



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**21 MARCH 2022 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr J Woodman (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
Manager Governance, Mr R Deco
Team Leader Corporate Governance, Mr B Kahland

APOLOGIES

LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Cr G Reynolds.

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 21 February 2022.

REPORTS

Administration

- 3.0.1 Future Reports for the Governance and Compliance Committee
(please note there are no forward reports as a result of a Council resolution
to be listed at this time)

For Decision

- 3.1.1 Nominations Sought for the Libraries Board of South Australia..... 9
3.1.2 Elected Member Online Attendance at Meetings..... 15
3.1.3 Variation to Delegations..... 19
3.1.4 Local Government Association Ordinary General Meeting - 8 April 2022..... 55

QUESTIONS ON NOTICE

There are no Questions on Notice.

QUESTIONS WITHOUT NOTICE

MOTIONS ON NOTICE

There are no Motions on Notice.

MOTIONS WITHOUT NOTICE

OTHER BUSINESS

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY ON**

21 FEBRUARY 2022

MEMBERS PRESENT

Cr J Woodman (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug (*via Teams VC*)
Cr A Duncan (*via Teams VC*)
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

STAFF

General Manager City Development, Mrs M English
General Manager Business Excellence, Mr C Mansueto
Team Leader Corporate Governance, Mr B Kahland

The meeting commenced at 6:55pm

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr G Reynolds
Seconded Cr S Reardon

The Minutes of the Governance and Compliance Committee Meeting
held on 17 January 2022, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

(please note there are no forward reports as a result of a Council resolution to be listed at this time)

For Decision

3.1.1 Variation to Delegations

Moved Cr K Grenfell
Seconded Cr D Proleta

That Council:

1. Revokes its previous delegations to the Chief Executive Officer under the *Local Government Act 1999* and *Independent Commission Against Corruption Act 2012* as specified in Attachments 1 and 2 to this report (Item No. 3.1.1 Governance and Compliance, 21/02/2022), effective from Monday 28 February 2022.
2. Delegates, in exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999*, *Ombudsman Act 1972* and *Independent Commissioner Against Corruption Act 2012* as specified in Attachments 3, 4 and 5 to this report (Item No. 3.1.1 Governance and Compliance, 21/02/2022) effective from Tuesday 1 March 2022 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 attachments.
3. Notes that 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.

CARRIED

3.1.2 2022 National General Assembly of Local Government - Call for Motions and Attendance at Assembly

Moved Cr G Reynolds
Seconded Mayor G Aldridge

That Council:

1. Notes that motions are being called for submission by 25 March 2022 for the National General Assembly of Local Government being held in Canberra from 19 to 22 June 2022 and that a voting delegate is to be appointed by Council.

CARRIED

3.1.3 Review of Caretaker Policy

Moved Mayor G Aldridge
Seconded Cr K Grenfell

That Council:

1. Adopts the reviewed Caretaker Policy as set out in Attachment 1 to this report (Governance and Compliance 21/02/2022, Item No. 3.1.3).
2. Approves the Caretaker Period to commence on 6 September 2022.

CARRIED

3.1.4 By- Laws Review 2022

Moved Mayor G Aldridge
Seconded Cr D Proleta

That Council:

1. Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 21/02/2022, Item No. 3.1.4) and as listed below for the purpose of the public and agency consultation process pursuant to Section 249 of the *Local Government Act 1999* and in accordance with Council's Public Consultation Policy (noting that Dog and Cat Management Board consultation will commence prior to public consultation in accordance with Section 90 of the *Dog and Cat Management Act 1995*).
 - a. Permits and Penalties By-Law 2022 - By-Law No.1 of 2022
 - b. Moveable Signs By-Law 2022 - By-Law No. 2 of 2022
 - c. Roads By-Law 2022 - By-Law No.3 of 2022
 - d. Local Government Land By-Law 2022 - By-Law No.4 of 2022
 - e. Dogs By-Law 2022 - By-Law No.5 of 2022
 - f. Waste Management By-Law 2022 - By-Law No. 6 of 2022
2. Approves the draft By-Laws as presented in Attachments 1 through to 6 to this report (Governance and Compliance Committee 21/02/2022, Item No. 3.1.4) for further consultation processes as specified in the report including publication and invitation for comments via the Council's website and social media channels.

CARRIED

3.1.5 Dog Registration Fees 2022 - 2023

Moved Mayor G Aldridge
Seconded Cr K Grenfell

That Council:

1. Approves the 2022-2023 maximum dog registration fee for a non-standard dog at \$72.00 with the dog registration categories, eligible rebates and late fees as per the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.
2. Approves the Other Registration Fees relating to:
 - Replacement disc fee;
 - Late registration penalty, which is applicable 3 clear business days from last day to pay annual registration;
 - Puppies aged 6 months or less;
 - Part year rebate after 1 January and until end of current registration period for new dogs not previously registered in the area; and
 - Fee free registration period from 1 June to 30 June.
 - Certified extract from register (per page).

as presented in the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.
3. Approves the fees for meeting any other requirement imposed on councils under this Act, namely:
 - Dog seizure fee (seizing a dog for the purposes of impounding) and includes Day 1 (or first 24 hours) or part thereof of impounding.
 - Daily pound fee (fees for keeping dog at pound daily, or part thereof);
 - Daily pound fees – long term hold for dog;
 - Daily pound fees – short or long term hold for cat;
 - Veterinary fees, applicable to dogs and cats;
 - Other animal welfare related costs including euthanasia, microchipping, or desexing applicable to dogs and cats;

as presented in the Dog Registration Fee Schedule 2022-2023 forming Attachment 2 to the Governance and Compliance Committee agenda, 21 February 2022, Item no. 3.1.5.

CARRIED

For Information

3.2.1 2022 Elections Update

Moved Cr G Reynolds
Seconded Cr D Proleta

That Council:

1. Notes the information.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 7:15pm.

CHAIRMAN.....

DATE.....

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 March 2022
HEADING	Nominations Sought for the Libraries Board of South Australia
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	The Local Government Association (LGA) is seeking nominations from local government members for three positions on the Libraries Board of South Australia (SA) for a three-year term.

RECOMMENDATIONThat Council:

1. Approves the nomination of _____ as a Local Government Member on the Libraries Board of South Australia.

ATTACHMENTS

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

1. Call for Nominations - Libraries Board of South Australia - Selection Criteria

1. BACKGROUND

- 1.1 The LGA is seeking nominations from local government members for three positions on the Libraries Board of SA for a three-year term.
- 1.2 Nominations must be forwarded to the LGA by 5:00pm on Tuesday 5 April 2022.

