



## **AGENDA**

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

**20 JULY 2020 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE  
IN THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH 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**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
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 15 June 2020.

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## REPORTS

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## OTHER BUSINESS

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## CONFIDENTIAL ITEMS

### 3.8.1 Council Assessment Panel - Appointment of Independent Member to Vacant Position

#### Recommendation

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 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 **Council Assessment Panel - Appointment of Independent Member to Vacant Position** 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  
THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET, SALISBURY ON**

**15 JUNE 2020**

**MEMBERS PRESENT**

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

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
Risk and Governance Program Manager, Ms J Crook

The meeting commenced at 7.22 pm.

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

**APOLOGIES**

An apology was received from Cr D Proleta.

**LEAVE OF ABSENCE**

Nil

In the absence of the Chairman, Cr D Proleta, the Deputy Chairman, Cr Jensen, assumed the Chair.

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**PRESENTATION OF MINUTES**

Moved Cr K Grenfell  
Seconded Cr J Woodman

The Minutes of the Resources and Governance Committee Meeting held on 18 May 2020, 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 J Woodman

1. The information be received.

**CARRIED**

**OTHER BUSINESS**

Nil

The meeting closed at 7.24 pm.

CHAIRMAN.....

DATE.....

<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**

1. The information be received.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

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

**2. CONSULTATION / COMMUNICATION**

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

### 3. REPORT

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

<b>Meeting Item</b>	<b>Heading and Resolution</b>	<b>Officer</b>
26/11/2018 6.5	<p><b>Council and Committee Structure</b></p> <p>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.</p> <p><b>Due:</b> November 2020</p>	Mick Petrovski
22/07/2019 3.3.1	<p><b>Abandoned Shopping Trolleys</b></p> <p>5. That Council also monitor the new bylaws implemented by the City of Marion; and report back to Council after six months on the results of their effectiveness.</p> <p>6. That Staff provide an update to this committee at the conclusion of the Local Nuisance and Litter Control Act review noting any amendments addressing trolleys to be implemented and the likelihood of them coming into effect.</p> <p>7. Pending no action or willingness by the State Government to tackle this issue, Council review By-Law 6 Waste Management By-Law 2015 and bring a report to Council advising the process to draft changes to this bylaw and/or create a new bylaw to tackle abandoned trolleys in the City of Salisbury.</p> <p><b>Due:</b> December 2020</p>	John Darzanos
28/10/2019 6.1	<p><b>Deferred Items for Further Discussion</b></p> <p>2. That the remaining items (OB1, OB2 and OB3) be deferred until the next review of the Elected Members Allowance, Facilities and Support Policy in November 2020.</p> <p><b>Due:</b> November 2020</p>	Joy Rowett
25/11/2019 3.6.2	<p><b>Summary Report for Attendance at Training and Development Activity - 2019 Local Government Professionals Australia National Congress and Business Expo, Darwin</b></p> <p>3. That staff prepare and bring back to the relevant Council Committees, a report/s that considers the prospective implementation of:</p> <p>e. a cost benefit analysis of possible implementation of the SmartCities program akin to the City of Darwin experience;</p> <p><b>Due:</b> September 2020</p>	Charles Mansueto



16/12/2019 3.6.3	<b>Building Upgrade Finance - Policy Review</b> 2. That the associated Application Fee for Building Finance Agreements, as endorsed by Council in the 2019/20 budget and provided as Attachment 2 to this report, be waived for a trial period of twelve months until the 31 December 2020. <b>Due:</b> February 2021	Greg Ratsch
28/01/2020 3.3.2	<b>Cat By-Law Review</b> 3. Should either no response be received from the Minister, or that responses from the Minister, Dog and Cat Management Board, and Local Government Association not indicate support for legislative amendments that are consistent across all Council areas, a further report be provided to Council canvassing further options for cat management and controls. <b>Due:</b> December 2020	John Darzanos
28/01/2020 MON7.2	<b>Motion on Notice: Drinking Fountain - Salisbury Civic Plaza/Community Hub</b> 4. Staff report back on the feasibility of aligning the Hub opening hours on both Saturday and Sunday to 9.30am to 3.30pm. <b>Due:</b> September 2020	Charles Mansueto

#### 4. CONCLUSION / PROPOSAL

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

#### CO-ORDINATION

Officer:	EXECUTIVE GROUP	GMCD	GMBE
Date:	13/07/2020	06/07/2020	06/07/2020



<b>ITEM</b>	3.4.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Nominations Sought for the State Bushfire Coordination Committee
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	Nominations are sought for a Local Government Member and Deputy Member on the State Bushfire Coordinating Committee (SBCC) for a term commencing Friday 14 November 2020.

**RECOMMENDATION**

1. The information be received.
2. \_\_\_\_\_ be nominated to the State Bushfire Coordination Committee.

**ATTACHMENTS**

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

1. Selection Criteria State Bushfire Coordination Committee

**1. BACKGROUND**

- 1.1 The LGA is requesting nominations for a Local Government Member and one Deputy Member on the State Bushfire Coordination Committee (SBCC) for a term not exceeding three years commencing 14 November 2020.
- 1.2 Nominations must be forwarded to the LGA by COB Friday 28 August 2020.

**2. CONSULTATION / COMMUNICATION**

2.1 Internal

- 2.1.1 LGA News dated 6 July 2020 concerning this matter was emailed to Elected Members and the Executive Group on 7 July 2020.
- 2.1.2 At the time of writing this report Cr Reardon has registered an interest in being nominated.

2.2 External

- 2.2.1 Nil

### 3. REPORT

- 3.1 Nominations are sought for a Local Government Member and one Deputy Member on the State Bushfire Coordinating Committee (SBCC). Nominations must be forwarded to the LGA by COB Friday 28 August 2020.
- 3.2 The State Bushfire Coordination Committee is a statutory corporation to which the provisions of the *Fire and Emergency Services Act 2005* apply.
- 3.3 The State Bushfire Coordination Committee provides leadership and maintains oversight of emergency management planning in South Australia. It's vision is a "safe and strong SA through a shared commitment to resilience" which it aims to achieve by: understanding risks and how they may affect the South Australian community, encouraging sustained behavioural change across the entire community, and focusing on reducing the consequences of emergencies.
- 3.4 The *Fire and Emergency Services Act 2005* assigns the following general functions to the committee:
  - 3.4.1 to advise the Minister on bushfire prevention in the country and in designated urban bushfire risk areas;
  - 3.4.2 to advise the Minister on matters related to bushfire management;
  - 3.4.3 as far as is reasonably practicable to promote the State-wide coordination and integration of policies, practices and strategies relating to bushfire management activities;
  - 3.4.4 to provide guidance, direction and advice to bushfire management committees and to resolve any issues that may arise between 2 or more bushfire management committees;
  - 3.4.5 to prepare, and to keep under review, the State Bushfire Management Plan and to keep under review the extent to which –
    - i. Bushfire Management Area Plans; and
    - ii. policies, practices and strategies adopted or applied by bushfire management committees,Are consistent with the State Bushfire Management Plan;
  - 3.4.6 to oversee the implementation of the State Bushfire Management Plan and to report to the Minister on any failure or delay in relation to the implementation of the plan;
  - 3.4.7 to prepare, or initiate the development of, other plans, policies, practices, codes of practice or strategies to promote effective bushfire management within the State;
  - 3.4.8 to convene forums to discuss bushfire management issues, and to promote public awareness of the need to ensure proper bushfire management within the State;
  - 3.4.9 at the request of the Minister, or on its own initiative, to provide a report on any matter relevant to bushfire management;
  - 3.4.10 to carry out any other function assigned to the State Bushfire Coordination Committee under this or any other Act or by the Minister.

