



AGENDA

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

**15 APRIL 2019 AT THE CONCLUSION OF BUDGET AND FINANCE COMMITTEE
IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

MEMBERS

Cr D Proleta (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman)
Cr J Woodman

REQUIRED STAFF

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

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 18 March 2019.

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OTHER BUSINESS

CONFIDENTIAL ITEMS

3.8.1 Appointment of Independent Members on the Council Assessment Panel

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Non-disclosure of the matter and discussion of this item in confidence would protect information relating to the personal affairs of the persons affected and proposed action by Council in considering the individuals to whom those personal affairs relate for appointment as Independent members of the Council Assessment Panel.*

*On that basis the public's interest is best served by not disclosing the **Appointment of Independent Members on the Council Assessment Panel** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

CLOSE



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

18 MARCH 2019

MEMBERS PRESENT

Cr D Proleta (Chairman)
Mayor G Aldridge (ex officio) (*from 9:38pm*)
Cr A Duncan
Cr K Grenfell
Cr D Hood (*from 9:37pm*)
Cr P Jensen (Deputy Chairman)
Cr J Woodman

STAFF

General Manager Business Excellence, Mr C Mansueto
Manager Communication and Customer Relations, Mr M Bennington
Manager Governance, Mr M Petrovski

The meeting commenced at 9:36pm.

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

APOLOGIES

An apology was received from Cr B Brug.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr J Woodman

The Minutes of the Resources and Governance Committee Meeting held
on 18 February 2019, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr A Duncan
Seconded Cr P Jensen

1. The information be received.

CARRIED

External Relations

3.4.1 Nominations Sought for the Stormwater Management Authority

Moved Cr J Woodman
Seconded Cr K Grenfell

1. No nomination be made for a Local Government Member on the Stormwater Management Authority.

CARRIED

3.4.2 Election of Members on the Greater Adelaide Regional Organisation of Councils

Moved Mayor G Aldridge
Seconded Cr J Woodman

1. Council indicates its two preferences as follows:

- 1) Mayor Jill Whittaker; and
- 2) Mayor Amanda Wilson

for the two positions on the Greater Adelaide Regional Organisation of Councils and instructs its delegate to vote accordingly.

CARRIED

3.4.3 2019 National General Assembly of Local Government - Clarification on Call for Motions and Attendance at Assembly

Moved Mayor G Aldridge
Seconded Cr K Grenfell

That:

1. Council determine if there are any issues that warrant a motion being submitted to the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019.
2. The following Elected Member be registered to attend the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019:
 - Cr Beau Brug
3. Cr Beau Brug be appointed as the City of Salisbury voting delegate for the National General Assembly of Local Government being held in Canberra from 16 to 19 June 2019.

CARRIED

3.4.4 Metropolitan Strategic Roads Committee - Call for Nominations

Moved Cr A Duncan
Seconded Cr D Hood

1. Mr Dameon Roy, Manager Infrastructure Management, be nominated to be an Officer representative on the Metropolitan Strategic Roads Committee for the 2019 Special Local Roads Program application round.
2. Council determine if it wishes to nominate an Elected Member representative from metropolitan Councils north of the River Torrens on the Metropolitan Strategic Roads Committee for the 2019 Special Local Roads Program application round.

CARRIED

Corporate Governance

3.6.1 Review of Club Fee Policy

Moved Mayor G Aldridge
Seconded Cr D Hood

1. The Information be received.
2. The Club Fee Policy as set out in Attachment 1 to this report (Item No. 3.6.1, Resources and Governance, 18/03/2019), be endorsed.

CARRIED

3.6.2 Review of Salisbury Water Flow Restrictions Policy for Residential Customers

Moved Cr J Woodman
Seconded Cr K Grenfell

1. The information be received
2. The Salisbury Water Flow Restrictions Policy for Residential Customers as set out in Attachment 1 to this report (Resources and Governance, 18/03/2019) be endorsed.

CARRIED

3.6.3 Review of Community Recreation Facilities Sponsorship Policy

Moved Mayor G Aldridge
Seconded Cr J Woodman

1. The information be received.
2. The Community Recreation Facilities Sponsorship Policy as set out in Attachment 1 to this report (Item No. 3.6.3, Resources and Governance Committee, 18/03/2019), be endorsed.

CARRIED

3.6.4 Review of Community Recreation Facilities Signage Policy

Moved Cr K Grenfell
Seconded Cr D Hood

1. The information be received.
2. The Community Recreation Facilities Signage Policy as set out in Attachment 1 to this report (Item No. 3.6.4, Resources and Governance Committee, 18/03/2019), be endorsed.

CARRIED

3.6.5 Review of Community Club Financial Guarantee Policy

Moved Cr A Duncan
Seconded Cr P Jensen

1. The information be received.
2. The Community Club Financial Guarantee Policy as set out in Attachment 1 to this report (Item No. 3.6.5, Resources and Governance Committee, 18/03/2019), be endorsed.

CARRIED

3.6.6 Review of Liquor Licences Policy

Cr D Hood declared a perceived conflict of interest on the basis of being a board member of the Salisbury North Football Club. Cr Hood managed the conflict by remaining in the meeting and voting in the best interest of the community.

Moved Cr J Woodman
Seconded Mayor G Aldridge

1. The information be received.
2. The Liquor Licences Policy as set out in Attachment 1 to this report (Item No. 3.6.6, Resources and Governance Committee, 18/03/2019), be endorsed, including the extension of liquor trading hours to 1am on both Friday and Saturday nights.

CARRIED

3.6.7 Review of Sub-Licence Approval Policy

Moved Cr K Grenfell
Seconded Cr P Jensen

1. The information be received.
2. The Sub-Licence Approval Policy as set out in Attachment 1 to this report (Item No. 3.6.7, Resources and Governance Committee, 18/03/2019), be endorsed.

CARRIED

3.6.8 Review of Walkway Closures Policy

Moved Cr K Grenfell
Seconded Cr J Woodman

1. The information be received.
2. The Walkway Closures Policy, with amendments, as set out in Attachment 1 to this report (Item No. 3.6.8, Resources and Governance Committee, 18/03/2019), be endorsed.