2. CONSULTATION / COMMUNICATION**2.1 Internal**

- 2.1.1 LGA News dated 10 February 2022 from the LGA was circulated to Elected Members, the Executive Group and Divisional Managers on 14 February 2022.
- 2.1.2 A direct email was also sent to Elected Members on 22 February 2022 in relation to this nomination.
- 2.1.3 At the time of writing this report, Cr Ouk is the only Elected Member to have registered an interest to be nominated.

2.2 External

- 2.2.1 Nil.

3. REPORT

- 3.1 The LGA is seeking nominations from suitably qualified council members, or employees of a council, or other local government entity, to fill three positions with a term of three years commencing 1 August 2022.
- 3.2 The Libraries Board of SA is established by the *Libraries Act 1982*.
- 3.3 The functions of the Libraries Board of SA are:
 - 3.3.1 to formulate policies and guidelines for the provision of public library services; and
 - 3.3.2 to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and
 - 3.3.3 to administer the State Library; and
 - 3.3.4 to establish and maintain such other public libraries and public library services as may best conduce to the public interest; and
 - 3.3.5 to promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and
 - 3.3.6 to collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and
 - 3.3.7 to make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and
 - 3.3.8 to initiate and monitor research and experimental projects in relation to public libraries and public library services; and
 - 3.3.9 to keep library services provided in the State under continuing evaluation and review; and
 - 3.3.10 to carry out any other functions assigned to the Board under this or any other Act or by the Minister.
- 3.4 There are three LGA nominated positions on the Libraries Board of SA currently held by:
 - 3.4.1 Mayor Jill Whittaker, Campbelltown City Council
 - 3.4.2 Ms Megan Berghuis, City of Unley
 - 3.4.3 Cr Bronwyn Lewis, Alexandrina Council
- 3.5 The above positions expire on 31 July 2022 and current members are eligible for re-appointment.
- 3.6 The Board meets 10 times per year at the State Library of South Australia from 10am – 12noon with sitting fees of \$590 per session and travel expenses allowance paid for regional based members.

- 3.7 The *Libraries Act 1982* requires the LGA to provide a panel of seven nominees from which the Minister will select three appointees. In accordance with section 42 of the *Legislation Interpretation Act 2021* the panel of nominees must include at least one male and one female.
- 3.8 In accordance with the LGA Appointments and Nominations to Outside Bodies Policy (Policy) the Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors. In the case of the Libraries Board of SA this may include the Nominations Committee undertaking interviews and/or requesting the details of referees.
- 3.9 LGA nominations on Outside Bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or employees of a council or other local government entity. Only nominations submitted following a resolution of Council will be considered.
- 3.10 The Policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences. The Nomination Form asks nominees whether they want to be listed on the database.
- 3.11 The Call for Nominations Information Sheet (Attachment 1) provides further information regarding the role, as well as any selection criteria to be addressed by the nominee.
- 3.12 The nominee and Council are required to complete the Nomination Form (Attachment 2) and forward to the LGA by 5:00pm on Tuesday 5 April 2022.
- 3.13 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 5:00pm on 5 April 2022.
- 3.14 This Board position is a remunerated position. If an Elected Member is nominated, then this particular Elected Member will have to consider declaring a material conflict of interest in context of the pecuniary benefit associated with the position.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if a nomination is to be made.
- 4.2 Council should note it is not obliged to make a nomination.

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Libraries Board of SA	
Governing Statute (if applicable)	Section 9(1)(a) Libraries Act 1982
Purpose/Objective	<p>The functions of the Board are—</p> <ul style="list-style-type: none"> a) to formulate policies and guidelines for the provision of public library services; and b) to establish, maintain and expand collections of library materials and, in particular, collections of such materials that are of South Australian origin, or have a particular relevance to this State; and c) to administer the State Library; and d) to establish and maintain such other public libraries and public library services as may best conduce to the public interest; and e) to promote, encourage and assist in the establishment, operation and expansion of public libraries and public library services by councils and others; and f) to collaborate with an administrative unit of the Public Service or any other public sector agency (within the meaning of the Public Sector Act 2009) and any other authority or body, in the provision of library and information services; and g) to make recommendations to the Minister on the allocation of funds that are available for the purposes of public libraries and public library services; and h) to initiate and monitor research and experimental projects in relation to public libraries and public library services; and i) to keep library services provided in the State under continuing evaluation and review; and j) (o) to carry out any other functions assigned to the Board under this or any other Act or by the Minister.
Administrative Details	<ul style="list-style-type: none"> • 10 meetings per year held at State Library of South Australia • \$590 per session • Mileage paid for regional based members

PART B

Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> Local government knowledge and experience
<p><i>In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, selection for appointment or nomination to this Outside Body may include the conduct of interviews and checking of referees by the LGA. By applying, the applicant accepts that the LGA may request an interview and/or the details of referees.</i></p>	
<p>Liability and indemnity cover</p> <p><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></p>	
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000</p>	

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 March 2022
HEADING	Elected Member Online Attendance at Meetings
AUTHOR	Rudi Deco, Manager Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	At the 28 February 2022 Council Meeting, Council resolved a report be presented on <i>changing online attendance guidelines to make it mandatory to wear a headphone and microphone set</i> . This report presents this information and associated recommendation for Council's consideration.

RECOMMENDATION

That Council:

1. Approves the amendment of the Code of Practice section on "Remote Participation in Committee and Council Meetings" to include the Elected Member requirement to use a headset (microphone/headphones) when participating in online meetings.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Council's current Code of Practice for Meeting Procedures allows for remote participation at Council meetings in context of the application of the Electronic Participation in Council meetings Ministerial Notice 2020 (Notice) issued on 31 March 2020. The Notice will cease to apply 28 days after all relevant emergency declarations are revoked, in which case we revert back to ordinary application of the *Local Government Act 1999* (the Act), requiring in person meeting participation for Council meetings.
- 1.2 The Act and Council's current Code of Practice allows for remote participation for Committee meetings. Contrary to the Council meetings, this option to participate remotely continues to be available even outside of the emergency declaration (i.e. as part of normal business proceedings).