- 3.5 Appointments to the State Bushfire Coordination Committee are for a period of three years, commencing Friday 14 November 2020.
- 3.6 Four meetings per year, of 2-3 hours duration are held at metropolitan locations. Sitting fees are \$206 per session plus travel expenses.
- 3.7 The current local government representative is Cr Shiralee Reardon of the City of Salisbury and her deputy is Cr Heidi Greaves of the City of Onkaparinga. Both are eligible for re-appointment.
- 3.8 The Fire and Emergency Services Act 2005 requires the LGA to provide a panel of three nominees from which the Minister will select the appointee and deputy. In accordance with section 36A of the Acts Interpretation Act 1915 the panel of nominees must include at least one male and one female.
- 3.9 The Call for Nominations Information Sheet (Part A) (Attachment 1) provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.
- 3.10 The nominee and council are required to complete the Nomination Form (Part B) and forward to [nominationscoordinator@lga.sa.gov.au](mailto:nominationscoordinator@lga.sa.gov.au) by COB Friday 28 August 2020.
- 3.11 An up-to-date curriculum vitae and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee – these may be submitted with the nomination form or forwarded separately by COB Friday 28 August 2020.
- 3.12 The LGA Board of Directors will consider nominations received at its meeting on Thursday 17 September 2020.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if a nomination is to be made for the State Bushfire Coordinating Committee.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

#### **CO-ORDINATION**

Officer:	Executive Group	MG
Date:	13/07/2020	09/07/2020



**PART A**

## LGA Appointments and Nominations to Outside Bodies — Call for Nominations

State Bushfire Coordination Committee	
<b>Governing Statute</b>	Section 71(2)(xiii) Fire and Emergency Services Act 2005
<b>Purpose/Objective</b>	Provides leadership and maintains oversight of emergency management planning in South Australia. Vision is a "safe and strong SA through a shared commitment to resilience" which it aims to achieve by: understanding risks and how they may affect the South Australian community, encouraging sustained behavioral change across the entire community, and focusing on reducing the consequences of emergencies.
<b>Administrative Details</b>	Four meetings are held per year with a session fee of \$206.
<b>Selection Criteria (to be addressed by applicant)</b>	<ul style="list-style-type: none"> <li>Local government knowledge and experience</li> <li>Experience in an area that is relevant to bushfire prevention or management</li> <li>Respond to the purpose of the committee (as outlined above)</li> </ul>
<b>Liability and indemnity cover</b> <i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i>	
<b>For more information contact:</b> LGA Nominations Coordinator at <a href="mailto:nominationscoordinator@lga.sa.gov.au">nominationscoordinator@lga.sa.gov.au</a> or 8224 2000	





<b>ITEM</b>	3.4.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Nominations Sought for the Flood Warning Consultative Committee
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	Nominations are sought for a Local Government Member on the SA Flood Warning Consultative Committee for a term of two years.

**RECOMMENDATION**

1. The information be received.
2. \_\_\_\_\_ be nominated to the SA Flood Warning Consultative Committee.

**ATTACHMENTS**

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

1. Selection Criteria Flood Warning Consultative Committee

**1. BACKGROUND**

- 1.1 The LGA is requesting nominations for a Local Government Member on the SA Flood Warning Consultative Committee for a term of two years.
- 1.2 Nominations must be forwarded to the LGA by COB Wednesday 9 September 2020.

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 LGA News dated 15 July 2020 concerning this matter was emailed to Elected Members and the Executive Group on 16 July 2020.
  - 2.1.2 At the time of writing this report no registrations of interest have been received.
- 2.2 External
  - 2.2.1 Nil

### 3. REPORT

- 3.1 Nominations are sought for a Local Government Member on the SA Flood Warning Consultative Committee (FWCC). Nominations must be forwarded to the LGA by COB Wednesday 9 September 2020.
- 3.2 The FWCC is a non-statutory committee with the primary purpose of providing oversight of the flood warning services the Bureau of Meteorology provides in South Australia.
- 3.3 Flooding is possible throughout South Australia; the Bureau's riverine flood warning service is mainly focused on catchments around the Mount Lofty ranges, but also provides warnings for the large ephemeral rivers in the outback that feed Lake Eyre. The flood warning services continue to expand and will soon include the Light and Wakefield rivers and the River Murray.
- 3.4 The issue of flood and stormwater management is an important issue to the local government sector. The local government sector has been involved with the FWCC since its inception in the early 1990s, most recently with an LGA staff member sitting on the FWCC.
- 3.5 The LGA is seeking interest from suitably qualified council members or local government employees who can make an informed and meaningful contribution to FWCC for the benefit of all councils.
- 3.6 The appointment will be for a period of two years.
- 3.7 FWCC meetings every six-months at the Bureau of Meteorology on South Terrace, Adelaide.
- 3.8 This position is not remunerated.
- 3.9 The Call for Nominations Information Sheet (Part A) (Attachment 1) provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.
- 3.10 The nominee and council are required to complete the Nomination Form (Part B) and forward to [nominationscoordinator@lga.sa.gov.au](mailto:nominationscoordinator@lga.sa.gov.au) by COB Wednesday 9 September 2020.
- 3.11 An up-to-date curriculum vitae and a response to the selection criteria (no more than 2 pages) must also be supplied by the nominee.
- 3.12 The LGA Board of Directors will consider nominations received at its meeting on 22 October 2020.

### 4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made for the Flood Warning Consultative Committee.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

### CO-ORDINATION

Officer: MG  
Date: 16/07/2020

**PART A**

## LGA Appointments and Nominations to Outside Bodies — Call for Nominations

SA Flood Warning Consultative Committee	
<b>Governing Statute (if applicable)</b>	Not applicable
<b>Purpose/Objective</b>	<p>Oversight of the flood warning services the Bureau of Meteorology provides in South Australia.</p> <p>The Bureau's riverine flood warning service is mainly focused on catchments around the Mount Lofty ranges, but also provides warnings for the large ephemeral rivers in the outback that feed Lake Eyre. The flood warning services continue to expand and will soon include the Light and Wakefield rivers and the River Murray</p>
<b>Administrative Details</b>	The SA Flood Warning Consultative Committee meets every two years at the Bureau of Meteorology on South Terrace. The position is not remunerated. The term is two years.
<b>Selection Criteria (to be addressed by applicant)</b>	<ul style="list-style-type: none"> <li>Local government knowledge and experience</li> <li>Experience in asset management, particularly flood and water management for local government</li> <li>Skills in project management and community engagement</li> </ul>
<b>Liability and indemnity cover</b> <i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i>	
<b>For more information contact:</b> LGA Nominations Coordinator at <a href="mailto:nominationscoordinator@lga.sa.gov.au">nominationscoordinator@lga.sa.gov.au</a> or 8224 2000	



<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Variations to Delegations
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment, including the commencement of new legislation, or to correct errors that have been identified.</p> <p>This report sets out changes required to City of Salisbury delegations in response to the changes made to the delegations templates.</p>

#### **RECOMMENDATION**

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 3 August 2020 of those powers and functions under the following:
  - 1.1 *Fire and Emergency Services Act 2005*
    - Section 105F(9) – as shown in shaded area in Attachment 2
  - 1.1 *South Australian Public Health Act 2011*
    - Sections 92(5), 95(13) and 96(3) - as shown in shaded areas in Attachment 3
  - 1.1 *Natural Resources Management Act 2004*
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following acts specified in the proposed Instruments of Delegation contained in Attachments 2, 3 and 4 to this report (Item No. 3.6.1 Resources and Governance, 20/07/2020) are hereby delegated effective from 4 August 2020 to the person occupying or acting in the office of the Chief Executive Officer subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation as follows.
  - 1.1 *Fire and Emergency Services Act 2005*
    - Section 105F(9) – as shown in shaded area in Attachment 2
  - 1.1 *South Australian Public Health Act 2011*
    - Sections 92(5), 95(13) and 96(3) - as shown in shaded areas in Attachment 3

- 1.1 *Landscape South Australia Act 2020*
  - Complete instrument - Attachment 4
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein on the Schedule of Conditions contained in the proposed Instrument of Delegation.

## **ATTACHMENTS**

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

1. Update of Delegations - July 2020
2. Fire and Emergency Services Act 2005
3. South Australian Public Health Act 2011 and Regulations
4. Landscape South Australia Act 2020 and Regulations

## **1. BACKGROUND**

- 1.1 Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the Act, as well as a range of other Acts. In most cases the relevant acts grant those obligations and powers directly on the Council as a body.
- 1.2 Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake these duties or exercise these powers on its behalf. Delegations enhance decision-making processes and allow nominated routine matters to be resolved efficiently and effectively without the need for submission to Council. However, in order to do this, Council must take formal steps to delegate to such people and bodies, the authority to make decisions, or undertake activities on its behalf. It is usual for Council to make delegations to the Chief Executive Officer which will then make sub-delegations to the appropriate Council Officers.
- 1.3 This report deals with variations to the delegations as a result of changes to and commencement of new legislation in the period to July 2020.

## **2. REPORT**

- 2.1 Norman Waterhouse Lawyers provide a quarterly service to the LGA whereby they monitor legislative amendments and distribute changes required to delegations via “Delegations Templates”. In some instances the changes identified are editorial in nature only; other changes reflect legislative changes that have occurred since the previous templates review which require new or changed delegations to be made.
- 2.2 This report includes minor administrative amendments to the *Fire and Emergency Services Act 2005* and *South Australian Public Health Act 2011* and commencement of the *Landscape South Australia Act 2020* that have occurred in the period to July 2020 as follows:

*Fire and Emergency Services Act 2005*

- Section 105F(9) – Amendment to reflect requirement to publish a notice determined by the Minister requiring an owner of private land to take specified action to remedy a fault on a website as shown in shaded area in Attachment 2.

*South Australian Public Health Act 2011*

- Sections 92(5), 95(13) and 96(3) - Amendment as a result of recognition of the role of SACAT as shown in shaded areas in Attachment 3.

