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I hereby give notice that a People and Place Committee Meeting will be held on:

Date: Tuesday, 8 October 2019
Time: 5:30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

People and Place Committee Meeting 8 October 2019

Andrew Meddle
Chief Executive Officer

4 October 2019

Order Of Business

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Nil

4 QUESTIONS WITHOUT NOTICE



5 REPORTS

5.1 PROPOSED MEETING DATES FOR THE PEOPLE AND PLACE COMMITTEE FOR 2019/20 - REPORT NO. AR19/51179

Meeting: People and Place Committee
CM9 Reference: AF19/326
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/51179 titled 'Proposed Meeting Dates for the People and Place Committee for 2019/20' as presented on 08 October 2019 be noted.
2. That its meeting schedule for 2019/20, be as set out in Attachment 1 to this report.



BACKGROUND

At the Council meeting on 20th August 2019, Council resolved a new committee structure. The resolution, in part, stated:

“(a) *People and Place Committee:...*

(iv) *That the first meeting of this committee be held Tuesday 8th October, 2019 (noting that the Monday of this week is a public holiday) and subsequent meetings be the first Monday of the month unless otherwise determined by the Committee.”*

CONCLUSION

Based upon the resolution of Council around meeting dates, a proposed schedule is set out in **Attachment 1** to this report, for the remainder of this municipal year. As such, it is recommended that the dates in Attachment 1 be agreed, so that they may be diarised for Elected Members.

ATTACHMENTS

1. Proposed Dates for the People and Place Committee [↓](#)



PEOPLE AND PLACE COMMITTEE

Meeting dates for the remainder of the 2019/20 municipal year.

Council resolution of 20th August 2019 stated that meeting would take place on the first Monday in the relevant month. This has been taken to except public holidays.

Monday, 2nd December 2019
Monday, 3rd February 2020
Monday, 6th April 2020
Monday, 1st June 2020



**5.2 WORK PROGRAM FOR THE PEOPLE AND PLACE COMMITTEE FOR 2019/20 -
REPORT NO. AR19/51178**

Meeting: People and Place Committee
CM9 Reference: AF19/326
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/51178 titled 'Work Program for the People and Place Committee for 2019/20' as presented on 08 October 2019 be noted.
2. That the following items comprise the Committee's work program for the remainder of the 2019/20 municipal year:
 - (a) ...



BACKGROUND

There is a need for the People and Place Committee to set a work program for the remainder of the 2019/20 municipal year. A similar request will be made at the inaugural meeting of the People and Place Committee.

The Terms of Reference have deliberately been left broad to enable a Council-wide approach to matters to be taken. The Terms of Reference are more specific with regards to the nature of such matters, where it is stated that:

“The term ‘strategic’ is used in two senses:

- Important, general aspects of something (such as a policy), especially when these are decided in advance, which may affect the organisational focus and direction; and/or*
- Being of size and scale that makes the project of significance to the organisation or the whole community.*

The term ‘key project’ is used in the sense of a project of scope and scale to be considered significant to the Council (in terms of finance or risk), but which is not a form of capital expenditure.

For the purpose of Section 101A of the Development Act 1993, to:

- provide advice to Council in relation to the extent to which Council’s strategic planning and development policies accord with the planning strategy.*
- To assist Council in undertaking strategic land use and transport planning relevant to the City of Mount Gambier*
- To assist Council in undertaking strategic land use and transport planning relevant to any regional planning function.”*

Key matters which may be of interest to this Committee could include:

- a) Community events
- b) Visual arts
- c) Public art
- d) CBD activation and enhancement
- e) Tourism (strategy as opposed to assets)
- f) Place making and shaping
- g) Land use or transport planning policy matters
- h) Joint Planning Board matters

Elected Members should note that there is no budget allocation to support the work of Committees and that should a matter require external support, it is likely that a formal budget adjustment will be required at a later stage.

CONCLUSION

It is recommended that the Committee allow a short-term suspension of proceedings to enable debate on the work program for the remainder of the 2019/20 municipal year and resolve on matters, which they wish to focus on.

ATTACHMENTS

Nil



5.3 TERMS OF REFERENCE OF THE PEOPLE AND PLACE COMMITTEE - REPORT NO. AR19/51185

Meeting: People and Place Committee
CM9 Reference: AF19/326
Author: Andrew Meddle, Chief Executive Officer
Authoriser: Andrew Meddle, Chief Executive Officer

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/51185 titled 'Terms of Reference of the People and Place Committee' as presented on 08 October 2019 be noted.
2. That the following changes be made to the Terms of Reference for the People and Place Committee:
 - a)...
3. That this is / is not a prescribed Committee for the purposes of payments as required by the SA Remuneration Tribunal.



BACKGROUND

At the Council meeting on 20th August 2019, where it was resolved to form the new committee structure, it was requested that the Terms of Reference be reviewed by the Committees at their first meetings. Accordingly the Terms of Reference may be found as **Attachment 1** to this report.

CONCLUSION

The Terms of Reference allow the Committee to formally reconsider them at any meeting and that any changes recommended by this Committee will be the subject of future Council endorsement before they come into effect.

ATTACHMENTS

1. Terms of Reference People and Place Committee [↓](#)





People and Place Committee

TERMS OF REFERENCE

A Committee of Council
established pursuant to the provisions of
Section 41
of the Local Government Act 1999
and
Section 101A
of the Development Act 1993.

Terms of Reference for the conduct of the business of the Council People and Place Committee were approved and adopted by the City of Mount Gambier at its meeting held on 20th August 2019.



People and Place Committee

The People and Place Committee has been established with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite.

The term '*strategic*' is used in two senses:

- Important, general aspects of something (such as a policy), especially when these are decided in advance, which may affect the organisational focus and direction; and/or
- Being of size and scale that makes the project of significance to the organisation or the whole community.

The term 'key project' is used in the sense of a project of scope and scale to be considered significant to the Council (in terms of finance or risk), but which is not a form of capital expenditure.

For the purpose of Section 101A of the Development Act 1993, to:

- provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
- To assist Council in undertaking strategic land use and transport planning relevant to the City of Mount Gambier
- To assist Council in undertaking strategic land use and transport planning relevant to any regional planning function.



People and Place Committee

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1 NAME

- 1.1 The name of the Council Committee shall be the People and Place Committee (in these Terms of Reference referred to as “the Committee”).

2 INTERPRETATION

- 2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context:

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Committee” means the Committee of Council established pursuant to clause 3.
- 2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.
- 2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.
- 2.1.5 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.
- 2.1.6 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.
- 2.1.7 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.
- 2.1.8 “Sub-Committee” means a sub-committee established in accordance with the Act.

- 2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

- 2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

- 2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.

2.5 Notices

- 2.5.1 All communication to be given to the Committee shall be addressed to:

City of Mount Gambier People and Place Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3 ESTABLISHMENT

- 3.1 The People and Place Committee is established under Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993.

- 3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.



- 3.3 The Committee is established by the Council with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite and in particular the Council's Strategic Plan.
- 3.4 The Committee will focus primarily, but not exclusively, on matters which relate to people and place matters, noting that there may be overlap or duplication between this Committee and the Economic and Environment Committee, where Council will determine the Committee best placed to deal with the subject matter.
- 3.5 For the purpose of Section 101A of the Development Act 1993, to:
- provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
 - To assist Council in undertaking strategic land use and transport planning relevant to the City of Mount Gambier.
- 3.6 To assist Council in undertaking strategic land use and transport planning relevant to any regional planning function.

4 OBJECTIVES

- 4.1 The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment.

5 MEMBERSHIP

- 5.1 Membership of the Committee will comprise eight Councillors.
- 5.2 The Mayor has Ex-Officio membership on this Committee.
- 5.3 The Committee has the right to co-opt individual members who have special expertise to assist the Committee under its objective. Such co-opted members have the right to attend meetings and participate in discussion but will have no voting rights on the Committee.
- 5.4 Council will appoint a Presiding Member.
- 5.5 Council reserves the right not to appoint, to remove or to replace any co-opted member.

6 QUORUM

- 6.1 At all Meetings of the Committee a quorum must be present.
- 6.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

7 MEETINGS OF THE COMMITTEE

- 7.1 The Committee shall hold ordinary meetings at least bi-monthly.
- 7.2 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.



7.3 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.

7.4 Each Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.

7.5 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

8 PROCEDURES AT MEETINGS

8.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.

8.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

9 LIABILITY OF THE COMMITTEE

9.1 A liability incurred by the Committee rests against Council.

9.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

9.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.

10 DELEGATION

10.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

11 SUB-COMMITTEES

11.1 The Committee may establish a Sub-Committee to assist it in a matter directly related to the Committees objectives.

11.2 When establishing a Sub-Committee the Committee must set out the Terms of Reference for the subcommittee.

11.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-committee is established to assist with.

11.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Act.



11.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.

11.6 If a Sub-Committee established under this Clause 14 fails to achieve quorum on 2 consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Committee for consideration.

12 MINUTES OF THE COMMITTEE

12.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.

12.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.

12.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.

12.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

12.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

13 AMENDMENTS TO TERMS OF REFERENCE

13.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Act and any other relevant legislation.

13.2 Notwithstanding 16.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference it may, but will be under no obligation, to obtain the opinion of the Committee.

14 INTERPRETATION OF TERMS OF REFERENCE

14.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever that are unable to be resolved by the Presiding Member then the Council shall determine the dispute and the decision of the Council shall be final and binding.

15 WINDING UP

15.1 The Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.

13th August 2019

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5.4 POLICY REVIEW - C410 CONDUCT OF MEETINGS AND M265 MEMBER COMPLAINTS HANDLING PROCEDURE - REPORT NO. AR19/47797

Committee: People and Place Committee
Meeting Date: 8 October 2019
Report No.: AR19/47797
CM9 Reference: AF19/326
Author: Michael McCarthy, Manager Executive Administration
Authoriser: Andrew Meddle, Chief Executive Officer
Summary: This report presents Council Policies C410 Conduct of Meetings and M265 Member Complaints Handling Procedure, which are required by the Local Government Act to be reviewed within 12 months after the conclusion of each periodic election, for review.
Community Plan Reference: Goal 1: Our People
Goal 2: Our Location
Goal 3: Our Diverse Economy
Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/47797 titled 'Policy Review - C410 Conduct of Meetings and M265 Member Complaints Handling Procedure' as presented on 08 October 2019 be noted.
2. Having reviewed the policy provisions Council re-adopts the following policies as attached to People and Place Committee Report No. AR19/47797:
 - (a) Policy C410 Conduct of Meetings
 - (b) Policy M265 Member Complaints Handling Procedure



BACKGROUND

Section 92 of the Local Government Act 1999 (“Act”) provides that Council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of Parts 3 and 4 of Chapter 6 (confidentiality provisions) of the Act.

The Act requires that the Code of Practice be reviewed within 12 months after the conclusion of each periodical election.

Council has incorporated its s92 Code of Practice within Policy C410 Conduct of Meetings which additionally includes other Committee and Council meeting procedures as envisaged under sections 86 and 89 of the Act, informal gathering policy provisions as required under s90 of the Act, and other meeting procedural matters.

Policy C410 Conduct of Meetings was re-endorsed at the Council meeting held on 22 November 2018.

Part 2 (Behavioural Code) of the Code of Conduct for Council Members provides that each Council will adopt a process for the handling of alleged breaches of that Part and that this process will be reviewed within 12 months of a general Local Government election.

Council has adopted Policy M265 Member Complaints Handling Procedure for this purpose. Whilst this policy was subject to minor amendment in July 2019 to reflect the introduction of the Public Interest Disclosure Act, it has not been substantially reviewed since August 2015.

With both of these policies requiring review within 12 months of each general Local Government election this report presents each for consideration.

DISCUSSION

Policy C410 Conduct of Meetings

Having been re-adopted at the Council meeting held on 22 November 2019, no policy changes are presented for Policy C410 Conduct of Meetings.

Council may however consider reviewing the policy provisions noting that certain meeting procedures are capable of being varied in accordance with Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

Section 86 of the Act provides that the procedures to be observed at a meeting of Council will be:

- *as prescribed by the regulations*
- *insofar as the procedure is not prescribed by regulation – as determined by the Council*

Section 89 provides similarly for Committees, providing further:

- *insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.*

The meeting procedures that are capable of being varied in accordance with Regulation 6 are:

- r10(2) – relating to the presentation of Petitions to Council or a Council Committee.
- r12(9) – a mover or seconder speaking at the time of moving or seconding.
- r12(10) – a member only speaking once to a motion, and exceptions.
- r12(11) – a member who has spoken not being able to move or second an amendment.
- r13(1) – a member who has not spoken may move or second an amendment.
- r13(3) – mover or seconder of amendment being taken to have spoken to original motion.
- r13(4) – if amendment is lost, only 1 further amendment may be moved to the motion.
- r13(5) – if amendment is carried, only 1 further amendment may be moved to the motion.



- r15(1) – a member must not speak for longer than 5 minutes without leave of the meeting.
- r15(2) – a member may, with leave of the meeting, raise a matter of urgency.
- r16(3) – a person who is not in his or her seat is not permitted to vote.