Indeed, pursuant to section 90(7a) of the Act, a Committee meeting will be taken to be conducted in a place open to the public even if one or more Committee Members participate in the meeting by telephone or other electronic means, provided that members of the public can hear the discussion between all Committee members.

2. CITY PLAN CRITICAL ACTION

- 2.1 Not applicable

3. CONSULTATION / COMMUNICATION

3.1 Internal

3.1.1 CEO

3.2 External

3.2.1 Not applicable

4. REPORT

4.1 At the 28 February 2022 Council Meeting, the following was resolved:

OB1 Elected Member Online Attendance at Meetings

1. That Administration brings back a report by next month changing the online attendance guidelines to make it mandatory to wear headphone and microphone set.

**CARRIED
1268/2022**

4.2 The City of Salisbury Code of Practice for Meeting Procedures was last adopted 22 November 2021 and included a provision for the minutes of the proceedings to specifically list if a member is in attendance via remote participation.

4.3 The Code of Practice for Meeting Procedures relating to remote participation (Salisbury addition) requires that Committee Members participating by telephone or electronic means shall be located within a quiet environment, to ensure they are able to hear and be heard clearly and shall be located in a confidential environment with no other persons present when confidential items are considered by the Committee.

4.4 In addition to the requirement to be in an appropriate and confidential environment, Council may consider to require the use of a headset as an additional measure to protect confidentiality.

4.5 Council can resolve to supply wired headsets to Elected Members, at an estimated average cost of \$30 each, potentially a total cost of \$450 if taken up by all Elected Members.

4.6 Pursuant to section 62(4a) of the Act, Elected Members must not disclose information the subject of a confidentiality order. Under the mandatory Code of Conduct, Elected Members must deal with Council information in a responsible manner, and not divulge confidential information, or information which should be reasonably known to be confidential.

- 4.7 The Current Code of Practice provision relating to Remote Participation in Committee and Council meetings is listed below:

S.RP REMOTE PARTICIPATION IN COMMITTEE AND COUNCIL MEETINGS

- (1) A Committee Member may attend Committee meetings by telephone or electronic means subject to the following conditions:
 - (a) All Committee Members being able to hear other Committee Members whilst a Committee Member is participating by telephone or other electronic means, and;
 - (b) **Committee Members participating by telephone or electronic means shall be located within a quiet environment to ensure they are able to hear and be heard clearly and in a confidential environment with no other persons present when confidential items are considered by the Committee.**
 - (c) Committee Members participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
 - (d) The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
 - (e) Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;
 - (f) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.
- (2) This Code of Practice for Meeting Procedures is amended to enable Elected Members to attend meetings of Council by electronic means, in accordance with the Electronic Participation in Council Meetings Notice 2020 (SA Government Gazette, 31 March 2020) issued by the Minister for Local Government. (Resolution No 0488/2020, Council, 1 April 2020)

5. CONCLUSION / PROPOSAL

- 5.1 At the 28 February 2022 Council Meeting, Council resolved a report be presented on *changing online attendance guidelines to make it mandatory to wear a headphone and microphone set*. This report presents this information and associated recommendation for Council's consideration.

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 March 2022
HEADING	Variation to Delegations
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment, 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 review of delegations under the <i>Local Government Act 1999</i> and <i>Food Act 2001</i>.</p>

RECOMMENDATION

That Council:

1. Delegates, in exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999* as specified in Attachment 1 to this report (Item No. 3.1.3; Governance and Compliance Committee, 21/03/2022) effective from Tuesday 5 April 2022 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 attachment.
2. Notes that 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.

Delegations Made under the *Food Act 2001*

3. Revokes its previous delegations to the Chief Executive Officer under the *Food Act 2001* specified in Attachment 2 to this report (Item No. 3.1.3; Governance and Compliance Committee, 21/03/2022), effective from Tuesday 5 April 2022.
4. Delegates, in exercise of the powers contained in Section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* specified in the proposed Instrument of Delegation contained in Attachment 3 are hereby delegated from Tuesday 5 April 2022 to the person occupying the office of Chief Executive Officer (“the head of the enforcement agency” for the purposes of the *Food Act 2001*), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

4. Notes that such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Food Act 2001*.

ATTACHMENTS

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

1. Newly Delegated Provisions - Local Government Act 1999
2. Changed Provisions - Food Act 2001
3. Newly Delegated Provisions - Food Act 2001

1. BACKGROUND

- 1.1 Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the *Local Government Act 1999* (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 who will then make sub-delegations to the appropriate Council Officers.
- 1.3 This report deals with variations to delegations as a result of commencement, amendment or deletion of provisions under the *Local Government Act 1999* and *Food Act 2001*.

2. REPORT

- 2.1 This report includes variations to delegations as a result of the following:
 - 2.1.1 Review of Delegations under the *Local Government Act 1999* relating to administrative provisions that have not previously been delegated (for example - giving of notices, receiving information, certifying copies of documents) – refer Attachment 1.
 - 2.1.2 Review of Delegations under the *Food Act 2001* relating to a change to Section 88(5) – Delegations by relevant authority:
 - previously worded as ‘Consent in writing to the delegation of a power of the relevant authority to the enforcement agency’ and is now ‘Consent to the delegation of power or function by a relevant authority to the Chief Executive Officer’ – refer Attachment 2;
 - administrative provisions that have not previously been delegated (for example – serving of orders, reporting, providing a certificate) – refer Attachment 3.

Process to be followed

- 2.2 In order for the provision contained in Attachment 2 to come into effect, Council must first resolve to revoke the existing delegation under the *Food Act 2001* that has been changed as indicated in Attachment 2 with Council then resolving to adopt the new wording for the specified delegation.
- 2.3 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 *Food Act 2001* occurs on Tuesday 5 April 2022 with the new delegations under the *Food Act 2001* coming into force on the same day. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.4 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 administrative changes to the *Local Government Act 1999* and *Food Act 2001*. This report sets out changes required to City of Salisbury delegations in response to the review of delegations under the *Local Government Act 1999* and *Food Act 2001*.

