



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**20 FEBRUARY 2023 AT THE CONCLUSION OF FINANCE AND CORPORATE
SERVICES COMMITTEE**

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

MEMBERS

Cr P Jensen (Chairman)
Mayor Gillian Aldridge (ex officio)
Cr L Brug
Cr S Burner
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig

APOLOGIES

An apology has been received from Cr D Hood.

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 23 January 2023.

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee 7

For Decision

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QUESTIONS ON NOTICE

MOTIONS ON NOTICE

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice and CEO Update)

CLOSE



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

23 JANUARY 2023

MEMBERS PRESENT

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr L Brug
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Ms M English
Personal Assistant – Executive Office, Mrs M Healy

The meeting commenced at 8.28 pm.

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

APOLOGIES

Nil

NOT PRESENT

Cr S Burner

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Cr S McKell

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

CARRIED
UNANIMOUSLY

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY

For Decision

3.1.1 Accredited Professionals Notification Policy

Moved Cr L Brug
Seconded Mayor G Aldridge

That Council:

1. Adopts the *Accredited Professionals Notification Policy* (Attachment 1, Governance and Compliance Committee Agenda 23 January 2023 Item 3.1.1).

CARRIED
UNANIMOUSLY

3.1.2 Caretaker Policy

Moved Cr K Grenfell
Seconded Mayor G Aldridge

That Council:

1. Defers this item to allow for the creation of a working party which includes the Chair of Governance and Compliance Committee, the Mayor, Cr Grenfell and appropriate administration staff to give further consideration to this policy.

CARRIED
UNANIMOUSLY

3.1.3 Mosquito Control Program Funding

Pursuant to section 75 of the Local Government Act 1999, Cr P Jensen declared a material conflict of interest on the basis of his employment. Cr P Jensen will deal with the conflict by vacating the meeting room for this item.

Cr P Jensen left the meeting at 8:35 pm. Cr D Hood assumed the Chair.

Moved Cr S McKell

Seconded Mayor G Aldridge

That Council:

1. Authorises the CEO or delegate to write to the Minister for Health and all local State Members of Parliament to:
 - a. acknowledge the support provided to Council and the recent increased funding for the local mosquito control measures.
 - b. advocate for ongoing and increased mosquito control program funding for local Council's due to increased mosquito activity associated with climate change and significant rainfall from climate conditions created by La Niña weather events.
 - c. advocate for a regional approach to the coordination of mosquito control activities and a feasibility study on the aerial application of larvicides covering crown lands, saltmarsh and samphire environments spanning the Cities of Port Adelaide Enfield, Salisbury and Playford.
2. Authorises the CEO or delegate to write to the Mayor and CEO from both the City of Playford and the City of Port Adelaide Enfield to seek support for a joint submission to the Minister for Health to advocate for the Department of Health to:
 - a. coordinate regional mosquito control activities to ensure Councils affected by, and in proximity to coastal crown lands and saltmarsh and samphire environments are addressing mosquitoes in a coordinated manner and undertaking effective mosquito control programs to address their local breeding areas.
 - b. commit to a feasibility study exploring the aerial application of larvicides to cover a broader area of crown lands and saltmarsh and samphire environments spanning from the City of Port Adelaide Enfield, City of Salisbury and extending north to the City of Playford to address the nuisance and public health risk from salt marsh species, and if feasible, commit to implementing the extended annual aerial larviciding program.
3. Notes that a budget review to increase budget allocations for the 2022/23 control program will be presented in the third quarter budget review.

CARRIED
UNANIMOUSLY

Cr P Jensen returned to the meeting at 8:42 pm and resumed the Chair.

QUESTIONS ON NOTICE

Nil

MOTIONS ON NOTICE

Nil

OTHER BUSINESS

Nil

The meeting closed at 8.42 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 February 2023
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Hayley Berrisford, PA to General Manager Business Excellence, Business Excellence
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance 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

That Council:

1. Notes the report.

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 Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
27/06/2022 3.2.1	Community Compliance Resources 2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community. Due: November 2023	John Darzanos
22/08/2022 MON1	Motion on Notice: Elected Member Communication Process and Protocols That Administration bring back to the Governance and Compliance Committee a report that details the current communication process and protocols to ensure Elected Members are aware of: a. significant Council infrastructure projects and initiatives. b. development our for public consultation within the City of Salisbury. c. Council public consultation initiatives. d. community events within the City of Salisbury. e. City of Salisbury media notifications Due: March 2023	Julie Kushnir
19/12/2022 GB8	Revocation of Community Land Classification Costa Court Reserve, Salisbury Plain 3. Notes that a further report will be presented to Council for consideration of any objections. Due: April 2023	Emma Robinson
19/12/2023 MON3	Motion on Notice: Mosquito Control Program Funding 2. bring a report back to the appropriate committee within 3 months considering opportunities for Council to investigate ongoing and increased mosquito control program investment, particularly in Globe Derby Park and St Kilda areas due to increased mosquito activity associated with significant rainfall associated with La Nina Due: March 2023	John Darzanos

31/01/2023 GB2 Due:	Local Government Association Ordinary General Meeting April 2023 3. Requests for the Manager Governance to provide a report to the Governance and Compliance Committee on the motions put forward May 2023 following OGM meeting in April	Rudi Deco
31/07/2023 P&P-MON2 Due:	Motion on Notice: Smart City Technology 2. Requests the Administration to develop a community communication plan for Council consideration to explain the extent and application of Smart City Technology across the City of Salisbury council area, in recognition that recent material posted on social media and has been letterboxed to residents' homes, may be regarded as misleading or incorrect. To be tabled at February Council meeting	Charles Mansueto
31/01/2023 3.1.2 Due:	Caretaker Policy 1. Defer this item to allow for the creation of a working party which includes the Chair of Governance and Compliance Committee, the Mayor, Cr Grenfell and appropriate administration staff to give further consideration to this policy. March 2023	Joy O'Keefe-Craig

4. CONCLUSION / PROPOSAL

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

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ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 February 2023
HEADING	2023 National General Assembly of Local Government, Canberra - Call for Motions
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 National General Assembly (NGA) of Local Government will take place in Canberra from 13 to 16 June 2023. Motions are currently being called for the NGA and submissions close Friday 24 March 2023.

RECOMMENDATION

That Council:

1. Notes that motions are being called for submission by 24 March 2023 for the National General Assembly of Local Government being held in Canberra from 13 to 16 June 2023 and that a voting delegate is to be appointed by Council should a motion be submitted.

ATTACHMENTS

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

1. 2023 National General Assembly - Call for Motions Discussion Paper

1. BACKGROUND

- 1.1 The Australian Local Government Association (ALGA) is the national peak advocacy body for local government.
- 1.2 Established in 1947, ALGA's mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.
- 1.3 ALGA's work includes, but is not limited to the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local councils.
- 1.4 The National General Assembly (NGA) of Local Government will be held 13 to 16 June 2023 at the National Convention Centre, Canberra.
- 1.5 The theme of the 2023 NGA is 'Our Communities, Our Future'.
- 1.6 The Australian Local Government Association (ALGA) Board is currently calling for motions from councils.

- 1.7 Motions must be relevant to the work of local government nationally and must complement or build on the policy objectives of state and territory associations.
- 1.8 The deadline for submitting motions to the NGA is **Friday 24 March 2023**.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Chief Executive Officer and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 The 2023 National General Assembly (NGA) of Local Government is an opportunity for individual councils to identify matters of national relevance to the sector and for these matters to be considered by ALGA as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

Submission of Motions for Debate

- 3.2 The ALGA Board is calling for motions for the NGA under the theme of ‘Our Communities, Our Future’.
- 3.3 A motion should either:
 - 3.3.1 Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
 - 3.3.2 Propose new program ideas that would help the local government sector to deliver national objectives.
- 3.4 Motions should be concise, practical and able to be implemented.

Criteria for Motions

- 3.5 To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
 - 3.5.1 Be relevant to the work of local government nationally.
 - 3.5.2 Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
 - 3.5.3 Be consistent with the themes of the NGA.
 - 3.5.4 Complement or build on the policy objectives of ALGA and your state or territory local government association.
 - 3.5.5 Be submitted by a council which is a financial member of their state or territory local government association.
 - 3.5.6 Propose a clear action and outcome ie call on the Australian Government to act on something.

- 3.5.7 Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
- 3.5.8 Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
- 3.5.9 Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- 3.5.10 Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.
- 3.6 The ALGA Secretariat has prepared the attached discussion paper to help in identifying motions that address the theme of the NGA this year.
- 3.7 This year's call for motions focusses on eight priority areas:
 - 3.7.1 Productivity;
 - 3.7.2 Local Government Infrastructure;
 - 3.7.3 Community Wellbeing;
 - 3.7.4 Local Government Workforce;
 - 3.7.5 Data, Digital Technology and Cyber Security;
 - 3.7.6 Climate Change and Renewable Energy;
 - 3.7.7 Natural Disasters; and
 - 3.7.8 Housing.
- 3.8 Once all motions have been received, they are reviewed by the ALGA Board's NGA Sub Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub Committee considers the importance and relevance of the issue to local government.
- 3.9 Councils submit motions directly to ALGA. When ALGA collates the proposed motions, they will seek additional background material from state associations if required.
- 3.10 It should be noted that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.
- 3.11 Motions must commence with the following wording:
This National General Assembly calls on the Australian Government to
- 3.12 Motions that are accepted and placed on the Agenda for the NGA will be debated throughout the assembly.

- 3.13 There is an expectation that any council that submits a motion will be present at the NGA to move and speak to the motion.

Attendance at Assembly and Voting Delegate

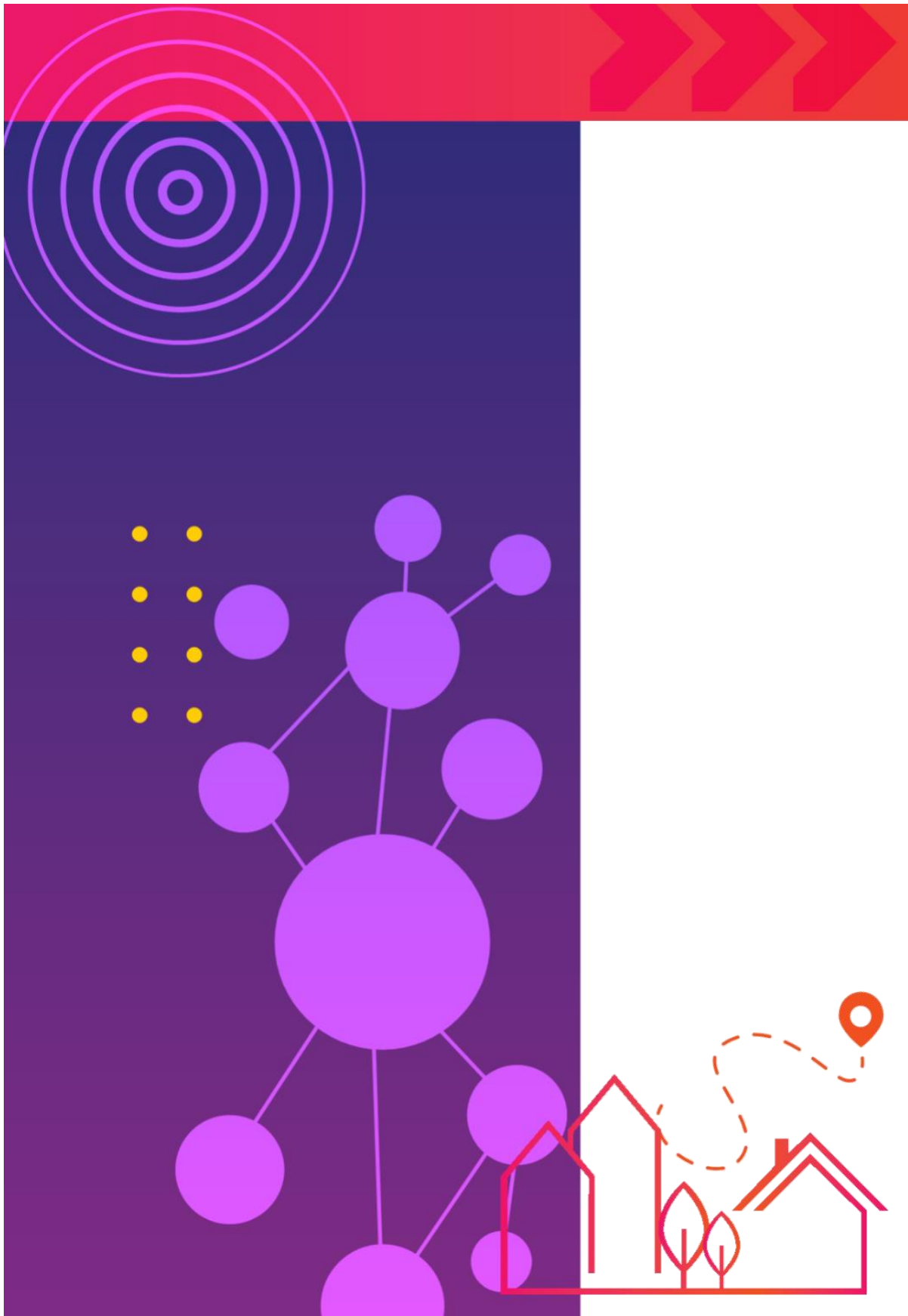
- 3.14 A provisional program is yet to be released. When this is available, it will be distributed to Elected Members.
- 3.15 Should Council resolve to submit a motion to the NGA, there is an expectation Council will register a delegate to move and speak to the motion.

4. CONCLUSION / PROPOSAL

- 4.1 Council is asked to determine if there are any issues that warrant a motion being submitted to the 2023 NGA of Local Government, being held in Canberra 13 to 16 June 2023.
- 4.2 Should Council resolve to submit a motion, council should also consider who will be registered to attend the NGA (in person or online) to represent Council.



Item 3.1.1 - Attachment 1 - 2023 National General Assembly - Call for Motions Discussion Paper



Item 3.1.1 - Attachment 1 - 2023 National General Assembly - Call for Motions Discussion Paper



The Australian Local Government Association (ALGA) is pleased to convene the 29th National General Assembly of Local Government (NGA), to be held in Canberra mid June 2023.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2023 NGA.

It is recommended that all councils and delegates intending to attend this event familiarise themselves with the guidelines for motions contained in this paper.

Key Dates

December 2022 Opening of Call for Motions	24 March 2023 Acceptance of Motions	June 2023 * Regional Cooperation & Development Forum	June 2023 * National General Assembly
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* Dates are subject to change depending on timing of Australian Council of Local Government

**To submit your motion,
visit: alga.com.au**



Background to ALGA and the NGA

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations.

Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level.

The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia’s councils and communities.

Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs.

At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

Changes for 2023

The ALGA Board has undertaken a comprehensive review of the motions process.

As a result, ALGA has allocated additional time for debate on motions at the 2023 NGA and amended the criteria with a view to improving the quality and relevance of motions included in the Business Papers.

The updated criteria for motions is listed on page 6.

ALGA’s policies and priorities will continue to be informed by motions and determined by the ALGA Board and based on the positions of its member associations.

ALGA’s Board thanks all councils for attending the NGA, and those that will take the time to submit motions for debate at this event.





Submitting Motions

The theme of the 2023 NGA: Our Communities, Our Future.

This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

This discussion paper is a call for councils to submit motions for debate at the 2023 NGA, to be held in Canberra mid June 2023.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented.

They must also meet the guidelines for motions outlined in this paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s should address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available at www.alga.com.au and be received no later than 11:59pm on Friday 24 March 2023.

All notices of motions will be reviewed by the NGA Subcommittee to ensure that they meet the criteria included in this paper.

The Subcommittee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the convener of the NGA, the ALGA Board will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

If your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 NGA.



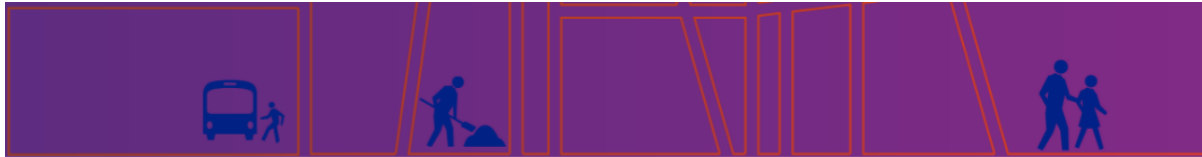
Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...



Other things to consider

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal.

The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

Motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed, relatively simple and capable of being implemented to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Multi-point motions that require cross portfolio coordination have not historically received meaningful responses from the Government.

All motions submitted will be reviewed by the NGA Subcommittee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Subcommittee will consider the motions criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the Subcommittee will group motions together under an overarching strategic motion.

The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate on motions published in the Business Papers and will focus on the strategic motions.

Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.com.au.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

> **Motions should be received no later than 11:59pm on Friday 24 March 2023.**



Setting the scene

'Through a devastating pandemic, through a succession of dangerous and damaging natural disasters, through global uncertainty and painful price rises – The Australian people have demonstrated the best of our national character. Resolute and resilient in hard times. Practical and pragmatic about the challenges we confront. Optimistic and confident in a better future. And ready to work together to build it.'

The Hon Jim Chalmer MP, Federal Treasurer Budget Speech 2022-23

The opening statement of the Federal Treasurer's first Budget Speech describes the backdrop against which the 2023 NGA will be held.