CARRIED

3.6.9 Review of Elected Members Training and Development Policy

Moved Cr J Woodman
Seconded Cr A Duncan

1. The information be received.
2. The Elected Members Training and Development Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.9, 18/03/2019), be endorsed.

CARRIED

3.6.10 Customer Service Improvement Project Update

Moved Cr K Grenfell
Seconded Cr P Jensen

1. That the information be received and Council note the Elected Members Workshop to be held on 20 March 2019 to consider the Customer Service Framework and Charter.

CARRIED

3.6.11 Variations to Delegations

Moved Cr K Grenfell
Seconded Mayor G Aldridge

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 1 April 2019 of those powers and functions under the following:
 - 1.1 *Heavy Vehicle National Law (South Australia) Act 2013*
 - Section 156A(1), (2), (3), (4) – Attachment 2
 - 1.2 *Local Government Act 1999*
 - Section 256 (1) and (2) – Attachment 3
 - 1.3 *Supported Residential Facilities Act 1992*
 - Sections 24(10), 27(4), 32(3) and 32(4) – Attachment 4
 - 1.4 *Water Industry Act 2012*
 - Sections 156A(1), (2), (3), (4) – Attachment 5
2. In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant), the powers and functions under the following Acts and contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2, 3, 4 and 5, Item No. 3.6.11, Resources and Governance Committee, 18/03/2019) are hereby delegated from 2 April 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012* as follows:
 - *Heavy Vehicle National Law (South Australia) Act 2013*
 - Section 156A(1), (2), (3), (4) – Attachment 2

Local Government Act 1999

- Section 256 (1) and (2) – Attachment 3

Supported Residential Facilities Act 1992

- Sections 24(10), 27(4), 32(3) and 32(4) – Attachment 4

Water Industry Act 2012

- Sections 156A(1), (2), (3), (4) – Attachment 5

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 herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999*, *Supported Residential Facilities Act 1992*, *Water Industry Act 2012*.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 10:22pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	15 April 2019
HEADING	Future Reports for the Resources and Governance Committee
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	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	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. Due: July 2019	John Darzanos
23/04/2018 3.3.1	Parking Technology Trials 5. A further report presenting the outcomes of the trials be presented to Council at the conclusion of the trials. Due: August 2019	John Darzanos
23/07/2018 MON2	Parking in the Salisbury City Centre 2. At the conclusion of the licence plate recognition trial, the report that will be provided to Council on the outcomes of the trial also incorporate advice on the implications of the provision of four (4) and or five (5) hour parking areas in the city centre. Due: August 2019	John Darzanos
23/07/2018 3.6.3	Media Policy Review That consideration of the Media Policy be deferred to the next Council following the local government elections. Due: April 2019 Deferred to: June 2019 Reason: To allow for a workshop to be conducted with the Elected Members on the current and future Media Policy.	Michael Bennington
27/08/2018 MON7.1	Council Customer Service Charter 1. That Council review all customer service and related policies with a view of increasing the level of basic services and customer requests. Due: April 2019 Deferred to: May 2019 Reason: To allow for the information received from the March workshop with Elected Members to be considered and actioned.	Michael Bennington
27/08/2018 MON7.1	Council Customer Service Charter 2. That Council develop a community and resident customer service charter in consultation with the local community. Due: April 2019 Deferred to: May 2019 Reason: To allow for the information received from the March workshop with Elected Members to be considered and actioned.	Michael Bennington

26/11/2018	Council and Committee Structure	Mick Petrovski
6.5	2. The terms of reference be reviewed after the first 12 months of the term of office seeking Elected Member feedback and a report be provided to the Resources and Governance Committee.	
Due:	December 2019	

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:	EXEC GROUP	GMCiD	GMBE
Date:	08/04/2019	02/04/2019	28/03/2019

ITEM	3.4.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	15 April 2019
HEADING	Local Government Reform - LGA Discussion Paper
AUTHOR	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
CITY PLAN LINKS	3.1 Be an adaptive community that embraces change and opportunities. 4.1 Strengthen partnerships that enable us to better address our community's priorities.
SUMMARY	This report provides suggested comment on the LGA's Discussion paper on Local Government Reform, which will inform the LGA's submission to the State Government.

RECOMMENDATION

That:

1. Council give broad endorsement of the reform issues and suggested directions contained in the Local Government Association's Discussion Paper on Local Government Reform, with the exception of providing specific advice as follows:
 - Council is opposed to charging fees for the lodgement of a *section 270* review,
 - Council strongly supports the removal from legislation of the 75% mandatory rebate for community housing, and
 - Council suggest that a cautious approach is taken with any proposed broadening of the role of Audit Committees.
2. Council, as a further reform, request that the Local Government Association seek amendment to the *Local Government Act 1999* to explicitly recognise economic development as a principal role of Councils.

ATTACHMENTS

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

1. Local Government Reform - Media Release - State Government
2. LGA Discussion Paper - Local Government Reform

1. BACKGROUND

- 1.1. On 23 March 2019 the State Government announced that it intends to pursue legislative change to the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* as part of its reform agenda for the Local Government sector. The media release by Minister Stephan Knoll, Minister for Local Government is attached.

- 1.2. The intent of the reform agenda is focussed on:
 - Stronger council member capacity and better conduct;
 - Lower costs and enhanced financial accountability;
 - Efficient and transparent local government representation; and,
 - Simpler regulation.
- 1.3. Coinciding with the announcement, the Local Government Association (LGA) prepared and issued a Discussion Paper on Local Government Reform and are seeking feedback or comment from Council in order to inform the LGA's formal submission to the Government.
- 1.4. The Discussion Paper is shown as an attachment to this report.

