7.	Liability of Vehicle Owners
7.1	The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
7.1.1	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or

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7.1.2	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).
7.2	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.
7.3	The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:
7.3.1	setting out particulars of the alleged principal offence; and
7.3.2	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a) and (b).
7.4	The duty pursuant to Section 26(9) of the Act, if:
7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or
7.4.2	proceedings are commenced against such a person,
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.
7.5	The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.
8.	Notification of EPA of Serious or Material Environmental Harm
8.1	The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.
9.	Nuisance and Litter Abatement Notices

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9.1	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.
9.2	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.
9.3	The:
9.3.1	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:
9.3.1.1	is in the form of a written notice served on the person to whom it is issued; and
9.3.1.2	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and
9.3.1.3	specifies the purpose for which it is issued; and
9.3.2	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:
9.3.2.1	direct two or more persons to do something specified in the notice jointly; and
9.3.2.2	impose a requirement that the person do one or more of the following:
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;
(b)	not carry on a specified activity except at specified times or subject to specified conditions;
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;
(d)	furnish to the Council specified results or reports within a specified period;
(e)	clean up litter that the Council or delegate considers

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	to have been caused by a contravention of this Act;
(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;
(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and
(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:
	A. preventing the escape of litter from business premises; or
	B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and
(j)	impose any other requirement prescribed by regulation; and
(k)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.
9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.
9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:
9.5.1	the owner or occupier of the premises; or
9.5.2	a person who has the management or control of the premises; or

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9.5.3	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.
9.6	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.
9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.
10.	Action on Non-compliance with Notice
10.1	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.
10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.
10.3	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.
10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.
10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.
11.	Civil Remedies
11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:
11.1.1	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it

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	appropriate to do so, requiring the person to take any specified action;
11.1.2	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;
11.1.3	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;
11.1.4	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;
11.1.5	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;
11.1.6	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.
11.2	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.
11.3	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.
11.4	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.
11.5	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).
11.6	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.
11.7	The power pursuant to Section 33(14) of the Act to apply for an interim order

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	without notice to any person.
11.8	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.
12.	Minister or Council May Recover Civil Penalty in Respect of Contravention
12.1	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.
12.2	The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.
12.3	The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:
12.3.1	unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or
12.3.2	if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.
12.4	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.
12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued

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	or accruing to the person, as a result of the contravention).
12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).
12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.
13.	Statutory Declaration
13.1	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.
14.	Orders in Respect of Contraventions
14.1	The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:
14.1.1	an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;
14.1.2	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;
14.1.3	an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);
	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.

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14.2	The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.
14.3	The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.
15.	Recovery of Administrative and Technical Costs Associated with Contraventions
15.1	The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:
15.1.1	has taken action to:
15.1.1.1	investigate the contravention; or
15.1.1.2	issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or
15.1.1.3	ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or
15.1.2	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,
	to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.
15.2	The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.
15.3	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:
15.3.1	extend the time for payment of an amount payable in accordance

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	with the notice; or
15.3.2	waive payment of such an amount or reduce the amount payable.
15.4	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.
16.	Assessment of Reasonable Costs and Expenses
16.1	The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.
17.	Evidentiary Provisions
17.1	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:
17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or
17.1.2	a delegation or authority under the Act; or
17.1.3	a notice, requirement or direction of the Council or an authorised officer under the Act; or
17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.
17.2	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.

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**INSTRUMENT OF DELEGATION UNDER
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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY
REGULATIONS 2012**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Water Planning
1.1 The power pursuant to Section 6(6) of the <i>Water Industry Act 2012 (the Act)</i> , in relation to a proposal:
1.1.1 to create the <i>State Water Demand and Supply Statement</i> ; or
1.1.2 to undertake a comprehensive review of the <i>State Water Demand and Supply Statement</i> ,
to make written representations on the proposal to the Minister.
2. Application for Licence
The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.
3. Licence fees and returns
3.1 The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:
3.1.1 in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and

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3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.
4. Variation of Licence	
4.1	The power pursuant to Section 28(2) of the Act to:
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;
4.1.2	agree to the variation of the terms or conditions of the Council's licence;
4.1.3	make representations to the Commission about the proposed variation.
5. Transfer of Licence	
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.
6. Surrender of Licence	
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.
7. Suspension or cancellation of Licences	
The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	

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8. Standard terms and conditions for retail services
8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.
8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.
8.3 The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.
8.4 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.
9. Customer hardship policies
9.1 The power pursuant to Section 37(3) of the Act to:
9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or
9.1.2 with the written approval of the Commission, adopt such a policy with modifications.
10. Power to take over operations
10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.
11. Appointment of operator
The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.

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12. Appointment of water industry officer
12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.
12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.
13. Conditions of appointment
13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.
13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.
14. Identity cards
The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.
15. Power to enter land to conduct investigations
15.1 The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.
15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:
15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and
15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and

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15.2.3 comply with the conditions of the authorisation.	
16. Power to carry out work on land	
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or
16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or
16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or
16.1.5	to obtain or enlarge a supply of water; or
16.1.6	to protect, improve or restore the quality of water; or
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:
16.2.1	give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and
16.2.2	secure the authority's agreement to the carrying out of the work;
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the

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	carrying out of the work.
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.
16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without

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prior notice or agreement.	
17. Acquisition of land	
The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .	
18. Requirement to connect to infrastructure	
<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>	
18.1	The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.
18.2	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.
18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.
18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.
19. Encroachments	

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19.1	The power pursuant to Section 49(1) of the Act to consent to a person:
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or
19.1.4	excavating or altering any land or structure supporting any water/sewerage infrastructure.
19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:
19.2.1	at any reasonable time, enter land and carry out an inspection of any place; and
19.2.2	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.
19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.
19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.

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19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.
20. Protection of infrastructure and equipment	
20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:
20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and
20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.
20.2	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
20.3	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.
20.4	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:
20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or
20.4.2	by action in a court of competent jurisdiction.
21. Notice of work that may affect water/sewerage infrastructure	
21.1	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:
21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or

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21.1.2 by action in a court of competent jurisdiction.	
22. Duty to give notice before paving a road etc	
22.1	The power pursuant to Section 52(1) of the Act, before the Council begins:
22.1.1	to first lay the pavement or hard surface in any road; or
22.1.2	to relay the pavement or hard surface in any road; or
22.1.3	to widen or extend the pavement or hard surface in any road; or
22.1.4	to alter the level of any road; or
22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or
22.1.6	to construct or alter any drainage work in any road,
	in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).
22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.
22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:
22.3.1	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;
22.3.2	in prescribed circumstances – an amount determined under the regulations.

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22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.
23. Unlawful abstraction, removal or diversion of water or sewage	
23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.
23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:
23.2.1	on application to a court convicting the person of an offence against this Section; or
23.2.2	by action in a court of competent jurisdiction.
24. Water meters	
24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to
24.1.1	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;
24.1.2	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.
24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.
24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.
24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the

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	person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.
24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.
24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.
24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:
24.7.1	on application to a court convicting the person of an offence against this section; or
24.7.2	by action in a court of competent jurisdiction.
24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.
25.	Discharge of unauthorised material into water infrastructure
25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:
25.1.1	on application to a court convicting the person of an offence against this Section; or
25.1.2	by action in a court of competent jurisdiction.
26.	Discharge of unauthorised material into sewerage infrastructure
26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any

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sewerage infrastructure operated by the Council:	
26.1.1	on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or
26.1.2	as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.
26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.
26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.
26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.
26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.
27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	
27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:
27.1.1	to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or
27.1.2	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any

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sewerage infrastructure,	
by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.	
27.2	The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:
27.2.1	install or construct in such locations as are specified in the notice;
27.2.2	connect to the infrastructure;
27.2.3	alter or replace;
27.2.4	maintain, repair or cleanse;
27.2.5	remove, block or disconnect,
such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.	
27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.
27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.
27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.
27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.
28.	Power to disconnect drains to restrict services
28.1	The power pursuant to Section 58(1) of the Act, if the Council has

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grounds to believe that material:	
28.1.1	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or
28.1.2	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,
to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	
28.2	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.
29. Power to restrict or discontinue water supply	
29.1	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:
29.1.1	
29.1.1.1	that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or
29.1.1.2	that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or
29.1.1.3	that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and
29.1.2	that action under Section 59(1) of the Act is justified in the

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	circumstances,
	to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.
29.2	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:
29.2.1	lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);
29.2.2	prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
29.2.3	prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
29.2.4	prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;
29.2.5	for such time or times as the delegate thinks proper, discontinue the supply of water.
29.3	The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.
29.4	The power pursuant to Section 59(4) of the Act, to:
29.4.1	impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and
29.4.2	vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.
30.	Power to require the use of devices to reduce flow
30.1	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds

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	that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.
30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:
30.2.1	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and
30.2.2	to use the device to reduce flow in those pipes during the periods specified in the notice.
30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.
31.	Disconnection in an emergency
	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.
32.	Responsibilities of water industry entity
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and

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32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and
32.1.3	comply with the plan as approved from time to time; and
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.
33. Responsibilities of Customers	
The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	
34. Enforcement notices	
The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	
35. Warning notices and assurances	
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.
36. Injunctions	
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final

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injunction being granted without proof that proper grounds for the injunction exist.	
37. Review of decisions by Commission or Technical Regulator	
37.1	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:
37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or
37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or
37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.
38. Appeals	
38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to appeal to the District Court:
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.
Third Party Access Regime	
<i>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared</i>	

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<i>by proclamation to apply.</i>	
38A. Information brochure	
38A.1 The power pursuant to Section 86F(1) of the Act to determine:	
38A.1.1	the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and
38A.1.2	the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and
38A.1.3	the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and
38A.1.4	the standard access arrangement used by the Council.
38B. Specific information to assist proponent to formulate proposal	
38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.	
38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.	
38C. Access proposal	
38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.	
38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,	

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38C.2.1	whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and
38C.2.2	if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.
38C.3	The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:
38C.3.1	the name of the proponent and an address at which the proponent may be contacted; and
38C.3.2	the name of the operator and an address at which the regulated operator may be contacted; and
38C.3.3	the general nature of the access proposal.
38C.4	The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.
38D. Duty to negotiate in good faith	
38D.1	The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.
38E. Existence of Dispute	
38E.1	The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.
38F. Power to refer dispute to arbitration	
38F.1	The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.

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38G. Confidentiality of information
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.
38H. Formal requirements related to awards
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.
38I. Consent awards
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.
38J. Termination of variation of award
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.
38K. Appeal on question of law
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.
38L. Injunctive remedies
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.

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38M. Compensation
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.
38N. Confidential information
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.
38O. Access by agreement
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.
38P. Review of Part
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.
39. Water conservation measures
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.

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40. Information as to amounts already paid for retail services etc
40.1 The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012 (the Regulations)</i> to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial

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year.	
40.3	The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.
41. Certificate as to encumbrance	
41.1	The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.
42. Protection of infrastructure – planting of trees etc on public land	
42.1	The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.
42.2	The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.
43. Protection of infrastructure – action in relation to trees and shrubs	
43.1	The power pursuant to Regulation 14(1) of the Regulations, if:
43.1.1	a tree or shrub has been planted in contravention of Regulation 13; or
43.1.2	the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or	

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	shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.
43.2	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.
43.3	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.
44.	Protection of infrastructure – damage caused by trees or shrubs
44.1	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:
44.1.1	the owner for the time being of the land on which the tree or shrub is, or was, situated; or
44.1.2	in the case of land under the care, control or management of a Council – that Council.
45.	Access to sewerage infrastructure
	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.
46.	Power to restrict or discontinue water supply
46.1	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:
46.1.1	obtain the approval of the prescribed authority before acting; and
46.1.2	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of

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the power to be exercised):
46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and
46.1.2.2 in all cases:
(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and
(b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.
47. Notices under Section 59 – Permits
The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.
48. Fittings etc to be flush with road surface
48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.
48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.

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49. Pipes must not lie across allotment boundaries
<p>49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.</p>
<p>49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i>), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.</p>
<p>49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.</p>
50. Water meters – estimates
<p>50.1 The power pursuant to Regulation 36 of the Regulations if:</p>
<p>50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and</p>
<p>50.1.2 a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water,</p>
<p>to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.</p>
51. Charge where land not connected or service to land reduced or discontinued
<p>51.1 The power pursuant to Regulation 38 of the Regulations to, for the</p>

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Last amended: 30 September 2016

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**INSTRUMENT OF DELEGATION UNDER THE
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012**

purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	
51.1.1	the land is not connected to infrastructure by which a retail service is provided by the Council; or
51.1.2	the provision of a retail service to the land by the Council has been reduced or discontinued.

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**INSTRUMENT OF DELEGATION UNDER THE
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

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Last amended: 30 September 2016

ITEM	3.6.4
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	23 January 2017
HEADING	Review the Procurement Policy for the inclusion of Australian made steel for Council construction projects - Resolution number: 1371/2016
AUTHOR	Matthew Harris, Manager Strategic Procurement, Business Excellence
CITY PLAN LINKS	1.2 Be the place of choice for businesses to invest and grow within South Australia, nationally and internationally. 1.3 Have a thriving business sector that supports community wellbeing, is globally oriented and creates job opportunities. 2.1 Capture economic opportunities arising from sustainable management of natural environmental resources, changing climate, emerging policy direction and consumer demands.
SUMMARY	To ensure the local steel industry has a competitive advantage against low quality imports, and the Council realises value for money through Total Value of Ownership, it is recommended to incorporate a local steel component under the current Procurement Policy to reflect elements of the SA Steel Economic Participation Policy. The update also supports the Northern Economic participation objective.
RECOMMENDATION	<p>1. Where value for money can be demonstrated by Total Value of Ownership, and Australian made steel is applicable and available for the goods, services and works for:</p> <ol style="list-style-type: none"> Contracts above \$1m that involve the purchase of significant amounts of structural and/or reinforcing steel; or Contracts above \$220,000 that involve significant fabrication of structural steelwork. <p>the following shall apply:</p> <ol style="list-style-type: none"> A minimum 15% Australian steel industry participation weighting will form part of the overall evaluation criteria, this includes the Northern Economic Participation weighting; and Inclusion of relevant Australian Standards (or equivalent) into the Council's scopes, specifications and designs. <p>Note: Contractors must be certified and comply with the relevant Australian Standards, and must be able to demonstrate compliance.</p> <p>2. A review of the implications of the adoption of a variation to the Procurement Policy to use Australian made steel as set out in Part 1 (Item No. 3.6.4, Resources and Governance Committee, 23/01/2017) be undertaken in 12 months.</p>

ATTACHMENTS

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

1. South Australian Steel Economic Participation Policy
2. Capabilities of the Australian Steel Industry to supply major projects in Australia.

1. BACKGROUND

1.1 At the 24th of October 2016 Council meeting, Council resolved:

1. *A review of the Procurement Policy be conducted to investigate the implications of adopting an obligation for Council to use only Australian made steel, where there is an existing Australian made source, in all construction projects.*

Resolution No. 1371/2016

- 1.2 The Australian steel industry is under pressure from a global over supply from some of the low quality imported steel products into Australia. This over supply is leading to a reduction in initial price however not necessarily the Total Value of Ownership.
- 1.3 This report identifies a potential policy inclusion to support the local steel industry, striving for a sustainable supply base whilst ensuring value for money.
- 1.4 The 'Sustainable Procurement' principle of the Procurement Policy, allows for incorporation of a 'local steel' component to reflect elements of the SA Steel Economic Participation Policy.
- 1.5 The minimum 15% Australian steel industry participation weighting applied to the Northern Regions Economic Benefit criteria includes sub criteria of Materials/Equipment and People including Employment, Subcontractors and Training. The associated Tender Schedule can be modified.
- 1.6 It is noted that the South Australian Steel Economic Participation Policy (attachment 1) sets the participation weighting at 20%. It is recommended to apply a minimum of 15%, as this aligns with the current Northern Economic Participation weighting.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Strategic Procurement team.
- 2.1.2 Internal Key Stakeholders from City Infrastructure & City Development.

2.2 External

- 2.2.1 Report developed by the Office of the Industry Advocate.
- 2.2.2 Report developed by the Australian Steel Institute.