The 2022 NGA was held just weeks after the change in the Federal Government on 21 May 2022. On 25 October 2022, the new Government handed down its first Budget which updated the economic outlook, realigned priorities and outlined how the Government was to meet its election promises.

The Budget update foreshadows deteriorating economic conditions, citing global challenges, slowing growth, high inflation and higher interest rates, and acknowledges the mounting cost of living pressures on individuals, families and communities.

Key updates include:

- The economy is expected to grow solidly this financial year, by 3 ¼ percent – before slowing to 1 ½ percent growth for 2023/24, a full percentage point lower than what was forecast in March;
- That slowing growth will have an effect on employment, but jobs will continue to be created, and unemployment is expected to stay low by historical standards – at 4 ½ percent in 2023/24 and 2024/25;
- Inflation is expected to peak at 7 ¾ percent late in 2022, before moderating over time to 3 ½ percent through 2023/24, and returning to the Reserve Bank's target range in 2024/25; and that
- When that inflation moderates, real wages are expected to start growing again in 2024.



The Government is also committed to repairing the Budget in a 'measured and responsible' manner consistent with the objective of maintaining full employment and the delivery of essential services. It foreshadows that this will be achieved through spending restraint, with new spending focused on high-quality and targeted investments and building on the capability of the Australian people, expanding the productive capacity of the economy, and supporting action on climate change.

The Budget also included a focus on measuring and improving community wellbeing.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward.

The 2023 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments' capacity to deliver services and infrastructure to communities across the nation.

This year's call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.





1. Productivity

In February 2022, the then Federal Treasurer asked the Productivity Commission to undertake an inquiry into Australia’s productivity performance and provide recommendations on productivity enhancing reform.

This inquiry was the second of a regular series, undertaken at five-yearly intervals, and recognises that productivity growth is vital for Australia’s future. Drawing on the Intergenerational Report the Treasurer notes that ‘... future growth in income and living standards will be driven from productivity growth as the participation effects of young migration are offset by an ageing population.’

ALGA engaged SGS Economics and Planning to undertake research to support its submissions to this inquiry.

SGS Principal and Partner Dr Marcus Spiller presented on some of the findings of this research at the 2022 NGA. In his presentation he identified that local governments generate local economic activity through employment, payment of wages and expenditure on goods and services in the local economy. In addition, SGS identified nine ways local government supports the productive capacity of the broader economy.

Figure 1 – Nine ways local governments contribute to the productive capacity of the broader economy



Sources: Adapted from SGS Research for ALGA’s Submission to Productivity Commission (2022)

Are there programs and initiatives that the Commonwealth Government could implement to improve local government’s capacity to support productivity growth?

Are there programs that could support one, or all of the identified ways local government contributes to productivity in the broader economy?



2. Local Government Infrastructure

The 2021 National State of the Assets Report (NSoA) shone a spotlight on local government infrastructure assets. While the technical report shows that local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater and airports and aerodromes are generally in good to very good condition, around 10 percent are not fit for purpose, and around 20 - 25 percent are only fair and over time will need attention.

Over the past 12 months this situation has further deteriorated as a result of natural disasters, and particularly flooding across the eastern seaboard.

The technical report shows that in 2019/20 non-financial infrastructure assets were valued at \$342 billion and were depreciating at \$7.7 billion per year. Replacement costs of these infrastructure assets were in the order of \$533 billion.

While 86 percent of councils have adopted long term financial plans, one third of councils do not have asset management plans for their major assets, or if they do, they are out-of-date. Of the councils that do have asset management plans only 66 percent included financial projections in their financial plan.

Asset management and long-term financial planning are essential tools for councils to manage community assets now and into the future.

Are there programs or initiatives that the Commonwealth Government could adopt to improve the long-term sustainability of council's infrastructure?

Are there programs or initiatives that the Commonwealth Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?





3. Community Wellbeing

While the NSoA focuses attention on physical assets, local governments also provide a wide range of important community services that improve local wellbeing. These services are provided at the discretion of councils based on local characteristics, needs, priorities and resources of the local community.

Australian Bureau of Statistics (ABS) data shows that local government annual expenditure in 2020/21 was \$43 billion. It is important to note that nationally local government is 83 percent self-sufficient. That is, the vast majority of local government services and infrastructure are funded at the local level either through rates, fees and charges, sale of goods and services, and interest, and only 17 percent comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, and often require matching funding which restricts the ability to address local priorities in the way the council and community might like.

Local government community services are broadly defined and may include but not limited to:

- environmental health including food safety;
- childcare, early childhood education;
- aged care, senior citizens;
- services to the disabled;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, program and festivals;
- tourism and economic development activities; and
- library services.

Councils also play a key role making places that are attractive and liveable for current and future workers, and closing the gap between Indigenous and non-Indigenous Australians.

ALGA's research shows that almost one in four councils are heavily reliant on federal Financial Assistance Grants, which make up at least 20 percent of their annual operating revenue. Financial sustainability of local governments remains an ongoing issue which threatens local service provision and community wellbeing.

Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs and initiatives that the Commonwealth Government could implement to improve the delivery of these services?

Are there changes to existing programs, including to administrative arrangements, that would significantly improve local government human service planning and provision of services and infrastructure across Australia?

Are there new programs the Australian Government could develop that would support councils to close the gap between Indigenous and non-Indigenous Australians?

What are the actions the Australian Government could take to support councils to improve their ongoing financial sustainability, and their capacity to deliver the services their communities need?



4. Local Government Workforce

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. In many communities, the council is one of the largest employers.

There are 537 local councils in Australia. Importantly, they are geographically dispersed and provide essential public administration to every corner of the nation.

According to the 2022 National Local Government Workforce Skills and Capability Survey, more than 90 percent of local governments are experiencing skills shortages, resulting in around two thirds of councils having their projects impacted or delayed.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation. The attrition rate (or rate of turnover) of local government staff is estimated to be between 15 – 20 percent per annum.

The most cited skills shortages include engineers, urban planners, building surveyors, environmental officers and human resources professionals.

ALGA's submission to the Productivity Commission's Productivity Inquiry called on all levels of government to work together to improve training pathways and address skills and labour shortages for the benefit of councils, communities, and businesses right across Australia.

While local government must face its immediate workforce challenges, it must also anticipate the changing nature of work, and future skills needed to meet the changing needs of our communities.

Are there programs or initiatives that the Commonwealth Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Commonwealth Government could provide to improve the sector's ability to plan and develop skills fit for the future?



5. Data, Digital Technology and Cyber Security

Provision of information technology to all Australians is vital for innovation, economic growth and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social.

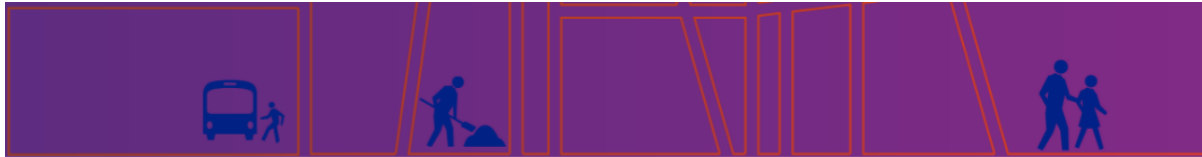
Innovative technology is becoming more broadly available and has the ability to boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, many councils lack basic technological infrastructure and have a shortage of necessary skills and resources.

In October 2022, cyber-attacks on major Australian corporate organisations including Optus and Medibank Private highlighted the critical importance of cyber security. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attack and address cyber security. At a national level, there is a poor understanding of local government's vulnerability to cyber-attacks and a lack or inadequacy of risk management strategies and business continuity planning within the sector. While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your own council experience, and your knowledge of other councils within your state, or territory, are there programs and initiatives that the Commonwealth Government could implement to help local government develop its digital technology services and infrastructure and/or to improve cyber security within the sector?



6. Climate Change and Renewable Energy

Local governments are playing an important leadership role in addressing climate change, supporting a wide range of programs to lower the carbon footprint of their own business operations and in their local communities.

As a sector, local government is leading the debate for lowering carbon emissions, sourcing renewable energy, responding creatively to reduce greenhouse gas emissions from landfills, and facilitating the construction of green buildings and water sensitive design of cities and towns.

Councils also have a role to play supporting communities in transition, moving away from fossil fuels to new industries.

Pragmatically, local government has been at the forefront of addressing the impacts of climate change and adapting to reduce its environmental footprint. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

At the 2022 NGA, there were five Strategic Motions and 15 associated motions debated concerning this issue. Councils are encouraged to review these motions on ALGA's website prior to developing new motions for debate at the 2023 NGA.

Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?





7. Natural Disasters

Over the past five years, Australian communities have experienced unprecedented natural disasters. At the time of writing, almost every community in Australia, particularly those on the East Coast, had been adversely affected by wet weather conditions associated with the La Nina weather pattern.

Councils in Western Australia are still recovering from a cyclone in 2021, and the Black Summer bushfires in 2019/20 burned approximately 250,000 square kilometres across the country.

The impacts of heavy rainfall, record breaking floods and associated social disruption and damage to infrastructure have exposed weaknesses as well as the strength of current emergency management systems.

There have been numerous NGA motions in the past regarding natural disasters. This year, councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note, however, that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Commonwealth Government could assist.

What new programs could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?





8. Housing

A lack of affordable housing remains one of the biggest issues for Australian councils and communities.

There is less social and affordable housing stock available than there was a decade ago, and more low-income Australians are experiencing housing stress.

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities.

This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector.

While the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements.

Some councils are going further, addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Local government also plays an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?





Conclusion

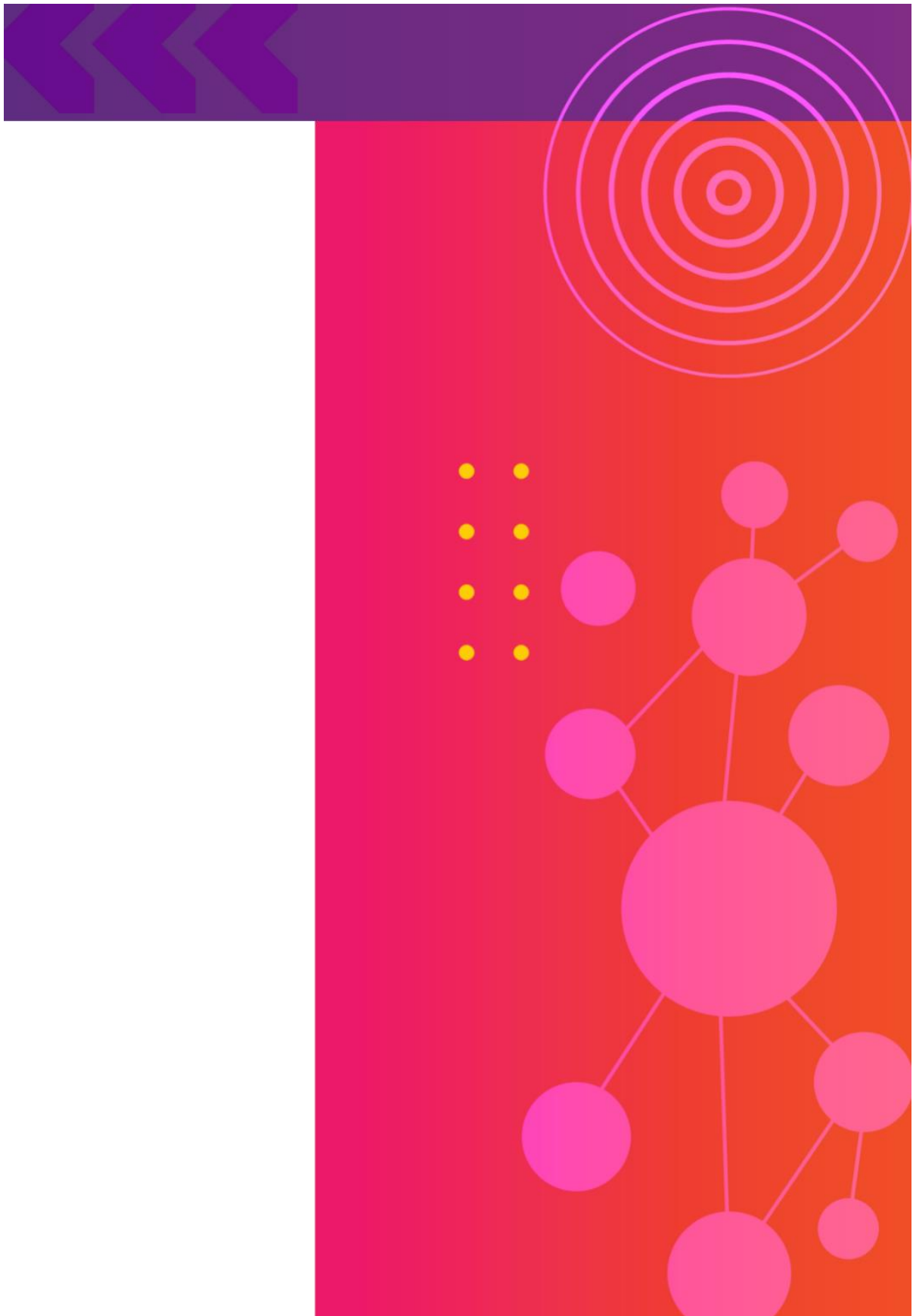
Thank you for taking the time to read this discussion paper and your support for the 2023 National General Assembly of Local Government.

A FINAL REMINDER:

- » Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 24 March 2023.
- » Motions must meet the criteria published in this paper.
- » Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- » Motions should not be prescriptive in directing how the matter should be pursued
- » Motions should be practical, focussed and relatively simple.
- » It is important to complete the background section on the form.
- » Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- » When your council submits a motion there is an expectation that a council representative will be present at the 2023 National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 National General Assembly in Canberra.





Item 3.1.1 - Attachment 1 - 2023 National General Assembly - Call for Motions Discussion Paper



**AUSTRALIAN
LOCAL GOVERNMENT
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Item 3.1.1 - Attachment 1 - 2023 National General Assembly - Call for Motions Discussion Paper

ITEM

3.1.2

GOVERNANCE AND COMPLIANCE COMMITTEE**DATE**

20 February 2023

PREV REFS

Council	NOM4	23/10/2017
Resources and Governance Committee	3.3.2	18/01/2016
Resources and Governance Committee	3.3.1	16/09/2019
Resources and Governance Committee	3.3.1	19/02/2018
Resources and Governance Committee	3.3.1	15/07/2019
Governance and Compliance Committee	3.1.2	14/12/2020

HEADING

Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

AUTHOR

John Darzanos, Manager Environmental Health & Community Compliance, City Development

CITY PLAN LINKS

1.1 Our City is attractive and well maintained
 1.2 The health and wellbeing of our community is a priority
 4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY

The *Local Nuisance and Litter Control Act 2016*, (the *LNLC Act*) was introduced to provide the legislative tools for local government to address local nuisances and littering. The *LNLC Act* includes provisions for the management of a wide range of local nuisance complaints and for littering and illegal dumping based on the type of litter. The Environment Protection Authority (EPA) commenced a review of the *LNLC Act* in order to identify any opportunities to improve this legislation and to ensure it was allowing councils to deliver on the legislative objectives. This report provides an overview of the proposed legislative amendments and draft submission on the proposed reforms for Council consideration and approval, so they may be included in the consultation feedback to the EPA before the required submission date on 28 February 2023.

RECOMMENDATION

That Council:

1. Notes the information contained in this report.
2. Approves the *Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments* to be lodged with the Environment Protection Authority as contained in Attachment 3 Governance and Compliance Committee, 20 February 2023. Item No 3.1.2).

ATTACHMENTS

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

1. Type of Local Nuisance or Littering Customer Requests Received
2. Local Nuisance or Littering Control Act 2016 Reforms Explanatory Report 2022
3. Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

1. BACKGROUND

- 1.1 The *Local Nuisance and Litter Control Act 2016 (the LNLC Act)* is administered by local government and since July 2018 it has provided a modern legislative scheme in South Australia which provides for an effective and consistent local service for the management of nuisance complaints, littering and illegal dumping affecting our community.
- 1.2 The *LNLC Act* objectives are to:
 - protect individuals and communities from local nuisance
 - prevent littering
 - improve the amenity value of local areas
 - promote the creation and maintenance of a clean and healthy environment.
- 1.3 The following functions are conferred on a council by the Act:
 - to take action to manage local nuisance and littering within its area
 - to cooperate with any other person or body involved in the administration of the Act
 - to provide, or support the provision of, educational information within its area to help detect, prevent and manage local nuisance and littering
 - such other functions as are assigned to the council by the Act.
- 1.4 The range of activities that are addressed by the Act are broad and provide the community with opportunities to address litter and nuisance concerns that are impacting them.
- 1.5 The local nuisance provisions covered by the legislation include environmental nuisances (e.g. smoke, offensive odours, noise), insanitary conditions (e.g. vermin harbourage and emission of offensive materials or odours) as well as more general amenity nuisances (e.g. unsightly premises such as accumulation of household wastes or materials on properties).