2. REPORT

- 2.1 The LGA's discussion paper is broad in its scope and addresses a wide variety of subject matter relevant to Councils. They have been grouped under the following categories:
 - Stronger Council Member Capacity and Better Conduct
 - Efficient and Transparent Local Government Representation
 - Lower Costs and Enhanced Financial Accountability
 - Simpler Regulation
 - Other Reform Issues.
- 2.2 Much of the content of the discussion paper is broadly stated and reflects issues raised by Councils consistently as being difficult to manage or interpret when discharging their responsibilities. However, the difficulty in either supporting or opposing suggested changes lies in not knowing the greater detail of changes proposed, and therefore understanding the likely consequence or impact of the change on the City of Salisbury.
- 2.3 It is suggested that the City of Salisbury indicate its broad endorsement of the suggested changes, qualifying that endorsement as being subject to seeing the draft legislation and being provided the opportunity to comment more specifically at that time.
- 2.4 There are three subject areas in the discussion paper that, it is suggested, warrant specific address by Council in providing comment to the LGA; charging fees for the lodgement of a *section 270* review, supporting the removal from legislation of the 75% mandatory rebate for community housing, and a proposed broadening of the role of Audit Committees.
- 2.5 With regard to Audit Committees, it is suggested that Council advise the LGA that while broadening of responsibilities may not seem unreasonable at a principle level, caution should be exercised to ensure that any change of the roles are not so broad so as to enable Audit Committees to encroach into the policy setting arena,

which is one of Council's primary and most important roles. For instance, any change should not diminish a Council's ability to influence or set directions, as could be inferred by the reference to "greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the Council's use of public resources".

- 2.6 When the State Government transferred ownership and responsibility for community housing to community housing providers it also increased the rate rebate for community housing to 75%. This has had a significant negative impact on the rate income of Councils such as the City of Salisbury that has a significant portion of public housing located within its area. It is proposed that Council indicate its strong support for the LGA's call for the removal of the 75% rate rebate.
- 2.7 The discussion paper indicates that there is some support among Councils for charging a fee for the lodgement of a section 270 review (under the *Local Government Act 1999*) of a decision of Council. It is suggested that in this instance, the Council indicate its opposition to the proposal as it can potentially act as a deterrent to legitimate requests for review of decisions, and be described as being contrary to openness and transparency of Council's decision making processes. It should be noted that Council may refuse to consider an application for review if:
1. An application is made by an employee of Council and relates to an issue concerning their employment;
 2. It appears that an application is frivolous or vexatious;
 3. An applicant does not have sufficient interest in a matter.

2.8 Economic development

- 2.8.1 There is one area of activity that is not contemplated in the discussion paper, and that is to explicitly recognise economic development as a principal role of Councils.
- 2.8.2 Locally-based initiatives are increasingly seen as important drivers in addressing the economic well-being of towns and cities across the world. The *Local Government Act 1999*, touches lightly on the economic responsibilities of Councils in a couple of sections, namely that:
- the functions of Council include "*to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.*" (section 7(g)); and
 - the principles a council must observe in the performance of its roles and functions include, inter alia, to "*ensure a proper balance within its community between economic, social, environmental and cultural considerations.*" (section 8(f)).

- 2.8.3 The recent release of the Joyce Review (reviewing the State Government's trade and investment growth agenda), and the general acceptance of its recommendations by State Government, outlined the Government's desire to accelerate economic growth and support the private sector to create more jobs. Strengthening the economic development provisions of the *Local Government Act 1999* will reinforce current Council policy of working strategically and collaboratively with State Government and neighbouring Councils for increased economic activity in the northern metropolitan region.
- 2.8.4 Despite an economic development function and principles in decision making being explicitly identified in sections 7 and 8 of the *Local Government Act 1999*, economic development considerations are notably absent from section 6 of the Act which describes the principal roles of a Council.

3. CONCLUSION

- 3.1 The Local Government Association has prepared and issued a Discussion Paper on Local Government Reform and are seeking feedback or comment from Council in order to inform the LGA's formal submission to the State Government by 26 April 2019.
- 3.2 Due to the broadly stated nature of the issues raised and suggested directions contained in the Discussion Paper, it is suggested that the City of Salisbury indicate its broad endorsement of the suggested changes, qualifying that endorsement as being subject to seeing the draft legislation and being provided the opportunity to comment more specifically at that time.
- 3.3 The three subject areas that, it is suggested, warrant specific address by Council in providing comment to the LGA; Council's opposition to charging fees for the lodgement of a *section 270* review, supporting the removal from legislation of the 75% mandatory rebate for community housing, and suggesting the exercise of caution with proposed broadening of the role of Audit Committees.
- 3.4 Given the importance of economic development, investment attraction and job creation, it is also suggested that Council request the Local Government Association to seek amendment to the *Local Government Act 1999* to explicitly recognise economic development as a principal role of Councils.

CO-ORDINATION

Officer: Executive Group
Date: 08/04/2019

MEDIA RELEASE

Local Government Reform – Have YourSay

25.03.2019

Stephan Knoll MP

Better Services

Lower Costs

The Marshall Liberal Government is calling on local communities and the public to put forward their ideas for key local government reform measures as it launches a YourSAy website today.

South Australians will be invited to have their say on key reforms including;

- Stronger council member capacity and better conduct;
- Lower costs and enhanced financial accountability;
- Efficient and transparent local government representation; and,
- Simpler regulation.

The Marshall Government is undertaking a review of local government legislation that South Australian councils operate under wants the community's ideas for reform.

“Through this process Marshall Government wants to cut red tape, lower costs and help improve service delivery for South Australian ratepayers,” said Minister for Transport, Infrastructure and Local Government Stephan Knoll.

“Councils play an important part in delivering for our local communities and that's why it's crucial we have community input throughout the reform process.

“South Australians are being invited to share their ideas about ways in which they think councils can work better.

“These ideas will contribute towards discussions papers that will be released in the middle of the year.

“Earlier this year we also held a round table with the local government sector and are currently awaiting their feedback about the changes that would like to see within their own sector.

“These are important steps in the State Government’s thorough consultation process ahead of developing, drafting and introducing proposed legislative reforms to State Parliament later this year.

“We want to work closely with the local community, local government sector and other key stakeholders throughout this process.

“To their credit, the local government sector is very aware that there is a lot of room for improvement and I’m looking forward to reviewing their submissions about ways in which we can slash red tape, cut costs where possible and improve service delivery for ratepayers.”

The public will be able to submit their ideas for local government reform until Friday 26 April 2019.

Stephan Knoll MP

Local Government Reform

Discussion Paper

March 2019

Note: This Discussion Paper has been prepared by the LGA Secretariat for consultation purposes only. The content of this paper has not been endorsed by the LGA Board of Directors.