NEWLY Delegated Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527974	Local Government Act 1999	section 4(1aa)(a)(ii)(A)	Determine a website for the publication of a public notice by the council	Not Delegated by the CEO	
527975	Local Government Act 1999	section 12(11c)(b)(iii)	Determine a website for the publication of a summary of issues surrounding a proposal which will be the subject of a poll	Not Delegated by the CEO	
527976	Local Government Act 1999	section 12(19)(b)(iii)	Refer a failure by the council of a type listed in section 12(1) of the Local Government Act to the Electoral Commissioner	Not Delegated by the CEO	
527977	Local Government Act 1999	section 54(1)(b)	Receive notice of resignation of a council member	Not Delegated by the CEO	
527978	Local Government Act 1999	section 54(6)	Notify council members of a vacancy in the office of a member of a council		
527979	Local Government Act 1999	section 54(6)	Provide notice in the Gazette of a vacancy in the office of a member of a council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527980	Local Government Act 1999	section 55(c)	Receive a notice of disqualification from a member of the council		
527981	Local Government Act 1999	section 56(1)	Publish a notice in the Gazette indicating that Division 2, Part 2, Chapter 5 of the Local Government Act applies to the council	Not Delegated by the CEO	
527982	Local Government Act 1999	section 56(2)	Fix a polling day	Not Delegated by the CEO	
527983	Local Government Act 1999	section 61(2)	Receive a request for access to a document		
527984	Local Government Act 1999	section 61(3)	Indicate that information contained in a document is confidential		
527985	Local Government Act 1999	section 65	Receive a primary return from a council member		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527986	Local Government Act 1999	section 66	Receive an ordinary return from a council member		
527987	Local Government Act 1999	section 67(1)	Receive notification from a council member of a change or variation in the information appearing on the Register of Interests		
527988	Local Government Act 1999	section 68(1)	Maintain a Register of Interests and cause information furnished pursuant to Division 2, Part 4, Chapter 5 of the Local Government Act and Schedule 3 to the Local Government Act to be entered on the register		
527989	Local Government Act 1999	section 68(2)	Notify a council member of a failure by that member to submit a return and the consequences of not submitting a return		
527990	Local Government Act 1999	section 68(4)	Supress an address of a person from the Register of Interests		
527991	Local Government Act 1999	section 70(a1)	Determine a website for publication of details contained in the Register	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527992	Local Government Act 1999	section 72(3)(a)	Receive a primary return or ordinary return from a board member of a regional subsidiary of the council		
527993	Local Government Act 1999	section 72(3)(b)	Participate in consultation with a regional subsidiary of the council to ensure that a Register of Interest relating to its board members is maintained and available for public inspection		
527994	Local Government Act 1999	section 74(5)	Determine a website for publication of details of a material conflict of interest disclosed by a council member	Not Delegated by the CEO	
527995	Local Government Act 1999	section 75A(4)	Determine a website for publication of details of an actual or perceived conflict of interest disclosed by a council member	Not Delegated by the CEO	
527996	Local Government Act 1999	section 79(1)	Keep a Register of Allowances and Benefits		
527997	Local Government Act 1999	section 79(2)	Ensure that an appropriate record is made in the Register of Allowances and Benefits		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527998	Local Government Act 1999	section 81(3)	Appoint a time and place at which an ordinary meeting of the council will be held	Not Delegated by the CEO	
527999	Local Government Act 1999	section 81(3)(a)	Appoint a time and place at which the first ordinary meeting of the council will be held after being constituted under Chapter 3 of the Local Government Act	Not Delegated by the CEO	
528000	Local Government Act 1999	section 81(3)(b)	Appoint a time and place at which the first ordinary meeting of the council will be held after a general election of the council	Not Delegated by the CEO	
528001	Local Government Act 1999	section 82(1)	Call a special meeting of the council	Not Delegated by the CEO	
528002	Local Government Act 1999	section 83(1)	Provide notice of an ordinary meeting of the council		
528003	Local Government Act 1999	section 83(2)	Provide notice of a special meeting of the council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528004	Local Government Act 1999	section 83(4)(a)	Ensure that items on an agenda for a council meeting are described with reasonable particularity and accuracy		
528005	Local Government Act 1999	section 83(4)(b)	Supply to a council member a copy of any documents or reports that are to be considered at a council meeting		
528006	Local Government Act 1999	section 83(5)	Indicate on a document or report any information or matters that may, if the council so determined, be considered in confidence under Part 3 of the Local Government Act and the basis for a confidentiality order		
528007	Local Government Act 1999	section 83(7)	Take action to bring a notice to the attention of a council member		
528008	Local Government Act 1999	section 83(8)	Maintain a record of all notices given to council members under section 83 of the Local Government Act		
528009	Local Government Act 1999	section 84(1)	Give notice to the public of the times and places of meetings of the council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528010	Local Government Act 1999	section 84(1a)(b)	Determine a website for publishing the notice and agenda for a council meeting	Not Delegated by the CEO	
528011	Local Government Act 1999	section 84(2a)	Give notice to the public of the times and places of meetings of the council		
528012	Local Government Act 1999	section 84(5)	Ensure that a reasonable number of copies of any document or report supplied to council members for consideration at a meeting are available for inspection by members of the public		
528013	Local Government Act 1999	section 86(3)	Preside at a meeting of the council until a council member is chosen to preside	Not Delegated by the CEO	
528014	Local Government Act 1999	section 87(4)	Provide notice to a member of a council committee of an ordinary meeting of the committee		
528015	Local Government Act 1999	section 87(5)	Call a special meeting of a council committee	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528016	Local Government Act 1999	section 87(7)	Provide notice to a member of a council committee of a special meeting of the committee		
528017	Local Government Act 1999	section 87(9)(a)	Ensure that items on an agenda for a council committee meeting are described with reasonable particularity and accuracy		
528018	Local Government Act 1999	section 87(9)(b)	Supply to a council committee member a copy of any documents or reports that are to be considered at a council committee meeting		
528019	Local Government Act 1999	section 87(10)	Indicate on a document or report any information or matters that may, if the council so determined, be considered in confidence under Part 3 of the Local Government Act and the basis for a confidentiality order		
528020	Local Government Act 1999	section 87(12)	Take action to bring a notice to the attention of a council member		
528021	Local Government Act 1999	section 87(13)	Maintain a record of all notices given under section 87 of the Local Government Act		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528022	Local Government Act 1999	section 88(1)	Give public notice of the times and places of council committee meetings		
528023	Local Government Act 1999	section 88(1a)(b)	Determine a website for publishing the notice and agenda for a council committee meeting	Not Delegated by the CEO	
528024	Local Government Act 1999	section 88(2a)	Give public notice of the times and places of council committee meetings		
528025	Local Government Act 1999	section 88(5)	Ensure that a reasonable number of copies of any document or report supplied to council committee members for consideration at a meeting are available for inspection by members of the public		
528026	Local Government Act 1999	section 90(8d)	Determine a website for publishing an informal gathering or discussions policy	Not Delegated by the CEO	