*Landscape South Australia Act 2020*

- Commencement of new legislation which replaces the *Natural Resources Management Act 2004* - Complete Instrument – Attachment 4.

**2.3 Process to be followed**

- 2.3.1 In order for the statements contained in Instruments of Delegation under the *Fire and Emergency Services Act 2005*, *South Australian Public Health Act 2011* and *Landscape South Australia Act 2020* to come into effect, Council must first resolve to revoke any existing relevant delegations under the *Fire and Emergency Services Act 2005*, *South Australian Public Health Act 2011* and *Natural Resources Management Act 2002* have been deleted or amended with Council then resolving to adopt the new delegations contained in the relevant Instruments of Delegation attached.
- 2.3.2 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the *Fire and Emergency Services Act 2005* and *South Australian Public Health Act 2011* and *Natural Resources Management Act 2002* occurs on Monday 3 August 2020 with the new delegations under the *Fire and Emergency Services Act 2005*, *South Australian Public Health Act 2011* and *Landscape South Australia Act 2020* coming into force from Tuesday 4 August 2020. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.3.3 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

**3. CONCLUSION / PROPOSAL**

- 3.1 A review of Council Delegations has been conducted following minor administrative amendments to *Fire and Emergency Services Act 2005* and *South Australian Public Health Act 2011* and the commencement of the *Landscape South Australia Act 2020*.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP MG  
Date: 13/07/2020 15/07/2020



**LOCAL GOVERNMENT ASSOCIATION  
UPDATES OF DELEGATION TEMPLATES ON WEBSITE**

**(Note: Paragraph references below refer to updated version – As at 8 July 2020)**

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

**Item 3.6.1 - Attachment 1 - Update of Delegations - July 2020**

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Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act	11.5.3	105F(9)	Amendment	Legislative amendment	8 July 2020	Use updated instrument at next review
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Gas Act 1997						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						
Instrument of Delegation under the Landscape South Australia Act 2019	New	New	New	Commenced 1 July 2020	8 July 2020	Use new instrument at next review
Instrument of Delegation under the Liquor Licensing Act						

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Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Local Government Act 1999						
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act	Removed			Replaced by Landscape South Australia Act 2019 on 1 July 2020	8 July 2020	
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						
Authorisations under Road Traffic Act 1961						

Item 3.6.1 - Attachment 1 - Update of Delegations - July 2020

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Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Safe Drinking Water Act 2011						
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018	13.6 16.2 17.1	92(5) 95(13) 96(3)	Amendment * *	Legislative Amendment * *	8 July 2020 * *	Use updated instrument at next review * *
Instrument of Delegation under the State Records Act 1997						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						

Item 3.6.1 - Attachment 1 - Update of Delegations - July 2020

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Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Draft Resolutions for the making of Delegations	1.1		Landscape South Australian Act added, Fines Enforcement and Debt Recovery Act 2017 added, Natural Resources Management Act removed.	Commencement of Landscape South Australia Act on 1 July 2020 replaces the Natural Resources Management Act. Fines Enforcement and Debt Recovery Act unintentionally omitted from template.	8 July 2020	Use updated instrument at next review

Item 3.6.1 - Attachment 1 - Update of Delegations - July 2020



**ATTACHMENT 1**

**Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
Fire and Emergency Services Regulations 2005**

**Notes**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.
3. In this instrument the following abbreviations have the following meaning:  
     'SACFS' means the South Australian Country Fire Service.

**Powers and functions delegated in this instrument**

<b>1.</b>	<b>Areas of Urban Bushfire Risk</b>
1.1	The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.  <i>(Note: only applies to Councils with areas within a 'fire district')</i>
<b>2.</b>	<b>Use of Facilities – State Bushfire Coordination Committee</b>
2.1	The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.
<b>3.</b>	<b>Use of Facilities – Bushfire Management Committees</b>
3.1	The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.

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Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
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<b>4. Bushfire Management Area Plans</b>
<p>4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area.</p> <p><i>(Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')</i></p>
<b>5. Fire Control Officers</b>
<p>5.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).</p>
<p>5.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.</p>
<b>6. Giving of Expiation Notices</b>
<p>6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer.</p>
<b>7. Appropriation of Penalties</b>
<p>7.1 The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account).</p>
<b>8. Interpretation</b>
<p>8.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.</p>
<b>9. Fire Prevention Officers</b>
<p>9.1 The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one</p>

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Instrument of delegation to the Chief Executive Officer  
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	person as a fire prevention officer for the Council's area.
9.2	The duty pursuant to Section 105B(3) of the Act to -
9.2.1	in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and
9.2.2	in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,
	take into account any policy developed by SACFS for the purposes of Section 105B of the Act.
9.3	The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.  <i>(Note: paragraphs 9.1 – 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area)</i>
<b>10.</b>	<b>Reports</b>
10.1	The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.
<b>11.</b>	<b>Private Land</b>
11.1	The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):

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Instrument of delegation to the Chief Executive Officer  
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11.1.1	the nature of the land;
11.1.2	whether the land is in a country, metropolitan, township or other setting;
11.1.3	the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);
11.1.4	other statutory standards or requirements that apply to or in relation to the land.
11.2	The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -
11.2.1	that an owner of private land has failed to comply with Section 105F(1) of the Act; or
11.2.2	that measures should be taken in respect of particular private land for the purpose of -
11.2.2.1	preventing or inhibiting the outbreak of fire on the land; or
11.2.2.2	preventing or inhibiting the spread of fire through the land; or
11.2.2.3	protecting property on the land from fire,
to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.	
11.3	The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -
11.3.1	to trim or remove vegetation on the land; or
11.3.2	to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or
11.3.3	to eliminate a potential ignition source; or

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Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
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11.3.4	to create, establish or maintain fire breaks or fuel breaks.
11.4	The duty pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette.
11.5	The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -
11.5.1	personally; or
11.5.2	by post; or
11.5.3	if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -
11.5.3.1	by publishing the notice
	(A) on a website determined by the Minister; or
	(B) in a newspaper circulating in the locality of the land; and
11.5.3.2	by leaving a copy of the notice in a conspicuous place on the land.
11.6	The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.
11.7	The duty pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner.
<b>12.</b>	<b>Council Land</b>
12.1	The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act.
12.2	The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.
<b>13.</b>	<b>Additional Provision in Relation to Powers of Authorised Officers</b>
13.1	The power pursuant to Section 105J(1) of the Act, for a purpose related

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Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
Fire and Emergency Services Regulations 2005

	to the administration, operation or enforcement of Part 4A of the Act, to -
13.1.1	at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or
13.1.2	with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land.
13.2	The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -
13.2.1	either personally or by telephone; and
13.2.2	in accordance with any procedures prescribed by the regulations.
13.3	The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -
13.3.1	give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;
13.3.2	take photographs, films, audio, video or other recordings;
13.3.3	give any other directions reasonably required in connection with the exercise of the power.
13.4	The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.
13.5	The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.
13.6	The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.
13.7	The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.

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**Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
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13.8 The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.
<b>14. Power to Provide Sirens</b>
The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.
<b><u>DELEGATIONS UNDER FIRE AND EMERGENCY SERVICES REGULATIONS 2005</u></b>
<b>15. SACFS Group Committee</b>
15.1 The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group.
<b>16. Fires Permitted under Section 79(2) of Act</b>
16.1 The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.
<b>17. Special Provision relating to Gas and Electric Cooking Appliances</b>
17.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice:
17.1.1 shall be in the form set out in Schedule 11; and
17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and
17.1.3 will operate subject to the following conditions:
17.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;

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**Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
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17.1.3.2	that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and
17.1.3.3	that an appropriate agent adequate to extinguish a fire must be at hand;
17.1.4	will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and
17.1.5	may be varied or revoked by further notice in the Gazette.
17.2	The duty pursuant to Regulation 34(5) of the Regulations, if a notice is published in accordance with Regulation 34 of the Regulations, to immediately send a copy of the notice to the Chief Officer of the SACFS.
<b>18. Identity cards</b>	
18.1	The duty pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS.
<b>19. Roadside Fire Protection</b>	
19.1	The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to –
19.1.1	light a fire on the road, or on the verge of the road; and
19.1.2	while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;
	subject to Regulation 54(3) of the Regulations.
19.2	The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season.
	<i>(Note: only relevant to Councils with roads in the 'country').</i>

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Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
Fire and Emergency Services Regulations 2005

<b>20. Special Fire Areas</b>
20.1 The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area.
20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.
<b>21. Coronial Inquests</b>
The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.