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About the LGA

The LGA is a membership organisation for all councils in South Australia and is the voice of local government in this State. All 68 councils are members of the Association.

The LGA is recognised by the South Australian Parliament through the *Local Government Act 1999*.

The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The LGA provides representation, quality service and leadership relevant to the needs of member councils. The LGA also operates specific units/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils; and
- Extensive education and training; procurement; online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

Introduction

The Local Government Association welcomes the opportunity to partner with the South Australian Parliament to progress sensible and effective reform within local government. This is a pivotal time for the local government sector to work in collaboration with the State Government and the Parliament on robust and meaningful reform that will deliver lasting benefits to the community and drive downward pressure on council rates.

The Government's reform program will focus on changes to the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* across four theme areas, being:

- strong council member capacity and better conduct
- efficient and transparent local government representation
- lower costs and enhanced financial accountability, and
- simpler regulation



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The LGA has its own ideas for change that have been developed in consultation with members, as well as a range of issues and ideas raised and supported by members at previous LGA general meetings. These reform ideas are outlined within this Discussion Paper.

The purpose of this Paper is for the LGA to continue the reform discussion with member councils. The paper shares some preliminary reform ideas and seeks feedback from members on these ideas and other reform opportunities that members would like to see further explored. This is an opportunity for you to tell your Association what change you want to see, what that change should look like and what it should achieve for councils and communities.

While the LGA acknowledges the State Government has placed parameters on its review, the LGA invites feedback from councils on local government reform issues that fall outside the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*, which could form part of the LGA's broader advocacy agenda.

Feedback on reform issues is requested **by 5pm on Friday 26 April 2019**. All feedback received will be carefully considered by the LGA Board of Directors and the positions that have high levels of support from members will be put forward to the State Government as part of a sector-wide submission. To ensure that all member views are considered, we would also appreciate a copy of any submissions made directly to the State Government.

The LGA looks forward to working with members and representing the views of the sector throughout all stages of the reform program.



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Timeline and Reform Process

The LGA will use best endeavours to provide as much opportunity as possible for councils to contribute ideas, feedback and influence to the reform process. However, we will be working within the ambitious timelines that have been set by the Government, which may not always be best suited to council meeting cycles, and may be subject to change. The chart below provides a broad outline of the LGA's reform program, including consultation with councils highlighted in green.

	March 19	April 19	May 19	June	Jul 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Q1 2020	Q2 2020
Release LGA Reform Discussion Paper												
Call for feedback and ideas from members												
Further investigations and research on the sector's ideas												
Advocacy and representation - State Government Reform Discussion Papers and Potential Reform Bill 1												
Consult members on potential Reform Bill 1												
Consultation with members on Reform Discussion Papers – workshops, focus groups, submissions												
Advocacy and representation – Development of Reform Bill 2												
Consult members on Reform Bill 2												
Advocacy and representation – parliamentary process												

Preliminary Reform Ideas

Reform issue	LGA's preliminary comments
STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT	
<p>Strengthening the Code of Conduct for Council Members</p>	<p>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct.</p> <p>It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors' status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.</p> <p>Proposals marked in earlier LGA advocacy included: (1) increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate, (2) broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case, and (3) clearer classifications of misconduct, in particular a specific definition of bullying and harassment.</p> <p>Other reform proposals could include, for example:</p> <ul style="list-style-type: none"> • Temporary exclusion powers of the presiding member to enable better management of council member behaviour at meetings (with associated accountability measures for how those powers may be used) • Clear classification of sexual harassment • Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified



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Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct • Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources.
<p>Prevention to Intervention</p>	<p>While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.</p> <p>In accordance with the LGA's <i>Prevention to Intervention</i> strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.</p> <p>Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation.</p> <p>Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics.</p>
<p>General duties of council members (section 62 Local Government Act 1999)</p>	<p>There are a number of general duties prescribed in section 62 of the <i>Local Government Act 1999</i> with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</p> <p>In summary, the general duties in section 62 of the Act include:</p> <ul style="list-style-type: none"> • A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties



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	<ul style="list-style-type: none"> • A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council • A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council • A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). <p>While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for enforcement within the statutory Code of Conduct for Council Members.</p>
<p>Mandatory Training Requirements</p>	<p>Currently, the <i>Local Government Act 1999</i> and the <i>Local Government (General) Regulations 2013</i> require councils to have a training and development policy that complies with LGA <i>training standards for council members</i> approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members.</p> <p>Previous LGA advocacy on Code of Conduct reform also included a proposal for a failure to comply with mandatory training requirements to be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements were not met by a council member.</p>
<p>EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION</p>	
<p>2014 Elections Review &</p>	<p>Local government participated in a lengthy review of the <i>Local Government (Elections) Act 1999</i> following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in</p>



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<p>the Local Government (Elections) Amendment Bill 2017</p>	<p>the <i>Local Government (Elections) Amendment Bill 2017</i>, which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on www.legislation.sa.gov.au, here: Local Government (Elections) Amendment Bill 2017</p>
<p>2018 Elections Review</p>	<p>In the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform Package</i>, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</p> <ul style="list-style-type: none"> • certain information, such as political interests, which is currently required to be disclosed by sitting councillors on primary and ordinary returns • whether or not the candidate resides in the council area of the council for which he or she is standing. <p>The 2018 local government elections, raised a number of new policy and technical difficulties that could be remedied through legislative change. Some of the issues the LGA has identified through its own elections experience, and preliminary feedback from councils, are the need for the:</p> <ul style="list-style-type: none"> • simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination • simplification of the process for enrolment on the supplementary roll with a view to providing a full online option • simplification of the process for nomination with a view to providing a full online option for candidates • incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close • requirement for unsuccessful candidates to remove social media accounts related to the election • reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes • alternatives to voters roll purging to increase non-residential ratepayer participation • improvements to the presentation and useability of the supplementary roll supplied to councils.
<p>Representation Reviews</p>	<p>The <i>Local Government Act 1999</i> requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every 8 years). During these reviews councils must consider</p>