3. REPORT

- 3.1 In September 2016 the Office of the Industry Advocate (OIA) released a South Australian Steel Economic Participation Policy (refer to Attachment 1), designed to give the local steel industry a competitive advantage and ensure SA steel fabricators get a fair chance of being successful.
- 3.2 The South Australian Steel Economic Participation Policy supports the recommendations by providing and standardising the qualifying criteria for incorporating elements into the Council's procurement process.
- 3.3 In March 2010 on behalf of the Australian Steel Institute a 'Capabilities of the Australian steel industry to supply major projects in Australia' was released (refer to Attachment 2). The document summarises the capability & capacity of the Australian steel value chain. It also provides an overview of the industry and highlights the advantages of using Australian steel supply, fabrication and services for major projects in Australia.
- 3.4 The document supports the recommendations by quantifying the benefits of incorporating elements of the South Australian Steel Economic Participation Policy into the Council's procurement process.
- 3.5 It is noted that the Australian Steel Institute is the industry body in Australia and is represented by members of the steel industry.

4. CONCLUSION / PROPOSAL

- 4.1 It is extremely difficult to quantify the implications of adopting a policy direction which may restrict the Council's overall outcome in relation to construction projects and their use of key materials, such as steel, and prevent participation by certain Contractors or Suppliers.
- 4.2 It is therefore proposed to incorporate the recommendations ensuring that the Council:
 - 4.2.1 Supports Sustainable Procurement; and
 - 4.2.2 Achieves Value for Money.

CO-ORDINATION

Officer: Executive Group
Date: 16/01/2017



South Australian Steel Economic Participation Policy

DOCUMENT CONTROL

Managed by Division:	Office of the Industry Advocate	Approved by:	Industry Participation Advocate	File number:	A837479
Contact position:	Director, Office of the Industry Advocate	Date effective:	12 September 2016	Version No:	1.0
Responsible position:	Director, Office of the Industry Advocate	Scheduled review date:	30 June 2020	Status:	CURRENT
				Security classification:	UNCLASSIFIED 'For Official Use Only'

APPROVED

Signed:



Print Name:

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Position:

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1. Objective

The Australian steel industry is under pressure from a global over supply of steel which is leading to a combination of unfair competition from abroad and a rapid downturn in iron ore and steel prices. For the Australian steel sector to remain competitive, viable and profitable, it needs to produce at (or near) capacity and sell as much of its product as possible into the domestic market.

The South Australian Steel Economic Participation Policy is designed to give the local steel industry a competitive advantage against low quality imports through mandating that reinforcing and structural steel used on projects funded by the South Australian Government fully meet the requirements of the relevant Australian Standards. Steelwork procured for public works in South Australia will also be independently tested to ensure its quality and safety.

To ensure South Australian steel fabricators get a fair chance of winning State Government contracts, the Industry Participation weighting will be increased from 15% to 20% of the overall tender assessment, on projects expected to use a significant amount of steel or steelwork.

It is intended this policy will be extended to incorporate the purchase of rail and manufactured steel products in the near future.

2. Scope

The South Australian Steel Economic Participation Policy applies in addition to and operates in conjunction with the South Australian Industry Participation Policy.

The policy has effect on:-

- Contracts above \$4million (or \$1million in Regional South Australia) that involve the purchase of significant amounts of structural and/or reinforcing steel; and
- Contracts above \$220,000 that involve significant fabrication of structural steelwork.

The policy applies to the following activities:

- Government of South Australia infrastructure and construction projects.
- Public Private Partnership projects.
- Federally-funded infrastructure and construction projects managed by the Government of South Australia.
- Private sector projects receiving significant Government of South Australia support, (over \$2.5 million cash and in-kind).

The policy will be embedded into government procurement policies, procedures, specifications and contracts.

Guidelines may be developed to support the policy.

There are no specific requirements for tenders with a value of less than \$220,000; however Responsible Government Agencies should use local businesses wherever possible and encourage successful tenderers to consider using local steel suppliers, fabricators and manufacturers.

3. Purchase of Structural and Reinforcing Steel

The following requirements apply to all contracts over \$4million (or \$1million in Regional South Australia) that involve the purchase of significant amounts of structural and reinforcing steel.

A minimum **20% industry participation weighting** must form part of the overall evaluation criteria.

The Responsible Government Agency must consult with the Office of the Industry Advocate as early as possible to facilitate the preparation of a tailored Industry Participation Plan.

Contractors must purchase reinforcing bar and mesh, pre and post tensioning strand structural steel from a steel manufacturer that has been certified by the Australasian Certification Authority for Reinforcing and Structural Steels (ACRS) as complying with AS/NZS 4671, 4672, 1163, 3678, 1594 and 3679.1 and 3679.2 standards; and

Contractors must retain records to evidence the supply of steel from an ACRS accredited mill.

Contractors must make such records available to the Office of the Industry Advocate for review, upon request, as part of the Steel Surveillance Program.

4. Fabrication of structural steelwork

The following requirements apply to contracts for \$220,000 or greater that include significant fabrication of structural steelwork.

A minimum **20% industry participation weighting** must form part of the overall evaluation criteria.

Steelwork fabricators must be certified to the relevant Construction Category in accordance with the National Structural Steelwork Compliance Scheme (refer <http://www.scompliance.com.au>) in accordance with the Fabricator Code of Practice.

As an interim measure, until sufficient South Australian steel fabrication businesses have achieved certification to the project Construction Category level, a steel fabricator who has applied for and is in the process of certification may be engaged to conduct the work referred to above.

Contractors must retain records to evidence that the fabrication of steelwork has been undertaken by a company certified to the required Construction Category.

Contractors must make such records available to the Office of the Industry Advocate for review, upon request, as part of the Steel Surveillance Program.

5. Measuring Economic Benefit for South Australia

The South Australian Steel Economic Participation Policy applies in addition to and operates in conjunction with the South Australian Industry Participation Policy.

The South Australian Industry Participation Policy requires tenderers to commit, through an Industry Participation Plan (IPP), to the level of economic benefit the State can expect to receive from packages of work under the contract.

6. Roles and Responsibilities

6.1. Responsible Government Agencies

The contracting entity for this type of work will usually be the Department of Planning, Transport and Infrastructure (DPTI) but from time to time may also be other agencies. The contracting entity will be the Responsible Government Agency and the owner of the tender. It is the Agency's role, with the advice of its advisers such as the Office of the Industry Advocate to determine which procurements are of high strategic importance for the steel sector in the State.

Responsible Government Agencies are responsible for the implementation and application of the policy within their own procurement processes.

Responsible Government Agencies include both the "public authorities" made or declared and the "prescribed public authorities" declared under the State Procurement Act 2004 and accompanying regulations.

6.2. Office of the Industry Advocate

The Office of the Industry Advocate will be responsible for assessing IPP Plans. Where the purchase and or fabrication of steel is associated with a major project (\$50million or above), assessing these IPP Plans will be a panel consisting of the Office of the Industry Advocate (Chair), Department for State Development and Agency representatives (or anyone else of appropriate standing determined by the Office of the Industry Advocate).

The Office of the Industry Advocate is available to assist with requests for information on Industry Participation Policy requirements if you wish. However, the Office of the Industry Advocate cannot assist with the development of your investment, job creation and supply chain involvement intentions as it will be involved in the evaluation process.

Please phone (08) 8226 8956 or email: oia@sa.gov.au.

7. National and International Agreements

The South Australian IPP operates within the context of relevant national and international agreements and procurement policies to which South Australia is a signatory including the Australia and New Zealand Government Procurement Agreement (ANZGPA). Consistent with these agreements, the South Australian IPP does not mandate local content levels or provide unfair preferential treatment for local suppliers. It is a policy that focuses on capital investment, labour, supply chain opportunities and the associated economic contribution to the State.

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8. Monitoring and Evaluation

The OIA will monitor and evaluate the effectiveness of the implementation of the IPP in accordance with the IPP Monitoring and Evaluation Framework.

Reporting against commitments made in the Industry Participation Plan is required as part of the contract obligations.

The South Australian Government has also initiated a Steel Surveillance Program to ensure steel and steelwork is sourced from accredited steel mills and fabricators. Any contracts that fall within the scope of the South Australian Steel Economic Participation Policy may be subject to audit under the Steel Surveillance Program.

9. Document Review

The OIA will review this Policy within five years of its implementation.

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AUSTRALIAN STEEL INSTITUTE

Capabilities of the Australian steel industry to supply major projects in Australia

compiled by

**Ian Cairns - National Manager – Industry Development
on behalf of the Australian Steel Institute**

Version 2.1.0 - March 2010

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Disclaimer – This document is provided as general information ONLY and not intended as specific recommendations or advice.

1 - Introduction

This document has been prepared by the Australian Steel Institute (ASI) on behalf of its members and the greater steel industry in general.

It is a summary of the structure, capabilities and capacities of the Australian 'steel value chain' and provides a background into the business environment in which the industry operates. While the document may be of use to many people who use steel in Australia, its main purpose is to provide an overview of the industry and highlight the advantages of using Australian steel supply, fabrication and services for major projects in Australia.

This document describes the structure and capability of the Australian steel industry and provides information on the capacity of the Australian steel manufacturers and the fabrication sector as a reference document for major project proponents and their Front-End Engineering Design (FEED) and Engineering, Procurement, Construction Management (EPCM) contractors.

The competitive advantages of using the Australian steel industry are outlined and a summary of the major industry sectors is provided as they relate to major projects. The applicable compliance requirements and standards applicable to construction in Australia is also explained.

ASI is of the view that early engagement with project teams will maximise the potential benefits that will flow to each project and local industry. The Industry is keen to work with project proponents and their downstream FEED/EPCM contractors from the outset to achieve optimum project outcomes and help ensure that local industry is provided with full, fair and reasonable opportunity to supply major projects within Australia.



2 - Background – the Australian steel sector

The Australian steel industry consists of two main producers – BlueScope Steel Ltd and OneSteel Ltd, supported by over 200 steel distribution outlets throughout the country and numerous fabrication and engineering companies.

According to the Australian Bureau of Statistics, the entire Australian steel industry chain, from basic iron and steel production through to downstream users such as fabricators, employed over 91,000 Australians and generated almost \$29 billion in turnover in 2005-06¹.

The value of iron and steel exports was \$1.6 billion for the same period (see figure 1). Steel production is performed by BlueScope Steel and OneSteel and concentrated in NSW, Victoria and South Australia (see figure 2), for more detail on steel manufacturing see Section 5A.

Both steel companies have a combined production capacity of over nine million tonnes annually, compared to domestic consumption some seven million tonnes (these figures do not include imports or exports of finished or semi-finished steel products). It should be noted that not all grades of steel are produced in Australia (eg. Australia no longer produces stainless steel). The bulk of steel use is in the construction sector (figure 3).

Australian industry competes in a global market that has both significant capacity and widespread market access issues. According to the World Steel Organisation Australia ranked twenty second out of the World's top 80 steel producers at 7.6 million tonnes for 2008². The top three national producers were China (500 million tonnes), Japan (118 million tonnes) and the USA (91 million tonnes). BlueScope Steel was ranked the forty fifth largest producer in the world in 2008 with production of 6.5 million tonnes, while OneSteel produced 2.5 million tonnes. The largest producer was Arcelor Mittal, with output of 101 million tonnes.

¹ These are the most recent figures from ABS "Manufacturing Industry Australia 2005-2006" Cat No. 8221.0

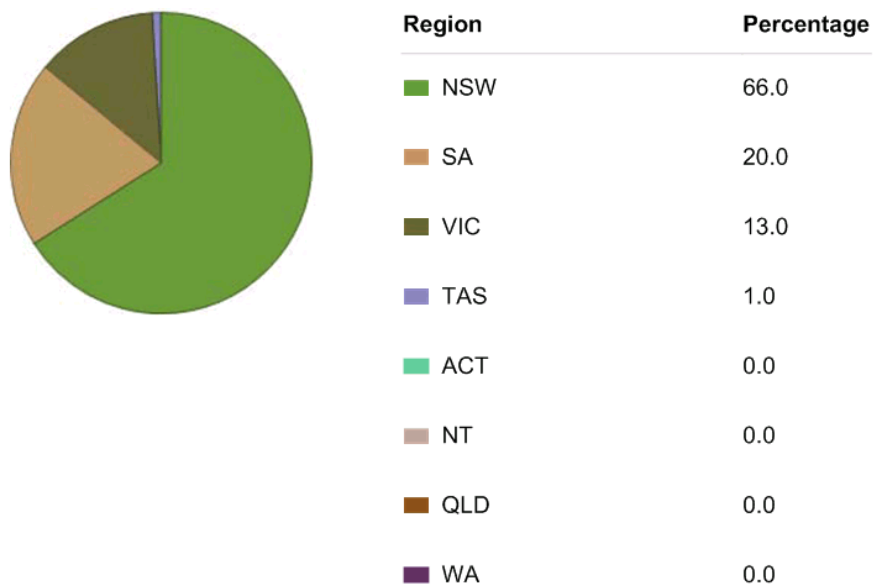
² World Steel Organisation *World Steel in Figures 2009* pp 8-9

Figure 1: Australian Iron and Steel Annual Production and Value 2003 – 2008

	2003-04	2004-05	2005-06	2006-07	2007-08
Production, Iron and Steel (Mt)	9.4	7.4	7.9	8.0	8.27
Volume of Exports, Iron and Steel (Mt)	3.8	2.3	2.4	2.7	2.8
Volume of Imports of Iron and Steel	1.6	2.1	2.2	2.3	1.9
Value of Exports, Iron and Steel (\$m)	2,004	2,031	1,674	1,756	1,786

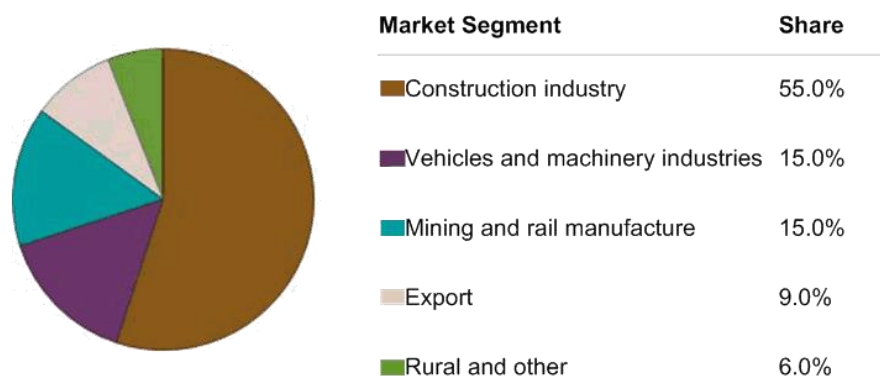
Source: Compiled from ABARE Australian Mineral Statistics quarterly various issues.

Figure 2: Iron and Steel Products Industry Output by State



Source: IBIS Industry report C2711 *Iron and Steel Manufacturing in Australia* June 30 2009

Figure 3: Major Market Segments



Source: IBIS Industry report C2711 *Iron and Steel Manufacturing in Australia* June 30 2009



3 - About the Australian Steel Institute

The Australian Steel Institute (ASI) is a 'not for profit' organisation and is the peak industry body in Australia representing the nation's steel and associated industries. Its mission is to 'assist in the profitable growth of the complete Australian steel value chain'.

The ASI's membership includes all sectors of the steel industry including manufacturers of steel and steel products, distributors, processors, fabricators, designers, detailers, galvanisers and paint companies, suppliers of services and consumables, constructors and educators.

The ASI provides industry and professional development by conducting regular technical seminars, publishing technical manuals available through its own bookshop and online, and operates the largest steel library in this part of the world. It delivers guest lectures at universities and hosts a range of national and state-based committees providing cross-industry representation.

Governance and policy is set by a Board of industry leaders from across the spectrum of Australia's steel industry. ASI core business activities are coordinated and supported by a wide range of state and regional committees and special interest workgroups operating under a charter determined by the Board.

ASI groups cover areas and interests as diverse as health and safety, sustainability, sheds, manufacturing and distribution, fabricators, detailers, pipe and tube, sheet and coil, engineering and construction.

The ASI provides an independent voice for industry representation covering such issues as industry safety, government policy, steel in buildings, maximising local content, sustainability, compliance, codes and regulations.



4- Competitive Advantages of the Australian Steel Industry

Australia has a highly skilled, well-equipped steel supply chain which has evolved over many years. Thousands of firms throughout the country provide steel manufacture, design, detailing, fabrication, surface treatment and construction services. These industry players have a long history of successfully working together to deliver major projects in Australia, providing clients with seamless, efficient, cost-effective steel solutions.