- r17(3) – relating to members standing/sitting taking of divisions
- r19 – relating to adjourned business.
- r21 – relating to submission by the CEO of a report recommending revocation or amendment of a resolution passed since the last general election of the council

In accordance with s86 and s89 of the Act, all meeting procedures set out in the regulations apply in their unvaried form as prescribed, unless varied by Council. Council may only vary the above listed procedures, and only by resolution supported by at least two-thirds of the Members of Council. Council may also determine such other procedures as are not prescribed in the Act or the Regulations for inclusion in a code of practice.

In this regard, r6(1) of the Regulations provides as follows:

“6—Discretionary procedures

- (1) *Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).*
- (2) *A council should, at least once in every financial year, review the operation of a code of practice under this regulation.*
- (3) *A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.*
- (4) *A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.*
- (5) *A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.*
- (6) *A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.*
- (7) *Regulation 12(4) does not apply to a motion under subregulation (3).*
- (8) *This regulation does not limit or derogate from the operation of regulation 20¹.*

Note—

¹ *Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—*
(a) *as determined by the council; or*
(b) *in the case of a council committee where a determination has not been made by the council—as determined by the committee.*
(See sections 86(8) and 89(1) of the Act.)”

To provide a reference point for any meeting procedural matters, it is recommended that any varied or other procedures that Council may determine be set out in Policy C410 Conduct of



Meetings (incorporating Council's code of practice as required under s92). Further, that any Committee determined procedures be set out in the relevant Committee Terms of Reference.

Should Council propose to vary or determine any other meeting procedures it may consider seeking a report to be prepared or to conduct an informal gathering to discuss any issues or implications arising from such procedural changes prior to their adoption.

In reviewing Council Policy C410 it should also be noted that changes to the s92 code of practice (relating to the use of confidentiality provisions) must be subject to public consultation prior to adoption in accordance with s92(5) of the Act.

Policy M265 Member Complaints Handling Procedure

Policy M265 Member Complaints Handling Procedure has been reviewed including updates to align with the Local Government Association Model *Complaints Handling Procedure under the Members' Code*.

The Draft updated policy is provided for Members at **Attachment 2**.

Only minor changes are suggested including the incorporation of clauses 5.2.2 and 5.2.3.

No other material policy or procedural changes are proposed to Policy M265.

CONCLUSION

Having considered Council policies C410 Conduct of Meetings and M265 Member Complaints Handling Procedure Council may now consider the re-adoption of these policies.

ATTACHMENTS

1. Council Policy C410 - Conduct of Meetings - November 2018 [↓](#)
2. DRAFT Council Policy M265 - Member Complaints Handling Procedure [↓](#)



 <p>City of Mount Gambier</p>	<p>COUNCIL POLICY C410 CONDUCT OF MEETINGS</p>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

1. PURPOSE

The City of Mount Gambier (“Council”) supports open, transparent and informed decision-making and encourages appropriate community participation in the affairs of Council.

Sections 86 and 89 of the Local Government Act 1999 (“Act”) provides that procedures to be observed for the conduct of Council and Committee meetings will be:

- as prescribed by the Local Government (Procedures at Meetings) Regulations 2013
- insofar as the procedure is not prescribed by regulation—as determined by the council;
- insofar as the procedure is not prescribed by regulation or determined by the council—as determined by the council committee itself.

Council also recognises that occasionally it may be appropriate and necessary to restrict public access to discussion and/or documents relating to a particular matter and section 92 provides that Council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply in relation to public access to meetings and the release of minutes and documents.

Section 90(8a) of the Act also provides that an informal gathering or discussion may only be held if the Council has adopted a policy on the holding of informal gatherings and discussions and the informal gathering or discussion complies with the policy. A policy under this section must comply with any requirements prescribed in Regulation 8AB.

This Policy:

- prescribes the practices and procedures to be adopted by this Council for the conduct of Council and Committee meetings.
- sets out a Code of Practice for the principles, policies and procedures that Council must follow for providing public access to meetings, agendas and documents and the release of meeting minutes and documents in accordance with Section 92
- prescribed the practices and procedures for the holding of informal gatherings and discussions in accordance with Section 90(8a) and Regulation 8AB.

This Policy should be read in conjunction with, and will be administered in accordance with the following Local Government Association (“LGA”) publications:

- Confidentiality Guidelines: How to Apply Section 90 (2016)
- Council Meeting Procedures Handbook (2016)
- Minute Takers Handbook for Local Government (2014)

These documents are available on the LGA website at: www.lga.sa.gov.au under the Codes and Guidelines heading.

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 City of Mount Gambier	COUNCIL POLICY		Version No:	5
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			Next Review:	December 2022

2. PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS

Council encourages public attendance at meetings of Council and Council Committees through public notification of meetings. Details of all meeting dates and times are listed on the public notice board at the front reception area of the principal office of Council, Civic Centre, 10 Watson Terrace, Mount Gambier and on the Council website www.mountgambier.sa.gov.au.

Council and Council Committee meetings are open to the public, and the public will only be excluded when considered proper and necessary where in the broader community interest the need for confidentiality outweighs the principle of open decision making.

Council's Agendas, documents and minutes are prepared and published, including on the Council website www.mountgambier.sa.gov.au in accordance with the provisions of the Local Government Act 1999, Local Government (Meeting Procedures) Regulations 2013, and this Policy.

Copies of Agendas and meeting documents are made available at meetings. Various documents are available for inspection and purchase (for a fee) by the public. Council also makes documents available in electronic form on Council's website.

In all cases it is Council's objective to make information publicly available at the earliest possible opportunity and that the community be informed of any confidentiality orders.

It is the expectation of Council that Agendas and Meeting documents be prepared in such a manner as to avoid unnecessary inclusion of sensitive or private information that cannot be considered and retained in-confidence.

Notwithstanding that a person may request that information provided to Council be kept confidential, Council may not be able to accommodate such a request unless the matter is one that falls within the grounds specified in section 90(3).

3. OTHER ACCESS TO PUBLIC DOCUMENTS

Council has a wide range of documents and other information available for public inspection and published on its website. These are further detailed in Council's Freedom of Information - Information Statement published annually on it's website.

Requests to access other Council documents may also be made under the Freedom of Information Act 1991. Any inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer – Manager Executive Administration, telephone 8721 2555.

4. USE OF CONFIDENTIALITY PROVISIONS

Minutes and/or documents associated with a discussion from which the public have been excluded pursuant to sections 90(2) and 90(3) of the Act will remain confidential if Council or the Council Committee make a valid confidentiality order under section 91(7).

A confidentiality order must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

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 City of Mount Gambier	COUNCIL POLICY		Version No:	5
	C410 CONDUCT OF MEETINGS		Issued:	November 2018
			Next Review:	December 2022

An order will lapse if the time or event specified has been reached or carried out. There is no need for a Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents become public.

A confidentiality order that operates for a period exceeding 12 months must be reviewed at least once a year, and must be assessed as to whether the grounds for non disclosure are still relevant and, if so, confirm the relevant grounds and reasons for remaining confidential.

If any items require a fresh confidentiality order because the original order is due to expire, then a report should be prepared to Council making recommendations and addressing each item separately against section 90(3) and section 91(7) of the Act.

Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

The Council may delegate the power to undertake an annual review or to revoke a section 91(7) order, but cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

4.1 MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

Section 90(3) of the Act prescribes the information, matters and circumstances where Council or a Council Committee may order that the public be excluded.

These circumstances and model orders for the purpose of sections 90(2) of the Act are covered extensively in the LGA publication Confidentiality Guidelines: How to Apply Section 90 (2016).

Council adopts the LGA guidelines for the purpose of applying section 90 of the Act.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council;
- cause a loss of confidence in the Council or Committee;
- involve discussion of a matter that is controversial within the Council area; or
- make the Council susceptible to adverse criticism.

4.2 PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING

For the convenience of the public present at a meeting it is the ordinary practice of this Council to consider any matters in confidence after all the other business has been dealt with rather than ask the public to leave the room and wait for however long it takes until the matter is concluded and then allow the public to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.

Before a meeting orders that the public be excluded to receive, discuss and consider a particular matter, the meeting must, in public, formally determine if this is necessary and

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appropriate, and pass a resolution to exclude the public while dealing with that particular matter.

If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes.

If this occurs then the public must leave the room. This means all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, but does not include a member of Council.

It is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request. It is recommended that if any form of force is required that it be left to the police to deal with.

The Council, or the Council committee, may by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be to allow a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

Once discussion on the particular matter is concluded, the public are permitted to re-enter the meeting. The decision of the meeting in relation to the matter will be made publicly known unless Council has resolved to order that some (or all) of the minutes, information, discussion and documents are to remain confidential.

Details of an order to keep any minutes, information, discussion or document confidential will be published in the minutes of the meeting the extent and duration of the order and the circumstances in which the order will cease to apply (conditions of release).

If there is a further matter that is to be considered in confidence it is necessary to undertake the formal determination process again to resolve to exclude the public.

4.3 REPORTING ON USE OF CONFIDENTIAL ORDERS

A report on the use of sections 90(2) and 91(7) by the Council and Council Committees must be published in the annual report of a Council as required by the Act.

Council has further endorsed the preparation and publication of a Confidential Items Register, including the details of all Section 90(2) and 91(7) orders, their section 90(3) grounds, the duration/conditions for release, and weblinks to released agenda items, minutes and documents as published on Council's website.

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5. OTHER MEETING PRACTICES & PROCEDURES

5.1 FILMING AND AUDIO RECORDING DEVICES

Council maintain its current minute taking practice that involves the agenda item and recommendation/resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table being used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Members be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting.

Audio recording of items considered 'In-Confidence' under the provisions of the Local Government Act 1999 is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission however they may place restrictions and conditions on such recording and photography as they see fit so as to ensure such recording does not interfere with the orderly conduct of the meeting.

Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered 'In-confidence' under the provisions of the Local Government Act 1999 is prohibited.

5.2 PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

It is the policy of this Council that the Presiding Member of any Council Committee will present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be able to attend a Council Meeting then they may nominate in advance, any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the

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Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item to Council.

5.3 VOTING 'EN-BLOC'

This Council does not support the use of 'en-bloc' voting during Council and Committee meetings to adopt a number of items, motions or recommendations by one resolution without debate.

En-bloc decision-making is not lawful in relation to items for decision and not considered good practice for other agenda items, and is in conflict with the guiding principles of the Local Government (Procedures at Meetings) Regulations 2013.

5.4 APPOINTMENT OF DEPUTY MAYOR

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.

If only one nomination is received then that Member is to be declared Deputy Mayor.

Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

Role of Deputy Mayor

In the absence of the Mayor, the Deputy Mayor shall act in the office of the Mayor.

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In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

5.5 APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

This policy provision applies when Council has been requested or is required to nominate or appoint a Member or any other person to fill a vacant position on any Committee or as delegate/representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply and override this policy (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees)

The Chief Executive Officer shall notify Members of the request and/or requirements associated with the vacancy, including details of the Committee/Body/Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and/or experience.

Where Council is required under a legislative or some other requirement under Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting together with a recommendation and draft resolutions that Council may endorse a secret ballot voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
 - i. may determine not to nominate or appoint any person to fill a vacancy.
 - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.

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- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

The Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a s42 subsidiary (ie Limestone Coast Local Government Association).

Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy.

Payment of Allowances/Sitting Fees

Council should have a consistent and reasonable approach to payment of allowances/sitting fees to Members and other community and independent persons appointed to positions on Committees which should be prescribed in the Terms of Reference.

Appointment of Independent Members of a Council committee will be for a term determined by the Council, and may survive the next general/periodic election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

Roles of Nominees/Appointees

Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (ie Mayor, Deputy Mayor, Member, CEO etc).

Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated/appointed a Member or delegate/representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

Independence of Bodies/Organisations

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Other bodies and organisations to which Council nominates/appoints Elected Members, Council Officers or other suitably persons as delegates/representatives do not operate under the provisions of the Local Government Act 1999 or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated/appointed as a delegate/representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate/representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests/roles.

6. INFORMAL GATHERINGS

Section 90(8) of the Act enables Council Members, Committee Members and Council Officers to participate in informal gatherings provided that a matter which would ordinarily form part of the agenda for a formal meeting of a Council or Council Committee is not dealt with in such a way as to obtain or effectively obtain a decision on the matter outside a formally constituted meeting of the Council or Council Committee.

Informal gatherings of Council members or Council committee members (either with or without Council staff) are, by their nature, non-compulsory. However, all Council members and Council committee members are encouraged to attend relevant informal gatherings, particularly where the informal gathering or discussion is intended to provide history, context or additional information to Council members or Council committee members.

The Local Government Act sets out the following examples of informal gatherings or discussions:

- *planning sessions associated with the development of policies and strategies;*
- *briefing or training sessions,*
- *workshops;*
- *social gatherings to encourage informal communication between members or between members and staff.*

The *Local Government (General) Regulations 2013* defines 'designated informal gathering or discussion' as:

an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

An informal gathering which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not a 'designated informal gathering or discussion'.

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The following policy provisions apply to informal gatherings of the Council or a Council committee, including designated informal gatherings or discussions.