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	<p>options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.</p> <p>Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.</p> <p>Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the <i>Local Government Act 1999</i> in order to enable them to achieve certification by the deadline date.</p> <p>Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the <i>Local Government Act 1999</i> for representation reviews.</p>
<p>Electronic voting in local government elections</p>	<p>The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.</p> <p>At the LGA's 2017 OGM members asked the Association to investigate trialling electronic voting in local government elections. Following consultation with ECSA it was determined that a cost-effective and feasible model is not yet available (with commercially available solutions presenting a number of risks that make them unsuitable at this time). In 2017 the Electoral Council of Australia and New Zealand (ECANZ) (comprising electoral commissioners of Aus, NZ, and each state and territory) established a national electronic voting working group, which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the government-specific internet voting model is considered a 4-5 year project and the LGA Board determined to keep a 'watching brief' on its progress. The LGA has recently asked the Electoral Commissioner for an update on the working group and will advise members of his response when received.</p>



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	<p>The LGA notes with interest recommendation 4 of the ECSA's 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA's State Election Report is available on its website at https://ecsa.sa.gov.au</p>
<p>Supplementary Elections</p>	<p>Where a council is unable to carry a casual vacancy, the <i>Local Government (Elections) Act 1999</i> requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.</p> <p>The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the <i>Local Government (Elections) Act 1999</i> to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.</p>
<p>Caretaker Policy and Code of Conduct</p>	<p>Section 91A(7) of the <i>Local Government (Elections) Act 1999</i> says "the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the <i>Local Government Act 1999</i> or the <i>City of Adelaide Act 1998</i>."</p> <p>Firstly, the language 'required to be prepared and adopted' no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.</p> <p>Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gifts and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</p>
<p>LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY</p>	
<p>Audit Committees</p>	<p>The <i>Local Government Act 1999</i> requires a council to have an audit committee to review the financial statements of the council, provide advice on council's Strategic Management Plan and Annual Business Plan and review the adequacy of council's internal controls and financial management systems. Audit committees</p>



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	<p>have become embedded as an important part of local government's financial and governance performance measurement framework.</p> <p>Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:</p> <ul style="list-style-type: none"> • requiring a majority of independent members • diversifying the skill sets and knowledge of audit committee members • appointing an independent chair • expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council's use of public resources • empowering the Chair to make public statements on the audit committee's work and findings. <p>Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a 'shared service' approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils.</p> <p>The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</p>
Standardising external audits	<p>All councils must appoint an external auditor to review and provide an opinion on the council's financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.</p> <p>In some other states, the external auditing of councils falls within the remit of the state's Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in</p>



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	<p>South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers.</p> <p>An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe.</p>
<p>Fee for lodgement of a section 270 complaint</p>	<p>At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to <i>request the Government consider placement of a small 'lodgement fee' on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.</i></p> <p>Section 270 of the <i>Local Government Act 1999</i> requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said, an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.</p>
<p>Increasing the maximum penalty for breach of a by-law</p>	<p>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to <i>advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.</i></p> <p>Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a by-law provided that the maximum penalty does not exceed \$750. The prescribed \$750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws provided that the expiation fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at \$750, the maximum expiation fee is \$187.50. For</p>

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	<p>particular by-law offences this maximum expiation fee may not be a commensurate penalty or cause sufficient deterrent.</p> <p>A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the <i>Local Government Act 1999</i> and the <i>Expiation of Offences Act 1999</i>. If the expiation fee is to be expiated in accordance with the <i>Expiation of Offences Act 1999</i>, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed \$315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</p>
<p>Benchmarking</p>	<p>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community.</p> <p>Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.</p> <p>Gathering information about councils and how they are operating is beneficial for a number of reasons, including:</p> <ul style="list-style-type: none"> • determining if councils are performing well, being fiscally responsible and are financially sustainable • assessing the relative efficiency of the sector and the value for money being delivered to communities • measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering • identifying opportunities for continuous improvement and reform programs to strengthen the sector. <p>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils.</p>



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<p>Prescribed format for Asset Management Plans and Long-Term Financial Plans</p>	<p>There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered.</p>
<p>SIMPLER REGULATION</p>	
<p>Informal gatherings</p>	<p>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</p> <p>Section 90(8) of the <i>Local Government Act 1999</i> allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.</p> <p>Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn't that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</p> <p>The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a 'designated informal gathering' as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government).</p>
<p>Conflict of interest</p>	<p>The conflict of interest provisions were introduced to the <i>Local Government Act 1999</i> as part of the <i>Local Government (Governance and Accountability) Amendment Act 2015</i>, and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</p>



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	<p>The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners.</p> <p>This reform process provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within our sector. Reform could include simpler prescribed exclusion, or an ability for council or committee members to declare a material conflict of interest and stay in a meeting and debate/vote where it is in the public interest.</p>
<p>Suspension of allowances during state or federal elections</p>	<p>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue.</p> <p>Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet inquorate where it is a consequence of the enforced leave. The proposal was included in the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform package</i>, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</p>
<p>Mobile food vendors (food trucks)</p>	<p>In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</p> <ul style="list-style-type: none"> • Must establish guidelines around approved locations for mobile food vendors ('location rules') • Must approve all permit applications that comply with the local rule guidelines • Restrict the maximum amount a council may charge for a mobile food vendor permit. <p>The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils.</p>



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	<p>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size-fits all legislative approach for all councils.</p> <p>Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar "fixed" established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</p> <p>In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.</p> <p>At its meeting in May 2018, the South Australian Regional Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (<i>Local Government Mobile Food Vendors Amendment Act 2017</i>) particularly in regard to regional impact.</p> <p>The LGA consulted councils and was told:</p> <ul style="list-style-type: none"> • Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas • Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide.
<p>Public consultation requirements in the <i>Local Government Act 1999</i></p>	<p>In general, public consultation requirements throughout the <i>Local Government Act 1999</i> lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the <i>Local Government Act</i> following judicial interpretation of section 50 in the decision of <i>Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136</i> (Coast Park decision).</p>
<p>Requirements to publish in newspapers</p>	<p>A review of public consultation requirements should be broadened to also consider requirements throughout the <i>Local Government Act 1999</i> to publish various notices in newspapers. Not only is publication in</p>