Choosing to partner with the Australian steel supply chain will ensure optimum mitigation of risks associated with the cost, quality, supply surety, compliance and safety of all steelwork used in a project.

Cost Containment

By engaging with the Australian steel supply chain in the early stages of a project, proponents and their partners may derive cost savings that can be built into a project at the initial concept design stage. Quick response and the capacity of the industry to get a project started can lead to significant cost reductions.

The need for fixed or predictable pricing for the duration of the project may be accommodated, so lessening exposure to the highly unpredictable price fluctuations of the global steel industry. Pricing in Australian dollars has the added advantage of not being exposed to volatile exchange rates.

The fact that the steel supply chain is *local* can provide multiple, additional cost benefits:

- Through the implementation of a number of practices, contractors (and therefore the project owner) benefit through cash flows being 'protected'. For example, reducing handling of components, lower onsite inventory levels and pre-production work can free up cash for alternative activities.
- Onsite inspection costs can be significantly reduced where the personnel involved are resident in the region.
- Chances of misinformation and mistakes in interpreting site plans, local regulations and environmental matters can be minimised, providing a significant financial benefit by reducing the need for re-work.
- By meeting certified standards, exacting specifications and having a 'right first time' culture, Australian suppliers further eliminate the need for costly re-work.

- Inspection costs can be significantly reduced, compared to alternate supply of fabricated steel, which may require many overseas visits.
- There are savings to be made in various administration costs such as bank and other associated costs compared to the imported alternative.
- 'Whole of life' costs, including equipment maintenance and service costs are reduced when local subcontractors are part of the construction team and remain available on completion of the major works. Local companies have the ability to source replacement parts (or parts that may need to be re-engineered to certain specifications) and service a project's ongoing needs.

Supply Surety

Fabricated steelwork is often on the critical path of major projects, with supply and construction schedules usually tight. Delays or site rectification of the steelwork often has serious ramifications for the project as a whole. Working together, the Australian steel supply chain can overcome many obstacles that negatively impact on-time delivery of steel components to a project:

- The likelihood of having to make design changes either at short-notice, or at a late stage in a complex project is high. The ability of locally-based companies to be innovative and respond to changing conditions or variations to the original planning and design work is easily accommodated. Regular face-to-face contact between the fabricator and detailer ensures that when design or site erection schedule changes arise, delays are minimised. Additionally, the industry is serviced by a network of steel distribution centres throughout Australia that stock a depth and range of all steel products thus enabling fabricators to quickly source material to respond quickly and cost-effectively to any changes. Australian steel distributors can also supply processed steel to fabricators to further speed production schedules.
- The high rate of productivity of Australian fabricators, coupled with high integrity quality of workmanship that underpins the industry's 'right first time' culture, ensures on-time, short lead-time, completion of all steelwork.
- Robust and flexible transportation strategies for fabricated steelwork are essential to ensure the overall project schedule is not at risk. Locally fabricated steelwork can take advantage of road, rail or local sea transportation, maximising flexibility and economy in meeting delivery schedules and ensuring that project schedules are met.

- The availability of suitable global shipping vessels and the associated timing of departures with the completion of overseas fabricators work, can also pose a high risk to the construction schedule.
- The ability of the local steel supply chain to, if required, provide phased or 'just-in-time' deliveries that dovetail with a project's construction schedule is superior, when compared to alternative fabricated steel supply options.

Input Quality

Poor quality fabricated steelwork can create multiple risks, not only during construction but also for future plant operations. These risks may be heightened by the remoteness of a particular project's location.

From steel manufacture to coatings application, a broad range of independently developed, administered and audited Australian Standards exist, each tailored to regulate specific processes undertaken by each member of the Australian steel supply chain. Compliance to these Australian Standards is the foundation for building input quality for any project. Additionally, the systems rigour and traceability requirements that adherence to these quality standards demand, can facilitate seamless input to any QA requirements of a project. Specifically, the following practices contribute to input quality by the local steel supply chain:

- The size, scale and breadth of Australian steel manufacturers' capabilities contribute to their ability to successfully deliver quality steel solutions to their customers. The industry is able to produce special steel grades and control quality through the full production chain – from steelmaking to rolling. Regardless of the specific product or grade required, all steel is manufactured in accordance with Australian Standards. These standards address such matters as inherent attributes of the steel itself, product testing, certification procedures and dimensional tolerances. Australian steel manufacturers guarantee the quality of the steel products they manufacture by certifying compliance with these independently established Australian Standards. Additionally, local steel manufacturers hold ISO Quality Management System Accreditation (ISO 9001), third party quality accreditation.
- Domestic steel manufacturers have technical teams with significant experience and expertise in working with other members of the steel supply chain and their clients, to provide input to the design process or optimise existing designs by ensuring the most suitable quality grades of steel are chosen for particular applications, or offer advice on Best Practice for steel processing.
- A highly skilled workforce, trained in the latest steel fabrication techniques and welding processes characterises the Australian fabrication industry. This team, coupled with

- The local steel industry has become accustomed to satisfying the demands of project proponents and their partners for quality records and traceability. Provision of documentation is not limited to that governing traceability and compliance of steelwork. It includes materials for cleats and fitments, bolts and welding consumables as well as welding records, NDT records, and fabrication inspection records. Without such traceability a project may not only be at risk of compromising quality and being unable to meet reporting requirements, but also risk schedule delays associated with achieving compliance.

Safety Secured

The Australian steel supply chain demonstrates a strong commitment to occupational health and safety (OH&S), believing that all injuries, occupational illnesses and incidents are preventable. Steel manufacturers enjoy global-industry-low, benchmark levels for Lost Time Injury Frequency Rates (LTIFR) and Medical Treatment Injury Frequency Rates (MTIFR). This safety performance is underpinned by wide-scale safety improvement plans, driven by executive leadership from the local steel manufacturers. This approach to safety as a cultural norm throughout the Australian steel supply chain means that projects are less likely to be negatively impacted by OH&S incidents.

Track Record

Australia's large mining and processing industries have over many decades spawned a competitive steel construction industry capable of servicing major projects and delivering quality. The track record of the industry is one of continual improvement in all facets of fabricated steel supply to large projects resulting in optimum risk mitigation for project proponents and their partners.

5A - Manufacturing

Australian steel is recognised around the world for its quality and product consistency. The annual capacity of Australian steelmakers is approximately eight million tonnes of which about 1,6 million tonnes is structural steel used for industrial, commercial and residential buildings, bridges, towers and masts, maritime structures, mining and materials handling projects.

There are estimated to be 50,000 tonnes of structural steel stock in the distribution chain at any one time.

Australia is well served by three steel manufacturers who operate an array of modern steelmaking mills across the country, **BlueScope Steel** (which largely produces flat steel product), **OneSteel** (making mostly long steel product) and **Orrcon** (making tubular steel product).

BlueScope Steel

BlueScope Steel Limited is an international steel solutions company with a manufacturing and marketing footprint that spans Australia, New Zealand, Asia and North America. It employs more than 18,000 people and operates 91 manufacturing plants in 17 countries around the world.

Manufacturing Facilities

BlueScope Steel has vertically integrated operations for flat steel products in Australia and New Zealand including steel slab, hot rolled coil, cold rolled coil, steel plate and value-added metallic coated and painted products.

It is also a designer and manufacturer of pre-engineered steel buildings and building solutions products. The company's Coated and Industrial Products Australia division incorporates:

- Port Kembla Steelworks - an integrated steelmaking operation with an annual production capacity of approximately 5.3 million tonnes of crude steel. It is the largest manufacturer and supplier of flat steel in Australia by volume and manufactures slab, hot rolled coil and plate products.
- Two metallic coating and painting facilities located in Springhill (NSW) and Western Port (Victoria).
- Steel painting facilities in Western Sydney (NSW) and Acacia Ridge (Queensland).

- Export trading offices based in North America, Europe, the Middle East and Asia.

Through its focus on cost efficient manufacturing and strong brand recognition for products such as COLORBOND® steel and ZINCALUME® steel, the company enjoys strong market shares in each of the Australian and New Zealand sectors in which it operates, serving customers in the building and construction, engineering construction, manufacturing, automotive and transport, agricultural and mining industries.

Its flat steel product range is produced to exacting standards with products being manufactured to Australian and International Standards providing a known level of quality with full traceability. All manufacturing facilities have quality management systems accredited to ISO 9001:2008. This accreditation is actively maintained and audited, ensuring a mature and fully functional system. BlueScope Steel is committed to the principles of quality assurance, thereby increasing customers' confidence of the project being delivered to the required quality standards.



Customer Service

BlueScope Steel also operates a national network of service centres and steel distribution sites throughout Australia. BlueScope Distribution can fill customers' material needs from its Australian network of more than 50 processing and distribution sites.

Products stocked include steel plate, sheet and coil, reinforcing fabric, bar and building products, merchant bar, structural steel, tubular, engineering steel and aluminum products. It

offers quality processing services which range from simple length-based cutting of bar and tube products to complex multiple precision processing on world standard CNC controlled beam line and plate line installations. Providing customers with metal in the form they need helps reduce customers' costs, lead-times and waste.

For steel-intensive projects, BlueScope Steel collaborates with both BlueScope Distribution and other ASI-affiliated steel distributors as well as steel fabricator customers to provide 'flowed' deliveries of steel to meet project production schedules to reduce project costs by minimising sorting, handling and storage. The need to 'jump-start' projects is also easily accommodated given the ready availability of its standard product range from the Australia-wide steel distributor network or on short lead times from mills for non-standard products.

BlueScope Steel has an experienced technical team that supports projects by providing advice regarding the 'best-fit' steel grade for a particular application from its current product range, advice on international equivalent steel grades that BlueScope Steel can produce, or even working with project proponents to develop new, modified steel grades, tailored to provide optimum application performance.

To simplify the process of ordering steel and doing business with BlueScope Steel, its e-commerce trading hub www.bluescopesteelconnect.com provides online access 24 hours a day, seven days a week. Its *OrderIntegrator* system for single point data entry delivers time savings, productivity enhancements and reduced error potential while giving more control over orders

Safety and the Environment

BlueScope Steel's fundamental belief is that all injuries can be prevented. The company is committed to its goal of Zero Harm for all its employees and contractors, anywhere in the world.

The company's injury levels are at World Best standards with its Lost Time Injury Frequency Rate (LTIFR) remaining below one for the fifth consecutive year to December 2009. Its Medically Treated Injury Frequency Rate (MTIFR) has fallen from 8.3 medically treated injuries per million man-hours worked in 2004 (including contractors) to 4.5 at December 2009.

BlueScope Steel is committed to caring for the environment and choosing to do what is right. It takes action within its businesses and works with partners to continually improve its environmental footprint. The company has adopted comprehensive environmental governance arrangements and management systems to ensure it achieve those goals. In

addition to its compliance obligations, BlueScope Steel has undertaken a range of initiatives to reduce the company's environmental footprint (refer *11-Environmental Sustainability*).

OneSteel

OneSteel was created by combining eight historically diverse, yet related businesses to form a vertically integrated mining, steel manufacturing and steel products distribution company.

Prior to the formation of the OneSteel business in 2000, these businesses were essentially run as independent operations within the steel division of BHP.

OneSteel is currently a vertically integrated business with annual revenues in excess of six billion Australian dollars. The company employs 10,500 people across Australia, New Zealand, Asia, the Pacific and the United States.

OneSteel's high levels of self-sufficiency in key steelmaking inputs make it unique in the world of steel. From mineral extraction and scrap steel recycling to delivering product and service solutions, OneSteel services over 30,000 customers globally from its range of some 40,000 products.

Customer Service

OneSteel services its diverse customer base from 10 specialist manufacturing facilities in Australia fed by four steelmaking facilities with capacity of 2.6million tonnes per annum. Products and services are distributed through a comprehensive network of more than 150 distribution centres in Australia and New Zealand that are close to local markets.

Its products include structurals, rails, rod and bar, reinforcing, wire, tube, pipes, fittings, valves, rail wheels and axles, 'lite' steel beam, grinding media and recycled metals.

OneSteel's products are used across industries including construction, manufacturing, housing, resource, mining and agriculture.

The company's capabilities span from simply the supply of product to the management and delivery of complete packaged solutions. The company leverages its in-house product development, engineering support and project management capability to optimise engineering design and manage the sourcing, fabrication and logistics of solutions for its customers in resources, mining and construction industries.

Safety and Sustainability

OneSteel is committed to achieving the highest performance in occupational health and safety with the aim of creating and maintaining a safe and healthy work environment throughout its businesses.

The company believes that sustainable development is about meeting the needs of its current generation without compromising the ability of future generations to meet their own needs. OneSteel recognises the importance of a sustainable approach to its operations across the entire steel value chain, from the extraction of raw materials through to the manufacture of finished steel products and the distribution to customers.



OneSteel's network of operations is underpinned by the strategic theme of Operational Excellence ensuring that it has reliable, sustainable, capable and internationally competitive manufacturing processes which align and strengthen its market offer. For OneSteel operational excellence involves:

- Process capability, maintenance reliability and labour productivity of all operations where manufacturing is a key part of those operations.
- Having skills, competencies and expertise in those areas to ensure it operates manufacturing facilities as cost effectively as possible.
- Cost effective, capable products and processes, particularly focused on reducing variation.

OneSteel has significant experience and expertise in working in partnership with its customers to provide input into the design process or to optimise an existing design for efficient manufacturing, reduced waste, reduced risk and ultimately reduced cost.

The company employs five structural engineers who are based within the Market Mills

business. Each of these engineers has a long history working in OneSteel and the group is intimately involved with the ASI and Australian design standards.

OneSteel personnel have participated on the Australian Standards committee for Australia's main structural steel design standard, AS 4100 Steel Structures. OneSteel also has representatives on the committee for AS 3679.1 Structural Steel Part 1: Hot-Rolled Bars and Sections. The engineering design team have an in-depth understanding of these and other standards associated with structural steel design.

OneSteel is contributing author to a range of standardised steel connections published by the ASI, most recently in May 2009. A significant focus of OneSteel's involvement with these publications was to provide the industry with a range of practical and economical standard connections. Given an objective in design is to utilise the available member strengths to a high degree, the connections were developed to achieve the maximum strengths possible (subject to bolt capabilities), while at the same time minimising component sizes for optimum economy. Having a range of connections designed in accordance with the current standards and the latest design models eliminates a great deal of detailed and time consuming engineering work. These connections have been developed based on OneSteel's hot rolled and welded universal beams and cover many practical situations. Given its involvement in this area, its engineers are able to assist OneSteel's partners to apply those connections and develop suitable one for alternative design situations, where they arise. This can provide significant efficiencies during design and fabrication.

OneSteel's expertise in engineering design and optimisation has provided significant benefits to our partners on a number of large infrastructure projects in Australia. These capabilities, plus an intimate knowledge of product attributes and mill capabilities contribute to a design that is efficient to manufacture, has reduced waste, reduced risk and ultimately reduced

OneSteel Piping Systems

OneSteel Piping Systems is one of Australia's leading product and service providers of pipe, valves and fittings for the resources, construction, manufacturing and energy markets. It partners with key customers in oil and gas, mining and engineering construction, offering customised solutions with a superior range of piping systems products and national service capability.

Its dedicated personnel bring industry experience and technical capability that enables the company to work closely with clients to add value to its relationships and maximise customer satisfaction.

By sourcing domestically and internationally, OneSteel Piping Systems is experienced in connecting customers with some of the most recognised brands for pipe, valves and fittings. It has longstanding relationships with some of the world's leading valve manufacturers and imports a comprehensive range of pipe and fittings. This is in addition to its locally manufactured pipe from its subsidiaries, Australian Tube Mills and OneSteel Oil & Gas Pipe.

As a specialist supplier to many industries, OneSteel Piping Systems offers a complete package, whether it's a project, application advice or next day delivery for a piping system product to anywhere in Australia,.

It offers an extensive range of global brands and high QA standards and certification processes and has a world class network of offshore manufacturers and its products are quality assured and embraced under OneSteel's ISO 9001 accreditation certificate. Supported by a dedicated international sourcing and procurement team, OneSteel Piping Systems is well placed to deliver quality products and service solutions, safely and on time delivery.

OneSteel Oil & Gas Pipe is one of Australia's most experienced API accredited manufacturers (API Q1, AS/NZS ISO 9001:2000) manufacturing quality Australian made carbon steel ERW linepipe.

Its Kembla Grange mill manufactures pipe in:

- Diameters 168.3mm to 508.0mm.
- Thicknesses to 12.7mm.
- Lengths to 18.3m.
- Grades up to API 5L-X80 in either PSL1 or PSL2.