528027	Local Government Act 1999	section 91(1)	Ensure minutes are kept of council and council committee meetings		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528028	Local Government Act 1999	section 91(11)	Sign minutes of a council or council committee meeting	Not Delegated by the CEO	
528029	Local Government Act 1999	section 92(5)	Determine a website for publishing a code of practice or alterations or substitutions to a code of practice	Not Delegated by the CEO	
528030	Local Government Act 1999	section 93(2)	Give notice by advertisement in a newspaper circulating in the council area of the time and place of a meeting of electors		
528031	Local Government Act 1999	section 93(2)	Ensure that minutes are kept of the proceedings at a meeting of electors		
528032	Local Government Act 1999	section 94A	Make available for inspection on the internet an up-to-date schedule of the dates, times and places set for meetings of the council and council committees		
528033	Local Government Act 1999	section 99(1)(a)	Ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528034	Local Government Act 1999	section 99(1)(b)	Undertake responsibility for the day-to-day operations and affairs of the council	Not Delegated by the CEO	
528035	Local Government Act 1999	section 99(1)(c)	Provide advice and reports to the council on the exercise and performance of the council's powers and functions under the Local Government Act or any other Act	Not Delegated by the CEO	
528036	Local Government Act 1999	section 99(1)(d)	Co-ordinate proposals for consideration by the council for developing objectives, policies and programs for the area	Not Delegated by the CEO	
528037	Local Government Act 1999	section 99(1)(e)	Provide information to the council to assist the council to assess performance against its strategic management plans	Not Delegated by the CEO	
528038	Local Government Act 1999	section 99(1)(f)	Ensure that timely and accurate information about council policies and programs is regularly provided to the council's community, and to ensure that appropriate and prompt responses are given to specific requests for information made to the council	Not Delegated by the CEO	
528039	Local Government Act 1999	section 99(1)(g)	Ensure that the assets and resources of the council are properly managed and maintained	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528040	Local Government Act 1999	section 99(1)(h)	Ensure that records required under this or another Act are properly kept and maintained		
528041	Local Government Act 1999	section 99(1)(i)	Give effect to the principles of human resource management prescribed by the Local Government Act and to apply proper management practices	Not Delegated by the CEO	
528042	Local Government Act 1999	section 99(1)(j)	Exercise, perform or discharge other powers, functions or duties conferred on the chief executive officer by or under the Local Government Act or other Acts, and to perform other functions lawfully directed by the council	Not Delegated by the CEO	
528043	Local Government Act 1999	section 99(2)	Consult with the council when determining, or changing to a significant degree, the organisational structure for the staff of the council, the processes, terms or conditions that are to apply to the appointment of senior executive officers or the appraisal scheme that is to apply to senior executive officers	Not Delegated by the CEO	
528044	Local Government Act 1999	section 100(1)	Determine whether to have a deputy chief executive officer	Not Delegated by the CEO	
528045	Local Government Act 1999	section 100(2)	Appoint a deputy chief executive officer	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528046	Local Government Act 1999	section 100(3)	Obtain the concurrence of the council before appointing a deputy chief executive officer or removing a deputy chief executive officer	Not Delegated by the CEO	
528047	Local Government Act 1999	section 103(1)	Appointing, managing, suspending and dismissing employees of the council		
528048	Local Government Act 1999	section 104	Determine the conditions of service of an employee of the council		
528049	Local Government Act 1999	section 105(1)	Ensure that a Register of Salaries is kept		
528050	Local Government Act 1999	section 105(2)	Ensure that a record is made in the Register of Salaries of a change in the salary, wage or remuneration, or an allowance or benefit, payable to, or provided for the benefit of, an employee or the payment or provision of an allowance or benefit not previously recorded in the Register		
528051	Local Government Act 1999	section 107(1)	Ensure that sound principles of human resource management are applied to employment in the administration of the council, and must take reasonable steps to ensure that those principles are known to all employees		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528052	Local Government Act 1999	section 113(b)	Receive a primary return from a prescribed officer		
528053	Local Government Act 1999	section 114(b)	Receive an ordinary return from a prescribed officer		
528054	Local Government Act 1999	section 116(1)	Maintain a Register of Interests and cause to be entered in the Register all information pursuant to Division 2, part 4, Chapter 7 of the Local Government Act		
528055	Local Government Act 1999	section 116(2)	Notify a person who fails to submit a return of the failure		
528056	Local Government Act 1999	section 118	Enable the inspection of the Register of Interests by a council member		
528057	Local Government Act 1999	section 120(2)	Receive a disclosure of an interest in a matter from an employee of the council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528058	Local Government Act 1999	section 122(4a)(a)	Provide a report to the council on the sustainability of the council's long-term financial performance and position		
528059	Local Government Act 1999	section 123(4)(a)	Determine a website for the publication of a notice informing the public of the preparation of a draft annual business plan and inviting attendance at a meeting or the making of submissions	Not Delegated by the CEO	
528060	Local Government Act 1999	section 123(9)(c)	Determine a website for the publication of annual business plan and budget	Not Delegated by the CEO	
528061	Local Government Act 1999	section 128(5)(b)	Receive a notice of resignation from an auditor	Not Delegated by the CEO	
528062	Local Government Act 1999	section 129(5b)(b)	Participate in consultation with the principal member of the council in relation to whether the opinions and advice of the auditor should be a late item on the agenda for a council meeting	Not Delegated by the CEO	
528063	Local Government Act 1999	section 130(1)	Produce accounts, accounting records and other documents to the auditor		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528064	Local Government Act 1999	section 130(2)	Produce explanations or information to the auditor		
528065	Local Government Act 1999	section 130A(4)	Produce any documents relevant to an examination to, and provide any explanation or information required by, a person undertaking an examination under section 130A of the Local Government Act		
528066	Local Government Act 1999	section 130(6)(b)	Participate in consultation with the principal member of the council in relation to whether a report on an examination under section 130A of the Local Government Act should be a late item on the agenda for a council meeting	Not Delegated by the CEO	
528067	Local Government Act 1999	section 132(3)	Determine a website for the publication of documents listed in section 132(3) of the Local Government Act	Not Delegated by the CEO	
528068	Local Government Act 1999	section 143(2)	Certify that reasonable attempts have been made to recover a debt or that the costs of recovery are likely to equal or exceed the amount to be recovered		
528069	Local Government Act 1999	section 172(1)	Ensure that an assessment record is kept		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528070	Local Government Act 1999	section 172(2)	Receive an application to have an occupier's name entered in the assessment record as the principal ratepayer in respect of land		
528071	Local Government Act 1999	section 172(2)	Determine the manner and form of an application under section 172(2) of the Local Government Act		
528072	Local Government Act 1999	section 172(3)	Enter an occupier's name in the assessment record as the principal ratepayer in respect of land		
528073	Local Government Act 1999	section 172(4)	Suppress the name or address of a person from the assessment record		
528074	Local Government Act 1999	section 172(5)	Suppress the name or address of a person from the assessment record	Not Delegated by the CEO	