- 1.6 A summary of the number and type of litter and nuisance customer request types received by the City of Salisbury is included in *Attachment 1 - Type of Local Nuisance or Littering Customer Requests Received*.
- 1.7 Many of these litter and local nuisance concerns were previously addressed using the *Environment Protection Act 1993 (EP Act)*, *Local Government Act 1999* or the *South Australian Public Health Act 2011*.
- 1.8 Since the commencement of the local nuisance elements in the *LNLC Act* there have been various issues raised by councils and the public and the legislative amendments seek to address these.
- 1.9 The EPA commenced a review of the legislation to identify opportunities for improvement and to ensure the legislation was allowing councils to deliver on their objectives as well as to address a number of administrative concerns and newly identified local nuisances and littering (e.g. abandoned trolleys and light).
- 1.10 Abandoned trolleys have been a long-term local concern to residents and this issue has been previously raised by Council. Previous resolutions relating to trolley dumping and management were first raised at a Council meeting on 23 October 2017 where Council resolved that staff:
 1. bring back a report on what options are available for Council to collect shopping trolleys and recoup costs from major retailers for dumped trolleys.
 2. advise what options are available for issuing fines for dumping trolleys.
- 1.11 The previous reports relating to trolleys have been referenced under previous report references.
- 1.12 This report presents an overview of the main legislative amendments and presents a draft submission for Council consideration and approval to be provided to the EPA as part of the feedback sought on the legislative reform. Due to the closing date for feedback, the submission must be lodged by 28 February 2023.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Development Services, City Development,
- 2.1.2 Community Compliance, City Development
- 2.1.3 Environmental Health, City Development

2.2 External

- 2.2.1 Local Nuisance and Litter Control Working Group, Local Government Association

3. REPORT

- 3.1 In October 2022 the EPA released the *LNLC Act Explanatory Report for Reforms* document that set out the proposed legislative amendments for the *LNLC Act*. A copy of this document is provided for reference in *Attachment 2 - LNLC Act Explanatory Report*.
- 3.2 The draft Bill to amend the *LNLC Act* and other consequential acts covers a range of areas including variation regulations.

- 3.3 A draft submission and response to these legislative amendments has been prepared for Council consideration and is provided as *Attachment 3 - Draft Submission on the LNLC Act 2016 Proposed Legislative Amendments*. The table format provides administrative comment on each amendment and a recommendation to support, or otherwise. The administration is supportive of the majority of the amendments as indicated in the attached draft submission.
- 3.4 The legislative amendments cover five areas which are summarised below.
- 3.4.1 General amendments including:
- Waste collection vehicle noise from private land included as a nuisance
 - Exemptions from the *LNLC Act* for causing local nuisance for urgent infrastructures or construction works
 - Allowing councils to clean up and recover costs after the cleanup if a hazard exists and the person responsible is unknown
 - Preventing bill posting on cars in car parks, such as leaflets under windscreens
 - Varying expiations for body corporates (companies) vs individual persons.
- 3.4.2 Trolley related amendments, including:
- Trolleys defined as litter
 - Trolley identification
 - Trolley management plans to address abandoned trolleys.
- 3.4.3 Stormwater management systems:
- requiring the cleaning of stormwater cleansing devices such as oil separators installed in car parks and petrol stations, where currently there is no obligation regarding their ongoing maintenance.
- 3.4.4 New provisions:
- Linking abatement notices to the land so new owners are aware of any notices or conditions relating to fixed machinery noise
 - Improved cost recovery and cost reduction by allowing for illegally dumped materials to be considered waste if owners are not identified, reducing the costs to hold and store these materials
 - New offence provision for the incorrect installation of external lights or air conditioners that cause local nuisance.
- 3.4.5 Consequential amendments:
- Liquor Licensing Act and *LNLC Act* amendments to clarify that nuisances related to the service of alcohol are not regulated under the *LNLC Act*.
- 3.5 Further to this there are *variation regulations* that cover the following:
- 3.5.1 Light as an agent of local nuisance will be added to the regulations and included in the definition of local nuisance with a range of exemptions.

3.5.2 Clause 5 of Schedule 1 amendments:

- Construction activities are a local nuisance if conditions of approval under other legislation are not complied with.
- Public infrastructure works defined under the Act and urgent public infrastructure works are exempt and can occur at any time to facilitate repairs and prevent impacts on pedestrians and traffic.
- Delete reference to the *Residential Tenancies Act* to allow the *LNLC Act* to be applied to nuisances in rented properties and applying the same legislative principles that apply to owner occupier properties.
- Dust from unsealed roads declared as not a local nuisance.
- Noise from the refrigerated mechanism on transport vehicles will be considered a local nuisance.

3.5.3 Regulation 4:

- Administrative amendment to link to the Managing Unreasonable Complainant Conduct Practice Manual.

3.6 There are two major areas of change in the proposed amendments that are discussed further in the report. These include abandoned trolleys, due to the significant community concern raised previously, and light as a nuisance, due to the administrative recommendations not to support this proposed amendment.

Abandoned Trolleys

- 3.7 Abandoned shopping trolleys have created concerns for a number of councils including Salisbury with community concerns being raised about the proliferation of trolleys in streets especially in close proximity to shopping precincts. This concern has been raised by Council several times as a result of complaints in particular Mawson Lakes and the Salisbury Town Centre where the two major shopping precincts are located.
- 3.8 Trolleys that are dumped outside of shopping centres constitute litter under the existing *LNLC Act* although the offence applies to the person doing the littering, not the owner of the trolley.
- 3.9 Council officers are rarely present to witness the act of littering and there is little in the *LNLC Act* to resolve the problem effectively. The majority of councils consider the current provisions for the management of abandoned trolleys to be ineffective.
- 3.10 The proposed amendments in the legislation seek to make improvement by the following legislative amendments:
- 3.10.1 ***Shopping trolleys defined as litter*** – shopping trolleys will be included in the definition of litter to avoid any confusion or dispute, even though the item is ultimately owned by a supermarket/retailer.
- 3.10.2 ***Trolley Identification*** - trolleys are to be clearly identified and they must include the trading name of the business and the contact phone number (or QR code) for the reporting of trolleys found outside of the business or associated shopping area (including car park) in order to facilitate collection.

- 3.10.3 **General duty** – this amendment will expand the General duty to prevent or minimise litter to include person carrying on business. This will make a company and or business owner accountable to prevent litter and take all reasonable and practicable measures to prevent litter associated with a business. Failure to comply with the general duty is not an offence however, compliance may be enforced through a litter abatement notice which provides an improved legislative tool to address abandoned trolleys.
- 3.10.4 **Litter abatement notices** - litter abatement notice can be issued to keep a specified area (not exceeding 100m) around business premises free from litter (which currently includes trolleys, but limited due to the general duty not applying to business owners). The proposed amendment will expand this to 1 kilometre to better allow for this section to be used for trolleys as a compliance tool as most trolleys are located within a 1 kilometre radius from a shopping centre.
- 3.10.5 **Trolley management plan to satisfaction of Council** – currently the *LNLC Act* allows for council to require a plan of action for the purpose of preventing the escape of litter from the premises and keeping a specified area around a business litter free.
- 3.10.6 The *LNLC Act* already applies to trolleys and a council can issue a litter abatement notice with the requirement that the retailer provide a plan for improved management of abandoned trolleys. However, the proposed amendments will provide better guidance to local councils on how the existing litter abatement notices can be used for managing trolley abandonment.
- 3.10.7 The proposed amendments provide councils with further powers to require businesses to implement strategies to reduce excessive trolley abandonment or for the collection of abandoned trolleys where there is a significant issue of trolley abandonment.
- 3.10.8 A plan for abandoned trolleys (shopping trolley management requirements) produced to the satisfaction of the council may include:
- name and contact details of person responsible for trolley management
 - list of contacts for stores in the local government area
 - trolley collection services to be sufficiently resourced to enable collection within 72 hours or as otherwise agreed with the council.
 - trolleys reported as posing significant risk or nuisance are collected immediately upon notification
 - maintain records of all trolleys reported and collected
 - inform customers that trolleys should not be removed from the premises or abandoned, and penalties apply
 - including indoor and outdoor signage
 - provision of suitable, well-signed trolley bays
 - providing council an up-to-date map showing trolley collection routes and schedules

- 3.10.9 The amendments are intended as a middle ground between feedback from industry and local government, and provides for a structured understanding and dialogue between the councils and retailers.
- 3.11 These amendments are not designed to unfairly burden or apply unnecessary costs on retailers that manage their trolleys well or do not experience trolley abandonment. The notices will be issued on an individual basis by local councils where there is an issue of trolley abandonment.
- 3.12 The list of amendments provides a reasonable legislative tool that enables Council to work with local retailers to address localised concerns and issues and implement tailored and individual controls that meet the needs of a local area and shopping precinct, and this amendment is supported by the administration.

Light as an agent of local nuisance

- 3.13 Light was included in the definition of local nuisance when the initial draft Bill was first consulted on in 2015, but removed due to feedback from councils that the definition of light in the Bill was too broad.
- 3.14 The Environmental Defenders Office noted in the recent consultation period that ‘given every other sensory nuisance is included it seems prudent to include light considering its ability to interfere with enjoyment of land.’
- 3.15 The amendments propose to include light as an agent of local nuisance. The addition of light as an agent of local nuisance is proposed to come with a number of exclusions to avoid an increase in responsibility for regulators (councils). Only issues of light nuisance that may reasonably be resolved are to remain as a result of the various proposed exclusions.
- 3.16 Light is proposed to be declared an agent of local nuisance and is defined as:
- 3.16.1 *light emitted from a place, if an authorised officer forms the opinion that—*
- the light has travelled from the place at which it was generated to neighbouring premises; and*
- the nature, intensity, colour, location, direction or extent of light is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises;*
- 3.17 The following light sources in Schedule 1 are excluded:
- public street lighting
 - public infrastructure works
 - airports, harbours, vehicles
 - railway premises, bus stations and depots
 - public transport operating centres and facilities
 - goods vehicles operating and transport centres
 - traffic control devices and navigational aids
 - premises or facilities used by an emergency services organisation
 - correctional institutions
 - premises or facilities of an arm of the Australian Defence Forces (including training areas)

- lights required for the reasonable and safe operation of business premises during times when the business is operating where reasonable efforts have been made to reduce the light impact on neighbouring premises.
 - public lights
 - Christmas light displays
 - natural sources (including the reflection of natural light).
- 3.18 Even with the full range of exclusions, the inclusion of light as a nuisance will potentially place an administrative burden on council resources. It is likely that light nuisances will need to be reviewed and assessed at times that they are causing a nuisance (i.e. after hours).
- 3.19 The extent of complaints currently received by the City of Salisbury regarding light nuisances is low, however with the proliferation of sensor and automated lighting along with brighter LED lighting it is considered that this amendment may result in a large volume of complaints once it is known that the light nuisances are addressed by local government.
- 3.20 Whilst investigations could be partially managed during normal hours the extent of nuisance and light intrusion can only really be assessed after hours when it is occurring. Due to the significant administrative burden it could place on Council for a nuisance that has low environmental and health impacts this amendment is not supported by the administration for inclusion as a local nuisance.
- 3.21 Currently light nuisance or light spillage can be managed under common law where a person may be liable in the tort of nuisance for an unreasonable interference with an occupier's use and enjoyment of their land. This can include nuisance for keeping the occupier under surveillance or by positioning cameras or lights in situations where they interfere with, record, or 'snoop' on the occupier's activities. (Reference: [Existing common law causes of action | ALRC](#)) It is considered that this can provide a reasonable recourse for the limited number of complaints that are received currently.

Other amendments of note:

- 3.22 There are a range of other legislative amendments of note that are supported by the administration that are designed to address drafting errors and improve the administration of the *LNLC Act*.
- 3.23 ***Allowing councils to clean up and recover costs after if a hazard exists*** - The current *LNLC Act* does not prevent councils from urgent clean-up of litter that may be posing an environmental, health or physical hazard, however it does not allow for cost recovery in these circumstances from the alleged offender. The proposed amendment will allow for reasonable cost recovery if the offender is identified at a later stage.
- 3.24 ***Residential Tenancies Act 1995*** - Noise or other nuisance that may be subject to proceedings under the *Community Titles Act 1996*, *Strata Titles Act 1988* or *Residential Tenancies Act 1995* are not currently local nuisance.
- 3.25 The current exemption for local nuisance in tenanted properties is limited to situations where local nuisance can be dealt with under the *Residential Tenancies Act 1995*. However, the remedy provided under this Act may include eviction, which is excessively punitive when compared to the *LNLC Act*.

- 3.26 The *LNLC Act* is proposed to be amended to delete the *Residential Tenancies Act 1995* from this clause such that all local nuisance from tenanted properties fall under the scope of the *LNLC Act*. This will enable Council staff to address nuisances in rented properties and apply the same legislative principles that apply to owner occupier properties, including nuisances from noise, animals and unsightly premises created by the occupants.
- 3.27 ***New offence provision – installation of external lights or air conditioners that cause local nuisance*** - This will require a person who installs air conditioners and lights (if light is included as nuisance) to ensure the installation is not in a location where it is likely to create a nuisance.
- 3.28 This provision ensures installers give due consideration to the location of the installation of the device. The administration is supportive of this amendment provided that it isn't retrospective, and only applicable after the amendments are implemented, and installers and industry have been made aware of their responsibility.

4. CONCLUSION / PROPOSAL

- 4.1 The *LNLC Act* provides a legislative tool that supports the health and wellbeing of our community and ensures our City is attractive and well maintained and allows councils to manage various littering and illegal dumping matters and nuisance issues in their community.
- 4.2 The proposed amendments address several drafting and administrative issues in the legislation and ensures the *LNLC Act* continues to be a useful legislative tool to assist residents and the community when affected by these local nuisance and litter issues.
- 4.3 The significant amendment and inclusion of trolley management is based on previous complaints to councils and calls from the local government sector to amend the *LNLC Act* to include these provisions. This is a positive step in abandoned trolley management that allows for local tailored solutions by enabling local shopping centres and retailers to develop plans of action that meet the needs of their localities and those of councils.
- 4.4 The option to include light nuisances in these amendments is not supported due to the low health impact this type of complaint and the potential for it to be a significant impact on resources due to the need to manage this nuisance after hours. Furthermore, light nuisance or light spillage can be managed under common law.
- 4.5 Overall the proposed amendments are improvements to the legislation and will ensure the *LNLC Act* can be utilised positively to assist with a range of local community concerns.

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City of Salisbury - Type of Local Nuisance or Littering Customer Requests Received

Type of local nuisance or littering customer request received	2021/22	2020/21	2019/20	2018/19	2017/18
Litter Class A – Asbestos (Note: large volumes considered material or serious harm under the <i>Environment Protection Act 1993</i> are investigated by the EPA)	1	1	0	0	0
Litter Class B - Glass/Syringe/lit cigarettes	1	0	1	0	3
Litter General - Litter dumped/thrown/deposited (road side, verge and or on private premises)	517	654	886	1047	928
General Litter - Development Pollution, (dust, mud drag out, and litter from development sites)	42	24	38	30	22
General Litter - Discharge Liquid Waste (roof cleaning run off, pool water back wash)	61	86	64	75	74
Litter Bill Posting (posters and flyers in public areas)	1	1	3	0	2
Nuisance Animal - Mosquitoes Residential	15	18	8	8	12
Nuisance Animals (other e.g. Poultry, Birds, Cats, Bees)	183	183	171	134	146
Nuisance Animals - Vermin/Rats/Mice	107	88	60	59	88
Nuisance Dust	31	28	35	33	27
Nuisance Insanitary Condition (Offensive Material/Odour)	20	17	13	22	22
Nuisance Insanitary Condition (Rodents/Other Pests)	13	12	8	15	14
Nuisance Noise (from domestic premises and activities including fixed or portable machine noise) air conditioning, pool pumps, power tools	95	85	92	91	93
Nuisance Noise Environmental Health S17(1)(a) LNLC – noise from non-domestic premises, (commercial / industrial) affecting domestic premises	8	11	8	8	0
Nuisance Odours/Fumes/Aerosols – from non-domestic premises	56	37	45	44	30
Nuisance Projection Image onto Property	1	1	0	0	1
Nuisance Smoke (backyard cooking or burning)	31	32	39	21	25
Nuisance Smoke - Combustion Heaters	18	22	39	29	29
Nuisance Unightly Condition - Graffiti	6	4	7	6	2

Nuisance Unightly - Disused/Derelict Items/Material	30	39	42	72	53
Nuisance Unightly - Excessive Vegetation (non-fire danger season)	23	87	66	66	76
Nuisance Unightly - Rubbish / Waste Excessive / Unconstrained	118	122	109	98	91
Nuisance Vibration	0	1	1	1	0
Totals	1378	1553	1735	1859	1738



Local Nuisance and Litter Control Act 2016

Explanatory report for reforms

Local Nuisance and Litter Control Act 2016 reforms – Explanatory report

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Abbreviations

EPA	South Australian Environment Protection Authority
EP Act	<i>Environment Protection Act 1993</i>
LGA	Local Government Association
LL Act	<i>Liquor Licensing Act 1997</i>
LNLC Act	<i>Local Nuisance and Litter Control Act 2016</i>
SA	South Australia

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1 Introduction

The *Local Nuisance and Litter Control Act 2016* is administered by local government and provides the community with an effective and consistent local service for the management of nuisance complaints and heightened deterrence for littering and illegal dumping.

The LNLC Act provides a modern legislative scheme for litter control in South Australia including:

- tiered offences depending on the type of litter (small versus large quantities, dangerous and hazardous litter)
- improvements in the use of surveillance for evidence gathering in the case of illegal dumping (linking an offence to the registered owner of a vehicle)
- allowing non-government organisations to undertake compliance activities (subject to approval)
- for public reporting of littering and illegal dumping.