Additionally, OneSteel's products are manufactured to comply with AS1163, the only structural hollow section material standard recognised by the Australian Structural Design Code, AS4100.

Its manufacturing capability is complemented with an ability to source an extended range of linepipe manufactured by pre-qualified overseas pipe mills. The company offers fully integrated supply packages that include corrosion coated and/or lined electronically traceable pipe to customers' stockpile sites or project right-of-ways.

It goes to great lengths to ensure that its pipe is specifically designed to meet the technical, commercial and logistical requirements of each client's needs. Regardless of the project type or size, OneSteel Oil & Gas Pipe aims to provide high quality pipe for your project.

Orrcon Steel

Orrcon Steel is a manufacturer and distributor of steel tube and pipe in Australia and a member of the Hills Industries Limited group of companies.

All Orrcon Steel manufactured products are quality assurance certified to appropriate standards such as ISO 9001 and API Q1 level of excellence. Orrcon Steel distribution centres are strategically located in Queensland, NSW, Victoria, South Australia and Western Australia, ensuring a solid distribution network which is complemented by an extensive spread of distributors and stockists in metropolitan and rural Australia.

Its Pipelines and Infrastructure group is a project-focused business unit within Orrcon Steel with a broad spectrum with expertise aligned to industry sectors covering the development of pipelines, energy, resources and infrastructure. It has world class production capability and support functions to deliver projects in-full on-time and to quality requirements. This dedicated team specialises in the manufacturing, procurement and management for some of the largest pipeline and infrastructure development products in Australia.

Manufacturing Locations and Scope

- **Wollongong** – a world class electric resistance welded (ERW) mill manufacturing large structural pipe and RHS, API Monogrammed Oil, Gas and Water Linepipe.
Capability 90,000t pa.
- **Brisbane** – Structural tube and pipe mills, plus and an electro-galvanising plant producing Orrcon Steel's own range of ALLGAL®. Providing ready-primed and zinc coated ERW product, manufactured for structural and pressure applications.
Capability 150,000t pa.
- **Adelaide** – Precision tube mills manufacturing cold rolled, hot rolled zinc and aluminum coated ERW steel tubing rolled to precise diameters and wall thicknesses.
Capability 85,000t pa.

Additional Products

- Merchant bar (eg: flats, rounds, squares and angles)
- Fittings and flanges.
- Seamless and large diameter spiral weld pipe.
- Fencing, wire, welding products, mesh, sheet, gates and roofing.

Processing Services

- Pipe cutting, threading, roll grooving, punching, hot dip galvanising.
- 3D laser processing and OrrTrack® pipe management.

Quality Management Systems and Product Standards

Orrcon Steel's stringent Quality Management System ensures every tubular product it produces is manufactured, inspected and tested to comply with one or more of the following standards:

- AS/NZS ISO 9001 Quality Management Systems.
- International API Specifications Q1.
- Precision – AS 1450 and the demands of the industry in all aspects of the product.
- Structural – AS/NZS 1163 Structural steel hollow sections.
- Low pressure pipe - AS 1074 and ASTM A53B. Tubes and tubular for ordinary service.
- AS1396 Bore casing.
- Oil and Gas line pipe is manufactured to the strict American Petroleum Institute standard API Specification 5L & 5CT.
- Water pipeline components AS1579.
- ALLGAL® standard AS4750 Electro-galvanised (zinc) coating on ferrous hollow and open sections.

For further information and complete product range information, visit www.orrcon.com.au

5B - Distribution

A network of steel distribution facilities exist across Australia with state-of-the-art processing and stock control systems to support demanding project schedules. These businesses carry large stocks throughout the branch network giving excellent availability of the full range of steel products.

Leading distributors include OneSteel Distribution, BlueScope Distribution, Southern Steel Group and CMC Coil Steels, all having a national footprint and providing the full range of steel products to resellers and end-users including merchant bar, pipe and tube, structural steel sections, steel plate, angles, channels, flat sheet, reinforcing steel, sheet steel and coil, roofing and rainwater goods, building materials, including purlins, battens and studs. Some distributors also carry a range of stainless steel, aluminium products and pipe fittings and valves.



Reinforcing businesses process, fabricate and coordinate the distribution of reinforcing bar and mesh throughout Australia for the construction, mining and oil and gas industries (refer section 5G for more information).

The integrated Australian steel channel typically holds in excess of two million tonnes of inventory providing project proponents with confidence that the industry can promptly and effectively respond to a project's steel requirements when and where they need them. Local availability dramatically reduces the need for projects to maintain large inventories onsite and greatly reduces the schedule risk for a project.

Not only do Australian distributors offer large stocks, but they also offer steel processing on equipment which includes CNC beam lines, angle lines, band saws and cropping lines

capable of processing the full range of structural steel, merchant bar, pipe and tube products. Plate processing capabilities include laser, plasma and oxy-fuel cutting, drilling, counter-sinking, boring, bevelling and marking of the biggest available plate. By using these processing facilities customers are able to substantially increase their productivity allowing them to take on larger projects, finishing them faster and within budget. They also benefit from reduced handling, the elimination of mistakes and the reduction of waste.

Australian steel distributors are accustomed to working closely with project designers, steel fabricators and other contractors to ensure that the optimal steel product, compliant with all relevant standards and fully traceable, is available where and when it is required.

Consequently unnecessary and costly delays are avoided.

Distributors add considerable value to the management of projects by:

- Maintaining significant stocks of steel.
- Advising on the best use of steel lengths and plate sizes for minimum yield loss, thereby maximising cost savings.
- Supplying quality processing as needed to customers' exact requirements.
- Providing timely deliveries, coordinated to projects' construction schedules and in cooperation with other suppliers.

Australian distributors are located in over 300 sites across the country and offer a depth and breadth of range, coupled with logistics, supply chain, processing capability and expertise to facilitate fast, flexible and reliable delivery of product to all Australian steel users.

For further information, visit:

www.bluescopesteeldistribution.com.au

www.Onesteel.com

www.southernsteel.com.au

www.coilsteels.com.au

www.horansteel.com.au

5C-Fabrication

Fabrication Overview

The Australian structural steel sector is about equivalent in capacity to the highly regarded UK fabrication industry at between 1.6 and 2.0 million tonnes per annum but with a focus on the engineering projects sector.

One of the largest the steel industry sectors, Australian structural steel fabricators have committed heavily to new technology in recent times to meet the demands of new resources and infrastructure investments head on.

There has been a real increase in capability, capacity and competitiveness to take on major projects. A recent Australian Steel Institute survey, confirmed with ABS statistics shows \$400 million having been spent on new technology capital equipment since 2007.

This investment takes in the latest technology in new overhead cranes, plate rolling equipment, CNC beam lines, angle lines and plasma cutting lines.

The fabricators are increasing their capability and capacity and investing in Australia's future not only by installing new plant but also by keeping skills in Australia to build and maintain a sustainable steel manufacturing sector.

This investment has seen the fabrication steel processing capacity increase by close to 30 percent. The sector has ample capacity in reserve and is more cost competitive due to this recent investment in automation.

General Fabrication

The Australian fabrication industry is characterised by a very large number of fabricators with a total output of approximately 1.6million tonnes/annum including some product used in repetition manufacturing like lintels, truck body and trailer fabrication. The medium and larger fabricators (2000–20,000 tonnes per annum) process approximately 1.1million tonnes with a large shift from labour-based fabrication to CNC, beam lining, angle lines and plasma and gas profile cutting. A trend is for fabricators to invest in detailing or to have close liaison with detailers to enable the benefits of computer files to drive their CNC equipment. Automotive processing is progressively being applied to plate profiling, line marking, identification marking, drilling and tapping and where required, weld preparation.

A characteristic of steel fabrication in recent years has been the move to introduce technology throughout the steel value chain, including processing facilities at distribution level.

New and innovative business models are being developed with better interface in the technology areas between engineers and detailers and the fabricator, flowing from the UK we are seeing an emergence of the Design and Construct Steel Contractor assuming an increased share of design and erection for the entire steel component.

Australian steel's market share for the industrial buildings market is worth approximately 120,000 tonnes a year, whilst its percentage of the multi-storey buildings market segment has grown over the past decade from three to about 13 percent.

This market segment includes portal frame buildings like factories and warehouses and commercial buildings such as offices, shops, schools, health and civic facilities. Steel brings advantages in speed of construction, lightweight and reduced foundation costs and a smaller manufacturing footprint to the construction site as most fabrication is off-site in more secure and safer manufacturing environments.

The Australian fabrication industry capacity is extended by the outsourcing of some functions to specialist processors and coaters. A community of specialist subcontractors augment the fabrication capacity in:

- Steel detailing.
- Blast cleaning.
- Painting.
- Galvanising.
- Non-destructive testing.
- Grating and handrail manufacture.
- Bending.
- Transportation.

Fabricators will often specialise in structural steel, pipe fabrication, plate fabrication or mechanical fabrication. This has served the industry well, maintaining capability, cost effectiveness and flexibility. In fact, fabricators often specialise in certain market segments which makes them more competitive and profitable in these segments.

This paper assumes that reference to 'fabricators' covers all these disciplines. Refer to the Australian Fabricator Listing with approx capacity tonnes indicated in the following pages.

The leading fabrication firms are equipped with state-of-the-art CNC automated fabrication equipment and are adept at utilising electronic information direct from the Engineer or Detailer to run fabrication machines. This improves cost and quality and enables 'just in time' processing and erection.



Fabricator Quality

The Australian steel industry is based around the integrated nature of Australian Standards. For example the material specifications of Pipe and Tube (AS1163) and the structural sections Specification (AS3678) feed into the design requirements of AS4100 and AS3600 which are called up in the Building Code of Australia.

Significant to this structure is the welding code, AS1554. For special purpose welds, the welder needs to be qualified and tested and the equipment used calibrated and approved through the production of tested samples.

Australian fabricators maintain a system of apprenticeships to renew and update the skill levels in this country and to ensure training so that the skill sets to the relevant standards are maintained.

Similarly, the importance of a steel structure is dependent on the coating scheme which must be applied onsite or handled well to the site. These requirements defray significant on-costs from avoiding not getting the specification requirements right the first time.

Australian Fabricator Listing

State/Region	Approximate Tonnage
NSW and ACT Total	467,250
QLD and NT Total	272,350
SA Total	185,500
VIC and TAS Total	288,500
WA Total	640,200
Total Fabrication Approx Capacity Identified	1,853,800

	Company Name	Location	State	Approximate Capacity Tonne (per annum)
NSW	A & S Conveyors	Raymond Terrance	NSW	1000
	A J Mayr Engineering	Tomago	NSW	10000
	Align Constructions & Engineering	Moss Vale	NSW	2000
	Alliance Engineering Group	Broken Hill	NSW	5000
	Allmen Engineering	North Sydney	NSW	10000
	Amarcon Group	Charmhaven	NSW	2000
	Armidale Romac Engineering	Armidale	NSW	2000
	Australia and Overseas Alloys	Unanderra	NSW	15000
	Australian Wrought Iron Design	Silverwater	NSW	1000
	B & G Welding	Blacktown	NSW	10000
	Bacicco Group	Clemton Park	NSW	1000
	Baker & Provan	St Mary's	NSW	1000
	Beltor Engineering	Edgeworth	NSW	2000
	Bosmac	Parkes	NSW	2000
	Boweld Constructions	Bomaderry	NSW	2000
	C&V Engineering Services	Mascot	NSW	5000
	Charles Heath Industries	Smithfield	NSW	2000
	Combrell Steelfab	Hoxton Park	NSW	5000
	Compute Steel Structures	Riverstone	NSW	2000
	ConSep	Wetherill Park	NSW	5000
	Coolamon Steelworks	Coolamon	NSW	10000
	Cooma Steel Co.	Cooma	NSW	2000
	Cosme-Australia Stainless Steel Fab	Griffith	NSW	1500
	Cullen Steel Fabrications	Ingleburn	NSW	10000
	D.A.M. Structural Steel	Camden	NSW	10000
	DME Kermac Welding & Engineering	Wetherill Park	NSW	6000
	Davebilt Industries	North Gosford	NSW	2000
	Designed Building Systems	Fairfield	NSW	2000
	E.R. Curtain	Revesby	NSW	5000
	Edcon Steel	Arndell Park	NSW	2000
	Ficogi Engineering	Ingleburn	NSW	2000
	Flame-Cut	Wetherill Park	NSW	10000
	Forgacs Engineering	Hexham	NSW	15000
	Gonzalez Fabrication and Erection	Beresfield	NSW	5000
	H F Hand Constructors	South Kempsey	NSW	2000
	H&M Engineering & Construction	Rutherford	NSW	15000
	Hutchins Bros	Narrandera	NSW	2000
	ILB Steel Buildings	Orange	NSW	5000
	Industrial Building Systems	Hunter Region MC	NSW	5000
	J.D.Hall & Son	Arncliffe	NSW	250
	JME Tumut	Tumut	NSW	1000
	John Holland	Pymont	NSW	10000

	Company Name	Location	State	Approximate Capacity Tonne (per annum)
	Jord Bellows International	Sydney	NSW	1000
	K H P Steel Fabrications	Botany	NSW	2000
	L & A Pressure Welding	Revesby	NSW	5000
	Lifese Engineering	Auburn	NSW	10000
	Marine Consultants Australia	Parkes	NSW	1000
	Mecha Design & Fabrication	Wyong	NSW	2000
	Mine Consultants Australia	Parkes	NSW	5000
	Morson Engineering	Wyong	NSW	10000
	National Engineering	Young	NSW	10000
	Nepean Engineering	Narellan	NSW	25000
	NWEC	Yennora	NSW	10000
	Pacific Steel Constructions	St Marys	NSW	n/a
	Perfab	Tomago	NSW	5000
	Performance Engineering Group Australia	Berkeley Vale	NSW	15000
	Piper & Harvey Steel Fabrications (Wagga)	Wagga Wagga	NSW	2000
	Precision Oxycut	Smithfield	NSW	10000
	Rambler Welding Industries	Wagga Wagga	NSW	2000
	RCR Stelform	Bennetts Green	NSW	5000
	Riton Engineering	Wyong	NSW	10000
	S&L Steel Fabrications .	Rooty Hill	NSW	15000
	Saunders International	Condell Park	NSW	10000
	Sebastian Engineering	Campbelltown	NSW	20000
	Southern Cross Rigging & Constructions	Villawood	NSW	3000
	Spartan Steel	Villawood	NSW	2000
	Steel Solutions	Sydney	NSW	n/a
	T & M Group Engineering (NSW)	Sydney	NSW	10000
	TDA Snow Engineering	Heatherbrae	NSW	500
	Tenze Engineering	Greenacre	NSW	2000
	Tubular Steel Manufacturing	Maitland	NSW	2000
	Universal Steel Construction (Australia)	Wetherill Park	NSW	2000
	WGE	Unanderra	NSW	10000
	Walpett Engineering	Queanbeyan	NSW	2000
	Weldcraft Engineering (ACT)	Queanbeyan	NSW	2000
ACT	Baxter Engineering	Fyshwick	ACT	2000
	Mass Steel	Mitchell	ACT	10000
QLD	AG Rigging & Steel	Toowoomba	QLD	5000
	Ahrens M&S	Goombungee	QLD	10000
	Alltype Welding	Beenleigh	QLD	5000
	Associated Iron & Steel	Brisbane	QLD	5000
	Austin Engineering	Carole Park	QLD	10000
	Beenleigh Steel Fabrications	Crestmead	QLD	10000
	Belconnen Steel	Brendale	QLD	5000
	Brisbane House Stump Supplies	Redcliffe	QLD	1000
	Cairns Steel Fabricators	Bungalow	QLD	5000
	Casa Engineering (Brisbane)	Carole Park	QLD	5000
	Central Engineering	Curumbin	QLD	10000
	Centwest Engineering & Steel Supplies	Longreach	QLD	1000
	Combined Metal Fabrication	Garbutt	QLD	1000
	Commercial Facades Australia	Brisbane	QLD	1000
	DLF Enterprises	Gleneagle	QLD	1000
	Durable Engineering	Brisbane	QLD	2000
	DWW Engineering	Darra	QLD	5000