528075	Local Government Act 1999	section 172(6)(b)	Make any alteration to the assessment record		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528076	Local Government Act 1999	section 173(1)	Receive an application to alter the assessment record		
528077	Local Government Act 1999	section 173(2)	Approve the manner and form of an application under section 173(1) of the Local Government Act		
528078	Local Government Act 1999	section 184(15)	Provide a statutory declaration to the Registrar-General stating that the requirements of section 184 of the Local Government Act have been observed in regard to the sale of land		
528079	Local Government Act 1999	section 187(3)(d)	Receive an application for a certificate of liabilities		
528080	Local Government Act 1999	section 219(7)(c)	Determine a website for publishing a notice of the adoption or alteration of a policy under section 219 of the Local Government Act	Not Delegated by the CEO	
528081	Local Government Act 1999	section 234A(6)(c)	Determine a website for publishing a resolution passed under section 234A of the Local Government Act	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528082	Local Government Act 1999	section 252(7)	Provide a certificate for the purposes of section 252(5) or 252(6) of the Local Government Act		
528083	Local Government Act 1999	section 264(1)(b)	Lodge a complaint against a council member with the South Australian Civil and Administrative Tribunal	Not Delegated by the CEO	
528084	Local Government Act 1999	section 287	Certify a copy of, or extract from, the assessment record kept under Chapter 10 of the Local Government Act		
528085	Local Government Act 1999	section 289	Certify a copy of, or extract from, a register kept under the Local Government Act		
528086	Local Government Act 1999	section 290(1)	Certify a copy of a by-law in force within the council area		
528087	Local Government Act 1999	section 291	Issue a certificate giving details of the boundaries of the council area		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528088	Local Government Act 1999	section 293	Issue a certificate giving details of the cost of work undertaken, the portion payable by a person and the date of the completion of the work		
528089	Local Government Act 1999	clause 9(6), schedule 1B	Provide a statutory declaration stating that the requirements of clause 9 of Schedule 1B of the Local Government Act and the regulations have been observed in relation to the sale of land		
528090	Local Government Act 1999	clause 3(5)(b), schedule 2	Determine a website for publishing a copy of a subsidiary charter	Not Delegated by the CEO	
528091	Local Government Act 1999	clause 19(5)(b), schedule 2	Determine, in conjunction with the chief executive officers of the other constituent councils, a website for publishing a copy of a regional subsidiary charter	Not Delegated by the CEO	
528092	Local Government (Financial Management) Regulations 2011	regulation 14(a)	Sign the financial statements of the council	Not Delegated by the CEO	
528093	Local Government (Financial Management)	regulation 16(3)	Certify that the information provided under regulation 16(2) of the Local Government (Financial Management) Regulations has been reconciled to, and is consistent with, the audited financial statements of the council	Not Delegated by the CEO	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2011				
528094	Local Government (Financial Management) Regulations 2011	regulation 18(4)	Determine, in conjunction with the chief executive officers of other constituent councils, a website or websites for the publication of a notice given to a regional subsidiary under regulation 18 of the Local Government (Financial Management) Regulations	Not Delegated by the CEO	
528095	Local Government (Financial Management) Regulations 2011	regulation 18(4)	Ensure, in conjunction with the chief executive officers of the other constituent councils, that a notice given to a regional subsidiary under regulation 18 of the Local Government (Financial Management) Regulations is published on a website or websites determined by the chief executive officers	Not Delegated by the CEO	
528096	Local Government (Financial Management) Regulations 2011	regulation 21(4)	Lay before the council any audited financial statements of a subsidiary received for the purposes of clause 12(3)(a) or 28(2)(a) of Schedule 2 to the Local Government Act		
528097	Local Government (Financial Management)	regulation 22(3)(a)	Provide a statement certifying compliance for the financial year with the requirement that the auditor be independent of the council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2011				
528098	Local Government (Financial Management) Regulations 2011	regulation 22(3)(b)(i)	Provide a statement certifying compliance for the financial year with the requirement that the auditor be independent of the regional subsidiary		
528099	Local Government (General) Regulations 2013	clause 1(2), Schedule 2A	Receive details of a gift or benefit received by an employee of the council		
528100	Local Government (General) Regulations 2013	clause 1(2), Schedule 2A	Determine any requirements applying to an employee of the council notifying the receipt of a gift or benefit	Not Delegated by the CEO	
528101	Local Government (General) Regulations 2013	clause 1(3), Schedule 2A	Maintain a register of gifts or benefits received by employees of the council		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528102	Local Government (General) Regulations 2013	clause 1(4)(b), Schedule 2A	Determine a website for the publication of the register of gifts or benefits received by employees of the council	Not Delegated by the CEO	
528103	Local Government (Procedures at Meetings) Regulations 2013	regulation 7(2)	Adjourn a meeting where the number of apologies received indicates that the meeting will lack a quorum to a specified day and time	Not Delegated by the CEO	
528104	Local Government (Procedures at Meetings) Regulations 2013	regulation 7(3)	Adjourn a meeting which lacks a quorum to a specified day and time	Not Delegated by the CEO	
528105	Local Government (Procedures at Meetings) Regulations 2013	regulation 7(4)	Record in the minute book the reason for an adjournment, the names of any members present and the date and time to which the meeting is adjourned		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528106	Local Government (Procedures at Meetings) Regulations 2013	regulation 7(5)(a)	Give notice of an adjourned meeting to each council member setting out the date, time and place of the meeting		
528107	Local Government (Procedures at Meetings) Regulations 2013	regulation 7(5)(b)	Give notice of an adjourned meeting to the public setting out the date, time and place of the meeting	Not Delegated by the CEO	
528108	Local Government (Procedures at Meetings) Regulations 2013	regulation 9(1)	Receive written notice of a question on notice		
528109	Local Government (Procedures at Meetings) Regulations 2013	regulation 9(2)(a)	Place a question on notice on the agenda for the meeting at which the question will be asked		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528110	Local Government (Procedures at Meetings) Regulations 2013	regulation 10(2)	Place a petition (or, if provided for in a policy of the council, a summary of the petition as described in regulation 10(2) of the Local Government (Procedures at Meetings) Regulations) on the agenda for the next ordinary meeting of the council (or, if provided for in a policy of the council, on the agenda for the next ordinary meeting of a council committee)		
528111	Local Government (Procedures at Meetings) Regulations 2013	regulation 11(2)	Transmit a request for a deputation to the presiding member of the council		
528112	Local Government (Procedures at Meetings) Regulations 2013	regulation 11(4)	Take reasonable steps to inform a person or persons requesting a deputation of the outcome of the request		
528113	Local Government (Procedures at Meetings) Regulations 2013	regulation 12(2)	Receive a notice of motion		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528114	Local Government (Procedures at Meetings) Regulations 2013	regulation 12(20)	Report on each question that lapses under regulation 12(19) at the first ordinary meeting of the council after a general election		
528115	Local Government (Procedures at Meetings) Regulations 2013	regulation 16(1)	Read out a motion before a vote is taken	Not Delegated by the CEO	
528116	Local Government (Procedures at Meetings) Regulations 2013	regulation 17(4)	Record in the minutes the names of the council members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) when a division is taken		
528117	Local Government (Procedures at Meetings) Regulations 2013	regulation 18(1)	Table documents relating to a motion that is before a meeting		