6.1 PURPOSE OF DESIGNATED INFORMAL GATHERINGS OR DISCUSSION

Designated informal gatherings or discussions may be used to:

- *discuss issues that involve strategy or policy or other matters of Council administration*
- *brief Council members or Council committee members on issues relating to their functions.*

Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council committee.

6.2 DESIGNATED INFORMAL GATHERINGS OR DISCUSSION TO BE OPEN TO THE PUBLIC EXCEPT IN SPECIAL CIRCUMSTANCES

Designated informal gatherings or discussions will be held at a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion'.

The Council or Chief Executive Officer may, on a case-by-case, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:

- (i) a planning session of a general or strategic nature; or
- (ii) is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act.

An informal gathering or discussion of the Council or a Council committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.

6.3 PROCEDURES APPLYING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS

Both the Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the Local Government Act.

Designated informal gatherings or discussions are not subject to the procedural meeting requirements of the Local Government Act and *Regulations*.

Designated informal gatherings or discussions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the Local Government Act.

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Formal minutes will not be recorded of a designated informal gathering or discussion. Notes of a designated informal gathering or discussion ('Record of Proceedings') may be tabled at the Council meeting following the designated informal gathering or discussion.

If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Council members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then these confidential matters will be scheduled to be discussed following all other matters that are to be openly discussed. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing.

6.4 PUBLICATION OF INFORMATION RELATING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS

For all designated informal gatherings or discussions, the following information will be published on the Council's website:

- (i) the place, date and time at which the designated informal gathering or discussion will be held;
- (ii) the matter that is to be discussed at the designated informal gathering or discussion;
- (iii) whether or not the designated informal gathering or discussion is to be held at a place open to the public.

Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or discussion being held entirely or partially in confidence must be published on the Council's website.

7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au.

Copies of this Policy may also be obtained by interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

8. REVIEW & EVALUATION

The Council is required to review this code within 12 months after the conclusion of each periodic election. However, it may be reviewed at any other time as required by any legislative changes which may occur.

In accordance with Section 92(5) of the Local Government Act 1999, Council must follow the relevant steps set out in its public consultation policy before adopting, altering or substituting a code of practice relating to the principles, policies, procedures and practices that the Council will apply for public access to council and committee meetings and the release of Council and Committee meeting minutes and documents.

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9. GRIEVANCE

Council has established procedures for the review of decisions under Section 270 of the Act for:

- Council, and its Committees;
- employees of Council and
- other persons acting on behalf of Council.

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the Internal Review of Council Decisions Procedure established by Council.

The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site www.mountgambier.sa.gov.au.

10. FURTHER INFORMATION

Further information about this Policy may be expressed in writing, addressed to:

Chief Executive Officer
City of Mount Gambier
PO Box 56
MOUNT GAMBIER SA 5290

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File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013 Freedom of Information Act 1991
Strategic Reference:	
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions
Related Procedures:	
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2016) Council Meeting Procedures Handbook (2016) Minute Takers Handbook for Local Government (2014) Freedom of information - Information Statement Confidential Items Register

DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	5.0
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Minute reference:	22 nd November, 2018, Item 15
Next review date:	December 2022
<u>Document History</u>	
First Adopted By Council:	November 2014 Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 th March, 2015
Reviewed/Amended:	15 th December, 2015, 15 th March 2016, 21 st November 2016, 22 nd November 2018

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 City of Mount Gambier	M265 MEMBERS COMPLAINTS HANDLING PROCEDURE		Version No:	4
			Issued:	October 2019
			Next Review:	October, 2023

1. INTRODUCTION

The Code of Conduct for Council Members was gazetted on 29th August 2013 and is applicable to the Members of all South Australian Councils.

The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue.

The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be sustained.

2. PURPOSE AND SCOPE

The procedure contained in this Policy applies when a complaint is received against a Member of the City of Mount Gambier under the Code of Conduct for Council Members.

3. BREACHES OF THE CODE OF CONDUCT

Breaches of the Code of Conduct may relate to behaviour (Part 2 of the Code) or misconduct (Part 3 of the Code). Criminal or corruption matters subject to separate legislation are referred to in the appendix of the Code of Conduct for Council Members and this policy covers the referral of these types of complaints to other agencies.

4. ALLEGED BREACH

4.1 Where an alleged breach occurs the complainant should report the allegation, in writing, to the Council, addressed to the CEO. The allegation should:

- be specific
- provide as much supporting evidence as possible to assist an investigation
- provide the name of the Council Member who has allegedly breached the Code.

Complainants can, at any time, take the alternative option of lodging the complaint with the Office of Public Integrity, which will direct the complaint in accordance with the ICAC Act.

4.2 The CEO will be responsible for receiving and managing the referral of a complaint to the Principal Member and will advise the Principal Member (or if it relates to the Principal Member, his/her deputy) of receipt of a complaint.

The Principal Member (or deputy) will determine whether the complaint relates to:

- behavior which falls under Part 2 of the Code
- misconduct which triggers action under Part 3 of the Code or
- criminal or corrupt behaviour

Complaints relating to misconduct or criminal behaviour must be referred to the appropriate authorities immediately. (See below at clauses 6 and 7)

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Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate within Council which is conducted in a respectful manner is not a breach of this Part.

Having regard to the seriousness of the allegation and information provided, the Principal Member may:

- a) seek to resolve the matter internally, which may include conciliation or mediation
- b) refer the complaint to the Local Government Governance Panel
- c) dismiss the allegation.

- 4.3 Within three days of receipt of an allegation, the Council Member who is the subject of the complaint will be advised by the Principal Member of the complaint and its substance. The Council Member will also be advised of the manner in which the Principal Member intends to deal with the complaint.

5.1 ALLEGED BREACH OF PART 2 - INTERNAL RESPONSE

- 5.1.1 Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties.

The Principal Member may hold meetings with the complainant and the Council Member and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties.

This may be appropriate, for example, where the complainant is also a Council Member.

- 5.1.2 The Principal Member must ensure that the principles of procedural fairness and appropriate record keeping in Council's Corporate Record System are observed.
- 5.1.3 Where the matter is resolved by the Principal Member to the satisfaction of all the parties, the matter will be closed and no further action will be taken. The Principal Member will send written confirmation to all the parties confirming that the matter has been resolved.
- 5.1.4 Where the matter cannot be resolved, the Principal Member will refer the original complaint to the Local Government Governance Panel or such other independent investigator as the Chief Executive Officer and Presiding Member consider appropriate to the content and circumstances of the complaint.
- Neither the Principal Member nor the CEO will investigate a complaint.



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5.2 PART 2 – REFERRAL TO INDEPENDENT INVESTIGATOR

Where there has been an allegation that a Council Member has breached Part 2 of the Code, other than a matter of minor nature resolved in accordance with clause 5.1, the complaint may be referred to the independent Local Government Governance Panel (or alternative independent investigator) by the Principal Member under this procedure, without further reference to Council.

Complaints referred under this clause 5.2 will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint.

The procedure to be followed by an independent investigator will be in accordance with the Governance Panel's procedures available on the Governance Panel webpage on the LGA's website under *Rules of Engagement*.

Any matter referred to an independent investigator may be dismissed if it is frivolous, vexatious, misconceived or lacking in substance.

A complaint that is forwarded to an independent investigator will be assessed in the first instance. The applicable facts will be considered from the material provided and may form a provisional recommendation that further investigation is unnecessary, as it would be unlikely to result in a breach finding. In these circumstances, Council will consider the recommendation and determine whether to proceed to a full investigation.

Where a complaint progresses to an investigation, a report will be prepared and provided to the Principal Member. The report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct (see below).

5.2.1 A breach of Part 2 of the Code must be the subject of a report to a public meeting of the Council (clause 2.24 of the Code). The report may be tabled at the Council meeting. If the report is not tabled, a Council report of the breach will be made in writing and will include any recommendations made. The outcome of the item will be minuted.

The Council may, by resolution, take any of the following actions:

- Take no action;
- Pass a censure motion in respect of the Council Member;
- Request a public apology, whether written or verbal;
- Request the Council Member to attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
- Request the member to repay monies to the Council.

5.2.2 Where a report finds no breach of the Code, the report will not be made public, except at the request of the Council Member who was the subject of the complaint. If such a request is made, a copy of the report will be tabled at the next practicable

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Council meeting. If no such request is received, no further action will be taken, although a summary report may be made to the Council regarding other observations or recommendations made by the Panel that are of broader application.

- 5.2.3 The complainant will be notified by letter of the outcome of the investigation. Where the full investigation report is to be tabled at a Council meeting, the complainant will be entitled to a copy of the report at, or following, the Council meeting which receives the report. If the full report is not presented at a Council meeting, the complainant will not be provided with a copy of the report.

5.3 APPEALS

Council will not enter into any appeal process in relation to Part 2 of the Code.

6 PART 3-MANDATORY CODE (MISCONDUCT)


- 6.1 Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or the Office for Public Integrity. Alleged breaches of this Part made to Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation.
- 6.2 Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 6.3 A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.
- 6.4 A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
- 6.5 A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.
- 6.6 Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 6.7 A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.

The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

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7 CRIMINAL MATTERS – APPENDIX TO THE CODE OF CONDUCT

7.1 The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the Office of Public Integrity.

In addition, allegations of a breach of any of the offence provisions in the *Local Government Act* must also be reported to the Office of Public Integrity. (See Council's *Fraud and Corruption Prevention Policy* for further information on reporting requirements or the *Directions and Guidelines* issued by the Independent Commissioner Against Corruption).

7.2 In compliance with the Independent Commissioner against Corruption Act 2012, referral of such complaints to the Office of Public Integrity will remain confidential.

8. FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded from Council's internet site:
www.mountgambier.sa.gov.au.

Principal Office, Civic Centre, 10 Watson Terrace, Mount Gambier SA 5290

Copies will be provided to interested parties upon request.
Email city@mountgambier.sa.gov.au



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File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 Independent Commissioner Against Corruption Act 2012
Strategic Reference:	
Related Policies:	C305 Council & Committee - Caretaker Policy F225 Fraud & Corruption Prevention Policy W150 Whistleblower's Protection Policy
Related Procedures:	
Related Documents:	Code of Conduct for Council Members, as published in the SA Government Gazette 29 August 2013 <i>ICAC Directions and Guidelines</i>

DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	3.0
Last revised date:	November, 2018
Effective date (this version):	15 October, 2019
Minute reference (this version):	15 October, 2019 Council Item # Resolution #
Next review date:	October, 2023 (within 12 months of 2022 general election)
<u>Document History</u>	
First Adopted By Council:	18 th March 2014
Reviewed/Amended:	18 th August, 2015, 18 July 2019

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5.5 MOUNT GAMBIER GIFT SPONSORSHIP REQUEST - REPORT NO. AR19/51127

Committee:	People and Place Committee
Meeting Date:	8 October 2019
Report No.:	AR19/51127
CM9 Reference:	AF19/326
Author:	Judy Nagy, General Manager City Growth
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report summarise the recent request to re-establish the Mount Gambier Gift Athletics event in Mount Gambier and seeks Council endorsement of sponsorship for the event.
Community Plan Reference:	Goal 1: Our People Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/51127 titled 'Mount Gambier Gift Sponsorship Request' as presented on 08 October 2019 be noted.
2. That Council endorse sponsorship for the Mount Gambier Gift to the value of \$7,500 cash and \$1,000 in kind.



BACKGROUND

Council was approached in August by a group who wished to re-establish the Mount Gambier Gift athletics race, an event that has a history in Mount Gambier, but which lapsed in 2011. David Pittman from Adelaide is the main organiser, who has made it known that he will utilise his business contacts and connections for one year to organise and provide funding for the event.

A number of issues have emerged since the original request to run the event that are relevant for Council consideration, including venue, standards of surface preparation and sponsorship.

David Pittman has been encouraged to work with local athletics groups to ensure sustainability beyond this year's event and was advised that the use of Vansittart Park requires the permission of Touch Football who have a non-exclusive license over the oval. Although no Touch Football matches are scheduled on the proposed date of the event, the oval will require preparation works from about a month before and leading into the event that would compromise the use of the oval for Touch Football.

Finding a suitable alternative ground has proved challenging as all sporting grounds have multiple users with negotiated rights of access across various seasons. Previously, the gift was held from 1.00pm – 7.00pm and this year it is proposed that it would be a twilight meet for 5-6 hours however this may need to be reconsidered if the proposed event location does not have lights.

Various options were being considered and David Pittman has now agreed to a compromise on ground preparation needs and as such the Gift will be held at Vansittart Park.

Initial discussions also indicated no financial contribution from the Council. However, following discussions between the proponent and the Federal MP for Barker, a request for funding this year was received and it is likely that a similar request will be made in future years.

DISCUSSION

The proposal to again run a 'Mount Gambier Gift' was made to Council with very short timeframes. The date has changed twice with a late sponsorship request submitted that requires Council endorsement.

Council have sponsored the Gift in the past with \$10,000 cash contribution and an estimated in-kind support of \$2,000 for preparation of the oval, and supply of rubbish bins, bollards, bunting. The current request is for \$7,500 in cash and \$1,000 in kind. The requested cash contribution represents 38% of the stated budget and it is anticipated that 25% of the predicted 1,000 attendees will be local.