3.6.4 Capabilities of the Australian Steel Industry to supply major projects in Australia.

	Company Name	Location	State	Approximate Capacity Tonne (per annum)
	English Engineering	Carins	QLD	1000
	Fritz Steel (QLD)	Richlands	QLD	1000
	Gay Constructions	Morningside	QLD	10000
	G.S. Engineering (Qld)	Hervey Bay	QLD	1000
	GPW	Gladstone	QLD	350
	Hitec Welding	Pinkenba	QLD	10000
	Ironbark T/A Maklah Steel Fabrication	Underwood	QLD	5000
	John Holland Energy and Resources	Rockhampton	QLD	1500
	John Holland SMP	Brisbane	QLD	10000
	KG Engineering	Aitkenvale	QLD	1000
	Lazco Fabrications	Earlville	QLD	1000
	Maxglo Engineerng & Welding	Logan City DC	QLD	1000
	Milfab	Deception Bay	QLD	5000
	Morgan Engineering Gympie	Gympie	QLD	5000
	Morton Steel	Hemmant	QLD	5000
	Noosa Engineering & Crane Hire	Noosaville	QLD	1000
	Northern Engineering (Qld)	Yalala	QLD	1000
	Pacific Coast Engineering	Garbutt	QLD	5000
	Pierce Engineering	North Rockhampton	QLD	2000
	Piping Solutions	Wakerley	QLD	10000
	Quality Assured Bolt & Steel Fabrication	Narangba	QLD	2000
	Regent Fabrications	Buderim	QLD	1000
	Rimco Building Systems	Arundel	QLD	10000
	South Pacific Marine Aust.	Burpengary	QLD	1000
	Steel Fabrications Australia	Hemmant	QLD	15000
	Stewart & Sons Steel	Bundaberg	QLD	5000
	Studio Steel	Cooroy	QLD	1000
	Sun Engineering	Carole Park	QLD	10000
	Taringa Steel	Sumner Park	QLD	1000
	Thomas Steel Fabrication	Hyde Park	QLD	5000
	Townsville Engineering Industries	Townsville	QLD	5000
	Transafe Engineering	Brisbane	QLD	1000
	Vulcan Engineering Gladstone	Gladstone	QLD	1500
	Walz Construction	Gladstone	QLD	5000
	Watson Engineering (QLD)	Gladstone	QLD	5000
NT	E C & E	Berrimah	NT	5000
	M & J Welding And Engineering	Berrimah	NT	5000
	OGM Engineering	Hudson Creek	NT	5000
	Transcon	Darwin	NT	5000
	Tristar Industries	Darwin	NT	15000
	Universal Engineering (NT)	Berrimah	NT	10000
SA	Adelaide Fabrication	Port Adelaide	SA	5000
	Advanced Steel Fabrication	Gillman	SA	7000
	Adlingtons Australia	Wingfield	SA	5000
	Ahrens Group	Kingsford	SA	15000
	Bianco Structural Steel	Gepps Cross	SA	10000
	Bowhill Engineering	Bowhill	SA	2500
	Century Products (SA)	Beverley	SA	5000
	Civil Mechanical Services	Woodville North	SA	1000
	F.Miller & Co	Ottoway	SA	1000
	Flight Bros	Edwardstown	SA	1000
	G&L Bolnar Engineering	Wingfield	SA	5000
	Gadaleta Steel Fabrication	Port Pine	SA	2000
	Krueger Engineering	Mount Gambier	SA	5000

	Company Name	Location	State	Approximate Capacity Tonne (per annum)
	Louminco	Wingfield	SA	10000
	LWA Engineering	Wingfield	SA	5000
	Macweld Industries	Largs Bay	SA	10000
	Manuele Engineers	Clovelly Park	SA	10000
	Manufacturing Excellences & Robotics (MEAR)	Elizabeth West	SA	5000
	Medo Fabrication	Adelaide	SA	5000
	MWS Engineering	Para Hills	SA	8000
	Pipetech	Burton	SA	5000
	RC & ML Johnson	Magill	SA	5000
	S J Cheeseman	Port Pirie	SA	5000
	SA Structural	Salisbury North	SA	5000
	Samaras Structural Engineers	Rosewater East	SA	15000
	Smart Fabrications	Dry Creek	SA	1000
	Steriline Racing	Mt Barker	SA	1000
	Tali Engineering	Gillman	SA	10000
	Templeton Constructions	Mount Gambier	SA	10000
	Williams Metal Fabrication	Elizabeth	SA	5000
	Wturner Engineering	Adelaide	SA	5000
	Zuppa Engineering	Virginia	SA	1000
TAS	Amax Engineering (Tas)	Launceston	TAS	2000
	DPM Engineering Tas	Latrobe	TAS	2000
	Haywards Steel Fabrication & Construction	Launceston	TAS	10000
	Saunders & Ward	Kingston	TAS	5000
VIC	Actco Pickering Metal Industries	Dandenong	VIC	n/a
	ADM Engineering Services	Bannockburn	VIC	4000
	Alfasi Steel Constructions	Dandenong South	VIC	15000
	Apex Welding & Steel Fabrication	Bundoora LPO	VIC	7000
	Apollo General Engineering (Aust)	West Heidelberg	VIC	1500
	Australian Rollforming Manufacturers	Dandenong	VIC	1500
	Bahcon Steel	Morwell	VIC	10000
	Bulknet		VIC	2000
	C.P. Engineering	Clayton South	VIC	5000
	Crib Point Engineering	Hastings	VIC	2000
	Danum Engineering	North Shore	VIC	1500
	Elliott Engineering	Kilsyth	VIC	10000
	Embelton	Coburg	VIC	5000
	Fitzroy Engineering Group	Mont Albert	VIC	5000
	Fusion-Weld Engineering	Dandenong	VIC	5000
	Geelong Fabrications	Geelong	VIC	7000
	GFC Industries	Campbellfield	VIC	10000
	GVP Fabrications	Mordialloc	VIC	10000
	Hunt Engineering & Staff	Dingley	VIC	5000
	J C Smale & Sons (Aust)	Notting Hill	VIC	1000
	J. Furphy & Sons	Shepparton	VIC	5000
	John Holland Energy and Resources	South Melbourne	VIC	n/a
	Kiewa Valley Engineering	Birallee Park	VIC	3000
	Metalfarm Structures	Dandenong	VIC	n/a
	Mideco Dust Control	Bayswater	VIC	5000
	Minos Structural Engineering	Thomastown	VIC	5000
	Monks-Harper Fabrications	Dandenong South	VIC	5000
	Notley Engineering	Moolap	VIC	15000
	OneSteel Piping Systems	Lyndhurst	VIC	15000
	PACT International	Heidelberg	VIC	1000
	Page Steel Fabrications	Derrimut	VIC	15000

3.6.4 Capabilities of the Australian Steel Industry to supply major projects in Australia.

	Company Name	Location	State	Approximate Capacity Tonne (per annum)
	R & T Webb	Horsham	VIC	1000
	Riband Steel (Wangaratta)	Clayton	VIC	5000
	SES Sales (Aust)	Dandenong South	VIC	1000
	Shearform	Dandenong South	VIC	15000
	Skrobar Engineering	Moorabbin	VIC	7000
	Stable Australia	North Shore	VIC	15000
	Stilcon Holdings	Altona North	VIC	12000
	Structural Challenge	Hampton Park	VIC	7000
	Sutcliffe Fabrications	Hallam	VIC	5000
	Thornton Engineering Australia	Corio	VIC	15000
	Thornton Engineering Australia	Penhurst	VIC	5000
	Trojan Specialised Structures (Aust)	Dandenong South	VIC	5000
	Wolter Steel Co.	Seaford	VIC	2000
WA	20*20	Como	WA	n/a
	Acorn Industries	Canning Vale	WA	500
	Alfab Engineering (WA)	Bunbury	WA	1000
	All Things Stainless	Wangara	WA	1500
	Allied Heat Transfer International	Canning Vale	WA	1000
	Alloy & Pipe Specialists	Bibra Lake	WA	1500
	Alloy Steel International (Arcoplate)	Malaga	WA	1000
	Alltype Engineering Services	Naval Base	WA	20000
	AMEC Services	Fremantle	WA	1000
	ANJ Engineering	Harvey	WA	1000
	Applus RTD	Kwinana	WA	500
	Arch Engineering	Bibra Lake	WA	5000
	Arch Engineering	Bibra Lake	WA	1000
	Architectural Panels Australia	Kewdale	WA	1500
	Artex Enterprises	Kelmscott	WA	500
	AstraMetal Products	Malaga	WA	500
	Ausclad Group of Companies	Kwinana	WA	15000
	Austline Fabrications	Bentley	WA	1000
	Barclay Engineering (Ainsbury Holdings)	Canning Vale	WA	2000
	Bend-Tech Engineering	Perth	WA	5000
	Bez Engineering	Karratha	WA	5000
	Binder Group	Welshpool BC	WA	n/a
	BMR Engineering	Brunswick Junction	WA	500
	Bossong Engineering	Welshpool	WA	15000
	Boyd Metal Industries	Welshpool	WA	15000
	Bradken	Bassendean	WA	15000
	Bradken International	Bassendean	WA	5000
	C & P Colizzi Steel Fabricators	Lansdale	WA	5000
	Camco Engineering	Canning Vale	WA	10000
	Carey Gardner Engineering	Wedgefield	WA	1000
	Cays Engineering	Greenfields	WA	5000
	CCR Group	Bunbury	WA	10000
	Chrip & Bremner Engineers	Malaga	WA	1000
	Complete Steel Projects	Jandakot	WA	5000
	Conquest Engineering & Supplies	Dalwallinu	WA	5000
	Contatore Engineering	Welshpool	WA	5000
	CR Steel	Perth	WA	5000
	Crisp Engineering	Rockingham	WA	5000
	CTE	Kewdale	WA	n/a
	DAX Engineering & Construction	Perth	WA	2500
	Doina Engineering	Kwinana	WA	10000
	Donhad	Bassendean	WA	n/a

Company Name	Location	State	Approximate Capacity Tonne (per annum)
DTE Group	Henderson	WA	10000
Dwyer Engineering and Construction	Harvey	WA	15000
Dyna Engineering	Malaga	WA	5000
Eimquip Service	Perth	WA	200
Elan Engineering	Bayswater	WA	5000
Esperance sheet Metal	Esperance	WA	1000
Exmouth Industrial Parts & Labour Hire	Exmouth	WA	3000
Fencing Un	Bunbury	WA	1000
Fitti Steel Fabrction	Bibra Lake	WA	1000
Food Equipment Australia	Malaga	WA	1000
Fremantle Steel Fabrication Co (WA)	Jandakot	WA	15000
FTE Engineering	Busselton	WA	4000
G & G Mining Fabrication	Maddington	WA	1000
G&Y Press and Die	Jandakot	WA	5000
Goodline	Port Hedland	WA	5000
Goodwill Engineering	Malaga	WA	1000
GSTM	Derby	WA	3000
Hartway Galvanizers	Canning Vale	WA	5000
Highline	Welshpool DC	WA	5000
Holtrefers	Northam	WA	1000
Hotshore Investments (MPI Engineering)	Perth	WA	5000
Hotweld Fabrication	Bunbury	WA	5000
H'var Steel Services	Henderson	WA	1000
HWE Maintenance Services	Bayswater	WA	1000
Industrial & Marine Winch Hire	Henderson	WA	n/a
Industrial Galvanizers Corporation	Perth	WA	n/a
Inter-Steel	Canning Vale DC	WA	10000
Italsteel W.A.	Bentley	WA	5000
Jebray	Bellevue	WA	5000
JFK Engineering	Maddington	WA	5000
Jones Mining Innovation	Binninup	WA	N/A
KEP Management Services	Henderson	WA	5000
Kerr Engineering (WA)	Capel	WA	5000
Kounis Metal Industries	Booragoon	WA	1000
Leonard Engineering Services	Perth	WA	n/a
Link Weld Engineering	Henderson	WA	1000
MACA Biolermaking	Bunbury	WA	5000
Madco	Henderson	WA	5000
Maicon Engineering	Geraldton	WA	5000
Metro Lintels	Bibra Lake	WA	5000
Modular Engineering Company	Henderson	WA	5000
Msteel Heavy Fabrication	Lansdale	WA	3000
Narrogin Boilermakers	Narrogin	WA	500
P&A Welding	Bibra Lake	WA	500
Pacific Industrial Company	Naval Base	WA	15000
Park Engineerings	Welshpool	WA	15000
Pedco Engineering	Welshpool	WA	5000
Perna Engineering	Bibra Lake	WA	10000
Petroleum & Mining Engineering	Welshpool	WA	10000
Pinjarra Engineering	Pinjarra	WA	500
Press Construction Group	Kwinana	WA	5000
Process Materials Australia	Canning Vale	WA	500
Project Industries	Malaga	WA	1500
RCR Tomlinson	Welshpool	WA	15000
RTS Group / Superstruct	Lansdale	WA	5000

3.6.4 Capabilities of the Australian Steel Industry to supply major projects in Australia.

Company Name	Location	State	Approximate Capacity Tonne (per annum)
RCI Engineering Services t/a Pump Force Repairs	Kwinana	WA	500
RTW Steel Fabrication & Construction	Capel	WA	5000
Ryad Engineering	Wanneroo	WA	5000
Scenna Constructions	Jandakot	WA	5000
South West and Peel Fabrication Cluster	Gelorup	WA	500
Specialised Welding Australia	Hazelmere	WA	5000
Spiral Tube Makers	Embleton	WA	5000
Steelpipe Australia	East Rockingham	WA	15000
Steelstruct Engineering Group	Maddington	WA	10000
Steelstruct Precision Maching	Yarloop	WA	1000
Stirling Australia	Canning Vale	WA	n/a
STL Engineering	Henderson	WA	5000
Structural Marine	Henderson	WA	5000
Swan Fabricators	Kewdale	WA	15000
SWG Operations	Perth	WA	10000
Taylor's Engineering and Welding Services	Naval Base	WA	2500
TCG Industries	Greenfields	WA	1000
Tenix	Belmont	WA	n/a
The Centrix Group	Welshpool	WA	1000
TME Group	Geraldton	WA	10000
Total Corrosion Control	Kwinana	WA	n/a
Transfield Services	West Perth	WA	15000
TSG Key Group	Henderson	WA	5000
UGL Resources	Perth	WA	15000
Unique Laser Cutting Services	Wangara	WA	15000
Unique Metals	Wangara	WA	5000
United Industries WA	Myaree	WA	7000
Uniweld Structural Co	Maddington	WA	1000
Ursidade	Canning Vale	WA	1000
V&D Engineering Service	Bibra Lake	WA	5000
Van Leeuwen Pipe and Tube	Canning Vale	WA	n/a
Watmarine Engineering	Naval Base	WA	500
Wearside Construction	Yangebup/Perth	WA	5000
Weld Industry Services	Bullsbrook	WA	1000
Weldtronics Australia	Perth	WA	5000
Wenco	Oconnor	WA	5000
Western Construction Co	Kwinana	WA	15000
Westralian Engineering	Henderson	WA	5000

This Fabricator Listing was compiled from ASI and ProjectConnect information



2D - Detailing

Australian detailers are widely sought and internationally recognised for application of advanced technologies and tight management with established relationships build from work in the US, Canada, East Asia, the UK and Africa.

For one, they have led the charge in Building Information Management (BIM), the process of generating and managing building data across its life cycle.

BIM uses three-dimensional, real-time, dynamic building modeling software to increase productivity in building design and construction, taking account of building geometry, spatial relationships, geography as well as quantities and properties of building materials.

Australian detailers have come to the fore on resource projects such the early stages on Woodside's LNG Train 4 and Pluto Project, Worsley's Alumina Expansion, and more extensively on various iron ore projects for BHP Billiton and Rio Tinto.

Benefits that have been realised from Australian detailers contributing to those iron ore projects encompass:

Project schedule and cost savings

Australian-based detailers keep projects on-time and on-budget through:

- Parallel managing of design and modeling stages.
- Delay mitigation during modeling ahead of construction.
- Project efficiencies through use of advanced BIM systems.
- Construction efficiencies by developing designs that avoid extra rework.
- Applying powerful multidiscipline inspection and clash detection tools.
- Achieving efficiencies through optimising use of datacentric information.
- Maximising workloads offsite.
- Using BIM tools to mitigate construction issues like RFI management.

Improved safety

Australian detailers enhance safety during project developments by:

- Employing visualisations for training, inductions, construction sequencing and project scope to anticipate potential site hazards.

- Minimising onsite work commotion by maximising offsite preassembly.
- Deploying powerful intelligent multi-disciplined clash detection to ensure better design for more responsible construction and operating plant.