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Last amended: 14 March 2020

**Instrument of delegation to the Chief Executive Officer  
under the Fire and Emergency Services Act 2005 and the  
Fire and Emergency Services Regulations 2005**

**Schedule of Conditions**

**Conditions or limitations  
applicable to delegations  
contained in this instrument**

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

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



**ATTACHMENT 2**

**Instrument of delegation under the  
South Australian Public Health Act 2011,  
South Australian Public Health (Legionella) Regulations 2013,  
South Australian Public Health (Wastewater) Regulations 2013,  
South Australian Public Health (General) Regulations 2013 and  
South Australian Public Health (Fees) Regulations 2018**

**Notes**

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

**Powers and functions delegated in this instrument**

<b>1. Power to Require Reports</b>
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 ( <b>the Act</b> ) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
<b>2. Risk of Avoidable Mortality or Morbidity</b>
2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and
2.2.2 any plans that the Council may have that may be relevant in the circumstances; and
2.3 any steps that the Council is willing to take in the circumstances; and
2.4 any other matter relating to the Council that appears to be relevant.

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
Australian Public Health (Legionella) Regulations 2013,  
South Australian Public Health (Wastewater) Regulations 2013,  
South Australian Public Health (General) Regulations 2013  
And South Australian Public Health (Fees) Regulations 2018**

<b>3. Cooperation Between Councils</b>
3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
<b>4. Power of Chief Public Health Officer to Act</b>
4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
<b>5. Council Failing to Perform a Function Under Act</b>
5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2 The power pursuant to Section 41(6) of the Act to:
5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.
<b>6. Transfer of Function of Council at Request of Council</b>
6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
Australian Public Health (Legionella) Regulations 2013,  
South Australian Public Health (Wastewater) Regulations 2013,  
South Australian Public Health (General) Regulations 2013  
And South Australian Public Health (Fees) Regulations 2018**

6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
<b>7. Local Authorised Officers</b>	
7.1	The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.
7.2	The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.
<b>8. Identity Cards</b>	
8.1	The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:
8.1.1	containing the person's name and a photograph of the person; and
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and
8.1.3	setting out the name or office of the issuing authority.
<b>9. Specific Power to Require Information</b>	
9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
Australian Public Health (Legionella) Regulations 2013,  
South Australian Public Health (Wastewater) Regulations 2013,  
South Australian Public Health (General) Regulations 2013  
And South Australian Public Health (Fees) Regulations 2018**

	required for the purposes of the Act.
<b>10. Regional Public Health Plans</b>	
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1	prepare a draft of the proposal; and
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1	give a copy of it to:
	(a) the Minister; and
	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2	take steps to consult with the public.
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13)

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Last amended: 14 March 2020

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
Australian Public Health (Legionella) Regulations 2013,  
South Australian Public Health (Wastewater) Regulations 2013,  
South Australian Public Health (General) Regulations 2013  
And South Australian Public Health (Fees) Regulations 2018**

	and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the <i>Local Government Act 1999</i> (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.
<b>11. Reporting on Regional Public Health Plans</b>	
11.1	The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
<b>12. Action to Prevent Spread of Infection</b>	
12.1	The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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South Australian Public Health (General) Regulations 2013  
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	66(5) of the Act from the person who failed to take the required action.
12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.
<b>13. Notices</b>	
13.1	The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:
13.1.1	securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.
13.2	The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:
13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,
	and such other matters as the Delegate thinks fit; and
13.2.2	subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person

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	to act on behalf of the Council.
13.4	The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act.
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	a requirement that the person discontinue, or not

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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	commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;
13.6.6.4	a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;
13.6.6.5	a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice under the provisions of the Act
13.7	The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.
13.8	The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.
<b>14. Action on Non-compliance with Notice</b>	
14.1	The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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	required by the notice.
14.2	The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.
14.4	The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
<b>15. Action in Emergency Situations</b>	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
<b>16. Reviews – Notices Relating to General Duty</b>	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the Tribunal rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.
<b>17. Appeals</b>	
17.1	The power pursuant to Section 98(3) of the Act and subject to Section 98(4)

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of the Act, to apply to the Tribunal under Section 94 of the South Australian  
Civil & Administrative Tribunal Act 2013 for a review of the outcome of  
review proceedings by the Review Panel under Section 95 of the Act.

**South Australian Public Health  
(Legionella) Regulations 2013**

<b>18. Duty to Register High Risk Manufactured Water System</b>
18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 ( <b>the Legionella Regulations</b> ) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.
18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.
<b>19. Register of High Risk Manufactured Water Systems</b>
19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.
19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
19.2.1 the type of water system; and
19.2.2 the address of the premises on which the water system is installed; and
19.2.3 the location of the water system on the premises; and
19.2.4 the full name and residential and business addresses of the owner of the premises; and
19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
and such other information as the Delegate thinks fit.

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And South Australian Public Health (Fees) Regulations 2018**

19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.4	requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
<b>20.</b>	<b>Power of Council to Require Microbiological Testing in Other Circumstances</b>
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or
20.1.2	the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
	to give the owner of the premises written notice:
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
20.1.4	requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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South Australian Public Health (General) Regulations 2013  
And South Australian Public Health (Fees) Regulations 2018**

receiving the report.	
<b>21. Fees</b>	
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.
21.2	Deliberately left blank.
21.3	Deliberately left blank.

**South Australian Public Health  
(Wastewater) Regulations 2013**

<b>22. Relevant Authority</b>	
22.1	The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 ( <b>the Wastewater Regulations</b> ) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.
<b>23. Public Notification of Proposed Community Wastewater Management System</b>	
23.1	The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.
<b>24. Connection to Community Wastewater Management System</b>	
24.1	The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:
24.1.1	to connect the system to the community wastewater management system; and

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24.1.2	for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:
24.1.2.1	the connection; and
24.1.2.2	if necessary, consequential alterations to the on-site wastewater system.
24.2	The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.
24.3	The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).
24.4	The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.
24.5	The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.
<b>25. Exemptions</b>	
25.1	The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.
25.2	The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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<b>26. Exemptions From Prescribed Codes</b>	
26.1	The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.
26.2	The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
<b>27. Application</b>	
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
<b>28. Determination of Application</b>	
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1	if the applicant fails to satisfy the Delegate of either or both of the following:
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
<b>29. Conditions of Approval</b>	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:
29.1.1.1	a condition that sets out mandatory notification stages

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	during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
	(a) after a specified trial period; or
	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required

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	by the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to:
	(a) the installation of the waste watersystem; or
	(b) the decommissioning of the wastewater system; or
	(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
	(d) the operation, servicing and maintenance of the wastewater system; or
	(e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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	that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
<b>30.</b>	<b>Expiry of Approval</b>
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.
<b>31.</b>	<b>Registers of Wastewater Works Approvals</b>
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.
<b>32.</b>	<b>Requirement to Obtain Expert Report</b>
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
<b>33.</b>	<b>Deliberately left blank</b>

**South Australian Public Health (General)  
Regulations 2013**

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**Instrument of delegation under the South Australian Public Health Act 2011, South  
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And South Australian Public Health (Fees) Regulations 2018**

<b>34. Non-compliance with Notices (Section 93(6) of Act)</b>	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

**South Australian Public Health (Fees)  
Regulations 2018**

<b>35. Refund and Recovery of Fees</b>	
35.1	The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 ( <b>the Fees Regulations</b> ), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.
35.2	The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.

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**Instrument of delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 And South Australian Public Health (Fees) Regulations 2018**

**Schedule of Conditions**

**Conditions or limitations applicable to delegations contained in this instrument**

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

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

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Last amended: 14 March 2020



## ATTACHMENT 4

**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1.</b>	<b>Special Vesting of Infrastructure</b>
1.1	The power pursuant to Section 32(7) of the <i>Landscape South Australia Act 2019 (the Act)</i> to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council.
<b>2.</b>	<b>Power of Delegation</b>
2.1	The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council.
<b>3.</b>	<b>Use of Facilities</b>
3.1	The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to make use of the services of the staff, equipment or facilities of the Council.
<b>4.</b>	<b>Key Features of Plan</b>
4.1	The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the <i>Local Government Act 1999</i> or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change.

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Last amended: 1 July 2020

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**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

<b>5. Annual Business Plan</b>	
5.1	The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations.
<b>6. Payment of Contributions by Councils</b>	
6.1	The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates.
6.2	The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year.
<b>7. Imposition of Levy by Councils</b>	
7.1	The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the <i>Local Government Act 1999</i> , to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off.
<b>8. Board May Declare a Levy</b>	
8.1	The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be effected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be effected by the Council.

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Last amended: 1 July 2020

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**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

<b>9. Declaration of Prescribed Water Resources</b>
9.1 The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council.
<b>10. Authorised Officers</b>
10.1 The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act.
<b>11. Management Agreements</b>
11.1 The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act.