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	<p>newspapers very expensive for councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication. Each community is different so it may be a matter of providing councils with greater flexibility to determine the communication methods that suit their community and the context of the matter at hand.</p>
<p>Public consultation requirements for permits under sections 221 and 222 of the <i>Local Government Act 1999</i></p>	<p>The <i>Local Government Act 1999</i> empowers councils to evaluate and where appropriate issue permits for applications received to close public roads and footpath areas for a 'business purpose' to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a 'business purpose' are prescribed in section 222(1) of the <i>Local Government Act 1999</i>, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree.</p> <p>Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a material degree. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.</p> <p>This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the LG Act beyond doubt.</p>
<p>Developer contributed assets</p>	<p>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset.</p>



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	Section 48 of the <i>Local Government Act 1999</i> could clarify the right of council to undertake a prudential report and/or decline an asset.
<p>Rating equity for commercial and/or industrial land uses</p>	<p>Council rates are generally considered a proportional land tax in terms of social 'fairness', in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> • the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and • the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation. <p>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</p> <p>The report can be found on the Legatus Group website at: https://legatus.sa.gov.au/wp-content/uploads/2018/07/Final-Report-Rating-Equity-for-CommercialIndustrial-Land-Uses-Outside-Towns-in-SA-1.pdf</p> <p>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</p> <ul style="list-style-type: none"> • allow councils to recover appropriate payments in lieu of rates directly from electricity generators – rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where Councils receive payments based on a methodology under State legislation); and



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	<ul style="list-style-type: none"> enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots). <p>As outlined in the Report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.</p> <p>These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (e.g. the <i>Electricity Corporations Restructuring and Disposal Act 1999</i> is the responsibility of the Treasurer), so further consultation will be required with other Ministers as necessary.</p>
<p>Regulations for section 245A of the Local Government Act 1999 (Development Bonds)</p>	<p>In 2009, section 245A was inserted into the <i>Local Government Act 1999</i> with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.</p> <p>Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council's infrastructure and enable councils to recoup the cost or repairing related to development damage.</p>
<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)</p>	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at</p>



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	<p>best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</p> <p>The LGA has previously requested amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Amendment has not yet occurred and the LGA recommends continued advocacy to remedy the anomaly.</p>
OTHER REFORM ISSUES	
Management of unmade roads	<p>The <i>Local Government Act 1999</i> and the <i>Road Traffic Act 1961</i> do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user's vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.</p>
Community housing	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate \$4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.</p> <p>Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.</p>



The voice of local government.

Reform issue	LGA's preliminary comments
	The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers.
Fees and charges	<p>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs.</p> <p>Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges.</p> <p>The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the <i>Local Government Act 1999</i> and the <i>Local Government (Elections) Act 1999</i> and will require consultation with other Ministers.</p>

Member Feedback

Members are invited to provide feedback on these preliminary ideas, which have been identified through previous member feedback. We also welcome the submission of further ideas for positive reform based on the expertise and experiences of member councils. As a guide, the following key questions may be considered in providing feedback.

Will these ideas contribute positively to local government and provide benefits to the community?

What would be the barriers or issues that would need to be overcome in order to successfully implement these ideas?

Are there alternative solutions to the problems that have been identified that should be further explored?

What are the other issues that should be addressed through this reform program, and what are the potential solutions?

What are the areas of the Local Government Act and Local Government (Elections) Act that are working well and should not be altered through this reform program?



The voice of local government.

Feedback on reform issues is requested by **5pm on Friday 26 April 2019** in order for your ideas to be considered by the LGA and form part of the Association's initial response to the State Government. However, we appreciate that some councils may require additional time and we would gratefully accept your feedback at any stage as will continue to submit ideas and issues to the Government and all members of Parliament throughout the entire reform process.

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ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	15 April 2019
HEADING	Request to Attend Local Government Professionals National Congress and Business Expo; 31 July - 2 August 2019
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	The 2019 Local Government Professionals Australia National Congress and Business Expo will be held 31 July – 2 August in Darwin. Three Councillors have indicated their interest in attending the Congress. In accordance with current Council policy, any request to attend a professional development activity interstate must be approved by Council, along with the expenditure of the necessary funds.

RECOMMENDATION

1. Council determine if Councillors Buchanan, Brug and Grenfell should attend the 2019 Local Government Professionals Australia National Congress and Business Expo being held 31 July – 2 August in Darwin.
2. Subject to Council approval for Councillors Buchanan, Brug and Grenfell to attend the 2019 Local Government Professionals Australia National Congress and Business Expo, approval also be granted for necessary funds to be brought forward for any shortfall of funds from individual training and development budget allocations from the 2019/20 financial year.

ATTACHMENTS

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

1. Local Government Professionals Australia National Congress and Business Expo Brochure
2. Local Government Professionals Australia Council Packages Information

1. BACKGROUND

- 1.1 This year the 2019 Local Government Professionals Australia National Congress and Business Expo will be held 31 July – 2 August in Darwin.
- 1.2 As outlined in the Elected Member Training and Development Policy, any request to attend a professional development activity interstate, must have the expense approved by Council, regardless of the cost.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Elected Members were advised via email on 12 March 2019 of the event, and were asked to register their interest in attending.

2.1.2 The following Elected Members have indicated their interest:

- Cr Chad Buchanan
- Cr Kylie Grenfell
- Cr Beau Brug.

2.2 External

2.2.1 Nil

3. REPORT

3.1 Advice has been received that the 2019 Local Government Professionals Australia National Congress and Business Expo will be held 31 July – 2 August in Darwin.