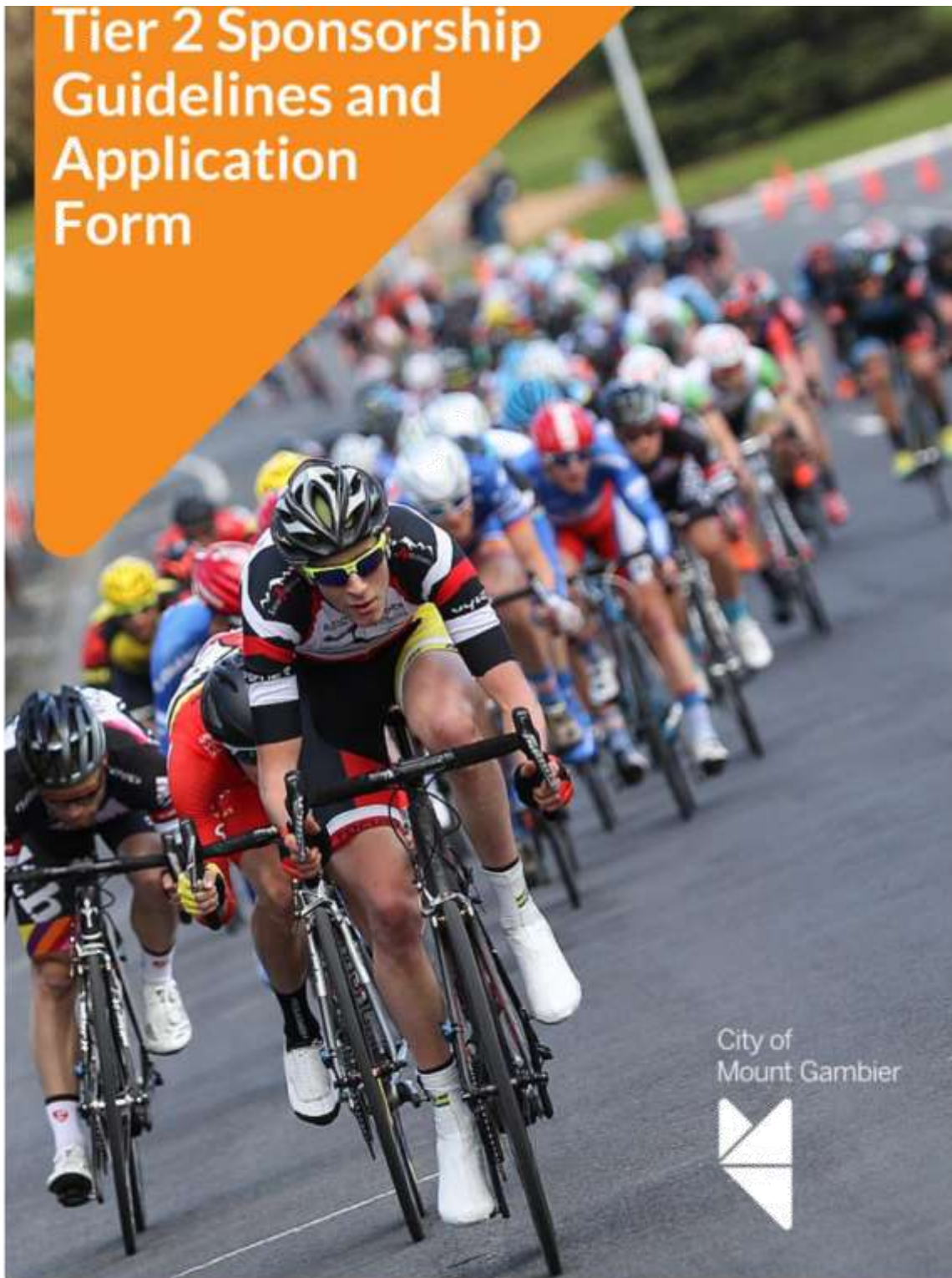
CONCLUSION

The reinvigoration of the Gift in Mount Gambier is being pursued with enthusiasm and support for the event may see the athletics event continue into the future.

ATTACHMENTS

1. Mount Gambier Gift Sponsorship Request [↓](#)





Sponsorship Program Overview

Tier 1 Sponsorship - Up to \$2000

Funding provided to events held within the City of Mount Gambier that meets the aims of Council's Sponsorship Program and supports the Community Plan.

Tier 2 Sponsorship - Over \$2000

Funding provided to major/significant events held within the City of Mount Gambier that meet the aims of Council's Sponsorship Program and supports the Community Plan. The event must also attract substantial economic benefit and visitation to the City of Mount Gambier and include strategic and targeted marketing.

Which category should I apply for?

All applicants should apply under the Tier 1 Sponsorship, unless it can be proved that the proposed event will:

- attract substantial visitation to the City
- deliver substantial and measurable economic benefit to the City
- incorporate strategic and targeted marketing practices in its planning and implementation
- The event being held is that of State, National or International significance.

NOTE unsuccessful Tier 2 sponsorship applications are automatically considered under Tier 1 Sponsorship.

Aims of the Sponsorship Program

The aims of the City of Mount Gambier's Event Sponsorship Program are to support the four pillars of the Community Plan in helping to:

- Support the development of vibrant, creative and innovative events that enhance the economic, social and cultural life of the City of Mount Gambier
- Increase tourist visitation and deliver measurable economic benefits to the City
- Facilitate community involvement in events and activities
- Attract new and diverse events to the City of Mount Gambier
- Support events that build and reinforce the unique and positive attributes of the City of Mount Gambier.

Assessment

If funding requested exceeds \$5,000 the application is referred to a committee/ council for consideration. A decision regarding the level of assistance will be considered at the next available Council meeting. A decision will be reached within approximately **two months** of the application being proposed at the Council meeting. Notification of the decision will be made in writing.



Applicant Eligibility Criteria

Before submitting your application, please check that you meet the following eligibility criteria – all boxes must be ticked or your application will not be progressed.

- The organisation is an incorporated body or, if not incorporated, is being auspiced by an incorporated body
- The proposed event is covered by a current Public Liability Insurance Policy to the minimum value of \$10,000,000.
- Provide either an Australian Business Number (ABN) or complete the Australian Taxation Office "Statement by a Supplier" form
- Addresses the criteria outlined in the Event Sponsorship Guidelines and Application Form
- Any sporting organisation must be a registered STARCLUB – for more information visit <https://www.recSPORT.sa.gov.au/starclub/index.php> or contact your local STARCLUB Field Officer.

Your proposal is INELIGIBLE for funding if:

- Your proposal is for funding towards the operating costs associated with running an organisation (e.g. salaries, equipment)
- Your proposal is for retrospective funding or funding of budget deficits
- Your proposed event is not open to the general public
- Your organisation has not fulfilled previous sponsorship obligations, including provision of post event evaluation/report and financial acquittal
- Your organisation is not an incorporated body, or your proposal is not auspiced by an incorporated body

If you ticked any of the six boxes above your proposal is ineligible for funding.

Assessment Criteria

All applicants must address the following criteria in their application:

- Ability to increase tourist visitation to the City of Mount Gambier including intra and interstate visitors
- Demonstrate the ability to deliver significant and measurable economic benefit to the City of Mount Gambier.
- Ability to facilitate community involvement in the event/activities.
- Ability for the event to add to the diversity of the City's event calendar.
- Marketing plan and promotional strategies.
- Demonstrated capacity of the event organisers to successfully manage the event.
- Risk management and event accessibility planning
- Event sustainability planning and strategies
- Involvement of and consultation with local businesses, artists and community groups.
- Acknowledgement of the City of Mount Gambier's sponsorship in all event publicity and promotions (please provide a proof for approval prior to printing).



Evaluation

Post-event you will be required to complete an Event Evaluation form & provide a copy of your final budget, along with any additional information that will help support your evaluation. A form outlining evaluation requirements will be issued upon confirmation of the City of Mount Gambier sponsorship.

Additional Council Support

In addition to cash sponsorship, you may wish to apply for additional support from the City of Mount Gambier. Please refer to the attached fee schedule for estimated value of additional support. Your event may also be eligible for:

- Free publication in the 'What's On' Column published weekly in The Border Watch
- Free listing of your event on the City of Mount Gambier online events calendar found at www.mountgambier.sa.gov.au/whatson
- Display of posters, flyers &/or programs at The Lady Nelson Visitor & Discovery Centre.
- Use of City of Mount Gambier's promotional bali banners, corflute &/or canvas signs pull-up display banners (all subject to availability).
- Visitor information packs

Submission of Applications

Please return completed form via email city@mountgambier.sa.gov.au or contact (08) 8723 1025 or (08) 8723 3901





Event Sponsorship Program
Application for Tier 2 Sponsorship (over \$2000)

Office Use Only	
CM	
Forwarded	
Approved	
PO #	
G/L Code	
1 st Instalment	
2 nd Instalment	
EE	

Title of Event: Mount Gambier Gift
Name of Organisation/s: South Australian Athletic League
Postal Address: PO Box 2006 HILTON SA 5033

Details of Key Personnel for the event:

Name	Role/Responsibility	Contact Phone	Email Address
Paul Stallan	President	0400653353	paul.stallan@apexcomms.com.au
Zoe Steele	Secretary	0410698739	zoe@sacsasports.com.au
Josh Orken	PR/Events Coordinator	0484635980	josh.orken@saal.org.au

Is your organisation registered for GST?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO								
Please provide your organisation's Australian Business Number (ABN)	1	2	6	6	1	3	6	0	1	6

Event Dates: 7/12/19
Event Venue: Vansittart Park, Commercial St. W, Mount Gambier SA 5290
Is this is a new event or continuation of existing? <i>New</i>
Are you considering applying for use of a council venue? i.e City Hall, Cave Garden etc <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If yes, please specify which venue you are considering: Vansittart Park
Have you submitted your Special Events Permit for use of council land or Hire Permit for The Main Corner? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**Please note – If you are in the process of negotiating access to a Council venue, you will need to complete the hire permit before we can consider this application for sponsorship (please include copy of permit/application with your sponsorship application)



Anticipated Event Attendance			
Number of <i>local</i> residents you anticipate your event will attract:		200	
Number of <i>visitors</i> you anticipate your event will attract:		800	
Please provide a percentage breakdown of the anticipated attendees:			
Local Residents	% 25	Surrounding Areas	% 10
Interstate	% 10	Other SA	% 54
Overseas	% 1		
Provide an indication of the percentage of non-local participants and spectators expected to stay in paid accommodation within the region			% 95

Estimated total budget for event: (please attach itemised budget including funding from other sources)	\$ 15000
---	----------

Please detail below any cash &/or additional support you are seeking from Council

Cash Amount Requested	\$ 7500
Describe how your funding will be expended:	
We will be sending a representative of SAAL to schools, clubs and indigenous communities in the region to sign up and handicap potential athletes to participate in the event. This will help young athletes achieve their goals and to promote inclusion. Other expenses will include: Race caller, sound system, programs, sashes, and marketing	
Other Council Support (Refer to Fee Schedule for an estimated cost)	Amount Requested \$ 1000
Please detail any other assistance you are requesting (eg. supply of rubbish bins, hire of bollards, bunting, witches hats, tiered seating, road closures, road signage etc)	
a) We would ask for waived council fees (oval hire) and supply of additional rubbish bins commensurate to other local and regional events. b) To have the oval watered and in a condition such that there aren't any potholes on the running surface! Water and bi weekly mowing can usually alleviate this.	

When assessing your application, a cost will be applied to the support/assistance sought. Local Government account for all costs for the organisation whether they be direct or in-direct. Please note that any additional requests for support not included in this application will incur a cost as determined by the Event Support Fee Schedule.

Event Description & Program Outline
Please attach detailed program if available. Please include activities, entertainment, catering and other relevant information
After a 10+ year hiatus, the Mount Gambier Gift will return as a 5-6 hour twilight competitive running event to be held at Vansittart Park on the 7th of December 2019. There will be approximately 27 races including heats, finals, Little Athletics Relay, and Footballers and Netballers Relay. There will be approximately 200 SAAL registered athletes competing, plus local footballers, netballers and Little Athletics participants. After speaking with Victorian Athletic League CEO Tom Burbridge, he estimated 100 Victorian athletes from the VAL will be attending, with many more expected in the years to come when the event grows.