**LANDSCAPE SOUTH AUSTRALIA (GENERAL)  
REGULATIONS 2020**

<b>12. Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10) of the Act)</b>
12.1 The power pursuant to Regulation 13(3) of the <i>Landscape South Australia (General) Regulations 2020 (the General Regulations)</i> if:
12.1.1 the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and
12.1.2 a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and
12.1.3 the Council subsequently recovers an amount ( <b>the relevant amount</b> ) with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the <i>Local Government Act 1999</i> ,
to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.
<b>13. Cost of Councils (Section 70 of the Act)</b>
13.1 The power pursuant to and subject to Regulation 14(4) of the General

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**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

Regulations to recover establishment costs the amount being:	
13.1.1	fair costs incurred by the Council with respect to:
13.1.1.1	consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and
13.1.1.2	establishing the ability of the Council's rating system to deal with the regional landscape levy; and
13.1.1.3	making any amendments to the Council's rating system on account of the imposition of the regional landscape levy; and
13.1.1.4	conducting any tests involving the Council's rating system on account of the imposition of the regional landscape levy; and
13.1.1.5	setting up and assigning codes within the Council's rating system on account of the imposition of the regional landscape levy; and
13.1.1.6	obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and
13.1.1.7	confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or
13.1.2	\$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.
13.2	The power pursuant to and subject to Regulation 14(7) of the General Regulations to recover as ongoing costs the amount being:
13.2.1	fair costs as described in Regulation 14(3)(b) of the General Regulations; or
13.2.2	\$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.
13.3	The power pursuant to Regulation 14(8) of the General Regulations, if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards.

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Last amended: 1 July 2020



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**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

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| <p>13.4 The power pursuant to Regulation 14(9) and subject to Regulation 14(11) of the General Regulations, if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14 of the General Regulations.</p> |
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Last amended: 1 July 2020

**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

**SCHEDULE OF CONDITIONS**

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

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

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

<b>ITEM</b>	3.6.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Annual Report on Internal Reviews of Council decisions in the year ending 30 June 2020 under Section 270 of the Local Government Act 1999
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides information concerning the number of Council decisions reviewed as part of the Internal Review of Council Decisions process in the year ending 30 June 2020.

**RECOMMENDATION**

1. The information be received.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Council has an existing Internal Review of Council Decisions Policy and Procedure in accordance with Section 270 of the *Local Government Act 1999* (the Act).
- 1.2 Section 270(8) of the Act also requires:
  - (8) *A council must, on an annual basis, initiate and consider a report that relates to—*
    - (a) *the number of applications for review made under this section; and*
    - (b) *the kinds of matters to which the applications relate; and*
    - (c) *the outcome of applications under this section; and*
    - (d) *such other matters as may be prescribed by the regulations.*

**2. REPORT**

- 2.1 Pursuant to section 270(8) of the Act, Council is required to initiate and consider, on an annual basis, a report that provides information on internal reviews of Council decisions, taking into account the number of applications for review, kinds of matters, outcomes of the reviews, and other matters as prescribed by the legislation.

- 2.2 One application, previously unresolved, has been brought forward from 2018/19 – This concerned an application for review of a Council administrative decision to install a one way road connecting two roads for use during drop off and pick up times as a “kiss and drop” zone. The original decision of Council was upheld in August 2019, however additional plantings were undertaken to provide additional screening and restricted parking was installed.
- 2.3 During the 2019/20 financial year Council received two (2) applications for internal review as follows:
- 2.3.1 The applications for internal review received in 2019/20 were as follows:
- Application for review of a Council administrative decision not to pursue a dog noise complaint from Mawson Lakes. The initial determination has been made and is awaiting response from the applicant. The review is continuing.
  - Application for review of a Council administration decision to approve a development application for a structure adjacent a property at Parafield Gardens. An initial assessment was undertaken and decision made not to proceed with the review as the application was received well past the six month time limit from the original decision of Council and exceptional circumstances did not exist to extend the time limit.

### 3. CONCLUSION / PROPOSAL

- 3.1 In accordance with Section 270(8) of the *Local Government Act 1999*, this report provides information concerning the number of applications for review, kinds of matters, outcomes of the reviews, and other matters as prescribed by the legislation as part of the Internal Review of Council Decisions process in the year ending 30 June 2020.

#### CO-ORDINATION

Officer: Executive Group  
Date: 13/07/2020

<b>ITEM</b>	3.6.3
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Local Government Association Annual General Meeting: 29/10/2020 - Proposed Items of Business and Voting Delegates
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report presents information with respect to the Annual General Meeting (AGM) of the Local Government Association (LGA) to be held on Thursday 29 October 2020 and seeks any proposed items of business that Council wishes to submit, in addition to confirming voting delegates for the meeting.

#### **RECOMMENDATION**

1. The information be received.

#### **ATTACHMENTS**

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

1. Considering Proposed Items of Business for LGA General Meetings

#### **1. BACKGROUND**

- 1.1 The LGA AGM will be held on Thursday 29 October 2020 at the Adelaide Town Hall (subject to restrictions on gatherings). When a draft program for this event is released, it will be made available to all Elected Members to review and determine if they wish to attend.

#### **2. CONSULTATION / COMMUNICATION**

##### 2.1 Internal

- 2.1.1 Chief Executive Officer and General Managers.

##### 2.2 External

- 2.2.1 An LGA Circular was distributed to Elected Members via email on 27 May 2020.

### 3. REPORT

#### Process for Submission of Proposed Items of Business

- 3.1 A key purpose of the AGM is to consider items of strategic importance to local government and the LGA, as recommended by the SA Region Organisation of Councils (SAROC), the Greater Adelaide Region Organisation of Councils (GAROC) or the LGA Board of Directors.
- 3.2 Member councils may at any time throughout the year propose an item of business for a General Meeting. Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.
- 3.3 It is at the discretion of councils whether to refer an item to their relevant Regional Organisation of Councils (SAROC or GAROC) or the Board of Directors.
- 3.4 Guidelines on how proposed items of business will be considered are attached for reference. All items of business should comply with these guidelines.
- 3.5 In order for items of business to be considered for the AGM of 29 October 2020, **proposals must be received no later than Monday 17 August 2020.**
- 3.6 Proposals received after this date will not be considered for the 2020 AGM, but will be considered for the LGA Ordinary General Meeting (OGM) in April 2021.
- 3.7 All proposed items will then be considered by either SAROC, GAROC or the Board of Directors and must be approved by them for inclusion in the agenda for the AGM.
- 3.8 The AGM agenda will be provided to Councils at least 30 days prior to the meeting.

#### Topics for Proposed Items of Business

- 3.9 At the 28 January 2020 meeting of Council, it was resolved:

##### **3.6.1 Local Government Association Ordinary General Meeting 3 April 2020 - Call for Proposed Items of Business**

*That the following three individual motions be submitted to the Local Government Association Ordinary General Meeting being held on 3 April 2020:*

1. *The LGA reinforce the City of Salisbury position for weekly putrescible rubbish collection and the LGA establish a sector wide policy that is consistent with that.*
2. *The LGA Ordinary General Meeting call on all South Australian Councils to support weekly waste collections and to seek State Government commitment to this policy.*
3. *The LGA instigate discussions with the State Government to establish a joint State and Local Government Working Party to review the existing policy framework regarding management of natural habitat as it relates to bushfire prevention and mitigation and responding to evolving conditions caused by changes in climate over time.*

- 3.10 The above issues were submitted to the LGA on 3 February 2020.
- 3.11 As the LGA OGM in April this year was deferred due to COVID-19, the LGA has advised that items of business recommended to that meeting do not need to be re-submitted. At the direction of each submitting Council, items will be considered by the LGA Board of Directors or included on the agenda for the next LGA General Meeting.
- 3.12 For the information of Council, the LGA Board of Directors did consider the items of business contained in the above resolution from 28 January 2020 and determined not to list the items on the agenda for the 3 April 2020 OGM.
- 3.13 In relation to parts 1 and 2 of the above resolution, this was due to the different requirements for waste collection that apply to metropolitan and regional councils. In relation part 3 of the resolution, processes were already being implemented around bushfire prevention.

#### **Open Space Fund - regulatory change**

- 3.14 The State Government made a variation to Regulation 119 of the Planning, Development and Infrastructure (General) Regulations 2017, as published in the South Australian Government Gazette on 18 June 2020.
- 3.15 This variation allows the Planning and Development Fund to be used for the establishment of projects associated with the e-Planning system and Planning and Design Code.
- 3.16 However, it is worth noting that the Department of Planning, Transport and Infrastructure's website states that the Fund: "supports the purchase, planning and enhancement of public spaces throughout South Australia".
- 3.17 The LGA has written to Council CEOs to express concern that "during a time when parks and recreational areas are needed to support community health and wellbeing, the Government appears to be diverting funds which have been provided by those subdividing their land, to fund the operations of a Government agency".
- 3.18 It is also worth noting that this change reduces the opportunity for councils to access available funds to help them establish new parks and recreation areas. Further, this change duplicates the contributions councils are already making through an annual fee for the maintenance of the e-Planning system.
- 3.19 If the Council shares these concerns, there is potential to propose a motion for the forthcoming AGM, along the following lines:
- "That, the LGA, on behalf of the whole local government sector:*
- 1. Make the strongest possible representations to State Government opposing their variation to Regulation 119 of the Planning, Development and Infrastructure (General) Regulations 2017, as published in the South Australian Government Gazette on 18 June 2020, and*
  - 2. Write to and meet with opposing parties in the State Parliament to urge them to disallow the variation Regulation 119 of the Planning, Development and Infrastructure (General) Regulations 2017."*
- 3.20 Should Council determine otherwise, a recommendation to that effect will need to be added.