Environmental care

Steel detailers in Australia help to safeguard the environment through:

- Better planning that reduces site needs for lay-down areas.
- Facilitating improved site handling and less material wastage.



Experience and quality

Australian detailers are typically independent dedicated specialists who bring a higher level of expertise than a typical detailer associated with a fabricator. They generally have a higher level of industry experience due to the high portion of resource projects than commercial type work and this experience provides resource clients with risk mitigation by providing a more professional design verification process.

With close familiarity with advanced 3D systems, Australian detailers mitigate delays and site rectification costs. Leading Australian detailers are on record for very low rates of rework averaging just 0.01 percent.

With modularisation becoming more popular, steel supply and fabrication is typically falling on the critical path and owners are therefore engaging detailers that have high productivity rates, efficiencies and quality to mitigate typical engineering delays and maintain schedule.

Australian detailers boast a proven track record on a number of large resource projects with productivity rates of two to three times that of low-cost Asian workshops.

Technology

One of the reasons why Australian detailers lead the implementation of BIM technologies is due to their advanced knowledge of various 3D modeling technologies as required to maintain a competitive edge against low-cost centres.

They have systems and personnel that understand the complexity of providing accurate data to achieve the benefits of the BIM concept. In addition to the industry standard detailing packages such as *Bocad*, *ProSteel*, *StruCad* and *Tekla Structures*, specialised proprietary systems are also embraced.

EG: *Iconstruct*

Iconstruct was developed by PDC Consultants of WA with detailing skills covering pipework, heavy mechanical equipment, conveyors and structures. The system provides new tool sets to project teams and consultants to manage construction information for various industry segments, from design engineers to construction managers, and integrate that intelligence into a single 3D model displayed in *Autodesk's Navisworks*. *iConstruct's* extended range of tool sets allow users to extract information that is required at different stages in the construction process. This enables better planning and more informed decisions. The information can also be extracted from the model and presented through a variety of flexible reporting tools which can then be disseminated and distributed to relevant stakeholders.

5E - Hot Dip Galvanising

Hot dip galvanizing with a history of 170 years, commands an unrivalled reputation as a cost effective and efficient system of corrosion protection for steel assets. In Australia, there are examples of hot dip galvanising that have managed to survive in the harshest conditions for 130 years. Galvanising is prepared off-site in controlled conditions to reduce labour costs, minimise maintenance and ensure environmental cleanliness. This is of critical importance in meeting the environmental demands of many Australian projects. In most cases, this gives hot dip galvanising a competitive first cost and life cycle cost in comparison to other high performance corrosion protection systems.

The hot dip galvanising industry in Australia is experienced in the delivery of large infrastructure and resources projects and most of the plants offer large galvanising baths and state-of-the-art processes by global standards. Hot dip galvanising of steel structures for large infrastructure and process plant has become more common in recent years and this gives Australian galvanisers proven expertise in the delivery of such projects. The industry is active in global innovation and technology exchange through the Galvanizers Association of Australia (GAA). Members of the GAA have access to technical expertise on corrosion issues, case studies and are part of an international network. All of this backup can be utilised by project managers and asset owners in the delivery of their projects. The services provided by the Australian galvanising industry include assistance in the design of steelwork and detailing to meet the requirements of superior corrosion protection (eg; meeting Australian standards or others as required), chamfering/rounding of sharp edges, using the most effective methods of venting and draining work, and designing for maximum corrosion protection through initial product design.

Due to the large distances often encountered in Australia, the galvanising industry has developed proficiency in overcoming logistical challenges. Experience in transport coupled with the geographical distribution of galvanising plants (some in regional areas) gives the industry outstanding coverage and capability in meeting the requirements of all major projects.

The selection of materials for use in all industries and applications requires innovative design and selection. Infrastructure assets not only need to withstand the rigours of everyday use, but these days they need to reduce their economic and environmental impact by reducing maintenance and also their environmental footprint. Designers are beginning to appreciate the fact that galvanised steel is a material with superior corrosion resistance, abrasion and mechanical resistance and environmentally friendly qualities.

Hot dip galvanising provides a robust protective finish and minimises site work and ongoing maintenance. Its robustness and ability to withstand 'rough' handling also provides security during transport that reduces or eliminates the requirement for final dressing and touch up on site to maintain corrosion protection integrity prior to erection and installation – a significant factor when dealing with the remoteness of many Australian locations. Galvanising and steel combine to produce a cost effective sustainable building material that is totally recyclable and which is proven through a long list of successful local case studies.

Major galvanising facilities exist in all states of Australia and a general distribution map can be found on the website of the GAA (www.gaa.com.au).

The GAA works proactively with State EPAs and the Commonwealth Department of the Environment in implementing cleaner production programs:

<http://www.environment.nsw.gov.au/resources/sustainbus/07411Galvainers.pdf>

The galvanising industry has been used as a case study (2007) by the Australian Government to highlight the industry's initiatives to reduce emissions:

www.npi.gov.au/publications/pubs/year9summaryreport.pdf

Capability of Australian Industry

A conservative estimate of the capability of the Australian galvanising industry is 67,000mt/month.

This is approximately distributed regionally as below:

WA	12,300mt/month
SA/NT	5,500
QLD	15,300
NSW	14,500
VIC	19,400

Galvanisers Directory

Listed below are the galvanising members of the Galvanizers Association of Australia along with their location and bath sizes (length x width x depth).

3.6.4 Capabilities of the Australian Steel Industry to supply major projects in Australia.

Albury Galvanizing

Jindera, NSW
6.7 x 1.3 x 2.2m

Galvanising Services

Yagoona, NSW
10.3 x 1.85 x 2.3m

Galvanising Services (Coffs Harbour) Pty Ltd

Coffs Harbour, NSW
8.1 x 1.38 x 1.7m

Galvatech

Padstow, NSW
9.5 x 1.5 x 2.6m

Hunter Galvanizing

Tomago, NSW
10.0 x 1.5 x 2.4m
7.0 x 1.8 x 3.0m

Sydney Galvanizing

Prestons, NSW
Centrifuge Specialists

Darwin Galvanizing

Berrimah, NT
7.5 x 1.3 x 2.2m

National Galvanising Industries

Richlands, QLD
10.5 x 1.6 x 2.6m

One Steel Australian Tube Mills

Acacia Ridge, QLD
8.8 x 1.75 x 2.1m
7.6 x 4.3 x 0.9m

Australian Professional Galvanizing

Townsville, QLD
12.5 x 1.6 x 2.8m

Fero Galv. Qld

Narangba, QLD
13 x 1.8 x 3m
3.5 x 1.5 x 1.7m (Centrifuge)

Adelaide Galvanising Industries

Cavan, SA
9.5 x 1.3 x 2.8m

Korvest Galvanisers

Kilburn, SA
14.0 x 1.6 x 2.2m
4.0 x 1.25 x 1.6m (Centrifuge)

GB Galvanizing Service

Baywater, VIC
9.5 x 1.8 x 2.6m

GB Galvanizing Service

Dandenong South, VIC
13.7 x 1.8 x 2.95m

Geelong Galvanizing

Corio, VIC
9.5 x 1.5 x 2.6m

Furphy Galvanizing

Shepparton, VIC
9.7 x 1.5 x 2.2m

Kingfield Galvanizing

Campbellfield, VIC
10.0 x 1.5 x 2.4m
3.0 x 1.2 x 1.5m (Centrifuge)

Fero Group

Kewdale, WA
13.0 x 1.6 x 2.6m

Hartway Galvanizers

Canning Vale, WA
12.6 x 1.4 x 2.7m
3.5 x 1.0 x 1.8m (Centrifuge)

Hartway Galvanizers Naval Base

Naval Base, WA
12.6 x 1.4 x 3.0m

Mgalv

Landsdale, WA
9.2 x 1.6 x 2.7m

Western Galvanisers

O'Connor, WA
9.5 x 1.5 x 2.

5F - Protective Coatings

The use of coatings in the protection of steel substrates from the natural process of corrosion formation is required to minimise the cost and risk associated with corrosion on major oil and gas projects.

Annual corrosion costs in Australia are generally accepted to be between two to five percent of Australia's GDP.ⁱ According to the Australian Corrosion Association (ACA), that cost was estimated to be \$28 billion in 2006.ⁱⁱ

What is Corrosion?

There are many definitions of corrosion, however, two common ones are:

Corrosion is the deterioration of a material, (usually steel), because of a reaction with its environment.

and

The destruction of steel by an electrochemical process that is recognised by the formation of rust or pits.

These two definitions bring together the idea of an *environment* and the *electrochemical process* which are fundamental in understanding corrosion in terms of why it occurs and how it can be prevented.

Consequences of corrosion

As steel corrodes, it deteriorates as more iron oxide is produced. This causes a reduction in the steel's structural integrity in terms of its fundamental properties which make it such an ideal cost effective and reliable construction material (ie: tensile strength, toughness and flexibility).

A good way to look at the consequence of corrosion is:

Corrosion = Steel Metal Loss = Reduced Steel Structure Design Life

Steel Metal Loss = Maintenance Costs

Reduced Steel Structure Design Life = Potential for lost Revenue

Consider steel constructions such as offshore structures, stadiums and bridges that must support the weight of extreme loadings and provide a safe working environment and the catastrophe of potential structural failure due to corrosion. What price has the loss of life? This simple, very natural, electrochemical process can be very costly! The latest figures for the USA suggest that corrosion costs approx \$276 Billion per year!

Specifications for Major Projects

The onset of corrosion can be effectively controlled by a protective coating specification which outlines a paint system being a product or combination of products as well as appropriate surface preparation methodologies.

Consideration of the specifications at the early stages of a major project will assist in determining the most cost effective coatings solutions for the life of the asset.

In selecting a coating system it is important to understand the:

- Construction of a structure.
- Environment and location.
- Profile of the project and aesthetic requirements.
- Expected lifetime of the structure prior to first major maintenance.

To ensure correct specification and advice is received, certain Australian paint manufacturers can offer NACE (National Association of Corrosion Engineers) qualified personnel to minimise risk and costs associated with the potential onset of corrosion.



Credentials

A credible Australian paint manufacturer should hold the following accreditations:

- Quality Management System Standard: AS/NZS 9001:2000.
- APAS Recognised Manufacturer.
- NATA Accredited Laboratory ISO/IEC 17025.
- Environmental Management System Standard: AS/NZS 14001:2004.
- Health, Safety and Environment.
- Product Stewardship.

Product

Protective coating products should be tested to industry standards including NACE, ISO, NORSOK, NSF and more. Australian manufacturers should have products which follow these standards:

ISO 12944 Paints & Varnishes – Corrosion Protection of Steel Structures by protective paint systems (parts 1-8) (1998). ISO 12944 is intended to assist engineers and corrosion experts in adopting Best Practice in corrosion protection of structural steel at new construction.

AS/NZS 2312:2002 - Guide to the Protection of Structural Steel against atmospheric corrosion by the use of protective coatings.

Products unique for major steel projects are passive fire protection, ultra high build epoxies, antifouling coatings, high temperature resistant systems (including under insulation), abrasive resistant coatings, tank linings, aesthetics, zinc rich coatings and maintenance coatings.

Paint Products in Australia are free from lead due to local legislation.

Maintenance and Repair

Essential maintenance painting can be a costly and disruptive process. In the oil and gas industry, structures must be adequately maintained to extend life and reduce the hazards that can result from corrosion.

A comprehensive, proactive maintenance plan which identifies priority areas and specifies maintenance systems tailored individually for the asset should be in place to minimise downtime and reduce spend over the life of a project.

Regulatory Bodies

In Australia, there are recognised regulatory bodies that manage and assist the protective coatings industry, including:

Australian Paint Manufacturers' Federation (APMF)

The APMF was established in 1947 to represent the interests of Australian paint manufacturers. It was incorporated in New South Wales in 1986. Its objectives are to:

- Advance the theory and practice of paint technology in Australia.
- Promote efficiency and safe work practices.
- Foster international cooperation and standards.
- Advance, encourage and protect the interests of its members.

Australian Corrosion Association Incorporated (ACA)

The ACA is a non-profit organisation established for promoting the cooperation of academic, industrial, commercial and governmental organisations in relation to corrosion and its mitigation and for disseminating information on all aspects of corrosion and its prevention by promoting lectures, symposia, publications and other activities.

References

i – A holistic approach to solving corrosion problems, CSIRO, www.csiro.au/science/ps1ha.html

ii – Corrosion & Materials, Volume 32, No. 3 June 2007

5G - Grating and Handrails

ASI members, Webforge and The Graham Group manufacture grating in numerous combinations of load bar depth and thickness, load bar pitch and cross rod pitch.

Load bearing bars incorporated in grating are produced from steel which conforms to the equivalent standards: AS3679, BS4360 Grade 43A and ASTM A36.

Steel grating is suited to many applications, from light-duty applications (maintenance floors, occasion usage), though light/medium duty applications (residential, light industrial occasional public usage), medium duty applications (mining and commercial, regular or medium industrial usage), heavy duty applications (heavy industrial, mining and trolleys and industrial equipment), and extra heavy duty applications (frequent impact from trolleys).

Both companies supply a complete range of mild steel grates in compliance with the load and permanent set requirements specified in AS3996-1992. Conformance certificates can be supplied upon request. They are also capable of custom manufacturing Mild Steel Grates and Frames to suit specific client applications and load test according to AS3996-1992 if required.

They also have an extensive range of handrail products in compliance with Australian Standards AS1657 – 1992. These handrail systems can be transported and erected economically in all applications and locations. Complete systems can be supplied, including stanchions, rails, bends, kick-plates, grating and stair treads as required.

For further information on both companies, visit:

www.grahamgroup.com.au

www.webforge.com.au



6 - Quality and Standards

Australia's two fully integrated steel manufacturers OneSteel and BlueScope Steel have a long and proud history of manufacturing structural steel in Australia. Both steel companies manufacture product to Australian and International Standards, providing a known level of quality with full traceability.

Over the years, the Australian Standards used for structural steel design have developed, reflecting improved understanding of material performance, structural behaviour and design processes.

Sites producing steel in Australia have a quality policy to guide process control to ensure product quality. All manufacturing facilities have quality management systems accredited to ISO 9001:2008. This accreditation is actively maintained and audited, ensuring a mature and fully functional system. Manufacturers are committed to the principles of quality assurance, thereby increasing the customers' confidence of the project being delivered to the required quality standards. Steel manufacturers are active in the development of improved product, fabrication and steel design standards. AS 4100 Steel Structures, Australia's main structural steel design, fabrication and erection standard, has been developed in conjunction with the steel manufacturers.

Australian manufactured products produced to the material standards AS 1163, AS/NZS 3678, AS/NZS 3679.1 and AS/NZS 3679.2 provided the statistical data used to calibrate the capacity factors and notch toughness defined in these standards. The quality and consistency of Australian manufactured products was recognised with prequalification of these materials to allow their use in structures without additional procedures. Therefore, Australian produced structural steel is inextricably linked to the structural and materials standards used in steel design.

In welded fabrication, statistical data associated with Australian manufactured steels was used in the calibration of standard AS/NZS 1554 Structural Steel Welding (specifically Parts 1 and 5). Control and consistency of chemistry in the Australian manufactured materials allows a large range of joint configurations to be prequalified for use without or with minimal additional weld testing necessary. Both AS4100 and AS/NZS1554.1 require the verification of steels produced to other standards or sourced from other suppliers, prior to use in design and fabrication. This may require a review of statistical data provided by the manufacturer or additional testing by the fabricator.

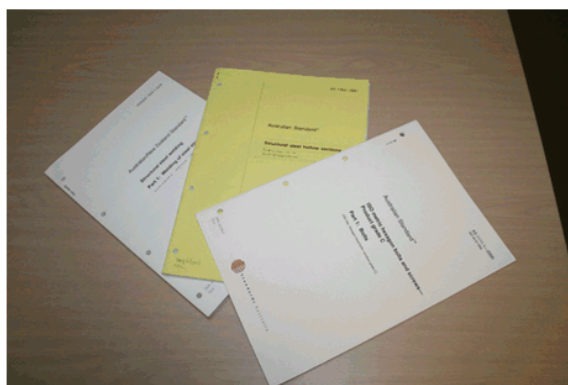
Technical expertise in standards, material, structural design and fabrication is provided by all Australian steel manufacturers. The ASI also has an extensive Library for reference and

many technical publications available from its bookshop. Assistance with specification, design and fabrication of steel products is available to members on request. Should any quality incidents arise, full technical backup of the products is provided.