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
528118	Local Government (Procedures at Meetings) Regulations 2013	regulation 18(2)	Indicate an opinion that consideration should be given to dealing with a document on a confidential basis under sections 90 or 91 of the Local Government Act		
528119	Local Government (Procedures at Meetings) Regulations 2013	regulation 21(1)	Submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council	Not Delegated by the CEO	
528120	Local Government (Procedures at Meetings) Regulations 2013	regulation 21(2)	Place a report under regulation 21(1) of the Local Government (Procedures at Meetings) Regulations on the agenda for the meeting at which the report is to be considered	Not Delegated by the CEO	

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527971	Food Act 2001	section 88(5)	Consent to the delegation of power or function by a relevant authority to the Chief Executive Officer	Not Delegated by the CEO	

NEWLY Delegated Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
527969	Food Act 2001	section 46(1)	Serve a prohibition order on the proprietor of a food business		
527970	Food Act 2001	section 46(5)	Provide a certificate of clearance		
527972	Food Act 2001	section 93(1)	Report to the relevant authority on the performance of functions under the Food Act by persons employed or engaged by the council		
527973	Food Act 2001	section 93(2)	Forward to the relevant authority details of any proceedings for an offence under the Food Act or the regulations taken by an officer of the council		

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	21 March 2022
HEADING	Local Government Association Ordinary General Meeting - 8 April 2022
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report presents the items to be considered at the Local Government Association Ordinary General Meeting (LGA OGM) to be convened on Friday 8 April 2022 and provides Council the opportunity to direct its voting delegate as it sees fit.

RECOMMENDATIONThat Council:

1. Authorises its Local Government Association Ordinary General Meeting appointed voting delegate (Cr Chad Buchanan or Mayor Gillian Aldridge as proxy) to vote in the best interest of Council, unless specific Council direction was given on a particular agenda item.

ATTACHMENTS

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

1. LGA - OGM Draft Voting Guidance April 2022

1. BACKGROUND

- 1.1 Prior to each LGA Ordinary General Meeting (OGM) and Annual General Meeting (AGM) a summary of the matters being considered at the meeting are presented to allow Council to be informed and put a position forward as it sees fit.
- 1.2 The Chief Executive Officer (CEO) provides a recommended voting position on each item for consideration.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Manager Governance.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 The full agenda for the LGA OGM being held Friday 8 April 2022 contained within an LGA News Item was circulated by email to Elected Members on 9 March 2022.
- 3.2 Due to the size of the agenda (125 pages), a hard copy of the full agenda is not distributed to all Elected Members. Cr Chad Buchanan (current voting delegate) and Mayor Gillian Aldridge (proxy delegate), have been provided a copy of the agenda.
- 3.3 Attachment 1 to this report contains the items to be considered at the LGA OGM taking place on Friday 8 April 2022 and includes a recommended voting position from the CEO.
- 3.4 Council has the opportunity to direct its voting delegate regarding an appropriate voting position for the City of Salisbury.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to review the items listed in Attachment 1 and determine if it wishes to direct its voting delegate on any of the issues to be considered at the LGA OGM on Friday 8 April 2022.

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING

Friday 8 April 2022, 11:00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	LGA Summary position	CEO Recommended Voting Position
7.	Recommendation Reports from the SAROC Committee			
7.1	<p>Implementation of an electronic portal for issuing of permits pursuant to the Fire and Emergency Services Act 2005 (Loxton Waikerie)</p> <p>That the Ordinary General Meeting requests that the Minister for Emergency Services instructs and funds the SA Country Fire Service to implement an online portal for application, approval and issuing of permits pursuant to the Fire and Emergency Services Act 2005, prior to the commencement of the 2022-23 fire season.</p>	50	<p>Subsection 81(13a) of the <i>Fire and Emergency Services Act 2005</i> (the Act) mandates that each rural council, and councils which feature a designated urban bushfire risk area, appoint at least one person as an authorised officer for the purpose of issuing permits which authorise a person to light or maintain a fire in the open air in circumstances in which the lighting or maintaining of the fire would otherwise be unlawful.</p> <p>The LGA supports councils in a range of emergency management activities to ensure councils meet their legislative obligations and the expectations of the community. This item of business supports councils in discharging these obligations.</p>	Support
7.2	<p>Electric Vehicles Taxes (Victor Harbor)</p> <p>That the Ordinary General Meeting requests the LGA to advocate for the Federal Government to remove the Luxury Car Tax on Electric Vehicles and 'fuel efficient' vehicles.</p>	58	The LGA Secretariat will work with the Australian Local Government Association (ALGA) Secretariat to consider strategies for progressing this advocacy with the Federal Government.	Support