### **Aluminium Composite Panel (ACP) Cladding**

- 3.21 Correspondence has been received from the Department of Planning, Transport and Infrastructure to provide an update of State Government measures for dealing with ACP Cladding matters, as well as to seek information from Council informing on the status of buildings that fall within extreme or high categories in our city.
- 3.22 One State Government measure proposed is to increase purchaser protection by creating an ACP advisory flag which would become a part of the Additional Information component in Form 1 template and Property Interest Report for potential purchasers of properties. This advisory flag would apply to all buildings that have been identified through the statewide audit as having ACP cladding and the flag would only be removed from South Australian Integrated Land Information System (SAILIS) if the ACP is fully removed as a rectification measure.
- 3.23 The proposal places an increased burden on councils to undertake a 'due diligence' for private owners. It also places councils in increased risk of providing outdated information that may not account for changes to buildings.
- 3.24 Council may wish to consider whether a motion for the AGM is warranted in this regard.

### **Voting Delegates**

- 3.25 In November 2018, Council resolved Cr Chad Buchanan be appointed as voting delegate to the LGA for a period of two years. At the same time, Mayor Gillian Aldridge was appointed the deputy voting delegate for a period of two years.
- 3.26 It has been practice that Council direct the City of Salisbury's voting delegate in relation to voting on LGA General Meeting (Annual and Ordinary) recommendations. To give effect to this, a report is prepared prior to each LGA Meeting that provides a summary of the matters being considered and puts forward a recommended position for each, based on advice from the Chief Executive Officer.
- 3.27 Under the LGA Constitution the AGM agenda is due to be distributed 30 days before the meeting (ie 30/09/2020 at the latest).
- 3.28 A report will therefore be presented to the October Resources and Governance Committee, which will include advice from the Chief Executive Officer in relation to each item of business, allowing members to provide direction to the voting delegate.

## **4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to consider those issues contained in this report and determine if there are any other issues which warrant submission of an item of business to the LGA AGM being held 29 October 2020.
- 4.2 A further report providing the items of business to be considered at the October AGM will be presented to allow Council to provide direction to the voting delegate.

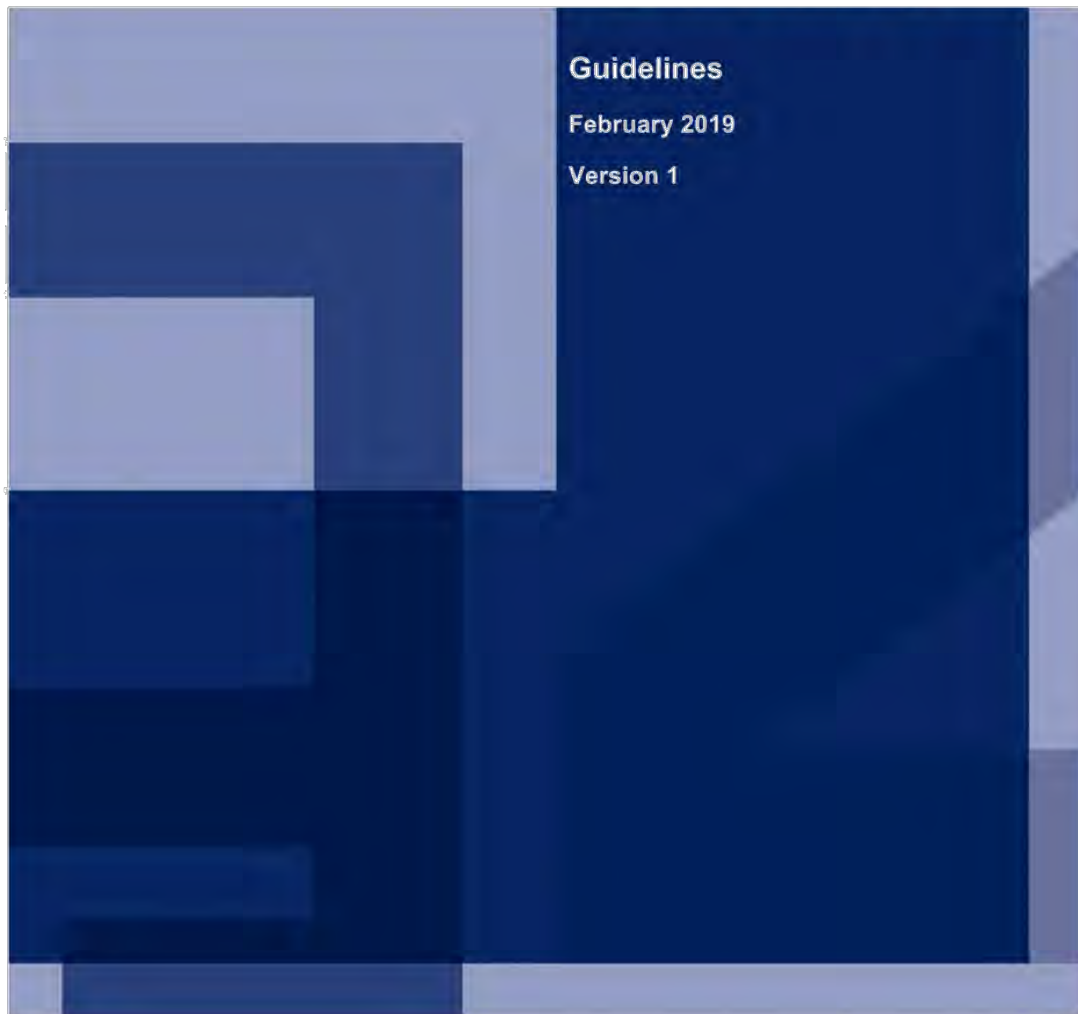


**CO-ORDINATION**

Officer:	Exec Group	MG
Date:	13/07/2020q	09/07/2020



## Considering Proposed Items of Business for LGA General Meetings





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## Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

## LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

### 16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
  - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
  - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of 'strategic importance' to local government and the LGA'.

## Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.





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While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

#### **LGA Board of Directors**

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

#### **SAROC or GAROC**

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

## **Guiding principles**

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

### **1. Strategic importance**

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;





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- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

## 2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

## 3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

## 4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.





## Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.







<b>ITEM</b>	3.6.4
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	20 July 2020
<b>HEADING</b>	Local Government Reforms: City of Salisbury response to Local Government Statutes Amendment (Review) Bill 2020
<b>AUTHOR</b>	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	To provide Council with a draft response to the State Government regarding the <i>Local Government Statutes Amendment (Review) Bill 2020</i> that is currently before the Parliament, addressing key elements of the Bill, and provide the same to the Local Government Association in response to its call for input from councils as it formulates a response to the Bill on behalf of the whole Local Government sector.

**RECOMMENDATION**

1. That the views of the Council of the City of Salisbury regarding the key elements of the *Local Government Statutes Amendment (Review) Bill* currently before State parliament, as contained in Attachment 1 to the report to item no. 3.6.4 on the agenda for the Resources and Governance Committee meeting on Monday, 20 July 2020 be adopted and forwarded to the Minister for Local Government and the Local Government Association of South Australia.

**ATTACHMENTS**

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

1. Local Government Reform - LGA Summary and CoS Draft response to Bill 2020

**1. BACKGROUND**

- 1.1 During 2019, the State Government released its *Reforming Local Government in South Australia* Discussion Paper and undertook public consultation on possible reforms it might pursue regarding the functions of councils in South Australia.
- 1.2 Within a similar timeframe, the State Government also directed the South Australian Productivity Commission to undertake an inquiry into local government costs and efficiency, who also released a Methodology Paper for the purposes of public consultation seeking input about what councils do on behalf of their communities and how councils could improve performance of their roles and reduce costs to ratepayers.

- 1.3 The City of Salisbury considered both Papers and provided responses to both, and in addition also responded to the Commission's request for comment on its draft findings.
- 1.4 On Wednesday, 17 June 2020 the State Government introduced its *Local Government Statutes Amendment (Review) Bill 2020* (the Bill) in the House of Assembly of State Parliament.
- 1.5 The State Government did not undertake consultation on its draft Bill prior to its introduction in the Parliament.
- 1.6 The Local Government Association (LGA) has called for input from councils so that it can formulate a response to the Bill on behalf of the whole Local Government sector. In doing so, the LGA prepared a table identifying the key elements of the Bill and indicating preliminary advice.