1.1 Purpose of the Act

The objects of the LNLC Act are to:

- protect individual and communities from local nuisance
- prevent littering; improve the amenity value of local areas
- promote the creation and maintenance of a clean and healthy environment.

1.2 Why is the Act being reviewed

The EPA commenced review of the legislation in August 2018 (after a full year of being in operation) to identify any opportunities to improve the legislation and ensure the legislation was allowing councils to deliver its objectives.

1.3 Consultation process to date

A discussion paper was completed in collaboration with the Local Government Association (LGA), and was released in July 2019 with a three-month consultation period. The consultation program included a public meeting held in Adelaide and a meeting with local government representatives hosted by the LGA. The consultation was advertised in *The Advertiser* and there was coverage through local media and talkback radio.

A total of 47 submissions were received and the consultation report was published on the EPA website in February 2021¹.

¹ https://www.epa.sa.gov.au/files/14821_lnlc_act_consultation_2019.pdf

2 Draft bill to amend the LNLC Act and other consequential acts

2.1 General amendments

2.1.1 Waste collection vehicles – application beyond roads and road related areas

The LNLC Act is designed so that the majority of activities licensed by the EPA are excluded as these are already regulated under the EP Act. The exceptions are activities associated with a vehicle, such as earthworks drainage, dredging and waste transport.

There are two reasons for the exceptions.

- 1 Litter from earthworks drainage, dredging and waste transport vehicles are better dealt with under the provisions of the LNLC Act. Excluding these vehicles from the LNLC Act would make the operation of public litter reporting more difficult as checks would need to be made against a frequently updated list of vehicle registrations associated with EPA licences.
- 2 The appropriate reporting of other forms of nuisance from these activities, particularly noise. The neighbours of an EPA licensed site would generally report directly to the EPA as they know the site is licensed. However, a person who wishes to report nuisance from a mobile activity is unlikely to know that the activity is licensed by the EPA and would not report to them. This person should have confidence that their local council can deal with all mobile activities, whether EPA licensed or not.

The wording of the current exclusion is limited to 'roads and road-related areas' as defined in the *Road Traffic Act 1961*:

- **road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles
- **road-related area** means any of the following:
 - an area that divides a road
 - a footpath or nature strip adjacent to a road
 - an area that is not a road and that is open to the public and designated for use by cyclists or animals
 - any public place that is not a road and on which a vehicle may be driven, whether or not it is lawful to drive a vehicle there.

The way the exclusion is written means that in the case of waste transport vehicles the LNLC Act generally applies to nuisance generated by them **except** when operating on private property that is not accessible to the public.

There does not appear to be any policy reason as to why nuisance from waste vehicles when they are operating on private property should be treated differently than any other circumstance.

Section 5(5) of the LNLC Act is proposed to be amended to separate activities of category A and B waste transport businesses from dredging and earthworks drainage activities. The LNLC Act will still apply to these activities. The amendment will allow for the LNLC Act to specifically apply to the activities of waste transport business when operating on private property.

2.1.2 Exemptions from the LNLC Act for causing local nuisance

Under section 19 persons creating nuisance may apply for an exemption from the LNLC Act. The current process for applying for this exemption includes submitting a site nuisance management plan containing the details prescribed by regulation; any other information in connection with the application that the council may require; and a fee of an amount fixed by regulation. This section acknowledges that there are some necessary activities in the community that will cause local nuisance which is largely unavoidable. If granted, the exemption will last for a maximum period of three months. The

person must apply for another exemption using the same process if an activity that causes local nuisance lasts longer than three months .

The amendments proposed for section 19 include:

- Addition of subsection (2a): a provision such that where a council is satisfied that the nuisance will be of a limited nature and is unavoidable the council may waive the requirement for a site nuisance management plan as required by section 19(2)(a).
- Addition of subsection (4a): a provision that allows councils to extend exceptions without the need for a further detailed application.
- Addition of subsection (4b): this provision outlines the criteria for making an application for an extension of declaration.
- Amendment of section 6: removal of 'not exceeding three months' and replacing with: (a) for a period as determined by the council to be reasonable in the circumstances and specified on the declaration, (b) until the declaration is revoked by the council under this section, or (c) if the period of its operation is extended by the council under this section – until the end of that period.
- Addition to section 19(7): insertion of 'or extensions' after variations so that the section reads: 'A council must publish a declaration made under this section, and any variations **or extensions** of the declaration, on a website determined by the council'.

The amendments are to allow councils to manage exemptions with flexibility, so they are better able to meet the needs of their community.

2.1.3 Allowing councils to clean up and recover costs after if a hazard exists

The current LNLC Act does not prevent councils from urgent clean-up of litter that may be posing an environmental, health or physical hazard. However it does not allow for cost recovery in these circumstances from the alleged offender. If the alleged offender is known, a litter abatement notice can be issued to the person that requires, among other things, that they clean the litter up. This notice would also include a timeframe for the clean up to occur. If the notice is not complied with then the council may clean it up and charge the clean-up cost to the person responsible.

In situations where there is material that is littered that causes a hazard, whether a health, environmental or physical hazard, it may be reasonable for the community to expect that the material is cleaned up immediately. This may be carried out by the council even if the alleged offender is unknown.

In this scenario, section 45 of the LNLC Act provides for the court to order costs be paid for such matters **only** where there is a conviction. Section 34 outlines the civil penalty provisions; however they do not provide a specific remedy in this regard as the maximum civil penalty is the maximum penalty for the offence plus an illegally obtained economic benefit. It could be argued that part of the penalty applied could be used to offset the cost of clean-up or alternatively, that the clean-up cost was an avoided cost of economic benefit to the alleged offender and recoverable.

The proposed amendment to the LNLC Act is the insertion of a new section that provides for the recovery of costs of urgent clean-up of litter from public place. This section allows for councils to recover reasonable costs and expenses in situations where they have taken urgent action to clean up litter (that is considered to be a hazard) from the person who disposed of the litter if they are later identified. The costs and expenses may include those reasonably incurred by the council 'in taking samples or in conducting tests, examinations, monitoring or analysis in relating to taking action...'.

Under this section an amount must be paid by the person to the council within the period specified in the notice, being not less than 28 days from the date of the notice. If the amount is not paid within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid. If the amount to council is not paid, the amount may be recovered as debt by the council.

2.1.4 Bill posting – car parks and expiations

Under the LNLC Act a person must not post a bill on property without the consent of the owner or occupier. The Act covers the posting of bills on buildings, cars and other property but is unclear with regard to bill posting occurring on vehicles within a carpark and whether the carpark constitutes property or only the cars that the bills are posted to. This is important as the owner of a carpark may be aggrieved by bill posting on their land but may not have recourse to deal with it under the Act. However, the owner of the carpark will be responsible for removing litter and, if offensive material is being distributed, may suffer reputational damage. The ability to address the bill posting would rest with the owner of the car in the carpark and this may be impractical.

Currently, the Act only provides for a court-imposed penalty for person who authorised the bill posting. Court proceedings are a considerable cost to councils and alleged offenders.

Section 23(5) has been proposed to be amended to insert the definition of property:

property includes, in the case of a vehicle (other than a vessel), the land on which the vehicle is located

This allows the 'consent' element of section 23(1) to extend to either the owner of the vehicle **or** the owner of the land. The intent of this amendment is to allow the owners of carparks to appropriately deal with bill posting on vehicles in their carparks without consideration as to whether the vehicle owner had an issue. This amendment also extends to councils dealing with bill posting with regard to public lands and roads.

Section 23(2) provides the maximum penalties for bill posing on property without consent of the owner or occupier. A person who distributes or authorised the distribution of the bill for posting is guilty of an offence. Currently, the LNLC Act has only provided the maximum penalties. This section has been amended to provide an expiation of \$500 and will not include differential expiations.

2.1.5 Expiations

The deterrence value of expiations will differ depending on the context of their use. There is a limit on how laws can address this matter as even a \$5,000 expiation may be of limited deterrence for a multi-million-dollar project. Feedback received from consultation was that the expiation fee amount of \$500 is not a sufficient deterrent for many local nuisance issues and is seen by some to be the 'cost of doing business' or is simply so small compared to the scale of the nuisance that it has no impact.

Amendments to various sections of the LNLC Act are proposed to provide differentiation for expiations between body corporate and natural persons for the following offences:

- 18(2) – Body corporate \$1,000, an individual \$500
- 20 – Body corporate \$500, an individual \$210
- 22(a) – Body corporate \$2,000, an individual \$1,000
- 22(b) – Body corporate \$1,000, an individual \$500
- 22(c) – Body corporate \$500, an individual \$210
- 24 – Body corporate \$500, an individual \$210
- 30(9) – Body Corporate \$1,000, an individual \$500.

2.2 Trolley related amendments

Trolleys that are dumped outside of shopping centres constitute litter under the LNLC Act although the offence applies to the person doing the littering, not the owner of the trolley. Council officers are rarely present to witness the act of littering and there is little in the Act to resolve the problem effectively. The majority of councils consider the current provisions for the management of abandoned trolleys to be ineffective.

2.2.1 Shopping trolleys as definition of general litter

Section 22(5) is proposed to be amended to include shopping trolleys within the definition on general litter to confirm the current interpretation.

2.2.2 Trolley identification

The LNLC Act has been proposed to be amended to insert a new section 24A – Identification of shopping trolleys. A person who provides shopping trolleys for the use of customers in the course of the business must ensure the shopping trolleys are marked with, or have securely attached to them the following information:

- the trading name of the business; and
- the contact phone number (or QR code) for the reporting of trolleys found outside of the business or associated shopping area (including car park) that facilitates collection.

Failure to put identification on the trolley would result in a maximum penalty of \$5,000 or an expiation of \$210.

2.2.3 General duty

An additional section, 21A – General duty to prevent or minimise litter–person carrying on business, is proposed to be included under Part 4 Division 2 of the LNLC Act that applies to businesses. This section creates a general duty for businesses to take all reasonable and practicable measures to prevent litter associated with a business. This is not limited solely to littering by a business but also litter from patrons such as fast food litter and trolleys.

For the purpose of this section, business includes a business not carried out for profit. Failure to comply with the section does not itself constitute an offence however, compliance may be enforced through a litter abatement notice or taken as a contravention of the LNLC Act for the purpose of section 48 – Recovery of administrative and technical costs associated with contraventions.

2.2.4 Litter abatement notices

Section 30(2)(f)(ii) allows for a litter abatement notice to be issued that imposes a requirement for keeping a specified area (not exceeding 100 m) around business premises free from litter (which currently includes trolleys). To better allow for this section to be used for trolleys as a compliance tool it is proposed to be amended to increase the specified area around a business free from litter to 1 km for trolleys and 100 m for all other litter.

To allow for the further inclusion as trolleys within this section the term business premises is proposed to be defined to include any ancillary carpark, and where the business is co-located with other businesses, to include the joint areas of the broader shopping community.

2.2.5 Trolley management plan to satisfaction of council

Section 30(2)(f) allows council to require a plan of action for the purpose of preventing the escape of litter from the premises and keeping a specified area around a business litter free. It is proposed to specify that a plan for abandoned trolleys (shopping trolley management requirements) may include:

- Current name and contact details of the store manager or their delegate to be responsible for liaison with local government representatives about trolley management.
- Actions requiring the provision and maintenance of a list of contacts for their store/stores in the local government area (including phone numbers and emails), with additional company contacts at senior management level.
- Actions to ensure that trolley collection services are sufficiently resourced to enable collection within 72 hours of notification or as otherwise agreed with the council.

- Actions to ensure that trolleys reported as posing significant risk or nuisance are collected immediately upon notification and all other trolleys reported are collected within 72 hours of notification or as otherwise as agreed by the council.
- Actions to maintain records of all trolleys reported and collected or the time at which a trolley collector attended to collect a reported trolley if no trolley was found at that location.
- Actions to inform customers that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex, including indoor and outdoor signage.
- Actions regarding the provision of suitable, well-signed trolley bays at exit points to retail outlets or complexes.
- Actions regarding the provision to council, on request, an up-to-date map showing trolley collection routes and schedules.
- Actions to achieve compliance with any aspect of the Act.

This plan is to be produced to the satisfaction of the council.

The LNLC Act already applies to trolleys and a council can issue a litter abatement notice with the requirement that the retailer provide a plan for improved management of abandoned trolleys. The purpose of the proposed amendments is to provide better guidance, to local councils, on how the existing litter abatement notices can be used for managing trolley abandonment.

The proposed amendments provide councils with further powers to require businesses to implement strategies to reduce excessive trolley abandonment or for the collection of abandoned trolleys where there is a significant issue of trolley abandonment. The amendments are intended as a middle ground between feedback from industry and local government, and provides for a structured understanding and dialogue between the councils and retailers.

These amendments are not designed to unfairly burden or apply unnecessary costs on retailers that manage their trolleys well or do not experience trolley abandonment. The notices will be issued on an individual basis by local councils where there is an issue of trolley abandonment.

2.3 Stormwater management systems

The cleaning of stormwater cleansing devices is a considerable issue in that stormwater quality devices such as oil separators are often installed in developments such as carparks and petrol stations but there is no obligation regarding their ongoing maintenance.

2.3.1 Maintain and clean

A new provision is proposed to be added requiring a person who carries on a business, which owns a stormwater management system, to take all reasonable and practicable measures to prevent or minimise litter that escapes from the stormwater management system. Failure to comply with the section does not itself constitute an offence however, compliance may be enforced through a litter abatement notice or may be taken as a contravention of the LNLC Act for the purpose of section 48 – Recovery of administrative and technical costs associated with contraventions.

2.3.2 Stormwater management system definition

The following definition for stormwater management systems is proposed to be included in section 3 – Interpretation the LNLC Act:

Stormwater management systems means any infrastructure or equipment (including vegetated assets) used for collecting, containing, conveying or treating stormwater for the purposes of stormwater management;

2.3.3 General litter definition

Section 22(5) of the LNLC Act is proposed to be amended to include a further example under general litter:

(oa) a material deposited (either directly or indirectly) into, or that otherwise enters, a stormwater management system (other than stormwater);

2.3.4 Abatement notices

The Minister or local council can issue a litter abatement notice requiring a plan of action for the purpose of securing compliance with the LNLC Act. It has been proposed to insert a new subsection into section 30. This new subsection (2b) allows for situations where a litter abatement notice has been issued, without limiting any other provision within section 30, a requirement can be included regarding the provision, maintenance and cleaning of litter prevention systems such as stormwater management systems.

2.4 New provisions

2.4.1 Abatement notices – linkage to land

One of the main tools for addressing nuisance from fixed machines such as air conditioners and pool pumps is a nuisance abatement notice. Appropriate elements of the notice may include limiting hours of operation or requiring the maintenance of an acoustic barrier.

Local government has identified that the change of ownership of a property with a problematic fixed machine that has controls applied within a notice is not able to be transferred to the new owner of the property and a new regulatory process will need to be undertaken.

New provisions are proposed to allow councils to register a nuisance abatement notice onto land. This will be done through the insertion of section 30A – Registration of nuisance abatement notice in relation to land.

2.4.2 Improving cost recovery

Cost recovery is an important element of any regulatory function performed by government. The LNLC Act contains a number of cost recovery provisions, generally linked to contraventions of the legislation that are directed at recovering costs from alleged offenders. Where such measures are not being utilised or are not completely effective the residual cost is, by default, recovered through general rates as a service provided for the benefit of the broader community.

A new provision is proposed to be added to the LNLC Act to the effect that litter collected by a council or any other material causing local nuisance collected by a council (under section 31 – Action on non-compliance with notice) and for clean-ups where an alleged offender is not identified, is not subject to the *Unclaimed Goods Act 1987*. This Act legislates for the sale and disposal of unclaimed goods in SA.

This proposed new provision includes material causing local nuisance (dead animals, unsightly premises and insanitary conditions) which may not necessarily meet the definition of litter. A further element of this provision is such that, in the case of material removed because it is causing local nuisance only (as there is a link to ownership), any money recouped from the sale or recycling of material is to be provided by the council to the person subject to the nuisance abatement notice notwithstanding the recovery of any costs due.

2.4.3 New offence provision – installation of external lights or air conditioners that cause local nuisance

An amendment to the LNLC Act is proposed to create a new offence provision regarding the installation of devices in locations where it is reasonably likely to create or potentially cause a local nuisance. For the purpose of this provision 'device' will be defined as limited to air conditioners and external lights. Often nuisance associated with these is a result of poor location and there is a cost to the owner to relocate the device. This provision ensures installers give due consideration to the location of the installation of the device.

This is proposed to replace the existing condition in clause 4(f) of Schedule 1 that deems installing a fixed machine on a domestic premises in a poor location, a nuisance.

2.5 Consequential amendments

2.5.1 Liquor Licensing Act 1997

Conditions that are not local nuisance are listed under clause 5 of Schedule 1 of the LNLC Act for the purpose of avoiding duplication with other legislation. Nuisances related to the service of alcohol are regulated under the Liquor Licensing Act 1997 (LL Act) and are not local nuisance under the LNLC Act.

It is proposed that paragraph (k) be deleted from clause 5 of Schedule 1 of the LNLC Act and replaced with:

(k) noise or behaviour in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of the Liquor Licensing Act 1997;

To further clarify that nuisances related to the service of alcohol are not regulated under the LNLC Act, it is proposed that section 106 of the LL Act be amended. The proposed amendments to the LL Act are to limit the application of the section to noise from entertainment and patrons, or any other activity directly associated with the liquor licence issued under the LL Act.