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING

Friday 8 April 2022, 11:00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	LGA Summary position	CEO Recommended Voting Position
7.3	<p>Research into the Population Status and Decline of Little Penguins in South Australia (Victor Harbor)</p> <p>That the Ordinary General Meeting requests the LGA to lobby the State Government to revisit the strategies and management plans around increasing the little penguin population within all Coastal Councils, to save them from extinction.</p>	64	<p>Given the evidence provided by the City of Victor Harbor, there would be benefit to South Australian coastal councils in the LGA requesting the State Government review its strategies and management plans for the protection and conservation of Little Penguins.</p> <p>This activity is not currently anticipated in the LGA's work program but can be delivered within existing LGA resources.</p>	Support
7.4	<p>Stamp Duty on Residential Property in South Australia (Barunga West)</p> <p>That the Ordinary General Meeting requests the LGA to call on the South Australian Government to investigate options to exempt or reduce stamp duty taxes on regional residential property purchases to incentivise regional migration and increase regional residential demand, including from first home buyers.</p>	70	<p>An opportunity exists to also incentivise the demand for regional residential properties and in so doing place added incentives in the market for investors and developers to provide increased regional residential supply.</p> <p>The recommend motion can also be used to investigate demand incentives for first home buyers in regional South Australia.</p> <p>The advocacy included in the item of business is related to advocacy work already undertaken by the LGA Secretariat and can be delivered within existing LGA resources.</p>	

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING

Friday 8 April 2022, 11:00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	LGA Summary position	CEO Recommended Voting Position
8.	Recommendation Reports from the GAROC Committee			
8.1	<p>Review of the Planning Development and Infrastructure Act (Norwood, Payneham & St Peters) and Lack of local representation in the new Planning System, under the Planning, Development and Infrastructure Act 2016 (PDI Act) (Town of Gawler)</p> <ol style="list-style-type: none"> note that the new planning system has resulted in a loss of community voices and local knowledge in its decision-making process; request the LGA to call on the State Government for an independent and comprehensive review of the Planning Development and Infrastructure Act and associated documents with respect to maintaining an effective and defensible democratic process in respect to: <ol style="list-style-type: none"> local participation in planning; local government representation in planning; the protection of local heritage places and historic areas; the preservation of neighbourhood character through consideration of appropriate design principles; and including undertaking an independent review of the Community Engagement Charter; and request the LGA to write to other relevant parties to express concern about the current state of planning in South Australia. 	75	<p>The LGA Secretariat has summarised many of the issues identified by the LGA and councils during the planning reform process and current implementation of the new planning system. This summary titled <i>Opportunities to Improve the Planning System in South Australia</i> has been provided to the Minister for Planning and Local Government and the Opposition Spokesperson for Urban Development and Housing. The issues identified in both Items of Business are addressed in this document.</p> <p>The two particular issues raised by the Town of Gawler:</p> <ol style="list-style-type: none"> <i>Request a review of the current limit of one Elected Member on local Council Assessment Panels, with an aim to include equal numbers of Council Members and Independent Members; and</i> <i>Requests that the current restrictive provisions as to persons who can be appointed as Independent Assessment Panel members be reviewed to increase flexibility for appointments.</i> <p>are also addressed within these recommendations. The LGA has undertaken a significant planning reform program with the role of supporting councils and their communities since the commencement of the reforms initiated by the State Government; this has been supported through the Local Government Research and Development Scheme (LGR&DS), including GAROC and SAROC Annual Business Plans.</p> <p>The LGA Secretariat will be seeking further support through the LGR&DS in 2022/2023 to support ongoing activities in this area.</p>	Support

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING

Friday 8 April 2022, 11:00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	LGA Summary position	CEO Recommended Voting Position
8.2	Rough Sleeper/Homelessness Initiative (Town of Gawler) That the Ordinary General Meeting requests the LGA to: <ol style="list-style-type: none"> support and actively advocate for the provision of lockers in appropriate locations across all South Australian Local Government areas. Lockers to be made available via participating charity services, issued to people living rough or experiencing homelessness to store their belongings in a safe and dignified way; ensure support for people in these situations is collectively encouraged across the entire local government sector in South Australia on an ongoing basis, and request the LGA be represented within the current governance structure of the SA Alliance to End Homelessness; and support the formation and work of the SA Alliance to End Homelessness, including by committing to the principles contained in the Memorandum of Understanding by signing the MOU between the Institute of Global Homelessness and South Australian stakeholders (including the State Government). 	84	The advocacy work included in this proposed item of business is related to advocacy work already undertaken in the LGA Secretariat and can be delivered within existing LGA resources.	Support
8.3	Inclusion of Email Addresses in the Voters Roll (Adelaide) That the Ordinary General Meeting requests the LGA to lobby the Minister for Local Government to propose an amendment to the Local Government Elections Act 1999 to make it a requirement that, when a person, body corporate or group is submitting an application for enrolment in respect of an area or ward in accordance with the Act, an email address must also be provided for inclusion on the voters roll.	96	The activity in the City of Adelaide's proposed item of business will require significant staff resources, and potential legal advice, that is not currently anticipated in the LGA budget.	Not support

DRAFT VOTING GUIDANCE FOR LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING

Friday 8 April 2022, 11:00am, Adelaide Entertainment Centre

Item No	Item Description	Agenda Page No	LGA Summary position	CEO Recommended Voting Position
9.	Recommendation Reports from the LGA Board of Directors			
9.1	<p>Review of Local Government Disaster Recovery Assistance Arrangements (LGA Secretariat)</p> <p>That the Ordinary General Meeting requests that the LGA advocates that the State Government undertakes an urgent review of the Local Government Disaster Recovery Assistance Arrangements (LGDRRA) with a focus on:</p> <ol style="list-style-type: none"> 1. Making the LGDRRA simpler and more definitive in terms of the support that will be provided to councils in the event of a natural disaster; 2. Significantly reducing the current thresholds for cost reimbursement to levels consistent with other State jurisdictions; 3. Ensuring that the significant internal costs borne by councils during and after a natural disaster are acknowledged and can be recovered in the funding frameworks; 4. Providing clarity on the eligibility of both the short-term and long-term costs relating to the clean-up of damaged verge trees and road clearance; and 5. Further clarity on the ability to recover direct counter disaster operations costs from Control Agencies and the merits of removing this ability so that the LGDRRA can be an all-encompassing funding framework. 	102	This activity is not currently anticipated in the LGA's work program, but can be delivered within existing LGA resources.	Support