## **2. CONSULTATION / COMMUNICATION**

### 2.1 Internal

- 2.1.1 GM Business Excellence;
- 2.1.2 Manager Environmental Health & Safety

### 2.2 External

- 2.2.1 The LGA.

## **3. REPORT**

- 3.1 On Tuesday, 14 July 2020, we convened a workshop for Elected Members to consider the Bill and to provide feedback to the administration, to assist us in drafting a response to the key elements of the Bill in order to provide comment to the State Government via a letter to Minister Stephan Knoll, Minister for Local Government, and provide input to the LGA.
- 3.2 The Bill includes a wide range of proposals across financial management, elected member conduct, representation and elections, and community engagement. Some of the key proposals include:
  - New behavioural standards for elected members and establishing a new Local Government Behavioural Panel;
  - Introducing a sector-wide community engagement charter to consolidate and improve public consultation requirements;
  - Independent setting of CEO salaries by the Remuneration Tribunal and expanded requirements for CEO recruitment and performance reviews;
  - Expanded functions for Audit and Risk Committees;
  - Capping the number of elected members of a council to twelve and removing representation review requirements;
  - Rate capping powers through a mandatory review of council draft Annual Business Plans by a 'Designated Authority', and new powers for the Minister to 'direct' a council to amend its Business Plan or change its rate revenue and proposed rate increases.

- 3.3 While Council was prepared to indicate its support for a significant proportion of the changes proposed in the Bill, there are also critical elements that, if passed by the Parliament into legislation, do have the potential to significantly impact on the ability of councils to make decisions that they consider are in the best interest of their community.
- 3.4 Further, several of the changes strike at basic tenets of the democratic process, such as determining that no South Australian council can have more than 12 Elected Members, whereas the current process requires a council to undertake a representation review every eight years in order to determine, through a public consultation process, the representative model the local community would prefer; ward councillors versus area councillors, number of electors per ward and number of representatives for those electors etc.
- 3.5 The Bill also proposes to introduce the ability to impose changes to policies of councils by regulation. Current governance frameworks for councils are sufficiently robust so as to require contemporary thinking and contemporary processes to develop policies for the management and governance of a local council area for the benefit of the local community.
- 3.6 The risk associated with this is that it could have the effect of a blanket order as to where councils must focus (according to state Government) their efforts and resources irrespective of what the local community might think.
- 3.7 One of the most significant changes proposed would impose a series of expensive and unwarranted new requirements on councils in drafting and adopting their Annual Business Plan and Budget.
- 3.8 The State Government, while claiming that it wishes to cut council expenditure, proposes to introduce another layer of bureaucracy through additional reporting requirements that give a significant role to a new and unelected body that has no relationship with or accountability to the local community; a “Designated Authority”.
- 3.9 The Designated Authority will in effect critique a council’s Annual Business Plan which is to include a statement on the proposed change in total revenue from general rates for the coming financial year.
- 3.10 The Annual Business Plan will have been prepared by a council, taking into account local circumstances and the views of its electors and, when appropriate broader economic, social, environmental and political agendas, and determine a balanced development agenda for the local area.
- 3.11 The Designated Authority, not having had any process to inform itself, except requiring councils to justify their positions to the Authority, about whether the proposed business plan and subsequent budget are right or appropriate for the local community will then issue an advice to the council in advance of preparing the council budget and if a council does not adhere to the advice, they are vulnerable to a direction from the Minister.
- 3.12 The Designated Authority will have no mandate from any local community, only from State Government. Yet this Designated Authority will have to be resourced (significantly) if it is to undertake the individual assessment of annual business plans and budget of every council, every year. It is likely that the resourcing requirement will fall to councils.

- 3.13 The key elements of the Bill are contained in Attachment 1 to this report, which reflects preliminary advice from the LGA, as well as City of Salisbury feedback provided at the workshop of 14 July.
- 3.14 The risk being promulgated here is that the process for community engagement and councils having to give due consideration to community feedback is exposed or placed at risk by the opportunity for a vocal minority (single issue groups) having the opportunity and power to influence beyond their representative capacity via a Minister.
- 3.15 This strikes at the heart of what the system of Local Government is about in South Australia. Local Government, by its very nature enables local interests to be heard, to be respected and to be represented. It encourages diversity in community character and community aspirations.
- 3.16 Significantly, these measure risk having the effect of dampening innovation at the local community level.
- 3.17 The Local Government reforms of the past 30 years have been focused on enabling the local government sector to thrive by focusing on encouraging and strengthening the ability of Councils to engage with their communities, strengthening the financial management and strategic development frameworks of councils so that they provide services and infrastructure that adds value and purpose to their local community.
- 3.18 The most significant of the reforms proposed in the current Bill have the potential to weaken the autonomy of councils, and dilute the direct relationship between local voters and their representatives and place focus on a more centralized model for local service and infrastructure delivery.

#### 4. CONCLUSION

- 4.1 The *Local Government Statutes Amendment (Review) Bill 2020* currently before the Parliament contains a number of elements that will help to improve the workings of the local government sector.
- 4.2 However, compared to the most critical elements which potentially have the effect of taking decision making powers away for local councils and shifting the authority to the Minister of the day to be able to direct councils, the positive elements of the Bill are outweighed.
- 4.3 The feedback of the City of Salisbury, both positive and negative, should be made known to the Minister for Local Government and provided to the LGA to assist them with developing a sector wide response to the Bill.

#### CO-ORDINATION

Officer: Executive Group  
Date: 13/07/2020

<b>ITEM</b>	GB8
	<b>COUNCIL</b>
<b>DATE</b>	28 October 2019
<b>HEADING</b>	Reforming Local Government in South Australia Discussion Paper - Draft Submission by City of Salisbury  Inquiry into Local Government Costs and Efficiency - SA Productivity Commission - Draft Submission by City of Salisbury
<b>AUTHOR</b>	Mick Petrovski, Manager Governance - CEO/Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.4 Embed long term thinking, planning and innovation across the organisation. 4.3 Have robust processes that support consistent service delivery and informed decision making. 4.2 Develop strong capability and commitment to continually improve Council's performance.
<b>SUMMARY</b>	<p>The State Government released the <i>Reforming Local Government in South Australia</i> Discussion Paper on Monday, 5 August 2019. The paper proposes significant changes to councils' duties, functions and powers. This report provides Council with a draft submission that will have as its attachment Council's responses to individual reform proposals that have been considered through the Innovation and Business Development Sub Committee. The due date for the submission is 1 November 2019.</p> <p>The South Australian Productivity Commission is performing an inquiry into local government costs and efficiency. The Commission has released a Draft report to State Government for consultation, prior to finalizing its report. The subject matter of the Commission's inquiry is also the subject of one of the reform areas (Reform Area 2: Lower Costs and Enhanced Financial Accountability) of the State Government's discussion paper also discussed in this report. A submission on the Methodology Paper has been prepared by City of Salisbury and is provided to Council for approval.</p>
<b>RECOMMENDATION</b>	
	That:
	<ol style="list-style-type: none"> <li>1. Council approve finalisation of the draft submission to State Government on the <i>Reforming Local Government in South Australia</i> Discussion Paper, as attached to the report to item 6.3 on the agenda for the meeting of Council on 28 October 2019, subject to any suggestions for change that are made at the meeting of Council.</li> <li>2. Council approve finalisation of the draft submission to SA Productivity Commission on its draft report <i>Inquiry into Local Government Costs and Efficiency</i>, as attached to the report to item 6.3 on the agenda for the meeting of Council on 28 October 2019, subject to any suggestions for change that are made at the meeting of Council.</li> </ol>

## ATTACHMENTS

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

1. Local Government Reforms - DRAFT Submission October 2019
2. Productivity Commission Submission - City of Salisbury - July 2019 submission
3. Productivity Commission Submission - City of Salisbury - October 2019 DRAFT submission

### 1. BACKGROUND

- 1.1 The State Government released the *Reforming Local Government in South Australia Discussion Paper* (the Paper) on Monday, 5 August 2019.
- 1.2 The Paper proposes significant changes to councils' duties, functions and powers.
- 1.3 The State Government is seeking public submissions on the reform proposals contained in the Paper.
- 1.4 The South Australian Productivity Commission is performing an inquiry into local government costs and efficiency. The Commission has released a Daft report to State Government for consultation, prior to finalizing its report.
- 1.5 The subject matter of the Commissions inquiry is also the subject of one of the reform areas (Reform Area 2: Lower Costs and Enhanced Financial Accountability) of the State Government's discussion paper also discussed in this report.
- 1.6 A submission on the Methodology Paper has been prepared by City of Salisbury and is provided to Council for approval.
- 1.7 The two draft submissions have been provided to Council under the cover of a single report because the two submissions cover the same subject matter and the contributions of the City of Salisbury are essentially the same in both submissions.