<p>Event History Please provide a brief history of the event, including number of times the event has been held in the past, including number of participants, spectators and key event outcomes.</p> <p>The Mount Gambier Gift was previously held some ten years ago albeit in a different form with different organisers.</p>
<p>Event Objectives Please list the aims and objectives of the proposed event</p> <p>The four key development goals of SAAL are as follows:</p> <ul style="list-style-type: none"> -Regional, active communities – 50% of event spectators to be from local area, with athlete and volunteer participation (from local sporting clubs and general public) -Female participation – increase percentage of female participants from 32% to 50%, prize money to be the same between
<p>Event Sustainability What strategies do you have in place to ensure the event is sustainable?</p> <p>We believe the event could become sustainable beyond the Council's funding through additional multi-year partnerships with major businesses, however, all the local and regional meets have always had Council funding – this ensures the costs are covered and the event will go ahead in the case that corporate sponsors pull out.</p> <p>We are in the process of confirming a multi year major sponsorship partnership with Beach Energy who operate in the Penola Basin.</p> <p>We have the full support of at least ten local business leaders, who are often seen sponsoring local events and organisations,</p>
<p>Economic Impact Provide detailed examples of the economic impacts that are likely to result from the event. Include estimations ie. Increase in tourism/retail/hospitality/business trade, new economic opportunities, tourism growth etc.</p> <p>Firstly, the Mount Gambier meet will showcase and encourage participation in running events to members both the local community and visitors from all over South Australia and Victoria.</p> <p>Our aim is to provide and promote exercise to men, women and children of all ages, abilities and backgrounds.</p> <p>Sponsorship ultimately covers the a) prize money on offer for the assigned races to attract athletes, family and friends to the event and also b) contributes towards the overall running costs of the carnival.</p>
<p>Sponsorship Acknowledgement Outline how you intend to recognise the support provided by City of Mount Gambier When using the City of Mount Gambier Logo please provide a proof for approval prior to printing.</p> <p>For the 2019 event, there are still two \$2000 races to be named. If the Council were willing to sponsor the \$4000 it would have both 400m feature events names after it! Other Councils name events like the 'Mayors Mile', or in this case the 'Mayor's Quarter Mile'.</p> <p>In addition to this, roadside banners and all program material features council logo, all flyers and posters will feature council logo, and all media discussion will absolutely articulate 'the input and worth of the Mount Gambier City Council'</p> <p>It is worth noting that the SAAL chose Mount Gambier as the first destination of choice for our next regional meet away from</p>
<p>Community Involvement & Consultation How will your event involve local businesses, artists and community groups? eg. markets, entertainment, food, security etc.</p> <p>Volunteering is a vital aspect of SAAL events, and we will be seeking assistance in this regard from locals by spreading the word through existing sponsors and local contacts.</p> <p>Local businesses from around the region will be present in the form of stalls where they can sell their products and retain profits.</p>



Marketing Plan and Advertising Schedule

Please provide a detailed schedule of marketing and advertising activities to be undertaken. Please specify what media outlets you are using. When using the City of Mount Gambier Logo please provide a proof for approval prior to finalising media.

Date	Media	Activity	Cost (estimate)
eg. 4-15 Dec	Radio – 5SE	On Air spots x 3	\$
eg 6-15 Dec	Newspaper – Border Watch	Display ads x 5	\$
Nov 28, Dec 5	Radio - Triple M 963	On air spot x2	In Kind donation
Nov 28, Dec 5	Radio - Lifestyle 1 Jason Allen	On air spot x2	In Kind donation
Nov 28, Dec 5	Radio - Hit FM - 96.1	On air spot x2	In Kind donation
Nov 28, Dec 5	TV- Win TV Kate Hastings	On air spot x2	In Kind donation
1/week, 4 week leadup	Newspaper-Penola Pennant	Editorial + ads x4	In Kind donation
1/week, 4 week leadup	Newspaper - Border Watch	Editorial + ads x4	In Kind donation
issue prior to event	Outback Magazine	Editorial	In Kind donation

Accessibility

How will you address accessibility for people with disabilities?

The central aspect that underpins SAAL events is inclusivity, in that the extensive and newly updated handicapping system allows anyone to cross the finish line around the same time as others and to win or place in events.

More practically speaking, all measures for accessibility will be taken to ensure those people who use mobility aids will be accommodated.

Environmental Impact

Briefly outline how you intend to manage the environmental impact of your event. This may include elements from your Traffic Management Plan, Occupational Health & Safety Plan, Waste Management Plan and Risk Assessment. Factors to consider will include waste management, noise levels, pollution/rubbish, impact on community infrastructure etc. Also identify any environmental benefits arising from the event.

All steps will be taken to ensure that the Victor Harbor Fleurieu Milk Gift is environmentally sustainable. Measures taken will include adequate recycling and waste disposal bins, biodegradable cups and plates etc, minimal single use items and zero-tolerance for littering policy. Pro-recycling, anti-litter messages will feature on the programs.
Occupational Health and Safety is of paramount importance to SAAL, with our president, Paul Stellan, being owner and director of Apex Energy & Communications provides us with his extensive and invaluable experience in OH&S management. There should not be any issues with traffic, noise, infrastructure



<p>Event Evaluation How will you know if you have achieved the aims and the objectives of the event? eg. Customer surveys, local business surveys, community surveys, participant surveys, attendance data-registrations etc.</p>			
<p>-Regional, active communities – 50% of event spectators to be from local area, with athlete and volunteer participation (from local sporting clubs and general public). Measuring this will require either a survey of the spectators, or an educated estimation: count the approximate number of spectators and take away the estimated number of non-locals (each athlete would bring 1-2 family/friends)</p>			
<p>City of Mount Gambier Community Plan</p>			
<p>Please identify the area/s in which your event supports the City of Mount Gambier Community Plan?</p>			
<input checked="" type="checkbox"/> Our People A safe inclusive City where access to quality services & facilities supports a socially connected, vibrant & healthy community	<input checked="" type="checkbox"/> Our Location A perfectly centered place where people aspire to live, work, visit & invest	<input checked="" type="checkbox"/> Our Diverse Economy A diversified, innovative & resilient economy that generates jobs & services	<input checked="" type="checkbox"/> Our Climate, Natural Resources, Arts, Culture & Heritage A culturally-inspired City that strives to minimise its ecological footprint
<p>To download a copy of the Community Plan, please visit: www.mountgambier.sa.gov.au/CommunityPlan-TheFuturesPaper2016-2020.pdf</p>			
<p>Please explain how your event supports these pillars</p>			
<p style="text-align: center;">People</p> <p>The Mount Gambier gift supports the local people by providing a fun and inclusive community sports event that is free to view and promotes a healthy lifestyle. The fact that we will be sending a representative around the region to schools and indigenous communities also facilitates social connection and inclusivity.</p> <p>The social impact on the communities is enormous with regional community embracing these events. We have already had excellent feedback from the local football clubs, as well as women's football and netball, South East Little Athletics for participation in several special team relay events.</p>			

Risk Management Planning

Please attach details of Risk Management Planning to be undertaken for the event, including pre-event liaison with emergency services and any emergency services to be present at your event. Your event planning should include a Risk Management Plan, Occupational Health & Safety considerations, and Emergency Response Plan. If you anticipate your event will attract large numbers, you should also consider completing a SAPOL Safety Assessment for Crowded Places – this only takes a few minutes and can be accessed online at www.police.sa.gov.au/online-services/mass-gatherings.

Please ensure you make contact with the following organisations to inform them about your event;

- SAPOL
- St John First Aid - requests completed online at www.stjohnsa.com.au/EventsQuoteRequest.aspx
- Security
- Mount Gambier Hospital if necessary.
- SA Ambulance Service regarding access to your event if required
- Metropolitan Fire Service

If you need information in regard to establishing a Risk Management Plan, please contact the Community Events Division.



Digital Photos

Council requires digital photos to help promote your event. On completion of event please submit post photos to help with promotion the following year.

Event Evaluation

If you are successful with your application Council will require a completed Event Evaluation form & reconciled budget post-event providing declarations that the funding has been spent only for the purposes for which you applied.

I acknowledge that the above information provided in this application is true and correct. I have read the "Events Sponsorship Guidelines" and understand that should this application be approved by the City of Mount Gambier I will be required to enter into a Sponsorship Agreement with the City in order to receive the funds.

In order for your application to be considered please attach a clear event budget including breakdown of income and expenditure

Signature: Josh Orken Digitally signed by Josh Orken
Date: 2019.08.26 16:06:03 +09'30' Date: 26/8/19

Name: Josh Orken

Before submitting your application, please ensure you have attached the following;

<input checked="" type="checkbox"/> Full Event Budget showing all income & expenditure
<input checked="" type="checkbox"/> Proof of Public Liability Insurance
<input checked="" type="checkbox"/> List of all funding partners for event
<input type="checkbox"/> Copy of Hire permit/Special Event Permit – if applicable
<input checked="" type="checkbox"/> Your Business Plan and/or Marketing Plan
<input checked="" type="checkbox"/> Copy of your organisation's most recent audited annual financial statement
<input checked="" type="checkbox"/> Completed Risk Assessment for your event

Please return completed form via email city@mountgambier.sa.gov.au or contact 8723 3901 or 8723 1025





Event Support Fee Schedule

Local Government account for all costs for the organisation whether they be direct or in-direct, as a result a cost will be applied to any support sought from Council.

Labour	Monday – Friday	\$100 per hour per person
	Saturday, Sunday & Public Holidays	\$150 - \$180 per hour per person
	Call-out Fee	\$ as determined
Plant Hire	Light Vehicle - each additional hour	\$26 per hour \$10 per hour
	Heavy Vehicle	\$36 per hour
	Other Machinery (inc Street Sweeper)	\$60 per hour
Waste	Removal – Labour & Truck	\$170 per hour
	Bin Hire	\$2 per bin/event
Equipment Hire	Loading/Delivery/Collection	Refer labour/plant hire charge
	Witches Hats/Bollards/Bunting	\$1 per unit
	Seating	\$20 per unit
	Stage	\$20 per unit
	Inflatable Screen	\$50 per event
	Crowd Control Fencing	\$5 per unit
Advertisements	Road Closures – The Border Watch	\$100 per ad

Unless otherwise indicated, all charges are independent and will be aggregated (ie Equipment Hire requiring delivery/collection by Council will also incur hourly rates for labour (driver/operator) and plant hire.

All fees are inclusive of GST.



5.6 EMPLOYMENT ENGAGEMENT SURVEY 2019 UPDATE - REPORT NO. AR19/45340

Committee:	People and Place Committee
Meeting Date:	8 October 2019
Report No.:	AR19/45340
CM9 Reference:	AF19/326
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	An update regarding the recently completed Employee Engagement Survey for City of Mount Gambier employees.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/45340 titled 'Employment Engagement Survey 2019 Update' as presented on 08 October 2019 be noted.



BACKGROUND

The information pack released as part of the recruitment process for the Chief Executive Officer's (CEO's) role in early 2019 identified the need to conduct an internal culture / engagement employee survey as one of the CEO's indicative Key Performance Indicators. It then formed part of the CEO's KPIs as endorsed by Council on 20th August 2019. These actions reinforced a clear need for this work to be undertaken to form a baseline against which organisational culture could be assessed in future years.

The last piece of work undertaken in this space was by McArthurs in 2017. This work mirrored that experienced by the CEO in his former employment with the Rural City of Murray Bridge. As such, Council entered into an agreement with McArthurs to provide a service utilising Talent Retention Index methodology which could provide baseline and which could be replicated either as a full survey or as a 'pulse check' survey in future years. McArthur were also requested to provide an Action Plan workshop to move the organisational response forward.

Methodology

Having been commissioned, staff across the organisation were briefed by the CEO as to the timelines and reasoning why it was important for staff to participate. Reassurance was also provided that the responses whether via the questionnaire or the free text would be depersonalised and anonymous. Following these briefings the survey commenced on Monday 15th July 2019 and ran until 5th August 2019, although responses were accepted for a further week to allow for Australia Post delays.

All staff with access to email, were provided with a link to the survey. All staff without a work email were provided with a hard copy to complete, together with a reply paid envelope. Time was available during the working day for staff to participate in the survey.

Following the end date of the survey McArthurs entered the data from the hard copies and processed the complete results. The results were available for the organisation and for each division. Free text feedback was also provided once this has been made anonymous. The organisational report and free text feedback can be found as **Attachments 1** and **2** respectively.

86 responses were received, representing two-thirds of the organisation. The completed questionnaires represented every team in the organisation.

Output

The Talent Retention Index is a widely used methodology by different types of organisations to understand how their employees feel with regards to four key components, which are:

Job Satisfaction	Measures the extent to which employees feel personally satisfied in their job.
Motivation	Measures the extent to which employees feel motivated to perform well in their job.
Commitment	Measures the extent to which employees feel personally committed to the success of City of Mount Gambier.
Advocacy	Measures the willingness of employees to recommend City of Mount Gambier to others as an employer.

The questions asked through the survey all enable a score to be attributed to one of these areas and each question seeks two answers – the importance of the matter and the performance in regard to the matter. The Employee Engagement Index is the percentage of employees who rated favourably (and unfavourably) to all four questions. This index produces a measure of those employees who are Satisfied, Motivated, Committed **AND** Advocates of City of Mount Gambier.



The headline figures for the organisation are as follows:

	Favourable	Unfavourable
Job satisfaction	76%	13%
Motivation	86%	7%
Commitment	88%	6%
Advocacy	76%	8%
EMPLOYEE ENGAGEMENT INDEX	60%	1%

The results are simply a baseline. However, they do clearly demonstrate that almost nine out of ten staff are:

- Motivated to do the best they can for the City of Mount Gambier
- Committed to doing the best they can for the City of Mount Gambier

What is required is for management and leadership to enable them to deliver on this potential. Around three out of four staff are satisfied with their current job and would recommend the City of Mount Gambier as an employer. However, these feelings are not consistent across every member of staff.