3.2 The theme for the 2019 National Congress is ‘The Future Local Government Leader’.

3.3 The provisional program is provided below for information with the full brochure available as an attachment to this report:

PROVISIONAL PROGRAM

<p>31 July 5.30pm-7.00pm Welcome Reception</p> <hr/> <p>1 August 9.00am-5.00pm Business Sessions</p> <p>Don't miss...</p> <p>9.30am Keynote Address by Michelle Guthrie, former ABC Managing Director</p> <p>11.00am Workforce Planning and Development take centre stage</p> <p>1.30pm Management Challenge Live</p>	<p>3.30pm Keynote Address by Dr Geoff Gallop, Chair of New Democracy and former Premier of WA</p> <p>6.00-11.00pm Gala Dinner and Awards Ceremony</p> <hr/> <p>2 August 9.00am-1.00pm Business Sessions</p> <p>Don't miss...</p> <p>9.00am Keynote Address by John Daley, CEO of the Grattan Institute</p> <p>11.00am Special feature – Leadership and diversity in Local Government</p>
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3.4 Total costs for one person attending will be in the vicinity of \$3,700 based on the following:

2019 LG Professionals National Congress - Darwin - Wednesday 31 July - Friday 2 August 2019			
Anticipated costs	Registration (non-member)	\$ 1,700.00	
	Gala Dinner and Awards Ceremony (Thurs 1 Aug)	\$ 150.00	
	Congress Study Tour	tba	
	Return flights	\$ 900.00	approx
	Accommodation x 3 (depending on flights, might only be 2 nights)	\$ 800.00	approx
	Meals + incidentals	\$ 150.00	approx
	CabCharge vouchers		?
		\$ 3,700.00	approx

3.5 Local Government Professionals Australia offers Council packages, details of which are attached to this report.

- 3.6 There are packages designed to provide a more cost effective way of sending delegates to the event as well as providing some additional benefits, as shown in attachment 2.
- 3.7 Should Council resolve to send more than one delegate, the (registration only) cost per person will be (based on the purchase of a Council Package):
- Two delegates: \$1,200 each
 - Three delegates: \$1,333 each

Budget

- 3.8 The Elected Members that have registered an interest in attending this event have the following funds available in their individual training and development budget:
- Cr Chad Buchanan: \$3,673
 - Cr Kylie Grenfell: \$1,360
 - Cr Beau Brug: \$3,127
- 3.9 Should Council determine that any of the above Members' attend the 2019 Local Government Professionals Australia National Congress and Business Expo, it should also resolve that additional funds for their attendance be approved.
- 3.10 Where additional funds are needed, they will be brought forward from their individual training and development allocation in the 2019/20 financial year.

4. CONCLUSION / PROPOSAL

- 4.1 Council determine if any Elected Member should be registered to attend the 2019 Local Government Professionals Australia National Congress and Business Expo will be held 31 July to 2 August 2019 in Darwin.
- 4.2 Subject to Council approval for Elected Member attendance, a determination should be made as to how many Councillors should be registered to attend, and approval granted for required funds to enable their attendance.

CO-ORDINATION

Officer: MG
Date: 09/04/2019

NATIONAL CONGRESS & BUSINESS EXPO 2019
31 JULY-2 AUGUST | DARWIN

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PRESIDENT'S WELCOME

This year marks a renewed focus on you, the local government professional – or as we see you in this year's National Congress & Business Expo: The Future Local Government Leader.

Leaders cannot dwell in the past, but can't only focus on the present. The Congress reflects the needs of not just today's leaders but the future of leadership and of councils. There has never been more pressure or more importance placed on councils and the officers who keep our councils working, so LG Professionals has brought together

change-makers and thought leaders to help you develop better teams, better organisations, and a better you.



A (Tony) De Fazio
National President
LG Professionals Australia



PROVISIONAL PROGRAM

31 July 5.30pm-7.00pm Welcome Reception

1 August 9.00am-5.00pm Business Sessions

Don't miss...

- 9.30am Keynote Address by Michelle Guthrie, former ABC Managing Director
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- 6.00-11.00pm Gala Dinner and Awards Ceremony

2 August 9.00am-1.00pm Business Sessions

Don't miss...

- 9.00am Keynote Address by John Daley, CEO of the Grattan Institute
- 11.00am Special feature – Leadership and diversity in Local Government

KEYNOTE SPEAKERS

MICHELLE GUTHRIE

THE POLITICS OF LEADERSHIP

Former managing director of the ABC, Michelle Guthrie will deliver the keynote address that will set the stage for two days of discussion and debate on future leaders in the highly public space.

Michelle will lend her insight to Local Government leaders who face increasing pressure from politicisation and external forces and are seeking guidance on changing organisational culture, dealing with changing demands of the public and how to balance an organisation’s mandate versus outside forces. With a leadership background from the media to Google, Michelle will share her expertise on leading with digital transformation in mind.

Over the last 25 years Michelle has worked for a range of broadcasting and media organisations in Australia, Europe and Asia, including BSkyB, Star TV and Google.

Michelle Guthrie appears by arrangement with Saxton Speakers Bureau



JOHN DALEY

DEBUNKING THE MYTHS

Chief Executive of the Grattan Institute, John Daley asks the difficult questions: are city planners fighting a losing battle trying to change the course of population growth? Is AI really going to roll over our workforce? Are local governments actually more susceptible to corruption? There will be hard truths and there will be sighs of relief – in both cases, it’s what the future of council executives need to hear.

John Daley has published extensively on economic reform priorities, budget policy, tax reform, retirement incomes, housing affordability and generational inequality. This work is underpinned by themes of prioritising government initiatives and the limits to government effectiveness.

John graduated from the University of Oxford in 1999 with a DPhil in public law after completing an LLB (Hons) and a BSc from the University of Melbourne in 1990. He has worked at the University of Oxford, the Victorian Department of Premier and Cabinet, McKinsey and Co, and ANZ Bank, in fields including law, public policy, strategy, and finance.



GEOFF GALLOP

NEW IDEAS FOR GOVERNANCE

Governments from local to federal level need to be able to relate better not just to each other but also with an electorate disillusioned with contemporary politics and policy making. Geoff will canvas new ideas on how these issues can be addressed by local councils keen to make a difference.

Emeritus Professor Geoff Gallop was Director of the Graduate School of Government at Sydney University from 2006 to 2015. Before that he was a Member of Western Australia’s Legislative Assembly from 1986 to 2006 and Premier of WA from 2001 to 2006. He’s an Adjunct Professor at Curtin University’s John Curtin School of Public Policy and chair of the New Democracy Foundation’s Research Committee.



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CHANGING POLITICS

We guide you through a changing workforce in an evolving economy on a changing democratic stage. How do councils grapple with an electorate that increasingly distrusts politics and policy makers at large? How does technology work in your favour or against it? How do you bring an ageing workforce on board with these changes?