3 Variation regulations

3.1 Light as an agent of local nuisance

Light was included in the definition of local nuisance when the initial draft bill was first consulted on in 2015 but removed due to feedback from councils that the definition of light in the bill was too broad. The Environmental Defenders Office noted in the recent consultation period that 'given every other sensory nuisance is included it seems prudent to include light considering its ability to interfere with enjoyment of land'.

It is proposed to amend clause 2 of Schedule 1 of the LNLC Act to include light as an agent of local nuisance. The addition of light as an agent of local nuisance is proposed to come with a number of exclusions to avoid an increase in responsibility for regulators (councils). Only issues of light nuisance that may reasonably be resolved are to remain as a result of the various proposed exclusions.

Light is proposed to be declared an agent of local nuisance. The following light sources in Schedule 1 are excluded:

- public street lighting
- public infrastructure works
- airports
- harbours
- vehicles
- railway premises
- bus stations and depots
- public transport operating centres and facilities
- goods vehicles operating and transport centres
- traffic control devices
- navigational aids
- premises or facilities used by an emergency services organisation
- correctional institutions
- premises or facilities of an arm of the Australian Defence Forces (including training areas)
- lights required for the reasonable and safe operation of business premises during times when the business is operating where reasonable efforts have been made to reduce the light impact on neighbouring premises.
- public lights
- Christmas light displays
- natural sources (including the reflection of natural light).

Part 1—Interpretation has been proposed to include the following definition for emergency services organisation.

Emergency services organisation means:

- a an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*; and
- b in relation to a particular emergency within the meaning of the *Emergency Management Act 2004* – the control agency for the emergency under that Act; and
- c SA Ambulance Service Inc; and
- d South Australian Police; and

- e a local government council engaged in duties in connection with an emergency;

3.2 Clause 5 of Schedule 1 amendments

Clause 5 of schedule 1 outlines conditions that are not local nuisance for the purpose of section 17(1).

3.2.1 Construction activities

Clause 5(d) of Schedule 1 prescribes noise or other nuisance from activities carried out in accordance with an authorisation granted under any other Act (other than the LNLC Act) as not being local nuisance. The authorisation must impose requirements to control, minimise or eliminate (as far as is reasonably practicable) any noise or other forms of nuisance likely to result from the activity and those requirements are complied with by those conducting the activity.

This clause is proposed to be amended to ensure that construction activities associated with an approval are no longer part of what is not local nuisance.

3.2.2 Noise from public infrastructure – application to vibration and extent of the exclusion

Noise from public infrastructure works is prescribed as 'not local nuisance' under clause 5(h) of Schedule 1 of the LNLC Act so that infrastructure works which benefit the public are not unduly regulated where the nuisance is unavoidable. Examples of this include evening or overnight roadworks or water infrastructure maintenance where a certain amount of noise is unavoidable and must be carried out overnight to avoid traffic disruption. Although vibration is a very uncommon form of nuisance associated with public infrastructure works, it is evident that public infrastructure earthworks may result in some level of vibration impact caused by compacting of road base associated with the works.

Under the *Environment Protection Act 1993* the definition of noise includes vibration. Under the LNLC Act noise and vibration are separate agents of nuisance and the exclusion of noise from public infrastructure does not include vibration.

Clause 5(h) of Schedule 1 of the LNLC Act is proposed to be amended so that noise, vibration, and light (subject to light being added as an agent of local nuisance) from public infrastructure works that are conducted due to an urgent public need or to avoid or reduce inconvenience to traffic or pedestrians during normal business hours or long term are not local nuisance.

3.2.3 Residential Tenancies Act 1995

Clause 5(j) of Schedule 1 states that noise or other nuisance that may be subject to proceedings under the *Community Titles Act 1996*, *Strata Titles Act 1988* or *Residential Tenancies Act 1995* are not local nuisance.

The current exemption for local nuisance in tenanted properties is limited to situations where local nuisance can be dealt with under the *Residential Tenancies Act 1995*. However, the remedy provided under this Act may include eviction, which is excessively punitive when compared to the LNLC Act.

The LNLC Act is proposed to be amended to delete the Residential Tenancies Act from this clause such that all local nuisance from tenanted properties fall under the scope of the LNLC Act.

3.2.4 Dust from unsealed public roads

There are tens of thousands of kilometres of unsealed roads in SA. It is not practical or cost effective to seal and maintain all these roads. To ensure councils are not deemed responsible for nuisance dust from unsealed roads, dust from unsealed public roads is proposed to be added to clause 5 of Schedule 1 as a further declaration of what is not local nuisance for the purpose of the LNLC Act.

3.2.5 Noise from refrigerated vehicles

Clause 5(i) of Schedule 1 (noise from vehicles) is proposed to be amended so that it does not include noise from refrigerated vehicles. The operation of a refrigerated truck at a premises is not dissimilar to the operation of a fixed machine such as an air conditioner or pool pump which are included in the definition of local nuisance under clause 4 of Schedule 1. This amendment is to be limited to the noise from the refrigeration mechanism of the vehicle.

3.3 Public infrastructure works

Clause 5(h) of schedule 1 defines public infrastructure works as not local nuisance. Clause 1, Part 1 of Schedule 1 of the LNLC Act is proposed to be amended to include a definition of public infrastructure works for the purpose of this clause.

public infrastructure means—

- (a) infrastructure, equipment, structures, works and other facilities used on or in connection with the provision of essential services or telecommunications; and
- (b) roads and their supporting structures and works;

essential services has the same meaning as the *Essential Services Commission Act 2002*

3.4 Hyperlink in Regulation 4

Regulation 4 of the LNLC Regulations provides a link to *Managing Unreasonable Complainant Conduct Practice Manual* published by the New South Wales Ombudsman. The link has been replaced as the current one has been removed. The document remains the same.

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City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

General amendments

Review Item - General amendments	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Waste collection vehicles – application beyond roads and road related areas</p> <p>Current Provision The <i>LNL Act</i> does not generally apply to local nuisance generated by waste transport vehicles when operating on private property.</p>	<p>Section 5(5) to be amended to ensure the Act can be applied on private property in addition to road and road related areas.</p>	<p>This provision allows Council to address noise nuisances that may be created when bins are collected on private land.</p> <p>It can require bin collection companies to operate at a reasonable time especially when there is a blend of commercial and residential premises.</p>	<p>The proposed provision is supported</p>
<p>Exemptions from the <i>LNL Act</i> for causing local nuisance</p> <p>Current Provision</p> <ul style="list-style-type: none"> Persons creating nuisance can apply for an exemption under s 19 of the <i>LNL Act</i>. The current process for applying for this exemption includes submitting a site nuisance management and paying a fee. The exemption will last for a maximum period of three months 	<p>Waive the requirement of site nuisance management plan in scenarios where the council knows the nuisance is of a limited nature and unavoidable</p> <p>Councils can extend exemptions without the need for further detailed application</p> <p>Remove ‘not exceeding 3 months’ providing flexibility for council’</p>	<p>Exemptions are usually associated with construction activities requiring to work out side reasonable hours, or they will be unable to prevent noise nuisance due to the nature of the work.</p> <p>Providing a verbal approval can expedite these cases and can assist when there is inclement weather predicted, for example to allow for concrete pours to occur before 7am.</p>	<p>The proposed provision is supported</p>
<p>Allowing councils to clean up and recover costs after if a hazard exists</p> <p>Current Provision</p> <ul style="list-style-type: none"> The current <i>LNL Act</i> does not prevent councils from urgent clean-up of litter that is causing a hazard, however There is no current provision for cost recovery if the alleged offender is later identified 	<p>A new section in the Act that allows councils to recover the costs of an urgent clean-up of a hazard from the alleged offender if they are later identified</p>	<p>In situations where there is material that is littered that causes a hazard, whether a health, environmental or physical hazard, it may be reasonable for the community to expect that the material is cleaned up immediately. This may be carried out by the council even if the alleged offender is unknown.</p> <p>However currently Council cannot recover costs unless an order was issued to the responsible person to remove the litter first.</p> <p>The proposed amendment to the <i>LNL Act</i> provides for the recovery of costs of urgent</p>	<p>The proposed provision is supported</p>

City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Review Item - <i>General amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
		clean-up of litter from public place. This section allows for councils to recover reasonable costs and expenses in situations where they have taken urgent action to clean up litter (that is considered to be a hazard) from the person who disposed of the litter if they are later identified.	
<p>Bill posting – car parks and expiations</p> <p>Current Provision</p> <ul style="list-style-type: none"> Under the <i>LNLCA</i> a person must not post a bill on property without the owner's consent Unclear as to whether a carpark constitutes property under the Act if bills are posted on cars There is currently only a court imposed penalty for a person who authorised bill posting. 	<p>Extend the meaning of property to the land the cars are parked on</p> <p>This gives the carpark owners the ability to deal with unauthorised bill posting and could also extend to councils with regards to public lands/roads</p> <p>Section 23(2) to be amended to include an expiation of \$500 to provided deterrence of reoffending.</p>	<p><i>bill</i> includes a flyer, brochure or poster containing promotional material, and includes anything declared by regulation to be a bill.</p> <p>The intent of this amendment is to:</p> <ul style="list-style-type: none"> allow the owners of carparks to appropriately deal with bill posting on vehicles in their carparks without consideration as to whether the vehicle owner had an issue and Council can act, extend to councils dealing with bill posting with regard to public lands and roads, and allow for expiations to be issued for authorising distribution Bills and reducing the need to prosecute for these offences. 	The proposed provision is supported
<p>Expiations</p> <p>Current Provision</p> <ul style="list-style-type: none"> Deterrence value of expiations differ depending on the context of their use Feedback received from consultation regarding expiations was that the expiation fee amount of \$500 is not a sufficient deterrent for many local nuisance issues and is seen by some to be the 'cost of doing business' or is simply so 	<p>Various sections of the <i>LNLCA</i> are proposed to be amended to provide differentiation for expiations between body corporate and an individual;</p> <ul style="list-style-type: none"> 18(2) – Causing local nuisance, Body corporate \$1,000, an individual \$500 20 – Person must cease local nuisance if asked, Body corporate \$500, an individual \$210 22(a) – Disposing of class A hazardous litter, Body corporate \$2,000, an individual \$1,000 	<p>Expiations can be seen as a deterrent and the amendments to various sections of the <i>LNLCA</i> to provide differentiation for expiations between body corporate and natural persons are similar to other legislation which differentiate a Body Corporate (or Company) and this acts as a reasonable deterrent.</p>	The proposed provision is supported

City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Review Item - <i>General amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>small compared to the scale of the nuisance that it has no impact.</p>	<ul style="list-style-type: none"> • 22(b) – Disposing of class B hazardous litter or general litter Body corporate \$1,000, an individual \$500 • 22(c) – Disposing up to 50 litres of class B hazardous Body corporate \$500, an individual \$210 • 24 – Litterer must remove litter if asked, Body corporate \$500, an individual \$210 <p>30(9) – Body Corporate \$1,000, an individual \$500.</p>		

Item 3.1.2 - Attachment 3 - Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Trolley Amendments

Review Item <i>Trolley Amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Trolleys as General Litter</p> <p>Current Provision</p> <ul style="list-style-type: none"> Trolleys that are dumped outside of shopping centres constitute litter under the LNLC Act The offence applies to the person doing the littering not the owner of the trolley 	<p>Amend s 22(5) to include shopping trolleys within the definition of general litter</p>	<p>This provision is proposed to include shopping trolleys within the definition on general litter to confirm the current interpretation and reduce any doubt or legislative misinterpretation.</p>	<p>The proposed provision is supported</p>
<p>Trolley Identification</p> <p>Current Provision</p> <p>There no current provisions for trolley identification in the LNLC Act</p>	<p>Create a new section that requires that the owner of a shopping trolley that is provided for the use by customers of a retail or wholesale business must apply identification to their trolleys, including</p> <ul style="list-style-type: none"> the trading name of the business; and the contact phone number (or QR code) for the reporting of trolleys found outside of the business or associated shopping area (including car park) that facilitates collection <p>Failure to do this would result in a maximum penalty of \$5000 or an expiation of \$210</p>	<p>One of the main concerns with abandoned trolleys is identifying where they originated from. The provision of contact information for the business and who to report abandoned trolleys to will enable faster reporting and this should equate to improved collection.</p>	<p>The proposed provision is supported</p>
<p>Trolleys and General Duty</p> <p>Current Provision</p> <p>There no current provisions identifying a general duty of businesses to prevent litter in the LNLC Act</p>	<p>An additional section to be included under part 4 division 2 <i>LNLC Act</i> that applies to businesses</p> <p>This will create a general duty for businesses to take all reasonable and practicable measures to prevent litter</p>	<p>The extension of the general duty makes a business liable for litter by their patrons and this includes the abandonment of trolleys.</p> <p>Failure to comply with the section does not itself constitute an offence however, compliance may be enforced through a litter abatement notice that would require the business to implement an</p>	<p>The proposed provision is supported</p>

City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Review Item <i>Trolley Amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	This litter is not limited to that produced solely by the business but also includes litter from patrons	action plan to address litter including abandoned trolleys.	
<p><i>Trolleys and Litter abatement notices</i></p> <p>Current Provision</p> <p>s 30(2)(f)(ii) allows for a litter abatement notice to be issued that imposes a requirement for keeping a specified area around a business litter free (not exceeding 100 m)</p>	<p>Amend this section to increase the specified area around a business to 1 km for trolleys and retain 100 m for all other litter</p> <p>Define business premises to include: any ancillary carpark, and where the business is co located with other businesses, the joint areas of the broader shopping community</p>	<p>The ability to issue a litter abatement notice to a business that imposes a requirement for keeping a specified area (not exceeding 1 km) around business premises free from litter will allow for this section to be used for trolleys as a compliance tool.</p> <p>This will assist in ensuring businesses have an adequate plan in place and they carry out the requirements of this plan to prevent litter and collect any litter that escapes their premises and this includes trolleys.</p>	The proposed provision is supported
<p><i>Trolley Management Plan to satisfaction of council</i></p> <p>Current Provision</p> <p>s 30(2)(f) requires a plan of action for the purpose of preventing the escape of litter from the premises and keeping a specified area around the business litter free.</p>	<p>Extend existing provisions to include shopping trolley management.</p> <p>A plan for abandoned trolleys (shopping trolley management requirements) may include:</p> <ul style="list-style-type: none"> name and contact details of person responsible for trolley management list of contacts for stores in the local government area trolley collection services to be sufficiently resourced to enable collection within 72 hours or as otherwise agreed with the council. trolleys reported as posing significant risk or nuisance are collected immediately upon notification 	<p>The <i>LNLCA</i> already applies to trolleys and a council can issue a litter abatement notice with the requirement that the retailer provide a plan for improved management of abandoned trolleys.</p> <p>The purpose of the proposed amendments is to provide better guidance, to local councils, on how the existing litter abatement notices can be used for managing trolley abandonment.</p> <p>The proposed amendments provide councils with further powers to require businesses to implement strategies to reduce excessive trolley abandonment or for the collection of abandoned trolleys where there is a significant issue of trolley abandonment.</p>	The proposed provision is supported

City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Review Item <i>Trolley Amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	<ul style="list-style-type: none"> • maintain records of all trolleys reported and collected • inform customers that trolleys should not be removed from the premises or abandoned, and penalties apply including indoor and outdoor signage. • provision of suitable, well-signed trolley bays • provision to council, an up-to-date map showing trolley collection routes and schedules. 	<p>The amendments are intended as a middle ground between feedback from industry and local government, and provides for a structured understanding and dialogue between the councils and retailers.</p> <p>These amendments are not designed to unfairly burden or apply unnecessary costs on retailers that manage their trolleys well or do not experience trolley abandonment. The notices will be issued on an individual basis by local councils where there is an issue of trolley abandonment.</p>	

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City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Storm water Management Systems

Review Item <i>Storm water Management Systems</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Maintain and Clean Current Provision</p> <p>There is no obligation regarding their ongoing maintenance of stormwater management systems</p>	<p>New provision requiring owners of stormwater management systems to maintain and clean them to prevent litter.</p> <p>This provision will be enforced through litter abatement notices</p>	<p>This provision applies to a person who carries on a business, and which owns a stormwater management system. They will be required to take all reasonable and practicable measures to prevent or minimise litter that escapes from the stormwater management system.</p> <p>This provision can be applied to any business that connects into storm water catchments and makes them responsible for preventing discharges or pollutants into storm water.</p> <p>A stormwater management system is defined as:</p> <ul style="list-style-type: none"> any infrastructure or equipment (including vegetated assets) used for collecting, containing, conveying or treating stormwater for the purposes of stormwater management; 	<p>The proposed provision is supported</p>
<p>Storm water Management Systems - Abatement Notices Current Provision</p> <p>s 30(2)(f)(i) requires that in the case of a litter abatement notice a plan of action must be created for the purpose of preventing the escape of litter from business premises</p>	<p>Amend this section to include through the provision, “maintenance and cleaning of litter prevention equipment such as bins and stormwater management systems”</p>	<p>An example of this provision would be to require the cleaning of stormwater cleansing devices such as oil separators installed in car parks and petrol stations, where currently there is no obligation regarding their ongoing maintenance.</p> <p>Failure to comply with the section does not itself constitute an offence however, compliance may be enforced through a litter abatement notice.</p> <p>The impact on resources for this provision is unknown however it is important that storm water is protected from contamination.</p>	<p>The proposed provision is supported</p>