The areas which are to be priorities for action, based upon the differences between importance and performance:

1. The CEO and GMs are good role models and ambassadors for the City of Mount Gambier (Q41).
2. Senior Management is open and honest in communicating with employees (Q15).
3. I am able to contribute ideas and these are taken seriously and acted upon (Q14).
4. I believe the City of Mount Gambier values its staff (Q5).
5. I am consulted about decisions affecting my work (Q13).
6. I am appropriately informed about matters affecting my division (Q12).
7. I received adequate information from senior management (Q16).

Council should be clear that the common thread running through these questions is EFFECTIVE COMMUNICATION.

It should be noted that for a particular issues to be considered significant, the difference between importance and performance should show a difference in excess of 20%. Only six of the seven focus questions exhibit such a level of difference.

There are variations throughout the organisation which reflect different leaders and managers, different locations and different roles and responsibilities. Divisional approaches will also be provided for divisional differences.

At the Chief Executive Officer's staff meetings in August, all staff were briefed on the results and key priorities and advised as to the next steps, which are set out in the following section. A further briefing in September to all staff will focus on the positives of the survey, which include the responses to the ten highest performing areas:



- Q39. My team adhere to Councils WH&S policies and procedures
Q17. I work in a safe and healthy environment.
Q3. I am personally committed to the values and success of City of Mount Gambier.
Q2. I am motivated to perform well in my job.
Q7. My work is challenging and interesting.
Q33. I know what is expected of me in doing my job.
Q34. I have adequate resources to do my job well (e.g. IT, tools and equipment)
Q20. The person I report to behaves in a way that is consistent with the values of City of Mount Gambier.
Q24. My immediate supervisor listens and responds appropriately to me.
Q9. I am able to influence the way my work gets done.

Together with a recognition of the ten most important areas:

- Q17. I work in a safe and healthy environment.
Q33. I know what is expected of me in doing my job.
Q34. I have adequate resources to do my job well (e.g. IT, tools and equipment).
Q19. I am able to balance my work and home life demands.
Q7. My work is challenging and interesting.
Q2. I am motivated to perform well in my job.
Q22. My applicable skills are being fully utilised.
Q39. My team adhere to Councils WH&S policies and procedures.
Q38. Day-to-day planning in my division is timely and effective.
Q1. I am personally satisfied in my job.

What is important in this space is that the feedback is consistent around communication, rather than being disparate and / or expensive to fix. A clear challenge lies ahead of us to improve how communication flows to and from senior management.

Next Steps

The Executive Team have discussed the results and how they can be addressed organisationally. An once off facilitated meeting of senior staff in the organisation has been held. The facilitated workshop agreed on three key priorities:

- The formation of a Leadership Team
- Vision and Values for all staff
- Internal Communications Plan

With regards to the first point, the Chief Executive Officer has established a Leadership Team to deal with this matter, consisting of the Executive and those in management or leadership roles across the organisation. The Leadership Team will now be meeting on the 2nd and 4th Monday every month between 1400-1600hrs. Any member of staff can add agenda items, pose questions, etc. via the EXAT email. The minutes of the Leadership Team and the Executive will be available via the intranet to all staff. The Leadership Team will also work on the development of a Leadership Charter and use the time created as an opportunity to share, celebrate and collaborate.

With regards to the second point, this has been updated since the Elected Member briefing on this matter to clarify what is required, seeking advice from the facilitator and from others who have been through this process in local government. It is being proposed that the vision remains unchanged from the Council's current strategic plan, i.e. "*An inclusive city where people lead fulfilling lives.*" This should mean that there are no confusing doubling up of visions, but rather consistency.

The values element of this work will be delivered via workshops engaging all staff in multi-disciplinary groups. Once the staff have a clear set of values, behaviours and understanding can be worked through, which in turn will lead into a Code of Conduct and an ability to effectively



recognise and reward those who go the extra mile for their community. The results of this work will be shared with Elected Members, who already have a Code of Conduct.

The third area will seek to understand what works best for staff in terms of communication. All staff are to be provided with electronic access to the Council's systems and an email address, in an attempt to create a level playing field.

As we move forward with work in these areas, regular monthly updates will be provided to all staff, via the CEO Monthly Updates. It is hoped that the gap between importance and performance will reduce. The survey work will be repeated in July 2020 and if the approach is right, some or all of the gaps will close significantly, some of the key issues will be removed from the priority list and new ones will arrive.

Survey Environment

The survey was not conducted in isolation. The free text clearly identifies issues which staff members feel have not been addressed over a period of time. This will take time to address – in all likelihood a number of years – but it can happen. Senior management need to:

- reconnect with the rest of the organisation and demonstrate how it too can contribute;
- build trust based on results and accountability;
- celebrate the achievements of all; and
- be supported in the organisation through effective structures and processes.

The role of the Chief Executive Officer is seen to be to provide inspirational leadership to all staff across an immensely varied organisation. If that occurs, future survey results will improve, but more importantly our community will get the benefits of a fully engaged team.

CONCLUSION

The Council has a baseline against which performance in employee engagement can now be measured. Future baselines will also need to cognisant of environmental factors, which may also affect performance.

ATTACHMENTS

1. Organisational Report [↓](#)
2. Feedback Organisational Report [↓](#)





Talent Retention Index (TRI) 2019 - City of Mount Gambier.

City of Mount Gambier
All Respondents {86}

Contents

1. Key Engagement Indicators
2. Reasons for joining City of Mount Gambier
3. 10 Highest Performing / 10 Lowest Performing / 10 Highest Importance
4. Stated Priority Grid
5. Priorities for Action
6. Statistical Results Schedule
7. Future Intentions
8. Demographics

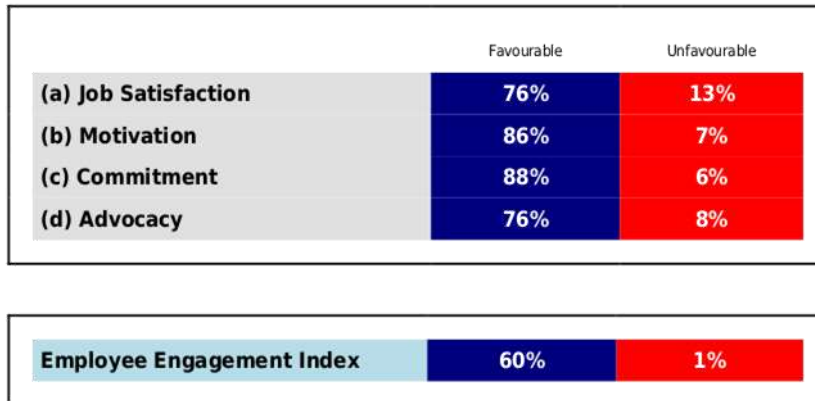




Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Key Engagement Indicators

All Respondents 86



Job Satisfaction Measures the extent to which employees feel personally satisfied in their job.

Motivation Measures the extent to which employees feel motivated to perform well in their job.

Commitment Measures the extent to which employees feel personally committed to the success of City of Mount Gambier.

Advocacy Measures the willingness of employees to recommend City of Mount Gambier. to others as an employer.

Employee Engagement Index Is the percentage of employees who rated favourably (and unfavourably) to all four questions (a), (b), (c) and (d) above. This index produces a measure of those employees who are Satisfied, Motivated, Committed AND Advocates of City of Mount Gambier.

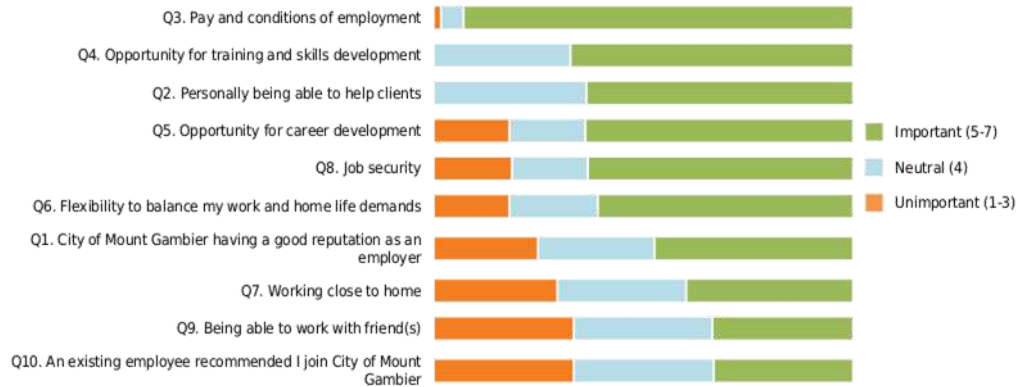




Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Reasons for joining City of Mount Gambier. <i>All Respondents 86</i>	Number of Responses	Distribution of Importance Scores				Importance Mean Rank
		Percentage			Importance Mean Score	
		Unimportant (1 - 3)	Neutral (4)	Important (5 - 7)		
Q1. City of Mount Gambier having a good reputation as an employer	86	5.81%	15.12%	79.07%	76.16%	7
Q2. Personally being able to help clients	86	0%	5.81%	94.19%	88.37%	1
Q3. Pay and conditions of employment	86	1.16%	3.49%	95.35%	82.75%	3
Q4. Opportunity for training and skills development	86	0%	4.65%	95.35%	82.75%	4
Q5. Opportunity for career development	86	3.49%	3.49%	93.02%	81.01%	5
Q6. Flexibility to balance my work and home life demands	86	3.49%	9.3%	87.21%	80.23%	6
Q7. Working close to home	85	10.59%	17.65%	71.76%	71.18%	8
Q8. Job security	86	4.65%	3.49%	91.86%	87.21%	2
Q9. Being able to work with friend(s)	84	34.52%	28.57%	36.9%	46.83%	9
Q10. An existing employee recommended I join City of Mount Gambier	63	34.92%	33.33%	31.75%	44.71%	10

Ranked Importance Scores (Ranked by Mean % Importance)





Talent Retention Index (TRI) 2019 - City of Mount Gambier.

10 Highest Performing (% Agree), 10 Lowest Performing (% Disagree) and 10 Highest Importance (% Agree)

All Respondents 86



Agree Neutral Disagree

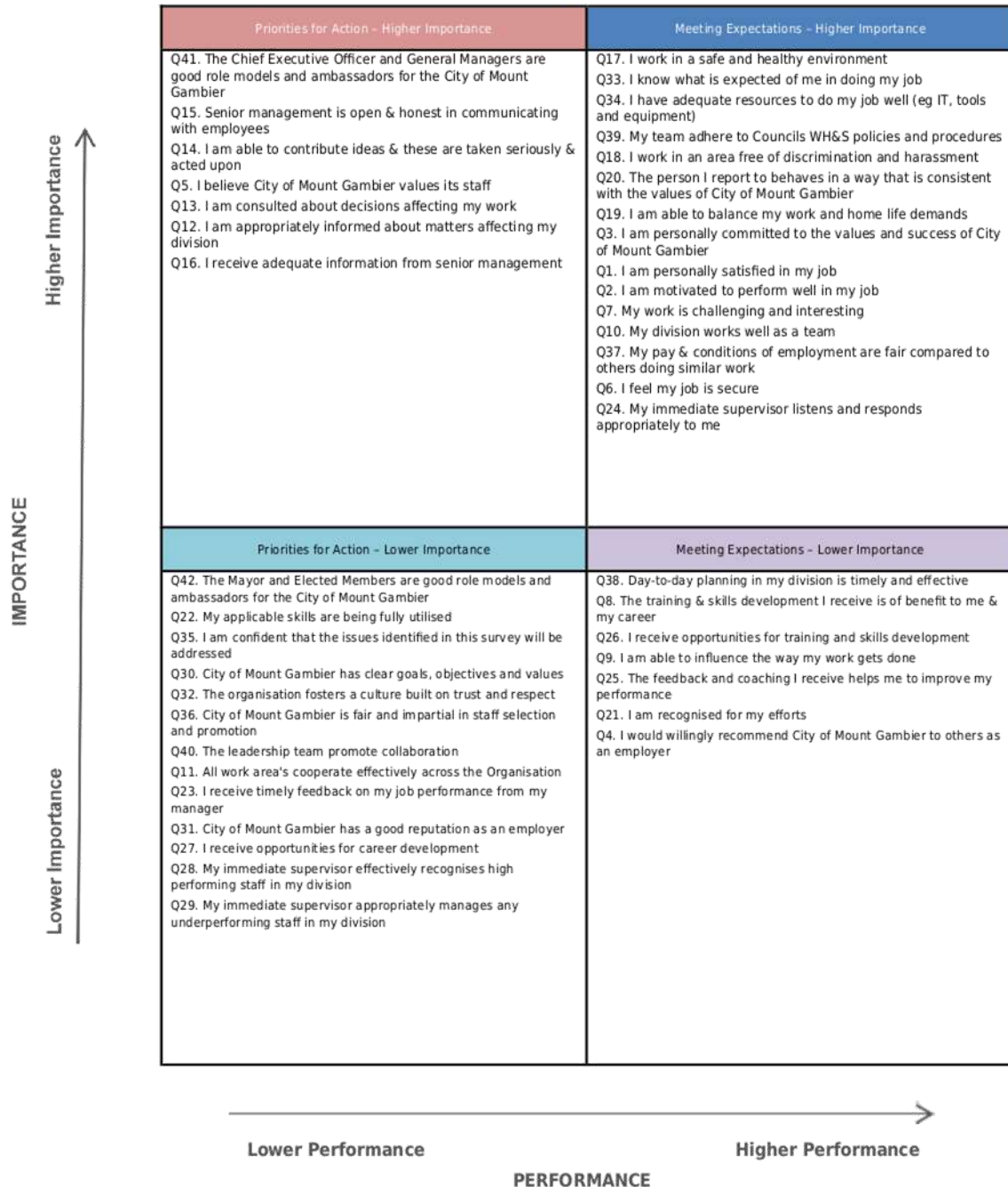




Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Current Engagement Stated Priority Grid