We shine a light on the hidden truths and debunk the myths so that local government professionals can move past the hype and find practical solutions to the problems of tomorrow's councils.

THE FUTURE OF WORK

In the age of AI and flexibility at work, local government is looking beyond best practice into future practice and turning technological threats into workplace revitalisers. This theme focuses on building stronger workforces, learning from advances in other industries and delivering best practice in your council.

We examine the practical impacts of a changing workforce on the individual professional, the management-level executive and on councils directly, with a focus on how to pragmatically approach an illusive future.

YOUR LEADERSHIP JOURNEY

How do you navigate personal health and wellness to overcome stress related issues working in an environment of competing council and community demands and expectations? The future local government leader must juggle technical prowess with emotional intelligence as political pressure weighs down on existing and aspiring CEOs in a high-turnover environment.

We search for fresh answers to new questions and deliver the tools you need to succeed as the next generation of local government leadership.

EMBRACING DIVERSITY

By now the promotion of diversity in the workplace has been proven to reap rewards and improve society overall, but how do you really reach gender parity in the workplace and how do you engage and mine the knowledge base a diverse workforce lends to an organisation?

We take a deep dive into workplace diversity and offer practical insight and tools to help you create more inclusive workplaces that create better councils that reflect and engage your communities.

Is your council a leader in local? Are you contributing to best practice in local governance or have you overcome any of 2018's biggest hurdles with a brilliant case study?

LG Professionals Australia invites you and your council to express your interest in presenting alongside world-class industry experts, leaders and peers on these themes. Choose a topic and provide a brief synopsis of your presentation to comms@lgprofessionalsaustralia.org.au.

2019 NATIONAL COUNCIL PACKAGES



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Value package for smaller Councils
\$2,399 (ex-GST)

- Two Complimentary National Congress Tickets
- One ICMA United States Membership
- One Professional Staff, Program and Council Media Profile

VALUED AT \$6,350 - SAVE ALMOST \$4,000

PRO

Most popular for active Councils
\$3,999 (ex-GST)

- Three Complimentary National Congress Tickets
- Three ICMA United States Memberships
- Two Professional Staff Media Profiles
- Two Council Program Media Profiles
- One Council Media Profile

VALUED AT \$12,400 - SAVE \$8,400

BEST VALUE

PREMIUM

Top-tier package for large and proactive Councils
\$8,999 (ex-GST)

- Enter a full team into the Australasian Management Challenge
- Five Complimentary National Congress Tickets
- Five ICMA United States Memberships
- Three Professional Staff Media Profiles
- Three Council Program Media Profiles
- One Council Media Profile

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PROFESSIONAL MEDIA PROFILES

Promote your council to your industry peers in Australia-wide communications and raise the profile of your emerging leaders with professional tailored profiles.

INTERNATIONAL OPPORTUNITIES

Access exclusive growth opportunities to grow on the world stage, from mentoring local peers in South-East Asia and developing intergovernmental links in Korea to joining the peak body for local government professionals in the US, the ICMA.

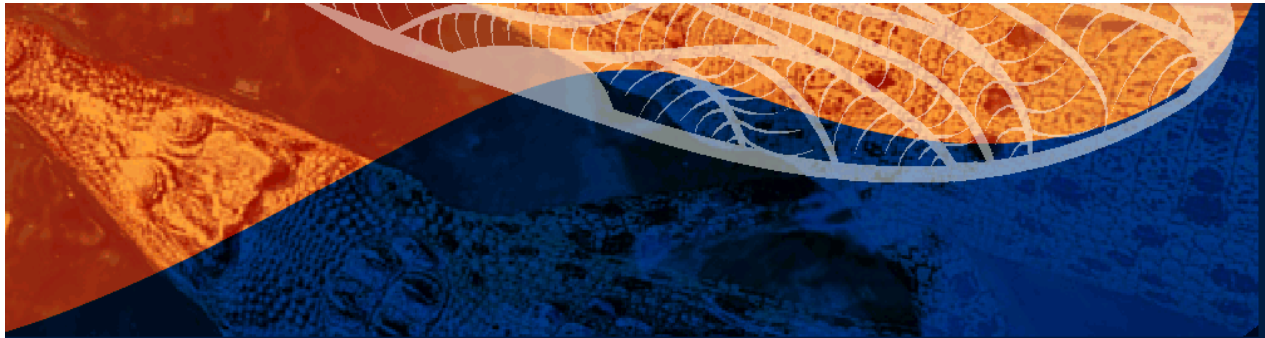
NATIONAL CONGRESS & BUSINESS EXPO

Send up to five delegates to the major national event on Australia's local government calendar.

AUSTRALASIAN MANAGEMENT CHALLENGE

Enter a team in the premier professional development program for local government.





YOUR EXCLUSIVE BENEFITS

MANAGEMENT CHALLENGE



Develop your stand-out staff into outstanding teams with the industry-leading professional development program for local government professionals with the Premium package.

NATIONAL CONGRESS



Register up to five officers for the premier local government event of the year including the full program of Welcome Reception, Gala Dinner and Study Tour among a pool of world-class speakers.

QANTAS MEMBERSHIP



As part of our network, all packages include hundreds of dollars off Qantas Memberships. Save \$235 on a one-year and \$320 on a two-year Qantas Membership as an LG Professionals Australia National Council Package holder.

INTERNATIONAL OPPORTUNITIES



Be part of a global network through National Council Package-only international opportunities and develop world-leading expertise with included memberships with our sister organisation in the US, the International County Managers Association (ICMA).

Develop your skillset with ongoing webinars through ICMA University from cybersecurity to utilising the Cloud in smart cities. Enrol for discounted professional development programs that you can take direct from the US via teleseminar and network with international peers.

Extend your knowledge and put it into practice as a mentor with free enrolment to the International Mentor Program. See your skills put to work with emerging leaders in South-East Asia working to make a difference in their communities with your help.

Develop intergovernmental links with the growing number of international networks developed by LG Professionals Australia including yearly exchange programs with the United States and Korea.

To sign up contact
admin@lgprofessionalsaustralia.org.au