### 2. CONSULTATION / COMMUNICATION

- 2.1 Internal
  - 2.1.1 Nil.
- 2.2 External
  - 2.2.1 The CEO and the Manager Governance have attended local government forums regarding the reform process

### 3. REPORT

#### *Reforming Local Government in South Australia*

- 3.1 The Paper contains many, substantial reform suggestions which are broadly arranged into four areas:
  - **Reform Area 1:** Stronger Council Member Capacity and Better Conduct
  - **Reform Area 2:** Lower Costs and Enhanced Financial Accountability

- **Reform Area 3:** Efficient and Transparent Local Government Representation
  - **Reform Area 4:** Simpler Regulation.
- 3.2 Members will recall that during meetings of the Innovation and Business Development Sub Committee in September and October, two of the reform areas were considered at each meeting; reform areas 1 and 2 in September and reform areas 3 and 4 in October.
- 3.3 The implications of the proposed reforms were considered and discussed at some length. As a result of those considerations responses to each proposal were prepared and have been progressed through our Council/Committee process for approval.
- 3.4 Further to preparing responses to each proposal, the administration has also prepared a draft letter to Minister Knoll. The letter (attached) attempts to encapsulate Councils thinking about the reforms at a strategic level and to provide a context for Councils response to each reform proposal which will be an attachment to the letter.
- 3.5 In order for Minister Knoll to fully appreciate Council's views, the letter has also attached to it Council's submissions to the SA Productivity Commission, which address the Commission's *Inquiry into Local Government Costs and Efficiency*.
- 3.6 The draft letter and attachments will be Council's submission to State Government on the local government reforms.
- 3.7 The draft letter indicates to Minister Knoll that many of the proposed reforms are supported by the City of Salisbury.
- 3.8 However, the draft letter also asserts that the State Government has not made a public case for many of the reforms, stating that evidence should be presented to show that the existing local government framework is failing across the whole sector, as a basis for some of the reforms that potentially impact the autonomy of councils as legitimate local governments making legitimate decisions on behalf of their communities; particularly the reforms regarding expanding the role of the Audit Committee.
- 3.9 One focus of the letter is explaining the City of Salisbury's approaches to delivering local services and infrastructure to the community; that it is based on understanding our community's need. The letter asserts that Council's ability to deliver effective services efficiently is based on its efforts to genuinely engage with the community and to develop an understanding of the community's needs. That understanding, in turn, enables appropriate responses to be identified, developed and implemented. Finally, and in order to maintain a capacity to meet emerging needs, Council's responses must be proportional and efficient.
- 3.10 The circularity of this approach means that the community is the primary driver of cost, and the motivator for Council's continuous improvement.
- 3.11 The letter also states that the proposed reforms suggest directions that in Council's view would have the likely effect of diminishing the legitimate representation and decision making roles of elected members and councils while placing weight on the view of Audit Committees who, as a whole, do not have a democratic mandate or a broader understanding of community needs.

*Inquiry into Local Government Costs and Efficiency*

- 3.12 When the SA Productivity Commission released its methodology paper for its inquiry in May 2019, they sought public submissions to help inform their thinking.
- 3.13 Members will recall that a report on the inquiry and a draft submission was considered by Council at its meeting on 22 July 2019, when suggestions were made for amendments to the draft submission before finalization.
- 3.14 That submission was subsequently amended and finalized, and submitted accordingly. The final version is shown as attachment 2 to this report.
- 3.15 The Commission has subsequently released a draft report to State Government and is seeking public submissions prior to finalization and submitting it to the State government in November 2019. The due date for submissions is Friday, 25 October 2019. The Commission has been advised that a draft submission from the City of Salisbury will be considered on Monday, 28 October 2019 and have indicated that they would welcome a submission to Council soon thereafter.
- 3.16 The Commission's draft report discusses the relativity between councils and their communities, acknowledging that the role of councils in providing human, infrastructure and economic services is important.
- 3.17 The draft report also acknowledges that councils have "varying degrees of control over factors that influence their cost", identifying mandates by State Government, labour costs and procurement practices.
- 3.18 The draft report notes that councils have "more control over the scale, scope and quality of non-mandated services and over productivity and efficiency levels through choice of technology and business processes".
- 3.19 Importantly also, the draft report acknowledges that various councils have undertaken and continue to undertake reviews and efficiency reform project.
- 3.20 The Commission make particular note that there are few sector-wide management or work practice reform.
- 3.21 The draft report contains three broad recommendations for the State Government as follows:

*To lower local government costs and enhance local government financial accountability, the Commission proposes that the South Australian Government:*

*1. Lift the capacity of local councils to identify and address opportunities to reduce their cost base and improve their operations by:*

*In conjunction with local government, defining and establishing a sector wide performance monitoring framework that would enable comparisons between councils and over time to assist decision making by council leaders and to inform communities, including by:*

- i. Establishing common key performance indicators (KPIs) for inputs, outputs, service standards and financial indicators;*
- ii. Optimising existing information held by the South Australian Government, especially that gathered by the South Australian Local Government Grants Commission;*
- iii. Filling the gaps in the current information;*
- iv. Publishing information in a contextualised form designed to assist individual councils.*



2. Facilitating benchmarking by clusters of councils through an appropriate mix of incentives for councils to participate and expectations that they will report information publicly in a format consistent with the framework.

3. Further lower council costs by addressing aspects of the relationship between the South Australian Government and local government by:

*In the short term*

i. Identifying and addressing inefficiency and red tape from the South Australian Government mandated services and other legislated requirements on:

a) councils

b) communities.

ii. Adopting a strong South Australian Government review process for any measures affecting local government;

iii. Clarifying local government responsibilities, including service standards, for mandated services.

*In the medium term*

iv. Clarifying the respective responsibilities of the South Australian and local governments to remove unnecessary overlaps, or duplication and reduce uncertainty between governments.

*In the long term*

v. Clarifying relevant aspects of s6, s7 and s8 of the Local Government Act 1999 to reflect an appropriate division between the levels of government and to make clearer the range of options available to councils in the performance of legislated functions.

### 3.22 There is also draft advice to councils:

*To guide and assist councils to improve efficiency and to create capacity to pass on cost reductions to rate payers, the Commission suggests that local government:*

1. As a body, facilitate in depth benchmarking between councils by:

i. Establishing a Community of Practice sponsored by the Local Government Association, to share among other elements:

89 a) Methods, tools and approaches;

89 b) Skilling of council staff;

89 c) Panel of competent providers; and

89 d) Lessons learned and examples of success.

ii. **Assisting in "matchmaking" South Australian councils that seek deep benchmarking opportunities** (noting value of groups of councils at different levels) with other councils, including interstate comparisons;

iii. Collectively undertaking a regular sector-wide analysis of efficiency measures.

2. Prioritise, in any systems upgrades, focus on improving collection, retrieval, analysis and presentation of information for planning, decision making, monitoring and managing performance.

3. Enhance the transparency and accountability of their operations by councils:

i. When considering new, or material changes to, council services, undertaking an independent review that includes consideration and analysis of alternatives to councils providing the service directly, community consultation; and publishing a report;

ii. Including in their external audits an examination of service reviews and program evaluations; and

*iii. Incorporating in their published long-term asset and financial plans and draft annual budgets advice on whether changes to the scope or level of services are planned and their implications for council expenditure.*

- 3.23 Both the recommendations and the advice to councils, based on the information gathered by the Commission and their own research are deemed reasonable and warrant consideration in the context of any reviews and efficiency projects that a council might pursue, however, as both draft submissions (to State Government and the Commission) attempt to assert, the premise on which the Commission was asked to undertake the inquiry is not sound.
- 3.24 The State Government has not established or provided evidence that current the local government framework is not working, or that there are sector-wide failures.
- 3.25 The draft submission to the Commission makes the point that “discussions about what “the sector” does or how “the sector” behaves are narrow and of limited value. Councils do not act uniformly. They represent different communities and different communities of interest, and under circumstances that are often particular to their area at a period of time”.
- 3.26 Hence, the proposition that sector-wide prescription to solve ill-defined shortcomings risks the ability of councils to invest in managing and maximising opportunities for growth and prosperity of their communities , while maintaining long-term financial sustainability.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 The State Government released the *Reforming Local Government in South Australia Discussion Paper* on Monday, 5 August 2019.
- 4.2 The Paper proposes significant changes to councils’ duties, functions and powers.
- 4.3 The State Government is now seeking public submissions on the reform proposals contained in the Paper.
- 4.4 A draft submission has been prepared for Council consideration. Council’s view on each reform proposal forms an attachment to the submission.
- 4.5 The due date for submissions is 1 November 2019.
- 4.6 SA Productivity Commission has released a draft report on its *Inquiry into Local Government Costs and Efficiency* for public consultation.
- 4.7 The administration has drafted a submission for Council consideration.

#### **CO-ORDINATION**

Officer: Executive Group  
Date: 13/07/2020