All Respondents 86

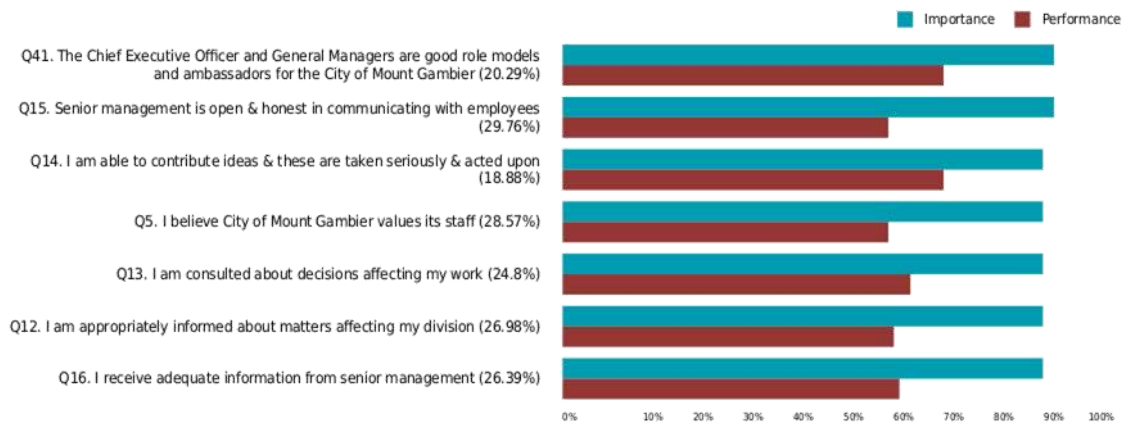




Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Current Engagement Stated Priority For Action

All Respondents 86



Stated Priorities for Action are the items that have high importance but below average performance.

You are encouraged to focus efforts on only a few issues. To assist you, we have ranked the items by their gap score (shown as a percentage).

The gap score is the difference between the Importance and Performance average scores.

The size of the gap score indicates the level of frustration or concern.

- a) Less than 20% = Not Significant
- b) 20 - 50% = Increasing Significance
- c) Greater than 50% = Significant





Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Current Engagement Statistical Results Schedule

All Respondents 86

	Distribution of Performance Scores			Performance Mean Score	Importance Mean Score	Gap Mean Score	Performance Rank	Importance Rank	
	Number of Responses	Percentage							
		Disagree (1 - 3)	Neutral (4)						Agree (5 - 7)
1. I am personally satisfied in my job	84	13.11%	10.71%	76.19%	71.63%	90.67%	19.04%	20	9
2. I am motivated to perform well in my job	83	7.23%	7.23%	85.54%	76.51%	90.67%	14.16%	9	10
3. I am personally committed to the values and success of City of Mount Gambier	81	6.17%	6.17%	87.65%	80.66%	90.76%	10.1%	3	8
4. I would willingly recommend City of Mount Gambier to others as an employer	84	8.33%	15.48%	76.19%	72.82%	79.56%	6.74%	17	42
5. I believe City of Mount Gambier values its staff	84	26.19%	16.67%	57.14%	59.33%	87.9%	28.57%	39	20
6. I feel my job is secure	84	10.71%	11.9%	77.38%	74.6%	89.48%	14.88%	12	15
7. My work is challenging and interesting	84	3.57%	11.9%	84.52%	80.56%	90.28%	9.72%	4	11
8. The training & skills development I receive is of benefit to me & my career	82	6.1%	20.73%	73.17%	73.58%	86.95%	13.37%	15	26
9. I am able to influence the way my work gets done	83	10.84%	8.43%	80.72%	72.69%	85.91%	13.22%	19	31
10. My division works well as a team	84	16.67%	7.14%	76.19%	73.61%	90.16%	16.55%	14	12
11. All work area's cooperate effectively across the Organisation	82	48.78%	25.61%	25.61%	42.48%	84.55%	42.07%	42	35
12. I am appropriately informed about matters affecting my division	84	22.62%	23.81%	53.57%	60.71%	87.7%	26.99%	35	22
13. I am consulted about decisions affecting my work	84	20.24%	20.24%	59.52%	63.1%	87.9%	24.8%	31	19
14. I am able to contribute ideas & these are taken seriously & acted upon	83	14.46%	10.84%	74.7%	69.08%	87.95%	18.87%	24	18
15. Senior management is open & honest in communicating with employees	84	29.76%	15.48%	54.76%	59.52%	89.29%	29.77%	38	16
16. I receive adequate information from senior management	84	25%	15.48%	59.52%	61.31%	87.7%	26.39%	34	21
17. I work in a safe and healthy environment	84	3.57%	5.95%	90.48%	80.36%	93.45%	13.09%	5	1
18. I work in an area free of discrimination and harassment	84	13.11%	10.71%	76.19%	74.01%	91.87%	17.86%	13	5



	Distribution of Performance Scores				Performance Mean Score	Importance Mean Score	Gap Mean Score	Performance Rank	Importance Rank
	Number of Responses	Percentage							
		Disagree (1 - 3)	Neutral (4)	Agree (5 - 7)					
19. I am able to balance my work and home life demands	84	8.33%	13.1%	78.57%	76.19%	91.07%	14.88%	10	7
20. The person I report to behaves in a way that is consistent with the values of City of Mount Gambier	83	9.64%	7.23%	83.13%	81.93%	91.47%	9.54%	2	6
21. I am recognised for my efforts	84	8.33%	14.29%	77.38%	70.83%	84.52%	13.69%	21	37
22. My applicable skills are being fully utilised	83	14.46%	13.25%	72.29%	68.67%	86.95%	18.28%	25	25
23. I receive timely feedback on my job performance from my manager	83	15.66%	14.46%	69.88%	68.27%	84.54%	16.27%	26	36
24. My immediate supervisor listens and responds appropriately to me	83	8.43%	10.84%	80.72%	77.71%	89.16%	11.45%	8	17
25. The feedback and coaching I receive helps me to improve my performance	82	13.41%	12.2%	74.39%	70.73%	85.14%	14.41%	22	33
26. I receive opportunities for training and skills development	81	11.11%	11.11%	77.78%	72.84%	86.79%	13.95%	16	27
27. I receive opportunities for career development	79	16.46%	24.05%	59.49%	65.82%	82.92%	17.1%	29	39
28. My immediate supervisor effectively recognises high performing staff in my division	80	12.5%	16.25%	71.25%	68.13%	82.72%	14.59%	27	40
29. My immediate supervisor appropriately manages any underperforming staff in my division	78	21.79%	15.38%	62.82%	60.68%	82.08%	21.4%	36	41
30. City of Mount Gambier has clear goals, objectives and values	83	18.07%	20.48%	61.45%	65.66%	86.14%	20.48%	30	29
31. City of Mount Gambier has a good reputation as an employer	83	8.43%	30.12%	61.45%	67.47%	83.13%	15.66%	28	38
32. The organisation fosters a culture built on trust and respect	83	26.51%	22.89%	50.6%	57.43%	85.94%	28.51%	40	30
33. I know what is expected of me in doing my job	83	4.82%	10.84%	84.34%	79.52%	92.57%	13.05%	6	2
34. I have adequate resources to do my job well (eg IT, tools and equipment)	83	8.43%	7.23%	84.34%	79.12%	92.17%	13.05%	7	3
35. I am confident that the issues identified in this survey will be addressed	83	20.48%	22.89%	56.63%	60.04%	86.35%	26.31%	37	28
36. City of Mount Gambier is fair and impartial in staff selection and promotion	82	28.05%	23.17%	48.78%	56.71%	85.14%	28.43%	41	32
37. My pay & conditions of employment are fair compared to others doing similar work	82	10.98%	14.63%	74.39%	74.8%	89.63%	14.83%	11	14
38. Day-to-day planning in my division is timely and effective	83	9.64%	15.66%	74.7%	72.69%	87.15%	14.46%	18	24
39. My team adhere to Councils WH&S policies and procedures	83	2.41%	3.61%	93.98%	87.75%	91.97%	4.22%	1	4
40. The leadership team promote collaboration	83	20.48%	20.48%	59.04%	62.25%	84.94%	22.69%	32	34



	Distribution of Performance Scores			Performance Mean Score	Importance Mean Score	Gap Mean Score	Performance Rank	Importance Rank	
	Number of Responses	Percentage							
		Disagree (1 - 3)	Neutral (4)						Agree (5 - 7)
41. The Chief Executive Officer and General Managers are good role models and ambassadors for the City of Mount Gambier	81	11.11%	17.28%	71.6%	69.55%	89.84%	20.29%	23	13
42. The Mayor and Elected Members are good role models and ambassadors for the City of Mount Gambier	82	19.51%	26.83%	53.66%	62.2%	87.55%	25.35%	33	23
Mean Score					69.61%	87.68%	18.07%		

* Gap Score = Importance Mean Score minus Performance Mean Score

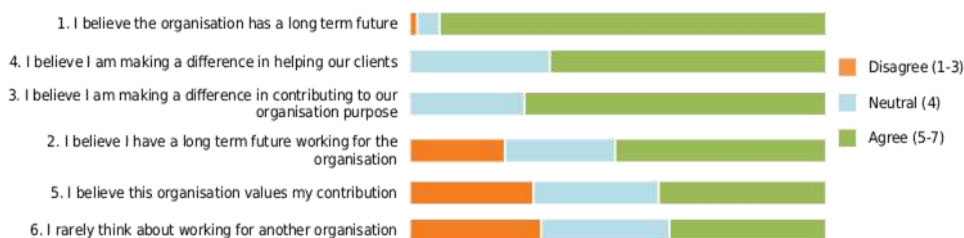




Talent Retention Index (TRI) 2019 - City of Mount Gambier.

Future Intentions All Respondents 86	Number of Responses	Distribution of Performance Scores				Performance Mean Score	Performance Mean Rank
		Percentage					
		Disagree (1 - 3)	Neutral (4)	Agree (5 - 7)			
Q1. I believe the organisation has a long term future	80	1.25%	3.75%	95%	90.21%	1	
Q2. I believe I have a long term future working for the organisation	82	4.88%	14.63%	80.49%	77.85%	4	
Q3. I believe I am making a difference in contributing to our organisation purpose	81	0%	3.7%	96.3%	86.83%	3	
Q4. I believe I am making a difference in helping our clients	81	0%	4.94%	95.06%	89.92%	2	
Q5. I believe this organisation values my contribution	82	10.98%	13.41%	75.61%	70.53%	5	
Q6. I rarely think about working for another organisation	80	20%	13.75%	66.25%	68.75%	6	

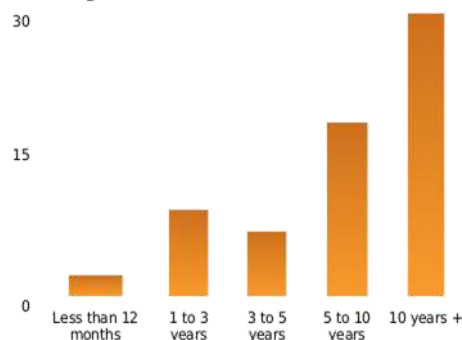
Ranked Performance Scores (Ranked by Mean % Performance)



Reasons for Leaving (If leaving in next 12 months)



Length of Intended Service



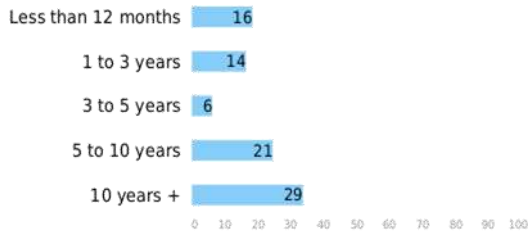


Talent Retention Index (TRI) 2019 - City of Mount Gambier.

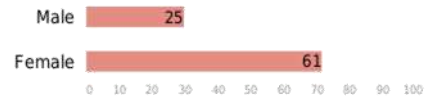
Demographics

All Respondents 86

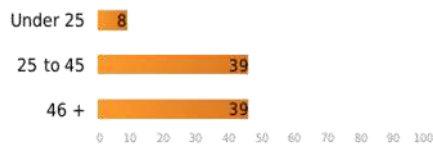
How long have you worked for City of Mount Gambier?



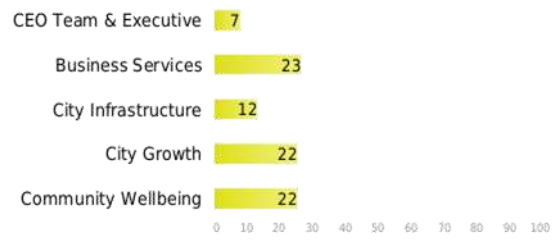
Gender:



What age bracket do you fall within?