All products manufactured are provided with documentary evidence of the inspection and testing performed. Laboratories used for performing these procedures have internationally recognised accreditation with the National Association of Testing Authorities (NATA) and the International Laboratory Accreditation Cooperation (ILAC). Prior to ordering, the customer can request additional testing and inspection procedures and documentation. The inspection and test documents will be supplied to the customer with the product order. In addition, the steel manufacturer archives this documentation. Products are branded with unique identification allowing traceability to the production facility linked to the manufacturing conditions for each item. All relevant product processing information is reviewed by the steel manufacturer to ensure conformance to its governing Australian Standard (as appropriate) and the results are archived for future reference.

If requested, third party product certification is available at various mills. This can incorporate factory production control (FPC) certification to ensure technical competence to produce the product and ensure continuing compliance with the provisions of the technical specification throughout the order production. FPC is a permanent internal control of production exercised by the manufacturer requiring the elements, requirements and provisions adapted by the manufacturer be documented in a systematic manner in the form of written policies and procedures. The FPC takes into account the process of the related production line from the raw material to finished product and storage of the product.

Assurance of total commitment to quality is backed up by ensuring that the manufacture of steel products is carried out in facilities with certified environmental (ISO 14001 compliance) and world-leading OH&S performance.



7 – Welding and Testing

Welding is an economical method of joining materials, enabling transmission of large critical loads which may be static and/or dynamic under various conditions (high/low temperature, etc). The welding and related testing industry in Australia is highly sophisticated and is on par, if not exceeds the service requirements and outputs of many similar industries around the world. Industrial applications in Australia are well serviced by specialist and general welding and testing contractors including experienced and qualified structural steel fabricators, boilermakers, pressure piping and mechanical contractors. Such contractors have been successfully engaged in many and various complex and high-profile welding applications both in Australia and abroad.

Complex and economical welded fabrication has been readily achieved with Australian welding contractors. Such positive outcomes have been due to rigorous welding, certification, testing and inspection as embraced by the local industry via Standards Australia, International Institute of Welding (IIW), International Standards Organisation (ISO) and other national standards (ASME, etc). The development and utilisation of such standards has taken place for many years.

Australian welding and related testing contractors generally have third-party certification to ISO 9001 and other relative certification for their specialist areas.

The evolution of much of the welding and testing standards used in Australia are based on many years of ongoing calibration with welding and inspection processes, personnel, equipment, consumables and materials with the correlation to design assumptions. Such has been the success that should welding contractors use such standards, their testing and compliance requirements are significantly minimised.

In welded fabrication, statistical data associated with Australian manufactured steels are used in the calibration of standard AS/NZS 1554 Structural Steel Welding (specifically Parts 1 and 5). Control and consistency of chemistry in the Australian manufactured materials allows a large range of joint configurations to be deemed pre-qualified for end-use without or with minimal additional weld testing necessary. Both AS 4100 (design) and AS/NZS 1554 (welding) require the verification of steels produced to other standards or sourced from other suppliers, prior to use in design and fabrication. This may require a review of statistical data provided by the manufacturer or additional testing by the fabricator. Hence, the use of Australian welding contractors and their sophisticated welding standards helps to reduce the risk of non-compliance in this area.

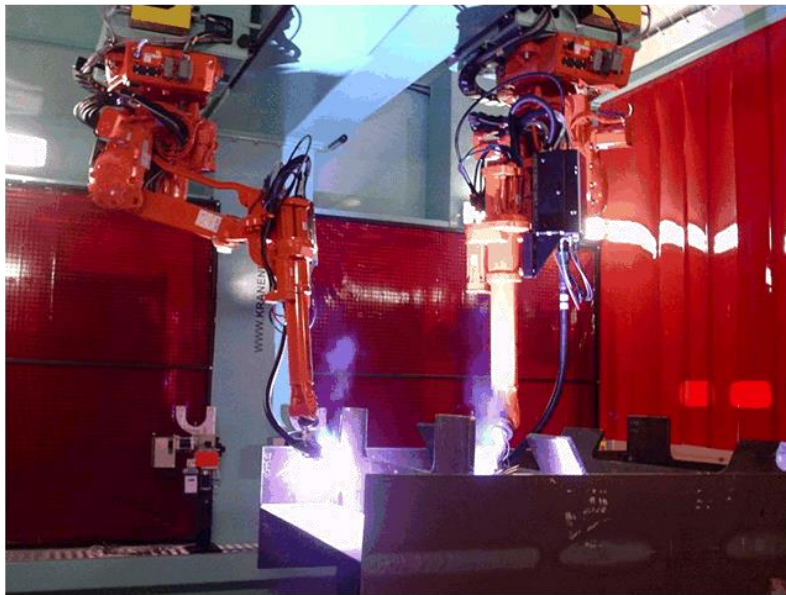
Further support for addressing Australian welding, testing and inspection issues can be readily obtained from the:

- Welding Technology Institute of Australia (WTIA).
- Australian Steel Institute (ASI).
- Australian steelmaking and finished steel manufacturing companies, BlueScope Steel and OneSteel.

This backup includes assistance in standards, materials, structural design and fabrication.

Should any quality incidents arise, full technical support of the products is provided.

Coupled with cost effectiveness, embracing Australian welding and related testing contractors increases confidence in such critical areas as welding and testing. The success of the industry in such areas over many years further validates this situation.



8 - Steel Reinforcing

About Steel Reinforcement Institute of Australia

The Steel Reinforcement Institute of Australia (SRIA) is a national non-profit organisation providing a high quality technical support and information service to the Australian building industry on the use of reinforcing steel in concrete, primarily reinforcing bar (Rebar) and reinforcing mesh (Reomesh). SRIA is funded and supported by the vast majority of the manufacturers and suppliers of steel reinforcing used in Australian construction. The SRIA offers practical solutions to meet the diverse and ever changing needs of the Australian building industry. The organisation actively supports and encourages the use of Australian capability and quality in the processing and use of reinforcing steel in concrete in an increasingly competitive global market.

SRIA Processor Members

SRIA Processor Members are established Australian companies responsible for subsequent processing of reinforcing steel supplied by a steel producer in Australia or from overseas which significantly changes the shape and properties of the steel. They are processors of steel reinforcement in Australia, meet recognised technical standards and keep production and financial records. Processors provide the market with a one-stop processing shop or fabrication of steel reinforcement to AS 3600, AS 5100 and AS 2870 in compliance with the relevant Australian Standard AS/NZS 4671:2001 *Steel reinforcing materials*. Steel reinforcing is often packaged with a range of complementary products supplied by SRIA Associate members.

SRIA Associate Members

SRIA Associate members (Accessories Suppliers, Machinery Suppliers and Steel Mills) are established Australian and International companies who have aims and objectives similar to those of SRIA. They strive for quality and compliance with the relevant standards, maintain quality assurance and implement workplace health and safety. They service Processor Members through supply of ancillary products providing the end user with a complete solution, supply of steel reinforcing feed materials to processors or processing equipment. SRIA Processor members commonly package in-house a range of Associate Member complementary products for delivery of a complete steel reinforcing solution.

Quality Assurance and Traceability

SRIA Processor members strive for compliance with the relevant standards that apply to the reinforcement industry and this professionalism is demonstrated in one of two ways:

- a Third-Party Product Quality Certification to AS/NZS 4671 and AS 3600*

ACRS certification will satisfy this criterion but this is not exclusive.

- b Documented Quality Management System plus Authority Product Approvals*

The ISO 9000 family of standards for quality management systems plus multiple product approvals from State and/or Federal Government Construction Authorities.

Mill Feed Materials

SRIA processors purchase their feed materials from quality Australian and overseas mills. A list of third party accredited mills can be found at www.acrs.net.au.

Capability – Tonnage and Footprint

The combined industry capacity of all SRIA Processor members is in excess of 1.5 million tonnes per annum of steel reinforcing supplied into resource, engineering construction, commercial and residential projects. This comprises both cut and bent reinforcing bar or manufactured reinforcing mesh. SRIA Member companies source, schedule, process and distribute packaged solutions to meet clients' procurement strategies and project plans.

The SRIA Processor footprint spreads across all states of Australia providing a reliable and efficient just-in-time supply chain. Steel reinforcing traditionally has very short lead times measured in hours to days. Members understand the customer needs and the importance of service and delivery performance on the project plan. SRIA Members efficiently control and manage risk in reinforcement supply. Engaging the professional members of the supply chain will turn potential risk into opportunity. With early SRIA processor member involvement on major and often the more remote projects, customers can confidently build in these shorter lead times after the issuing of final construction documentation.

Sustainability

The SRIA promotes a program of steel stewardship, seeking to engage the whole steel reinforcement supply chain in adopting more environmentally sustainable practices. SRIA Processor Members have an Environmental Sustainability Policy (ESP) encompassing the industry's environmental, social and economic performance. This is a continual process of benchmarking, monitoring and measuring progress. The SRIA has established and maintains

global networks to deliver improvement programs in responsible Best Practice to the local steel reinforcing sector.

The SRIA supports the Building Products Innovation Council (BPIC) in its three major areas of building code reform, product certification and sustainability. Reinforcement data is being submitted to a national materials data base that will create a 'level playing field' for all construction materials. This is part of a Life Cycle Inventory for construction materials. It will be used in Life Cycle Assessment and ultimately in Sustainability Rating Tools for more energy efficient and sustainable building construction.

Workplace Health and Safety

The SRIA promotes industry wellbeing and a safe and healthy working environment. The SRIA records trend data and monitors national industry statistics on lost-time injuries (LTIs) and medically treated injuries (MTIs), from participating Processor members. This data enables each company to compare and benchmark their safety record against the national industry values for continuous improvement of their Safety Policy or Safety Management System. Historical data reveals that the steel reinforcement industry over the past two years has halved the LTI figures and reduced MTI figures by 30 percent. This is an impressive achievement considering that the order of 0.5 million man hours per month is accrued and is a reflection of the safety conscious companies the SRIA represents. The ultimate aim is to achieve an accident-free workplace with zero harm to all steel reinforcing industry employees and contractors.

Standards

SRIA Processors benchmark both locally and internationally to sustain world's Best Practice across design, specification, production and supply. The SRIA Membership strives to achieve quality and continuous improvement and is actively involved in Standards Australia, with representation on the following Committees:

BD-002 Concrete structures (AS 3600)
 WD-003 Welding of structures (AS 2214)
 BD-006 Structural design actions (AS 1170)
 BD-025 Residential slabs and footings (AS 2870)
 BD-066 Tilt-up concrete construction (AS 3850)
 BD-084 Steel reinforcing materials (AS/NZS 4671)
 BD-090 Bridge design (AS 5100)
 BD-098 Pavements

Leaders in Steel Processing

Processor Member	Capability Details
Active Steel	www.activesteel.com.au
AKZ Reinforcing	Ph (03) 5134 3899 or reception@akz.com.au
ARC - The Australian Reinforcing Company	www.arcreso.com.au
Ausreo	www.ausreo.com.au
Best Bar Reinforcements	www.bestbar.com.au/contact.htm
Bianco Reinforcing	www.bianco.com.au/building-supplies/reinforcing.jsp
Mesh & Bar	www.meshbar.com.au
NatSteel Australia	www.natsteel.com.au
Neumann Steel	www.neumannsteel.com.au
OneSteel Reinforcing	www.reinforcing.com
VicMesh	www.vicmesh.com.au
Wire Industries	(02) 8887 7777 or brisbane@wireind.com.au sydney@wireind.com.au

Leaders in Accessories Supply

Accessories Supplier Member	Capability Details
Action Products	(07) 3713 7444 or alex@actionproducts.com.au
Ancon	www.anconbp.com.au
aSa Australia - Applied Systems Associates	www.asahq.com
Connolly Key Joint	www.connollykeyjoint.com
Danley Construction Products	www.danley.com.au
Erico Products Australia	www.erico.com
Modfix	www.modfix.com.au
Reid Construction Systems	www.reid.com.au

For further information visit the SRIA website at www.sria.com.au

9- Whole of Industry Cooperation

Working together

The steel value chain has a very long and proud history of cooperation and banding together to get the job done in the most efficient way. The value chain is very strongly linked from manufacturer to distributor to fabricator as customers and suppliers, each of whom works seamlessly with the various other associated links including, engineers, architects, design detailers, painters, galvanisers, erectors and others to ensure that a solution is delivered to the end-users' satisfaction.

The Australian Steel Institute (ASI) also has long established links with a number of key industry bodies that supports the steel industry including; Engineers Australia, the Architects Institute of Australia, the Australian Industry Group, the Building Products Innovation Council, and other key associations who interact with the steel industry.

The ASI and the industry in general also work closely with the trade union movement and the specific relevant unions that work within the steel sector including the Australian Workers Union, Australian Metal Workers Union, National Union of Workers and the Construction Forestry Mining and Energy Union.

Steel Industry Innovation Council

Recently the Australian Federal Government's Minister for Innovation, Industry, Science and Research, Senator the Hon. Kim Carr established the Steel Industry innovation Council, under the guidance of his own Government Department. The Council includes senior representatives from the steel manufacturers, the ASI, trade unions and the academic and research community.

The Council supports the long term sustainability and competitiveness of the Australian steel value chain. This includes boosting demand for Australian steel and looking at innovation to support international competitiveness.

The Council is a forum for steel industry stakeholders to form a whole-of-industry perspective on key issues and as a collective, presents its advice to the Minister. The Council operates at a high strategic level to identify and address impediments in achieving the goal of maintaining a competitive and sustainable industry in an increasingly global marketplace.

To achieve the goal of maintaining our international competitiveness into the next decade, the Council promotes innovation for the Australian steel industry. This includes promotion of

improvements in the steel value chain, from the raw steel production stage; right through to fabrication of the many forms of end-user steel products.

Another key resource and appointment by the Minister is the Steel Supplier Advocate (the Advocate) to provide leadership and act as a champion for the Australian steel industry in the market for major steel consuming projects. The Advocate also works along the Australian steel value chain with those from the major producers to fabrication by small and medium-sized enterprises (SMEs) to improve their competitiveness and coordinate support from the Industry Capability Network, EnterpriseConnect, Austrade and other Government agencies.



10 – Safety

The Australian steel industry ensures the safety of its employees is its Number One priority.

Its major integrated steel manufacturers have a world-class safety record (outlined in Section 5A).

All Australian steel manufacturers conform to the Australian Standard AS 4801 which sets out requirements for implementing, auditing and certifying Occupational Health and Safety Management systems.

Whilst all the industry companies work diligently on safety individually, the ASI also convenes a National Industry Safety Committee that is represented by all sectors of its membership. This is underpinned by State safety committees consisting of all industry sectors such as fabrication, coatings, transport, distribution, manufacturing and industry suppliers. The vision of these committees is simple - *A Safer Steel Industry*.

These committees aim to cultivate a healthier and safer steel industry through promotion, safety leadership, educational support and sharing initiatives. Their core principles are that

- All injuries and work-related illnesses can and must be prevented.
- Management is responsible and accountable for health and safety performance.
- Employee engagement and training is essential.
- Working safely is a right of employment.
- Excellent health and safety performance at work supports excellent business results and health and safety must be integrated in all business management processes to bolster that.



The ASI organises a National Occupational Health and Safety Awards program every year to recognise steel industry companies and individuals for high achievements in health and safety. There are three separate Awards covering a) Individual, b) Site and c) Improvement Initiative. All ASI members, regardless of business size are encouraged to enter. The Awards are presented annually at the Australian Steel Convention.

Another important initiative of the committees is 'safety alerts', where an incident at a particular site is shared with the rest of the industry. This has undoubtedly saved similar incidents from occurring at other locations.

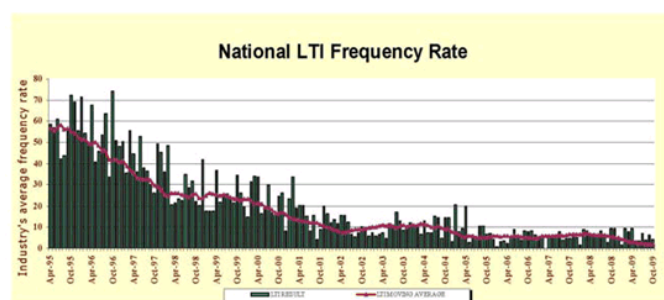
The ASI committees and the industry in general work closely with the various State government safety authorities and have co-authored various publications, including; the safe loading of trucks; a guide to safety in the metals fabrication industry and also guidance material on the safe use of overhead cranes.