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Review Item <i>Storm water Management Systems</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Stormwater Management Systems Definitions</p> <p>Current Provision</p> <p>General litter is defined under s22(5) <i>LNLC Act</i> but does not make reference to stormwater management systems</p> <p>Stormwater management systems is not defined in the <i>LNLC Act</i></p>	<p>Definition (s 22(5)) to be expanded to include a further example under general litter:</p> <p>S22(5)(oa) a material deposited (either directly or indirectly) into, or that otherwise enters, a stormwater management system (other than stormwater);</p> <p>Include the definition of stormwater management systems in s3 of the <i>LNLC Act</i>;</p> <ul style="list-style-type: none"> • Stormwater management systems means any infrastructure or equipment (including vegetated assets) used for collecting, containing, conveying or treating stormwater for the purposes of stormwater management; 	<p>Noted and support new definition inclusion</p>	<p>The proposed provision is supported</p>

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City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

New Provisions

Review Item <i>New Provisions</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p><i>Abatement notices – linkage to land</i></p> <p>Current Provision</p> <ul style="list-style-type: none"> • s 30 of the <i>LNL Act</i> allows for the issuing of nuisance abatement notices for activities that result in local nuisance as defined by s 17 of the Act. • These notices are issued to the person creating the nuisance 	<p>A new provision is proposed that the nuisance abatement notice is registered to the land through the insertion of section 30A – Registration of nuisance abatement notice in relation to land.</p> <p>This way nuisance coming from fixed machines such as air conditioners or pool pumps are still be operated within the requirements of the notice even if the land they are on is sold.</p>	<p>Nuisances from fixed machines such as air conditioners and pool pumps can be addressed with nuisance abatement notices limiting hours of operation or requiring the maintenance of an acoustic barrier. These nuisances are specific to the property and not necessarily the person.</p> <p>Having the ability to register the notice against the land will ensure any new owners are aware of the notice and their obligations.</p>	<p>The proposed provision is supported</p>
<p><i>Improving cost recovery</i></p> <p>Current Provision</p> <p>The <i>LNL Act</i> contains a number of cost recovery provisions</p>	<p>A new provision regarding disposal of material collected by a council (to complement the Local Government Act regarding property in rubbish) to be added to the <i>LNL Act</i> to ensure appropriate disposal of material collected and to clarify that it is not subject to the Unclaimed Goods Act 1987</p>	<p>Cost recovery is an important element of regulatory function performed by government.</p> <p>The <i>LNL Act</i> contains a number of cost recovery provisions, generally linked to contraventions of the legislation that are directed at recovering costs from alleged offenders.</p> <p>A new provision is proposed to be added to the <i>LNL Act</i> to the effect that litter collected by a council or any other material causing local nuisance collected by a council for non-compliance with a notice and where an alleged offender is not identified, is not subject to the Unclaimed Goods Act 1987 and does not need to be stored and or sold.</p> <p>This provision does not apply to materials of obvious value or where an owner is identified. The balance of funds from any items sold to</p>	<p>The proposed provision is supported</p>

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Review Item <i>New Provisions</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
		<p>recover costs are returned to the owner of the property.</p> <p>Having the ability to dispose of goods that have no known owners reduces the burden to store , advertise and appraise goods unnecessarily and is beneficial to Council.</p>	
<p>New offence provision – installation of external lights or air conditioners that cause local nuisance</p> <p>Current Provision Clause 4(f) of Schedule 1 of the Act deems installing a fixed machine on a domestic premise in a poor location a nuisance</p>	<p>Create a new offence provision regarding the installation of devices in locations where it causes local nuisance</p> <p>This will replace the current provision and a device will be defined as limited to air conditioners and lights</p> <p>Often nuisance with these devices is as a result of poor location, and this provision ensures installers give due consideration to the location of the installation of the device</p>	<p>This provision places an onus on installers of air conditioners and lights to ensure they are not placed in locations where it is reasonably likely to create or potentially cause a local nuisance.</p> <p>Often nuisance associated with these is a result of poor location and there is a cost to the owner to relocate the device.</p> <p>This provision ensures installers give due consideration to the location of the installation of the device.</p>	<p>The proposed provision is supported, provided:</p> <ul style="list-style-type: none"> • it isn't retrospective, and • only applicable after the amendments are implemented, and • installers and industry have been made aware of their responsibility.
<p>Consequential amendments - Liquor Licensing Act 1997</p> <p>Current Provision Nuisances related to the service of alcohol are regulated under the Liquor Licensing Act</p> <p>Clause 5 of Schedule 1 declares certain matters not to constitute local nuisance for the purpose of avoiding duplication with other legislation</p>	<p>Section 106 of the LL Act be amended to limit the application of the section to noise from entertainment and patrons, or any other activity directly associated with the liquor license issued under the LL Act.</p> <p>It is proposed that paragraph (k) be deleted from clause 5 of Schedule 1 of the <i>LNLC Act</i> and replaced with: (k)noise or behaviour in respect of which a complaint may be lodged with the Liquor</p>	<p>Schedule 1 of the <i>LNLC Act</i> lists what is not a nuisance and this includes nuisances related to the service of alcohol regulated under the Liquor Licensing Act 1997 (LL Act) and are not local nuisance under the <i>LNLC Act</i>.</p> <p>To further clarify that nuisances related to the service of alcohol are not regulated under the <i>LNLC Act</i>, it is proposed that section 106 of the LL Act be amended.</p>	<p>The proposed provision is supported</p>

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City of Salisbury – Draft Submission on the Local Nuisance and Litter Control Act 2016 Proposed Legislative Amendments

Review Item <i>New Provisions</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	Licensing Commissioner under section 106 of the Liquor Licensing Act 1997;	<p>The proposed amendments to the LL Act are to limit the application of the section to noise from entertainment and patrons, or any other activity directly associated with the liquor licence issued under the LL Act.</p> <p>The amendments will ensure clarity in the application of both the <i>LNL Act</i> and the LL Act.</p>	

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Variation Regulations

Review Item <i>Variation regulations</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Light as an agent of local nuisance</p> <p>Current Provision</p> <p>Light was originally included in the definition of local nuisance when the Bill for the <i>LNL Act</i> was first consulted on in 2015</p> <p>It was removed due to feedback from local councils that the definition was too broad</p>	<p>Amend Clause 2 of Schedule 1 of the <i>LNL Act</i> to include light as an agent of local nuisance</p> <p>light emitted from a place, if an authorised officer forms the opinion that—</p> <p>the light has travelled from the place at which it was generated to neighbouring premises; and</p> <p>(ii) the nature, intensity, colour, location, direction or extent of light is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises;</p> <p>To avoid an increase in responsibility for regulators only light nuisance that may be reasonably resolved will be included in the definition and this will be achieved through considerable exclusions. (<i>see page 11 of the Local Nuisance and Litter Control Act 2016 – Explanatory report for reforms</i>)</p>	<p>Light was included in the definition of local nuisance when the initial draft bill was first consulted on in 2015 but removed due to feedback from councils that the definition of light in the bill was too broad.</p> <p>The Environmental Defenders Office noted in the recent consultation period that ‘given every other sensory nuisance is included it seems prudent to include light considering its ability to interfere with enjoyment of land’.</p> <p>The addition of light as an agent of local nuisance is proposed to come with a number of exclusions to avoid an increase in responsibility for regulators (councils).</p> <p>Only issues of light nuisance that may reasonably be resolved are to remain as a result of the various proposed exclusions.</p> <p>Even with the full range of exclusions light nuisances will place an administrative burden on Council and it is likely that light nuisances will need to be reviewed and assessed at times that they are causing a nuisance and that is after hours. The extent of complaints currently received by Council regarding light nuisances is low however with the proliferation of sensor lights and automated lights it is considered that this amendment may result in a large volume of complaints once it is known by the community</p>	<p>The proposed provision is not supported.</p>

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Review Item <i>Variation regulations</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
		and an expectation that the light nuisances are addressed by Council.	
<p>Clause 5 of Schedule 1 amendments: Construction activities</p> <p>Current Provision</p> <p>Clause 5(d) of schedule 1 prescribes noise or other nuisance carried out in accordance with an authorisation granted under any other act as not being local nuisance</p> <p>The authorisation must impose requirements to control, minimise or eliminate any noise or other forms of nuisance likely to result from the activity</p>	<p>Amend this clause to ensure that construction activities associated with an approval under other legislation that addresses noise and other nuisances as part of the approval are no longer part of what is not local nuisance</p> <p>This allows the <i>LNLC Act</i> to address nuisances from construction that cannot be addressed by other legislation and or they are non-compliant with these provisions.</p>	<p>Clause 5(d) of Schedule 1 prescribes noise or other nuisance from activities carried out in accordance with an authorisation granted under any other Act (other than the LNLC Act) as not being local nuisance.</p> <p>If a Development approval or other authorisation imposes requirements to control, minimise or eliminate (as far as is reasonably practicable) any noise or other forms of nuisance likely to result from the activity and those requirements are complied with by those conducting the activity, then the activity is not a local nuisance.</p> <p>This provision prevents the duplication of legislative controls and provides for action to be taken under the conditions of the approval or authorisation.</p> <p>However if the conditions are not complied with then there is still the ability to abate a nuisance at short notice and require remedial action under the <i>LNLC Act</i> by including it through this amendment to the definition of what is not a local nuisance.</p> <p>This provides an effective mechanism to abate a nuisance with the use of notices and the ability to impose conditions to develop plans to address the local nuisances.</p>	<p>The proposed provision is supported</p>

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Review Item <i>Variation regulations</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Clause 5 of Schedule 1 amendments: Public infrastructure works</p> <p>Current Provision</p> <p>Clause 5(h) of Schedule 1 of the <i>LNL Act</i> defines public infrastructure works as not local nuisance</p>	<p>Clause 1, part 1 of Schedule 1 the <i>LNL Act</i> is proposed to be amended to include a definition of public infrastructure works for the purpose of this clause.</p> <p>Public infrastructure works will be defined as:</p> <p>(a) infrastructure, equipment, structures, works and other facilities used on or in connection with the provision of <i>essential services</i> or telecommunications; and</p> <p>(b) roads and their supporting structures and works;</p> <p><i>essential services</i> is to have the same meaning as the Essential Services Commission Act 2002</p>	<p>This additional definition simply provides clarity to Clause 5(h) and the definition of “<i>public infrastructure</i>”</p>	<p>The proposed provision is supported</p>
<p>Clause 5 of Schedule 1 amendments: Noise from Public Infrastructure</p> <p>Current Provision</p> <p>Clause 5(h) of Schedule 1 of the <i>LNL Act</i> defines public infrastructure works as not local nuisance</p> <p>infrastructure works which benefit the public are not unduly regulated where the nuisance is unavoidable</p>	<p>Amend this clause so that noise, vibration, and light from public infrastructure works that are conducted due to an urgent public need or to avoid or reduce inconvenience to traffic or pedestrians during normal business hours or long term are not local nuisance.</p>	<p>This amendment provides clarity to ensure that urgent public infrastructure works can occur at any time to facilitate repairs and prevent impacts on pedestrians and traffic.</p>	<p>The proposed provision is supported</p>
<p>Clause 5 of Schedule 1 amendments: Residential Tenancies Act</p> <p>Current Provision</p>	<p>Amend this clause to delete the Residential Tenancies Act 1995 as the remedy provided under the Residential Tenancies Act may include eviction, which</p>	<p>This amendment which is an error in the original drafting of the <i>LNL Act</i>, will remedy the current situation which prevents Council from addressing nuisances in rented properties and applying the</p>	<p>The proposed provision is supported</p>

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Review Item <i>Variation regulations</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
Clause 5(j) of schedule 1 states that noise or other nuisance that may be subject to proceedings under the: (i) Community Titles Act 1996, (ii) Strata Titles Act 1988 or (iii) Residential Tenancies Act 1995 Is not local nuisance.	is excessively punitive when compared to the LNL Act.	same legislative principles that apply to owner occupier properties.	
Clause 5 of Schedule 1 amendments: Dust from unsealed public roads Not recognised in Clause 5 Schedule 1	Amend clause 5 of Schedule 1 to declare dust from unsealed public roads is not a local nuisance.	Due to the large extent of unsealed roads in South Australia, it is not practical or cost effective to seal and maintain all these roads. To ensure councils are not deemed responsible for nuisance dust from unsealed roads, dust from unsealed public roads is proposed to be added to clause 5 of Schedule 1 as a further declaration of what is not local nuisance for the purpose of the LNL Act.	The proposed provision is supported
Clause 5 of Schedule 1 amendments: Noise from refrigerated vehicles Current Provision Currently noise from vehicles is defined as not a local nuisance	It is proposed to amend clause 5(i) of schedule 1 to not include noise from refrigerated vehicles This amendment is to be limited to the noise from the refrigeration mechanism of the vehicle	The operation of a refrigerated truck at a premise is not dissimilar to the operation of a fixed machine such as an air conditioner or pool pump which are included in the definition of local nuisance under clause 4 of Schedule 1. This amendment will capture noise from refrigerated units on vehicle's and will enable Council to investigate any concerns associated with this type of noise from the refrigeration mechanism of the vehicle.	The proposed provision is supported
Regulation 4 Regulation 4 of the LNL Regulations provides a link to <i>Managing Unreasonable</i>	No legislative change, simply an administrative amendment where the link has been replaced to open the document. The document remains the same.	Noted and no comment	Noted and supported

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Review Item <i>Variation regulations</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<i>Complainant Conduct Practice Manual</i> published by the New South Wales Ombudsman.			

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ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 February 2023
HEADING	Elected Member Training and Development Policy
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community

SUMMARY Council resolved at its meeting held 19 December 2022 to *Defer Item GB2 to the February Governance and Compliance Committee and establish a working group to discuss and recommend a draft policy to the Governance and Compliance Committee consisting of the Mayor, Deputy Mayor, Cr Grenfell and Cr Graham.* This report provides the opportunity for the Committee to consider the updated policy following the recommendations from the Working Group.

RECOMMENDATION

That Council:

1. Adopts the Training and Development Policy, set out in Attachment 1 to this report (Item No. 3.1.3, Governance and Compliance Committee, 20 February 2023).
2. Adopts the Elected Members Training and Development Plan 2022-2023 as included in Attachment 2 (Item No. 3.1.3, Governance and Compliance Committee, 20 February 2023).
3. Revokes the current Elected Member Induction Policy, noting that induction training is now contained within the Elected Member Training and Development Policy.

ATTACHMENTS

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

1. Elected Member Training and Development Policy Updated
2. Elected Members Training and Development Plan 2022-2023

1. BACKGROUND

- 1.1 It is a requirement under Section 80A of the *Local Government Act 1999* that Council prepares and adopts a training and development policy.
- 1.2 The Training and Development Policy ensures the mandatory training requirements under the LGA Training Standards for Council members.

- 1.3 The policy has been reviewed and updated in line with the new LGA Training Standards.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 The working party was convened and reviewed the policy document.

2.2 External

- 2.2.1 The Local Government Association (LGA) consulted on the draft LGA Training Standards for Council Members and feedback from the Local Government sector was incorporated into the revised training standards prior to the approval by the Minister for Local Government.

3. REPORT

- 3.1 The Elected Member Training and Development Policy was last reviewed by Council at its meeting held on 13 December 2021. The current Policy was based on the LGA Model Policy document which was developed in 2017 and therefore does not reflect the most recent changes under the Local Government Reform. The Policy has been updated to reflect changes arising from the commencement of the *Statutes Amendment (Local Government Review) Act 2021*.
- 3.2 Councils are legislatively required to adopt a training and development policy. Elected Members must undertake regular training in accordance with this policy, and at a minimum undertake the prescribed mandatory requirements in the LGA training standards within 12 months of being elected. The standards contain a suite of core leadership competencies with defined learning objectives and outcomes, consisting of four key competency areas:
- Behaviour
 - Civic
 - Legal
 - Strategy and Finance
- 3.3 Section 43(1) of the *Statutes Amendment (Local Government Review) Act 2021* provides for changes to the provision concerning training and development for Elected Members, including the suspension and disqualification of members for failure to undertake mandatory training requirements.
- 3.4 Council item GB2 was deferred to the February Governance and Compliance Committee, Council resolved at its meeting held on 28 November 2022:
- Defer Item GB2 to the February Governance and Compliance Committee.*
- Establish a working group to discuss and recommend a draft policy to the Governance and Compliance Committee consisting of the Mayor, Deputy Mayor, Cr Grenfell and Cr Graham.*
- 3.5 The working party have reviewed the policy with all proposed updates included in attachment 1 to this report.
- 3.6 For ease of review, the track changes highlight the proposed amendment in the Elected Member Training and Development Policy, Attachment 1 to this report.

4. CONCLUSION / PROPOSAL

- 4.1 The Committee is asked to consider the updated Elected Member Training and Development Policy outlining Elected Member Training and Development and the provisions available to Elected Members to assist in the performance and discharging of official functions and duties.

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City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Elected Members Training and Development Policy

Adopted by:	Council
Responsible Division:	CEO and Governance
First Issued/Adopted:	2009
Last Reviewed:	December 2024 December 2022
Next Review Date:	December 2022 2026

1. Introduction/Purpose

- 1.1 The City of Salisbury is committed to training and development activities for its Elected Members, including the mandatory training requirements under the *LGA Training Standards*, and recognises its responsibility to develop and adopt a policy for this purpose under section 80A of the *Local Government Act 1999*.
- 1.2 This policy incorporates the requirements for Council Members to undertake mandatory training within the first year of election to office, which complies with the *LGA Training Standards* as defined in regulation 8AA of the *Local Government (General) Regulations 2013*.
- 1.3 This policy states the City of Salisbury's commitment to developing Elected Members' professional skills. It provides for a consistent and equitable approach to access to development opportunities by Elected Members, including opportunities to undertake the required training in accordance with the *LGA Training Standards* and any other appropriate training and development activities relevant to their roles and functions.

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2. Scope

This policy applies to Elected Members of the City of Salisbury, who each have an obligation to abide by this Policy.

3. Legislative Requirements and Corporate Policy Context

~~3.1 Local Government Act 1999~~

~~3.1 Local Government Act 1999 – Section 78: Provision of facilities and support – Section 79: Register of Allowances and Benefits~~

~~– Section 80A: Training and Development~~

~~Schedule 4: Material to be included in the annual report of a council.~~

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~~3.2 Local Government (Members Allowances and Benefits) Regulations 1999 2010 – Regulation 6: Expenses requiring council approval,–~~

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~~3.3 Local Government (General) Regulations 2013~~

~~–Regulation 8AA: Training and Development~~

~~3.3 Local Government Act 1999 – Schedule 4: Material to be included in the annual report of a council.~~

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4. Interpretation/Definitions

~~4.1 Conferences and Sseminars (directly related to the role of an Elected Member) – includes workshops and forums, local or interstate, specific to, and directly related to, Local Government and directly related to the performance or discharge of the role and function of an Elected Member.~~

4.2 Council Nominated Delegate – an Elected Member who is Council’s nominated voting delegate or attendance delegate has been nominated by Council to vote, or otherwise conduct business, on behalf of the City of Salisbury at specific forums and functions. This includes but is not limited to, meetings of the Local Government Association of SA (LGA SA) and Local Government Finance Authority (LGFA). In the case of the Nominated Delegate and Deputy Delegate being unable to attend, a proxy delegate will be nominated at the discretion of the Mayor.

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~~4.3 Elected Members – shall mean~~ the duly elected representatives of the community, including the Mayor and all Councillors.

~~4.4 Training and Development Activity – shall mean~~ any activity with the objective of increasing a Council Members knowledge, skills and competencies in relation to the performance of their roles and responsibilities as Elected Members at the City of Salisbury.

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5. Policy Statements

Training and Development Plan

- 5.1 Councils are required to prepare and adopt a training and development policy in accordance with the Local Government Act 1999. Elected Members must undertake regular training in accordance with this policy, and at a minimum undertake the prescribed mandatory requirements in the LGA training standards within 12 months of being elected.
- 5.2 In a periodic election year the focus on Elected Member training and development will be on the mandatory induction and training requirements for Elected Members.
- 5.3 Council will ~~develop and~~ adopt a Training and Development Plan so as to ensure that activities available to all Council Members comply with the Regulations and contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council.
- 5.24 Particular emphasis will be given in the Training and Development Plan to the participation of all Council-Elected Members in the development of a new team following a general election as well as the orientation of first time Council Elected Members.
- 5.35 In preparing its Training and Development Plan, a range of strategies will be utilised to identify the needs of Council and match these needs against its strategic and good governance objectives.
- 5.46 Training needs will be identified by assessment of committee performance, questionnaires and/or workshops.
- 5.75 Council recognises that in order to carry out their-its roles and responsibilities to the community, Council-Elected Members will need specific training and refresher courses about their-its legislative and governance roles and functions.
- 5.8 At a minimum, Elected Members are required to undertake the prescribed mandatory requirements in the LGA Training Standards. The LGA Training Standards consist of the following modules:
 - Module 1 - Introduction to Local Government – Role and function of Council membersBehaviour
 - Module 2 - Legal ResponsibilitiesCivic
 - Module 3 - Council and Committee meetingsLegal
 - Module 4 - Financial Management and ReportingStrategy and Finance

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~~5.6 Elected Members who are new to Council will be required to undertake all four modules.~~

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~~5.7 Returning Elected Members will undertake the appropriate modules identified through a gap analysis/self-assessment of their skills and training needs.~~

~~5.7.8 Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community.~~

~~5.9 All additional training and development activity must be directly relevant to Elected Members functions and duties and directed at improving performance, skills and knowledge.~~

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5.109 It is recognised that a range of delivery methods will be required to support the training needs of Elected Members, including:

- CEO Briefing/Workshop Sessions conducted by Council with appropriate guest speakers and presenters;
- Attendance at workshops, seminars and conferences offered by training providers such as the Local Government Association of SA, Australian Local Government Association, and other private providers that provide an opportunity for Elected Members to gain new skills and network with other Elected Members;
- Printed material, including training booklets and discussion papers, that may be distributed for information;
- On-line self-paced learning.

5.101 Council's Training and Development Plan will include the agreed delivery method to respond to the needs of Elected Members identified during the development of the training plan.

Annual Budget Allocation

5.112 Council will approve an allocation in the budget each financial year for Elected Members to attend training and development activities, Council ~~nominated~~ delegate activities and conferences and seminars. The budget allocation will provide for associated travel and accommodation. Progress against expenditure of the budget allocation will be reported on ~~an six-month and~~ annual basis.

5.123 The budget allocation will comprise:

- a) **Elected Members Training and Development:** An amount to be utilised for the purpose of Training and Development activities for the whole of Council. ~~This and~~ will include training in accordance with the LGA Training Standards. Funds from this allocation that are not spent do not accumulate and will return to the City of Salisbury budget at the end of each financial year. In consideration of the Training and Development needs in the first year of the new Council term following elections, the budget will be staggered to accommodate this increased training need.

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- b) **Council Nominated Delegate Activities:** An amount to be utilised for the purpose of costs associated with Council nominated Delegate activities, where Elected Members are required to vote, or otherwise conduct business, on behalf of the City of Salisbury. Funds from this allocation that are not spent do not accumulate and will return to the City of Salisbury budget at the end of each financial year.
 - c) **Individual Elected Member Development:** Each Elected Member has budget allocation for training and development for each financial year undertaken within Australia. An amount for each Elected Member for the purpose of attending Training and Development activities, ~~and~~ Conferences and Seminars (including associated travel and accommodation costs), including any additional training in accordance with the LGA Training Standards undertaken separate to that already provided inhouse by Council. Unspent allocations (up to the amount provided by this clause) may be carried forward for one year.
- 5.13 ~~Any additional funding required for Training and Development activities, Council nominated Delegate activities or attendance at Conferences and Seminars must be approved by Council.~~
- 5.14 ~~The budget allocation will become available on 1 July of each year. In the event that it is an election year a pro-rata allocation (equivalent to four months) will be made to each Elected Member on 1 July. The balance of the allocation will be made to Elected Members after the conclusion of the election.~~
- 5.15 ~~In the event of a mid term supplementary election, a new Elected Member will receive a pro-rata allocation for the period commencing on the date of their appointment and concluding on 30 June.~~

Approval of expenditure

The following approvals for expenditure will be required:

~~5.15~~ **5.16 Elected Members Training and Development:**

~~Prior to incurring the expense, a approval Training and Development application is to be submitted to the Chief Executive Officer required by the Chief Executive Officer for consideration within the policy criteria. A Council decision is required if the scope is deemed outside the policy or budget provision. prior to incurring the expense.~~

5.17 **Council Nominated Delegate Activities:**

- for activities where costs do not exceed \$1,000, ~~approval-consideration~~ required by the Chief Executive Officer prior to incurring the expense.
- for activities where costs exceed \$1,000, approval required by Council prior to incurring the expense.

5.18 **Individual Elected Member Development:**

- for activities where costs are less than or equal to the individual allocation

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(as provided for in ~~Clause 5.124.c~~) ~~approval consideration~~ required by the Chief Executive Officer prior to incurring the expense;

- for activities where costs exceed the individual allocation (as provided for in clause 512.c) approval required by Council.

~~5.19 The Training and Development Plan will determine the nature of training to be made available, however a~~Access to training programs not directly conducted by the Council will require approval upon application and must link to the training plan~~b~~ directly relevant to Elected Members functions and duties unless otherwise agreed by the Council.

~~5.20 For all interstate activities, regardless of total costs, approval is required by Council, having regard to:~~

- ~~Alignment with the Strategic Plan;~~
- ~~Anticipated benefits to the Elected Member attending; and~~
- ~~Anticipated benefits to the City of Salisbury.~~

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5.2118 Where approval has been granted for an Elected Member to attend a training and development activity, the Elected Member may seek the reimbursement of approved expenses in accordance with the relevant provisions of the *Local Government Act 1999* and *Regulations* and Council's Elected Members Allowances and Benefits Policy.

5.2219 Costs for attendance and travel by family members will not be met by Council.

Attendance at Training Programs and Record Keeping

~~5.23 Elected Members are encouraged to attend at least one professional development activity each year.~~

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~~5.24 The CEO will keep a record of all training attended, but particularly the mandatory training requirements. Failure to complete the mandatory training requirements in the relevant time frame amounts to a breach of the Council Members Code of Conduct.~~

Commented [RD3]: Delete 5.24 (s80A), 5.29 (s79) and 5 and reference relevant legislation under heading 3: Legislation Requirements

5.2520 Following attendance at a conference or seminar Elected Members must prepare and submit to Council a written or verbal report in relation to their attendance at the conference or seminar. Written reports should be submitted to the ~~Project Officer~~ Manager, Governance who will arrange for it to be presented to Council at the earliest opportunity. All written reports are to be provided within 3 months of attending the relevant activity. Should a written report not be provided within 3 months, funds for attendance at activities covered by this policy will be withheld for this particular Elected Member, with the exception of the mandatory LGA training Standards training, until such time as the overdue report/s are presented by the Elected Member who attended the conference or seminar.

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5.2621 Following attendance at a training and development activity Elected Members may give a verbal report in relation to their attendance at the training and development activity at the next Council meeting following attendance where appropriate.

~~5.27 All written reports as required in clause 5.25 above are to be provided within 3 months of attending the relevant activity. Should a written report not be provided within 3 months, funds for attendance at activities covered by this policy will be withheld until such time as overdue reports are presented.~~

Commented [RD4]: Move under heading 3

5.2822 Staff The Administration will prepare on an annual basis, a report to Council that sets out any outstanding detailing Elected Member Training and Development Activity Report.

Commented [RD5]: Include statutory provision and include under heading 3.

Commented [J06R5]: This is already included as Schedule requirements

~~5.29 In accordance with Section 79 of the Local Government Act 1999, details of attendance at professional development activities by Elected Members will be recorded in the Elected Members' Allowances and Benefits Register.~~

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~~5.30 Council's annual report will include a segment regarding the operation of this Policy, the nature of matters raised in the Training and Development Plan, attendances by Elected Members and expenditure allocated and used for training of Elected Members.~~

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6. Related Policies and Procedures

1. ~~Local Government Association of SA: Training and Development Policy and Plan for Council Members – Model Policy – September 2017~~
1. City of Salisbury Elected Member Allowances and Benefits Policy
2. LGA Training Standards – accessed on the LGA website at <https://training.lga.sa.gov.au/lg-equip-training/>

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7. Approval and Change History

Version	Approval Date	Approval By	Change
8	December 2021	Council	Minor editorial changes and changes to training provided by the LGA
<u>9</u>	<u>December 2022</u>	<u>Council</u>	<p><u>Legislative review and policy updated to reflect changes</u></p> <p><u>Policy updated to reflect changes as part of the Local Government Reform</u></p> <p><u>Policy updated to included changes to the LGA Training Standards</u></p>

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council’s website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.
- City of Salisbury Community Hub
 34 Church Street, Salisbury SA 5108
 Telephone: 84068222
 Email: city@salisbury.sa.gov.au

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9. Review

- This Policy will be reviewed:
- Within 12 months of a Council election and thereafter as necessary; or
 - Earlier in the event of changes to legislation or related Policies and Procedures; or
 - If deemed necessary by Council.

Further Information

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For further information on this Policy please contact:

Responsible Officer: Manager Governance
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

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CITY OF SALISBURY

DRAFT COUNCIL MEMBERS TRAINING AND DEVELOPMENT PLAN

The following table provides mandatory training in accordance with the LGA Training.

Details	Available to	Provider
LGA Training Standards		
Module 1— Introduction to Local Government	All new Elected Members	In-house
Module 2— Legal Responsibilities	All Elected Members	In-house
Module 3— Council and committee meetings	All new Elected Members	In-house
Module 4— Financial Management and Reporting	All Elected Members	In-house / External

The following table provides Council/ Committee specific training

Details	Available to	Provider
Council and Committee Procedures and Chairing Skills	All Elected Members	In-house / Consultant
Media and social media Skills for Elected members	All Elected Members	In-house / Consultant
Public Speaking	All Elected Members	In-house / Consultant
Risk Management	All Elected Members	In-house / Consultant
Council Assessment Panel Member Training	CAP Members	Consultant / Consultant

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Council Assessment Panel Workshops for relevant P&D issues eg Code of Conduct	CAP Members	In-house / Consultant
Other Committee specific training sessions	As appropriate	

The following table outlines additional courses, seminars and conferences that may be available to Elected Members. Details on dates are available on the LGA website.

Details	Available to	Provider
LGA Education and Training Services		
Audit Committees: General Overview and Mock Meeting	Audit Committee Members	LGA
Caretaker Policy Information Session	All Council Members	LGA
Code of Conduct for Elected Members	All Council Members	LGA
Community Engagement for Elected Members	All Council Members	LGA
Dispute Resolution for Elected Members	All Council Members	LGA
Effective Council Meetings	All Council Members	LGA
Effective Decision Making for Elected Members	All Council Members	LGA
Effective Financial Management and Reporting	All Council Members	LGA
Effective Leadership in Local Government	All Council Members	LGA
Electronic Council meetings – Everything you need to know	All Council Members	LGA

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Emotional Intelligence 101 for Elected Members	All Council Members	£GA
Meeting Procedures for Mayors and Chairs	Mayor and Chairmen of Committees and Sub Committees	£GA
Mindfulness Based Emotional Intelligence	All Council Members	£GA
Mock Council Meeting	All Council Members	£GA
Negotiating and Influencing Skills	All Council Members	£GA
Outrage Management Basics	All Council Members	£GA
Outrage Management in Public Participation	All Council Members	£GA
Psychological First Aid	All Council Members	£GA
Register of Interests – Elected Members	All Council Members	£GA
Enhanced Public Speaking and Presenting for Elected Members	All Council Members	£GA*
Council Meetings and Chamber Etiquette	All Council Members	£GA*
Reputation and Media Skills for Mayors and Chairpersons	Mayor, Deputy Mayor and Chairmen	£GA*
CEO Performance Review and Contractual Obligations	All Council Members	£GA*
Conflict of Interest, for Elected Members	All Council Members	£GA*
ICAC Overview – Misconduct, Corruption for Elected Members	All Council Members	£GA*

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Strategy and Risk Management	All Council Members	LGA ^{HL}	Commented [J07]: What is the star for?
Other relevant training programs provided by LGA			
Elected Members and Mayor's Forums			
LGA Annual Conference and/or Showcase	All Council Members	LGA	
LG Professionals (SA) Annual Conference	All Council Members	LG Professionals	
Other relevant local conferences that may be identified throughout the year Other relevant short seminars and special interest sessions throughout the year	All Council Members		
Interstate Conferences and Seminars*			
Local Government Managers Australia (LG Professionals) National Congress [location]	All Council Members	LG Professionals	
ALGA National General Assembly of Local Government [location]	All Council Members	ALGA	
Other interstate conferences that may be identified throughout the year	As appropriate		

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Note: All interstate conferences or seminars require an individual Council approval by resolution

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CITY OF SALISBURY



Elected Member Training and Development Plan 2022-2023

The following table includes the mandatory training in accordance with the Local Government Association Training Standards

Session	Content	Facilitator
Induction Session 1	Tour of Community Hub including Council Chamber and offices, overview of seating arrangements and location of pigeonholes for mail distribution. New Elected Member Induction: <ul style="list-style-type: none"> • ICT set up • Safety Vests • How Administration communicates with you: use of e-mail, receiving corporate text messages • Elected Member Portal, website overview • Records management and State Records Act obligations • Freedom of Information • Logging Customer requests and the process • Customer requests and complaint management Role of Local Government (brief induction and overview) <ul style="list-style-type: none"> • Roles, functions and objectives of Local Government Role of Elected Members (brief induction and overview) <ul style="list-style-type: none"> • Roles and Responsibilities of Members • Roles and Relationships of Council Members, the CEO and Council staff 	In-house

<p>Induction Session 2</p>	<p>Induction – Council and Committee Meetings Run through of first Council meeting – running sheet Role of Local Government Functions of Local Government Principles of Local Government Principal Member of Council Elected Member of Council Elected Members, CEO and Administration Partnership Role of the CEO Register of Interest Confidentiality and Transparent Decision making Agendas and Minutes Recommendations Motions Questions CEO Briefing Sessions Code of Conduct/New Behavioural Standard New conflict of Interest provisions (since 17 November 2022)</p>	<p>In-house</p>
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Induction Session 3	<p>Introduction to the City of Salisbury and Departmental Overview Detailed Overview of Council Services and Portfolios</p> <ul style="list-style-type: none"> • Mandatory and Discretionary Service <p>City Plan City Overview and Corporate/Organisational and Operational Overview Key Strategic Issues and Projects Introduction to Executive Group</p> <p>Presentations from Executive Group Overview Key roles and responsibilities Overview of Major Decisions for 2018-2022 Council Term Functional Areas Areas of Significant Activity Issues, Budgets, Resourcing</p>	In-house
City Bus Tour	City Bus Tour	In-house
Behaviour – Mandatory Module – Part 1 of mandatory module	<p>Behaviour Module <i>To identify attributes and develop skills that uphold the Behavioural Standards and principles of good governance</i></p> <p>Values, ethics & behaviour</p> <ul style="list-style-type: none"> • Understanding values and ethics • Behavioural Standards for Council Members • WHS, Bullying & Harassment 	Norman Waterhouse

Civic – Mandatory Module	Civic Module To develop knowledge of the Australian system of government and how council fulfil the objectives of the Local Government Act to deliver reputable community outcomes.	Kelley Jones
Legal – Mandatory Module	Module – Legal To develop the knowledge and skills required to meet the legal responsibilities of a Council Member	In-house (Governance)
Strategy and Finance – Mandatory Module	Strategy and Finance – Module 4 To develop the knowledge of integrated strategic and annual business planning and the skill to manage public funds appropriately.	Kelley Jones and in-house Finance and Governance

Section 58 of the Local Government Act prescribes specific responsibilities for the Principal Member or Mayor to provide leadership and guidance for Council the following training (in addition to the council member training) is required by the Principle Member or Mayor.