The ASI and the industry are also members of the various Government advisory bodies on safety.

The ASI has also developed a specific Safety Portal in conjunction with the Queensland Government for fabricators that can be accessed from the ASI website and extensively covers what is needed to improve safety within the steel fabrication environment.

The industry is deservedly very proud of the safety improvements made over the past 15 years. See below the performance, as measured by the ASI over this period.

Lost Time Injury Results from April 1995 to October 2009



Source: ASI medium size manufacturers and distributors

11 - Environment and sustainability

The Australian steel industry takes its environmental and sustainability responsibilities very seriously. The two Australian steel manufacturers BlueScope Steel and OneSteel have environmental management systems to ISO14001 and are party to a convention on sustainable development established through World Steel, the international steel institute representing the major steel manufacturers and steel associations globally.

That policy lists the commitments made by its member companies to address the economic, environmental and social sustainability of their businesses and to engage in constructive and open dialogue with their stakeholders.

Eleven indicators have been developed to measure economic, environmental and social performance to systematically measure progress in steel's sustainable development. These measurements now form the basis of *The Sustainability Report of the World Steel Industry – Steel: the Foundation of a Sustainable Future* and are acting as benchmarks in the drive for world steel industry improvement.

These steel manufacturers are also members of the Climate Action Group which seeks to provide carbon breakthroughs by the sharing of data and technologies.

The ASI is also a member of World Steel and is working to provide a global approach to sustainability.

World Steel has joined the United Nations Environmental Program (UNEP), is a member of the International Life Cycle Board and has released global life cycle data to enable the impact of steel in a global sense to be included into Life Cycle Analysis (LCA) models so that preliminary estimates of steel in carbon impact studies can be made.

Locally, the ASI has been working through the venue of the Building Products Innovation Council (BPIC) to understand and agree on processes and measures for LCA to determine the environmental impacts of all building system materials. This three-year project will be concluded in approximately 12 months (early 2011).

The aim is to provide universally agreed information upon which the Australian construction industry can produce the lowest long-term environmental impacts.

Australian steel's environmental movement is given industry-wide thrust through the work of the ASI's dedicated Sustainability Committee which comprises sustainability experts, including those from the major Australian steel producers, who meet regularly on initiatives supporting steel's improving environmental performance and to promote adoption of the

latest sustainability advances to members. The ASI's website contains a dedicated Sustainability section that provides information on:

- Sustainable Construction Issues
- Structural Efficiency
- Embodied Energy
- Suitability for Manufacture
- Future Adaptability
- Steel Industry Responsibility

and a range of case studies on steel's sustainable use as well as a booklet freely available from the ASI, entitled *Touching the Earth lightly*.

Reducing energy and greenhouse gas (GHG) emissions is a major steel industry endeavour worldwide, both to reduce costs and improve environmental performance. In the past 40 years, the industry has embraced energy saving technologies.



A cleaner industry

Australian steel manufacturers and supply chain are taking sustainability seriously and are devoting considerable resources to understanding and minimising environmental impacts from operations and design and operation of their products.

Currently in Australia, it is estimated that 82 percent of all steel products are recovered from building demolition ranging from 95 percent for structural steel (world class recovery) to 70-80 percent for reinforcing steel.

An estimated 2.6 to 2.8 million tonnes of steel is available for recycling in Australia each year. This is improving as the scrap value increases. In a report recently commissioned by Hyder for the 2007-2008 financial year, only 299,681 tonnes of 2.6 million total tonnes was disposed of in landfill, while a massive 2.54 million tonnes was recovered for recycling.

In Australia about 2.7 million tonnes are recycled annually, a substantial part of the eight million tonnes produced. Continuous improvement in eco-efficiency during production, world class recycling rates and product development combined with design flexibility and innovation ensure that steel will continue to make a positive contribution to the life cycle performance of the built environment in Australia.

Australia's rigorous environmental standards and industry strides are matched by the steel mills' widespread use of cleaner technologies to save precious resources like water and energy.



BlueScope's sustainability successes

Since the early 1990s, BlueScope Steel has halved the amount of freshwater used to make a tonne of steel at Port Kembla Steelworks to about 2500 litres per tonne today. In September 2006, a major water conservation initiative between Sydney Water and BlueScope Steel began with the steelworks taking 20 million litres of recycled water each day replacing that previously drawn from the Avon Dam. This project has further cut the steelworks' freshwater consumption by over 50 percent. Already more than 10 billion litres of freshwater has been saved through this initiative. Today, 96 percent of the water used at Port Kembla Steelworks is either recycled water or salt water. The Group is also well advanced with investigations into developing a co-generation power plant at the site.

A significant reduction in greenhouse gas is also being achieved through the turning of what were once waste products into valuable by-products. About 80 percent of Australia's 1.6 million tonnes of blast furnace slag is now used as cement substitute in concrete making and about 60 percent of the one million tonnes of steelmaking slag is now used as road base to replace quarried material. And spent acid from sheet and coil galvanising and pickling processes are being used in fertiliser production and coal seam methane gas (which is 20 times more potent than CO₂ as a greenhouse gas) is being captured in collieries supplying the steelworks at Port Kembla and turned into electricity.

OneSteel's environmental advances

OneSteel's polymer injection technology follows three years of close collaboration between OneSteel and the University of NSW to replace some of the coke used as a slag foaming agent in Electric Arc Furnace (EAF) steelmaking with polymers, including recycled rubber and plastic. When injected, the coke/polymer blend improves slag foaming properties for more efficient use of electrical energy and to potentially reduce carbon consumption produced by coal-fired power stations. Polymers that are often diverted to landfill are recycled into value-added steel products. OneSteel has the exclusive right to take this technology to the world market. The company's recycling business in Australia employs 600 people across 37 locations collecting and trading nearly two million tonnes of scrap metal a year.

12A - CASE STUDY

Dalrymple Bay Coal Terminal, Mackay Queensland

John Holland (JH) achieved incredible success in supplying local fabricated steel for major coal loaders in Queensland's North Coast during 2008/09.

John Holland' SMP business completed a new wharf and conveyor contract as part of the Dalrymple Bay Coal Terminal (DBCT) development south of Mackay for client BBL Management. It is one of the largest coal terminals in the world and was upgraded to increase its output from 60 to 85 million tonnes per annum due to bigger customer demand. The contract included all piling, structural, mechanical and electrical works associated with a new off-shore outloading conveyor along a widened jetty that extends 3.8km over the ocean to a new 420 metre long fourth berth. This entailed placing over 400 steel piles of 1200mm diameter in thicknesses of 12mm and 16mm. As part of the contract, John Holland manufactured the 7900 tonnes of superstructure steelwork required for the project in-house at its facilities in Queensland and through alliances with local fabricators. John Holland also won the contract for local fabrication assembly and installation of a third shiploader, transfer bridge and tripper for the RG Tanna Coal Loader in Gladstone. Successful completion of these projects saw John Holland become a favoured contractor, also winning the follow-on development of Abbot Point wharf, land side conveyors and coal loader. On Dalrymple Bay, John Holland worked with BlueScope Steel to provide firm prices and guarantee steel supply.



12B - CASE STUDY

Project Cloudbreak Iron Ore Mine, Pilbara WA

Advanced 3D modeling technology from an Australian steel detailer sped the development buildings and structures for Fortescue Metals to get the Group's first mine in Western Australia off the ground to meet demand from foreign steelmakers.

Perth-based PDC Consultants developed a unique 3D modeling process that leverages the full capabilities of Building Information Modeling (BIM) and integrates the capabilities of leading software products such as *ProSteel*, *Tekla*, *Strucad* and *Autodesk Navisworks*. The proprietary BIM system enabled PDC to provide accurate, fully-intelligent 3D models of project structures that could be utilised during the design and construction phases, saving up to 50 percent of the time spent in the design and detailing phase and achieving significant cost and schedule savings during construction. On the Fortescue project, PDC provided all mechanical and structural shop detailing and modeling for a screening building with 11 product and scalping screen bins, a crushing building with bins and chutes, a stockpile facility, a train loadout facility with bins and chutes, 11 conveyers and associated transfer stations and a desanding building. All together, the structures represent in excess of 10,000 tonnes of Australian steelwork. The firm's 3D modeling process enabled full clash detection in the final design of Cloudbreak facilities. PDC completed their detailing work in late October 2008 with construction completed early 2009. Fortescue's Cloudbreak mine was constructed in record time, allowing the company to satisfy contracts for the initial tonnage and pursue market-driven expansion.



12C - CASE STUDY

Project Blacktip natural gas platform, Henderson WA

The Ausclad Group of Companies (AGC) in Western Australia delivered a substantial rig in early 2009 to extract natural gas from Australia's northwest shelf.

Fabricated in Australia by AGC as the main contractor, the project used 2800 tonnes of structural steel in total with 1300 tonnes on the jacket alone. The Blacktip field pipes natural gas from the Timor Sea to Weddell power station, the largest electricity generation project in the Northern Territory. AGC's work encompassed fabrication of the jacket, topside, piles and offshore installation manning as well as steel detailing work on the jacket, painting, electrical and instrumentation fit-out and pre-commissioning. AGC also completed the design, fabrication and construction of five storage tanks for the Blacktip onshore gas plant under a separate contract. The jacket and topside was assembled and completed by AGC at the Australian Marine Complex (AMC) facility in Henderson utilising modern modular construction techniques. Quality was critical for the structure to withstand the tough corrosive environment off Australia's northern coastline. All work had to comply with rigorous North Sea standards and weld quality and coatings were especially crucial so were subject to rigorous testing. AGC in consultation with their paint supplier's consultants proposed a coating system suitable for Australian water conditions different to North Sea applications.



12D - CASE STUDY

Naphtha Splitter Column, Kwinana WA

UGL Resources provided engineering design, detailing, supply, fabrication and delivery to site of a new naphtha splitter column used by the BP refinery at Kwinana, just south of Perth, to separate hydrocarbons.

For the work won against international competition, over 200 tonnes of 460N grade XLERPLATE® steel from BlueScope Steel was used to fabricate the unit's cylindrical shell and dished ends to tight tolerances. Designed to AS1210 – Class 2A pressure standard, the unit has to withstand operating temperatures up to 182 degrees Celsius and pressures up to 500kpa, considered high for a vessel of that volume to maintain its shape without distortion or rupturing. The project was completed on time with zero health and safety recordable injuries and zero quality issues, undertaken in 51 weeks, a lot earlier than the planned 68. The steel project integrated design, detailing, fabrication and final delivery by one commercial entity. Over one kilometre of welding was performed without a single defect and over 17,000 bolt holes made without a single misalignment. Fabrication, hydrotesting, painting, insulation and cladding in multiple work fronts at one plant location also meant that the vessel could be transported to site in one piece. The column fitted into the refinery on the first attempt.



13 - AIP Plans and EPBS guidelines

Australian Industry Participation Plans

Why Industry Participation Plans?

Major infrastructure and resource projects in Australia source a significant proportion of manufactured components and capital equipment from overseas even though local capability exists. Government wants to encourage the maximum level of local content in goods, services and labour for major projects where these are competitive in price, quality, and delivery requirements.

To address this issue, Federal and State Governments have developed Industry Participation Plans (IPPs). The purpose of these plans is to encourage major project proponents to provide fair and equal opportunity to local business to supply. It must be emphasised that IPPs *do not* mandate that Australian business tenders will be selected.

The policy intent of IPPs is to:

- Promote Australian capability.
- Maximise opportunities for Australian industry, especially small to medium enterprises (SMEs) to participate in major projects in Australia and overseas.
- To adopt a national approach to major projects.

AIP Framework is FTA and WTO compliant

State and Territory Industry Participation schemes have been developed to be consistent with Australia's national and international obligations, including the Australian Industry Participation Framework (AIPF) and the Australia New Zealand Government Procurement Agreement (ANZGPA). Further details are available at www.apcc.gov.au.

Other factors influencing the policy development of these schemes include:

- The World Trade Organisation (WTO).
- Australian National Competition Policy and other Commonwealth Legislation.
- Other treaties and Free trade Agreements.

Australian Industry Participation Framework

The Australian Industry Participation Framework (AIPF) has been signed by Australia's Industry Ministers and gives effect to their commitment to provide Australian industry will full, fair and reasonable opportunity to actively participate in investment projects. The framework encourages all spheres of government to adopt a coordinated approach to maximising Australian industry participation in investment projects, both in Australia and overseas.

Enhanced Project By-laws Scheme (EPBS)

Background

The EPBS is a Commonwealth Government program which provides an avenue for duty concessions in certain circumstances for imported eligible goods, including machinery, equipment and their components, for projects approved under the Scheme. Access to the benefits of this relief is subject to the terms of Item 71 and the policy and administrative criteria set out in those Guidelines.

All applications for duty concession under the EPBS are assessed against industry policy objectives as determined by the Government. The Minister for Innovation, Industry, Science and Research is responsible for the underlying policy guidelines and administration of the EPBS. The EPBS is administered by AusIndustry on behalf of the Minister and policy advice is provided by the Industry and Small Business Policy Division and the Manufacturing Division of the Department of Innovation, Industry, Science and Research.

The Tariff Act imposes duties on certain imported goods. Schedule 3 to the Tariff Act establishes the rate of duty to be paid on goods imported to Australia. Under certain conditions, the Government may grant duty concessions in respect of particular imported goods. Schedule 4 to the Tariff Act outlines the duty concessions available.

Sections 8 and 18 of the Tariff Act provide the authority for goods specified in Schedule 4 to be imported at a rate below that set out in Schedule 3. The items contained in Schedule 4 provide the legal basis for the concessional entry of certain imported goods in prescribed circumstances.

Determinations to permit the concessional entry of eligible goods under the EPBS are made under section 273 of the *Customs Act 1901*.

Key concepts

The following concepts are used in these Guidelines:

Australian Industry Participation Plan (AIP Plan) - will list and explain the strategies the project proponent will undertake to provide Australian industry with a full, fair and reasonable opportunity to participate in all aspects of the investment project.

Implementation Report - will provide evidence that the AIP Plan has been implemented as agreed. The Implementation Report will demonstrate how Australian industry has been afforded a full, fair and reasonable opportunity to supply eligible goods to the project.

Test of availability - A concession under the EPBS is only available for eligible goods that are:

- Not produced in Australia in the ordinary course of business; or
- Technologically more advanced, more efficient or more productive than goods currently available from Australian production.

The test of Australian availability or technological superiority applies at the eligible goods level.

Australian producer - is a person or business manufacturing, assembling or putting the eligible goods together in Australia from components sourced from Australia or from overseas. This includes businesses which supply goods on a continuous basis, such as Australian manufacturers and those that supply on an infrequent or on-off basis such as engineers, project managers, systems integrators and technology providers.

Eligible goods – can be any of the following:

- 1) Functional units: A functional unit may consist of one or more pieces of machinery, equipment or their components that are integrally connected to perform a process; or
- 2) Procurement/equipment packages: A quantity of the same type of machinery, equipment and their components which is used across a project; or
- 3) Pipes, pipelines, conveyors, flexible flow lines etc used to convey gas, liquids, minerals or other things; or
- 4) Stainless steel materials to be directly incorporated into the goods identified in (1), (2) or (3).

Integral to the project - Only eligible goods integral to a project may receive an EPBS concession. Examples of goods integral to a project (and which were previously ineligible) include conveyor lines and pipelines. Commissioning spare parts integral to a project are eligible for an EPBS concession.

Ineligible goods - Goods ancillary to the project including office equipment and goods used in activities such as land preparation, roads and transportation, buildings and office/personnel accommodation, off-site transportation of the goods being produced or manufactured and the provision of telecommunications and other general services are excluded.

The EPBS duty concession is directed at eligible goods including machinery, equipment and their components. Goods such as spare parts beyond the commissioning of the project and general consumables such as paints, lubricants, fuel etc are ineligible under the EPBS.

Life of the project - The life of the project is defined as being until the project is commissioned. Major upgrades will be considered to be separate projects for the purposes of the EPBS.

Further Information about various policies and programs is available in the Federal Government's Australian Industry Participation website at www.aip.gov.au.

14 - Acknowledgements

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- INPEX Corporation
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- OneSteel
- OneSteel Distribution
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- Pacific Industrial Company
- PDC Consultants
- Southern Steel Group
- Steel Reinforcing Institute of Australia
- United Group

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