Session	Content	Facilitator
Principal Member Leadership competency framework –for the Mayor and Deputy Mayor	<p>Principal Member Forum</p> <p>The following topics are addressed:</p> <p>Behaviour – Effective Leadership</p> <p>Behaviour – Public speaking and media</p> <p>Civic – Meeting procedures (technical knowledge)</p> <p>Civic – Effective Meetings (Chairing skills)</p>	LGA

Session	Content	Facilitator
Principal Member Leadership Program – for Committee Chairs	<p>Civic – Effective Meetings (Presiding over meeting - relevant skills)</p> <p>Behaviour – Effective Leadership</p> <p>Behaviour – Public speaking & media (skills)</p> <p>Civic – Meeting procedures (technical knowledge)</p>	Kelley Jones
Behaviour – Mandatory Module – Part 2 of mandatory module	<p>Behaviour Module – Mandatory</p> <p>Effective communication and negotiation skills</p> <p>Leadership Skills – Strategic thinking and change management</p> <p>Leadership Skills – Resilience</p>	TBC – external facilitator

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ITEM	3.1.4 GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	20 February 2023
HEADING	Review of Hardship Policy for Residential Salisbury Water Customers
AUTHOR	Roseanne Irvine, Salisbury Water Administration Coordinator, Business Excellence
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	Pursuant to Section 37 of the <i>Water Industry Act 2012</i> , Council is required to have a Hardship Policy for Residential Salisbury Water customers. This policy has been reviewed and no changes are required.

RECOMMENDATION

That Council:

1. Adopts the Hardship Policy for Residential Salisbury Water Customers as set out in Attachment 1 to this report (Item 3.1.4, Governance and Compliance Committee, 20 February 2023).

ATTACHMENTS

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

1. Hardship Policy for Residential Salisbury Water Customers

1. BACKGROUND

- 1.1 Council has been issued a Water Retail Licence by the Essential Services Commission of South Australia (ESCOSA) which allows Council to provide a recycled water retail service to its customers.
- 1.2 In accordance with Section 37 of the *Water Industry Act 2012*, it is a condition of Council's Licence that it has a customer hardship policy for its residential customers that sets out:
 - 1.2.1 processes to identify residential customers experiencing payment difficulties due to hardship, including identification by Council and self-identification by residential customers.
 - 1.2.2 a range of processes or programs that Council should use, or apply, to assist customers identified as per paragraph 1.2.1.
- 1.3 The Hardship Policy for Residential Salisbury Water Customers was last reviewed in January 2021 and no changes, with the exception of minor editorial changes to ensure its continuing relevance, were required in the context of the original policy as approved by ESCOSA in 2014.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Nil

2.2 External

2.2.1 ESCOSA – approval was received from the Commission on 27 August 2014 endorsing Council’s Hardship Policy for Residential Salisbury Water Customers.

3. REPORT

3.1 The Hardship Policy for Residential Salisbury Water Customers is based on the customer hardship policy for minor and intermediate retailers, as published by the Minister for Communities and Social Inclusion, pursuant to Section 37 of the *Water Industry Act 2012*, under delegation by the Minister for Water and the River Murray, with modification. Any modification from the Minister’s template, as contained in Council’s policy, has previously been approved by ESCOSA.

3.2 The Hardship Policy for Residential Salisbury Water Customers has been reviewed.

3.3 No changes are required to the policy, nor have any changes been proposed or directed by ESCOSA or the Minister.

4. CONCLUSION / PROPOSAL

4.1 Council is committed to assisting residential customers who are experiencing financial hardship to better manage their payments and ensure their recycled water service is not restricted.

4.2 This policy assists staff to identify Salisbury Water residential customers experiencing payment difficulties due to hardship to comply with the provisions of the *Water Industry Act 2012*.

4.3 The Hardship Policy for Residential Salisbury Water Customers as contained within Attachment 1 is recommended to Council for adoption.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Hardship Policy for Residential Salisbury Water Customers

Adopted by:	Council
Responsible Division:	Salisbury Water – Business Excellence
First Issued/Adopted:	23 February 2015
Last Reviewed:	25 January 2021 <u>20 February 2023</u>
Next Review Date:	February 2023 <u>February 2025</u>

1. Purpose

- 1.1 The City of Salisbury is committed to assisting residential customers with a recycled water service, who are experiencing financial hardship, to manage their payments in a manner that best suits the customer, and ensuring they remain connected to a retail service.
- 1.2 The purpose of this policy is to identify residential customers who are experiencing payment difficulties due to hardship, and assist those customers to better manage their bills on an ongoing basis.
- 1.3 This policy sets out:
 - a) processes to identify residential customers experiencing payment difficulties due to hardship, including identification by us, self-identification by a residential customer, identification by an accredited financial counsellor, or welfare agency, and
 - b) an outline of a range of processes or programs that we will use, or apply, to assist our customers who have been identified as experiencing payment difficulties.

1.4 This policy is based on the customer hardship policy for minor and intermediate retailers, made by the Minister for Communities and Social Inclusion, pursuant to section 37 of the *Water Industry Act 2012*, under a delegation by the Minister for Water and the River Murray, with modification. The modifications contained in this policy have been approved by the Essential Services Commission of South Australia.

2. Scope

2.1 This policy applies to residential customers with a recycled water retail service.

3. Legislative Requirements

3.1 City of Salisbury Water Industry Retail Licence (Intermediate Retailer)

3.2 *Water Industry Act 2012 (SA)*

3.3 *Essential Services Commission Act 2002 (SA)*

3.4 *Local Government Act 1999*

4. Interpretation/Definitions

In this policy:

Accredited financial counsellor, in South Australia, means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association.

Connection means an agreed point of supply at which a customer receives a retail service from a supplier.

Consumer means a person supplied with retail services as a consumer or user of those services (as defined in the *Water Industry Act 2012*). (Note: you may be a consumer by virtue of being a Council ratepayer).

Council means the City of Salisbury

Customer means a person who owns land in relation to which a retail service is provided and includes:

- a) where the context requires, a person seeking the provision of a retail service, and
- b) in prescribed circumstances, a person supplied with retail services as a consumer or user of those services (without limiting the application of this definition to the owners of land), and
- c) a person of a class declared by the regulations to be customers.

(as defined in the *Water Industry Act 2012*) (Note: you may be a customer by virtue of being a council ratepayer).

Customer Hardship Policy means this policy for minor and intermediate retailers, that has been adopted by the City of Salisbury, in accordance with section 37 of the *Water Industry Act 2012*.

Financial Counsellor means accredited financial counsellor.

Financial Hardship means a circumstance of experiencing a lack of financial means that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

Hardship means financial hardship.

Hardship customer means a residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program.

Hardship Program means an agreement between us and a hardship customer for payment of outstanding sums due for retail services.

Intermediate retailer means a retailer that provides services to more than 500 but less than 5000 connections.

Minor retailer means a retailer that provides retail services to less than 500 connections.

Our, us, we mean the City of Salisbury.

Policy means this Customer Hardship Policy.

Regulations means regulations under the *Water Industry Act 2012*.

Residential customer means a customer or consumer who is supplied with retail services for use at residential premises (as defined in the *Water Industry Act 2012*) (Note: you may be a residential customer by virtue of being a Council ratepayer).

Retail service means a service constituted by the sale and supply of water to a person for use (and not for resale) where the water is to be conveyed by a reticulated system (even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit of this definition by the regulations (as defined in the *Water Industry Act 2012*).

Retailer means the holder of a licence issued by the Essential Services Commission of South Australia under the *Water Industry Act 2012*.

Water means rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewerage (as defined in the *Water Industry Act 2012*).

Water Service means:

- a) a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or
- b) any other service, or any service of a class, brought within the ambit of this definition by the regulations.

(as defined in the *Water Industry Act 2012*).

5. Policy Statements

IDENTIFYING RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP

- 5.1 A residential customer experiencing financial hardship is someone who is identified by themselves, by us, by an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with our payment terms.
- 5.2 There are two types of financial hardship: ongoing and temporary. Depending on the type of hardship being experienced, hardship customers will have different needs and will require different solutions.
- 5.3 Residential customers who are identified as experiencing ongoing hardship are generally those on low or fixed incomes. These customers may require ongoing assistance.
- 5.4 Residential customers who may be identified as experiencing temporary hardship are those who have experienced a short-term change in circumstances, such as serious illness, disability or death in the family, loss or change in income, separation, divorce or other family crisis, a loss arising from an accident, or some other temporary financial difficulty. These customers generally require flexibility and temporary assistance, such as an extension in time to pay or an alternative payment arrangement.
- 5.5 The extent of hardship will be determined by either our assessment process or by an external body, such as an accredited financial counsellor.
- 5.6 Where we assess a residential customer's eligibility for hardship assistance, we will consider indicators including (but not limited to) whether:
 - a) the customer is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card;
 - b) the Customer is eligible for a South Australian Government Concession;
 - c) the customer has been referred by an accredited financial counsellor or welfare agency;

- d) the customer advises they have previously applied for emergency relief (irrespective of whether or not their application was successful);
- e) the customer's payment history indicates that they have had difficulty meeting their retail services bills in the past;
- f) the customer, through self-assessment, has identified their position regarding their ability to pay.

ASSISTING RESIDENTIAL CUSTOMERS WHO ARE EXPERIENCING FINANCIAL HARDSHIP

- 5.7 We will inform a residential customer of this customer hardship policy where:
- a) it appears to us that non-payment of a bill for retail services is due to the customer experiencing payment difficulties due to hardship, or
 - b) we are proposing to install a flow restriction device.
- 5.8 Where a residential customer has been identified as experiencing financial hardship, we will offer the customer, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the hardship customer's usage, capacity to pay and current financial situation. These options will include the following:
- a) an interest and fee free payment plan that complies with clause 5.23 to 5.27,
 - b) reoccurring BPay Payment Plan, or
 - c) other arrangement, under which the customer is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges),
- recognising that some residential customers have a short-term financial hardship issue that may be resolved in the near to medium term, where others may require a different type of assistance for ongoing financial issues.
- 5.9 We will not charge a residential customer a reconnection charge where the customer is experiencing financial hardship and should have been identified as eligible for this customer hardship policy, as long as the customer agrees to participate in our hardship program, upon reconnection.
- 5.10 We will engage in discussion with the hardship customer to determine a realistic payment option in line with the customer's capacity to pay.
- 5.11 We will work with a hardship customer's financial counsellor to determine the payment arrangement and instalment amount that best suits the customer and their individual circumstances.

- 5.12 Where a hardship customer's circumstances change, we will work with the customer, and their financial counsellor, to re-negotiate their payment arrangement.
- 5.13 We will not require a hardship customer to provide a security deposit.
- 5.14 We will not restrict a customer's retail service if:
- a) the customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
 - b) we have failed to comply with the requirements of this customer hardship policy.
- 5.15 We will also offer the hardship customer:
- a) where appropriate, information about the right to have a bill redirected to a third person, as long as that third person consents in writing to that redirection
 - b) information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
 - c) information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a customer is experiencing ongoing financial hardship.
- 5.16 Where a hardship customer requests information or a redirection of their bills, we will provide that information or redirection free of charge.
- 5.17 We will provide information to the hardship customer on how to reduce usage and improve water efficiency, which may include referral to relevant government water efficiency programs. This will be provided at no charge to the customer.
- 5.18 We will explain to the hardship customer how and when the customer will be returned to regular billing cycles (and collection), after they have successfully completed their hardship program.
- 5.19 We will also explain to the hardship customer that they will be removed from our hardship program, and be returned to our standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact us for a period of greater than 90 days.
- 5.20 We will not take any action to remove a customer from our hardship program until we have sent the customer a written notice, allowing them 10 working days from the date of the notice to contact us to re-negotiate their re-entry into the program.

RETAIL SERVICES PROVIDED BY COUNCILS

- 5.21 Typically, Council rates are made up of retail services (as defined in this policy) and non-retail services, for example refuse collection, parks and playgrounds, road maintenance.
- 5.22 The City of Salisbury's water retail service is billed separately to its Council rates, therefore if you are a residential customer in receipt of a water retail service provided by Council and you are experiencing financial hardship, then only the water retail element will be subject to the terms of this hardship policy.

PAYMENT PLANS

- 5.23 Our payment plan for a hardship customer will be established having regard to:
- a) The customer's capacity to pay and current financial situation
 - b) Any arrears owing by the customer, and
 - c) The customer's expected usage needs over the following 12 month period.
- 5.24 The payment plan will also include an offer for the hardship customer to pay their retail services in advance or in arrears by instalment payments at a frequency agreed with the customer (eg weekly, fortnightly, monthly or as otherwise agreed with the customer).
- 5.25 Where a payment plan is offered to a hardship customer, we will inform the customer in writing, within 10 business days of an agreement being reached, of:
- a) The duration of the plan
 - b) The amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
 - c) The customer is in arrears - the number of instalments to pay the arrears, and
 - d) If the customer is to pay in advance - the basis on which the instalments are calculated.
- 5.26 We will waive any fees for late payment of a bill for a hardship customer.
- 5.27 Where a hardship customer is seeking assistance in accordance with this policy, but has failed to fulfil their obligations under an existing hardship arrangement, we will require them to sign up for reoccurring BPay payments.

DEBT RECOVERY

- 5.28 We will suspend debt recover processes while negotiating a suitable payment arrangement with a hardship customer.
- 5.29 We will not engage in legal action or commence proceedings for the recovery of a debt relating to a retail service for a hardship customer if:
- a) The customer has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
 - b) We have failed to comply with the requirements of this customer hardship policy.

RIGHTS OF RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP

- 5.30 Every residential customer experiencing financial hardship has the right to:
- a) Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential.
 - b) Receive information about alternative payment arrangements, this customer hardship policy, and government concessions, rebates, grants and assistance programs.
 - c) Negotiate any amount they can afford to pay on a payment plan or other payment arrangement.
 - d) Consider various payment methods, and receive written confirmation of the agreed payment arrangement within 10 business days.
 - e) Renegotiate their payment arrangement if there is a change in their circumstances.
 - f) Receive information about free and independent, accredited financial counselling services.
 - g) Receive a language interpreter service at no cost to the customer.
 - h) Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.
 - i) Not have retail services restricted or disconnected as long as they have an agreed payment arrangement and continue to make payments according to an agreed plan.

GENERAL PROVISIONS

- 5.31 We will ensure residential customers have equitable access to this customer hardship policy, and that this policy is applied consistently.

- 5.32 We will ensure appropriate training of staff dealing with residential customers in hardship to enable them to treat customers with respect and without making value judgements. Training will also assist staff in the early identification of hardship customers, with establishing payment plans based on a hardship customer's capacity to pay, and include processes for referral to an accredited financial counsellor or welfare agency for assistance.
- 5.33 This customer hardship policy is available on our website: www.salisbury.sa.gov.au
- 5.34 We will also make a copy of this policy available, upon request, and at no charge to the customer, as soon as practicable following a request to do so.
- 5.35 This customer hardship policy does not limit or prevent us from waiving any fee, charge or amount of arrears for the provisions of retail services to customers who are experiencing financial hardship.

CONFIDENTIALITY

- 5.36 Any information disclosed by a customer is confidential and will not be used for any purpose other than the assessment of an application for assistance.

COMPLAINTS HANDLING

- 5.37 Details of our customer complaints and dispute resolution process are available on our website: www.salisbury.sa.gov.au. We will also make a copy of this process available to a residential customer, upon request, and at no charge to the customer.
- 5.38 A residential customer experiencing hardship has the right to have any complaint heard and addressed by us, and in the event that their complaint cannot be resolved, the right to escalate the complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

6. Related Policies and Procedures

- 6.1 Water Retail Code – Minor & Intermediate Retailers, WRC-MIR/02, Essential Services Commission of South Australia.

7. Approval and History

Version	Approval Date	Approval By	Change
5	February 2023	Council	Reviewed for currency, no changes required.

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours, and upon request, a copy will be provided at no charge to the customer.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

9. Review

This Policy will be reviewed:

- Within 12 months of a Council election and thereafter as necessary; or
- Earlier in the event of changes to legislation or related Policies and Procedures; or
- If deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Manager, Salisbury Water
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au