Which team do work within?





Talent Retention Index (TRI) 2018 - City of Mount Gambier.

Comments

What do you LIKE MOST about working for City of Mount Gambier?

1. There is lots of variation in the work that i do
2. The challenges in an issues rich environment.
3. My role.
4. Everything I am learning from is an excellent GM and mentor.
5. I like the friendly environment I work in and that I can easily communicate with my supervisor.
6. The people. The place.
7. Get to work on good outcomes for the local community.
8. My role is enjoyable and challenging
9. Being a part of the local community and helping it to grow
10. The workplace comraderie and support. The training and skill development. The Wide range of tasks and learning throuhout my job.
11. We live in a beautiful city and I love helping showcase its features!
12. Helping and advising the community
13. I like the people and I love my job!
14. Being able to part of team who are here to help the community rather than working for a business that is looking only for profits.
15. I enjoy most aspects of the work I do, as everything we do is to ensure the organisation continues.
16. Providing advice and assistance to people within the community and helping them to resolve their problems/enquiries. To also be involved in providing leadership to the City.
17. Diverse culture in the Community. Natural Site to visit in Mount Gambier. Events around the city which celebrate alot of interests which bring people to the city.
18. The pay is really good, my direct team works well. I enjoy the actual work I do.
19. I appreciate the support from management and willingness to invest in staff training and development opportunities. I find management responsive and reactive and not adverse to implementing change where it is in the interest of delivering outcomes of the role effectively and efficiently. Management support flexible work and respects family commitments
20. A commitment to the community and making things better for the ratepayers and visitors to the city.
21. Serving the Community effectively



22. Enjoy working along side my peers and the type of work i do on a day to day basis. A good job for most of my career.
23. I like the team I work immediately within. I enjoy the diversity of work within my role.
24. Structure and job security (fixed contract)
25. Dealing with the Community
26. Good pay, good conditions, very interesting work
27. Community engagement and ability to put exciting ideas into practice.
28. Great working environment and colleagues.
29. Work conditions and pay, the constant turn over of machinery getting new gear
30. Helping customers the best we can and that the team environment is amazing
31. Less pointless internal competition than where I came from (private company)
32. Diversity of projects and work within my role.
33. Providing a service to the community.
34. I like the change and progression of the City Council and Councils in general. I think it has an exciting future with many varied opportunities
35. I love that we have such supportive teams and that our opportunities are endless here. I also like that we are here to benefit the community and to create a town full of opportunities for generations to come as well as supporting current members in their ambitions. Our town is somewhere that people love to live but better yet, great to visit and that wouldn't be made possible without everyone's little bit of input here at Council.
36. security of job - team mates - responsibility - community involvement
37. I enjoy the working ethics and characters of my immediate work group. I get gratification out of contributing to the future of the City which is possible as an employee and get satisfaction resolving/helping customers.
38. Working with my team and the variety of work we do
39. The security of the job and the diversity of my job. I like to help people and leave them with a positive view of council.
40. the variety of tasks within my role and working in my passion area in regard to programming and development as well as customer service interaction.
41. Company of co-workers. Feel like I am actually making a difference to peoples lives. Mount Gambier is a fantastic place to live and work.
42. Work Conditions are great and everything required to do your job well is at hand.
43. My co-worker, public and key people I work with. That every day is different.
44. Working for the people that I love in a town where I reside. Making a difference.
45. The variety of work. Constantly learning. Job security. Job satisfaction.
46. Providing services for the community.
47. Good working conditions and pay. Opportunity to do various tasks. Achieve things for the community.
48. People seem pleasant and helpful, and reasonably content. This is usually a sign of a healthy culture.



49. Working with my team

50. I feel secure in being a permanent employee and have excellent pay and conditions. I find the workspace pleasant and team members friendly and respectful. I enjoy helping people and providing excellent customer service. I respect the organization.

51. I like the innovations and creativity that our section of the City of Mount Gambier comes up with and works to achieve. Always forward thinking and looking at improving processes.

52. I really like that I am getting paid to help my community to the very best of my ability.

53. Great opportunities for improvement in strategic planning & implementation and related reporting to drive processes and create efficiencies in use of resources. Simplification, standardisation, clarification of roles and responsibilities opportunities in many areas.

54. The people I work for and with and the community engagement

55. - Opportunity to contribute to the City in a meaningful way, - Attractive salary with regular increases without the need for a tertiary education, - Opportunity to work within different teams and a variety of people across the organisation, - Building relationships with external stakeholders, - Great relationship with immediate supervisor who is supportive and has a willingness for me to learn and develop, - My current role enables me to have meaningful and regular contact with the CEO/GMs - Challenging work, - RDO/TOIL system allows for flexibility when workload permits, - Working within a committed team, - Ever evolving workload means that suggestions for process improvements within my immediate team can be taken onboard and are generally easily implemented,

56. Security and teamwork. Also staff are open to using skills I can provide to different divisions.

57. Job security Contributing back to the City that I live in The variety of challenges that arise Working with good passionate work colleagues

58. -My colleagues -The people I interact with externally -The sense of pride knowing that I am part of an organisation that contributes to the community in a positive way -The pay rate and conditions -The office I work in

59. I am contributing to the Community. My work is very interesting and challenging.

60. Working close with the community to improve the city on a variety of different issues.

61. The people I work with are wonderful

62. The opportunity to create great outcomes for the City that we live in.

63. The location, the facilities and amenities My colleagues and the staff team generally The opportunities

64. Being able to improve skills and life standard of the community

65. The open and friendly staff and clients

66. Staff Friendliness and Work Environment

67. job security,working outdoors,oppertunity to make a difference.

68. Some of the staff Pay 9 Day Fortnight Variety of jobs (work)

69. Challenges, staff I work with

70. I like the position I have for the last 8 years and I like working with the community.

71. Job variety and working outdoors. Also working with different employees with different skill sets.

72. I like what we offer our local community, infrastructure that is constantly looked after, public spaces and programs that are available to all the community.



73. Enjoying the work that I do, working in a team environment, job stability.

74. One of the main drivers for me to continue employment within local government is the impact my role and council in general can have in supporting and working with the community. The staff at the City of Mount Gambier are friendly and inviting.

75. Ability to make the most of a work/life balance

76. Sense of pride colleagues have in contributing to the community's wellbeing. Working within a genuine and purposeful environment. Being able to assist individual community members in small ways that are generally overlooked and undervalued by other services that actually make a big difference to lives.

77. My team and the opportunity to influence positive change within our community that improves their quality of life.

78. Just working for the City of Mount Gambier (After 10 yrs still think myself so lucky to be working for them) The job that I do.





Talent Retention Index (TRI) 2018 - City of Mount Gambier.

Comments

What do you LIKE LEAST about working for City of Mount Gambier?

1. The organisation seem to have a number of person that keep referring back to past CEO's and how it was different under them, and why do we have to change.
2. Some members of staff are overworked and can't turn attention to strategy and innovation as operational day to day tasks take up too much time.
3. Lack of communication and understanding of the role of different departments across council.
4. The organisation needs a lot of development including HR processes and procedures and for everyone to be working toward the common goals. There is a lack of shared mission and vision by Council.
5. I struggle with being versatile with certain aspects of branding requirements, but I understand why they are in place and accept them.
6. The "Executive" will decide. Lack of general engagement and acknowledgement of those with expertise.
7. Red tape, and unnecessary admin tasks, and admin tasks that take much longer than they should. Some examples - to attend training etc. in the past staff filled in a 1-page form and had their manager approve it. Now the process requires filling in a longer form, as well as convoluted workflows - which make the process far longer than it needs to be. Instead of streamlining it seems like the organisation is trying to make processes more long-winded. Another is the recording of e-mails - the to/from should be automatically populated, as should the incoming/outgoing/internal option - or eliminate this requirement for e-mails completely, as it's clearly recorded in the e-mail. Another is filling in vehicle log books that are not used for anything.
8. Communication is virtually non existent, eg emails are not answered by a GM and some Managers, information is not communicated from MET meetings Divisions don't communicate or work together. Organisational issues are not dealt with. Staff classifications are inconsistent across council, treatment of staff differs from division to division, some staff are treated differently based on being "like and disliked", doesn't pay to highlight an issue as nobody wants to know or deal with any sort of issue. Staff are not supported in their roles or workload. Customer Service Hub staff are untrained and unsupported - Hub is struggling in its current format. More emphasis is placed on high end data collection & reporting - we should be getting back to the basics by providing excellent customer service both internally and externally. Policies and procedures are not followed by the staff that set them.
9. Not having much of an opportunity to get to know others who work for the organisation
10. Council procedures are not always made clear to new/staff
11. NA
12. Morale at present is very low
13. I don't like that we are like a dysfunctional family with every team looking after themselves and not worrying about other departments. We are all part of the 1 team and should be treated as and treat each other as such. There is a lot of inconsistencies around levels of staff with some being on the same level for extended periods of time while others are employed at a level beyond their capabilities.
14. To many levels of management. Very hard to get an answer from your team leader as they are also left in the dark or to discuss ideas for improvement. A lot of meetings that go in circles that do not resolve issues or allow things to move forward.
15. The fact that there are some employees who are a higher level than other staff yet they do not do as much work or handball the higher level work that they should be doing.



16. The previous culture and workplace issues have created some division within the organization where some people are unable to adapt to current and new organization practices and direction. This is making it hard to implement change, new ideas and new ways of doing things within the organization.

17. Not enough Options for our young teenagers who dont play sport or are into the Arts. ie: Jump, Need to update signage around the city.

18. No one works as a team. There are too many teams that only think for themselves and not the whole organisation. Too many people think they are the busiest in the organisation and are not willing to help each other out.

19. The negative approach of coworkers to change. The approach of senior officers to new staff in that they go out of their way to make new staff feel unwelcome and actively attempt to undermine them in the public environment - unless of course they have been involved in the selection of staff! That they speak externally about confidential matters and do not record these conversations - it what appears to be an attempt to put tripping hazards out for other staff. The existing staff are resistant to change and have no interest in working within regulatory requirements, rather just doing what they have done for the last 10-15 years - even where ombudsman reports have highlighted there are deficiencies. And that this behavior is noted but not managed.

20. Negative attitudes. Staff who have not moved on with the times and are disruptive in their reluctance to change.

21. Ineffective communication on the basics.

22. Not feeling supported and recognised by Senior management or part thereof!

23. I dislike the lack of the communication between the General Managers and the rest of the organisation. I believe this organisation will benefit from the newly proposed "All staff meetings". I dislike negativity, conflicts and arguments within other departments. It can be distracting and is not healthy for office morale.

24. My role was created and I feel it hasn't been completely defined as yet, I find this frustrating as I can't give the role what it deserves.

25. The bullying and harassment that occurs from senior management. The lack of job opportunities. The discrimination between staff. The lack of knowledge of the senior management on the portfolios they manage. Poor communication. Very very very poor Managers. Currently the worst Management I have ever worked under.

26. having to work some public holidays

27. Lack of working relationships with other divisions.

28. Nothing so far.

29. dealing with difficult customers and trying to motivate people when they dont want to do a particular job

30. N/A

31. "Things are different in local government" attitude

32. Team morale is incredibly low. Dynamics within the team sometimes create unpleasant working environment.

33. Prolonged processes and overcomplicated and unnecessary paperwork.

34. Resistance to Change Not helping others "not my job" attitude Negative comments about other staff Lack of understanding of other people's roles In the past managers have allowed certain behaviour and that is hard to change Certain areas of Council are seen as undervalued if they don't have a tertiary qualification A sense of entitlement amongst some staff

35. I enjoy my job thoroughly and understand there are busy periods at work but this created a lot of stress on staff. I feel it should be easier to take our entitled RDO's or TOIL (within reason) so we too "catch a break", otherwise we burn out.

36. unpredictability of attitude/mood of team leaders on a daily basis - ignorance of other divisions of what my division does - unrealistic goals being set - expected to complete tasks efficiently whilst being constantly interrupted - budget issues relating to staffing



37. Certain Managers keep talking about better culture, transparency and working as a team, however don't seem to practice this philosophy in the way they engage with the staff. I believe a good culture starts at the top of a corporation flowing down to staff members, who will reciprocate back. Respect is gained not demanded.

38. People set in their old ways of doing things, and how long it takes to make a change and a decision, not a fun relaxed place, some people take themselves too seriously or think they are more important than others

39. Communication between departments could be improved. Lack of respect from other employees.

40. the paperwork/red tape you are required to go through to get a project/program off the ground.

41. People bitching behind people's backs.

42. The fact that over the last 8 or so years the trust and respect from management and to management has diminished. A previous change in management saw many long term, hard working employees who had always contributed 100% lose their jobs with the restructure. All of a sudden some employees were told they didn't have the required skills although had been successfully managing these positions for over 10 years or more. These members of management respected and supported their staff and in turn staff respected them. General Management doubled with the restructure and additional Managers and Team Leaders were appointed leaving the organisation in my opinion so very top heavy. Staff morale was at an all time low. There was not trust, positions were being lost and appointments made with no justification or reasoning. ALL employees were open to change but I believe we went from a functioning, respectful and well managed organisation to one where the trust had gone. I believe in some circumstances there were close breaches to the employees code of conduct. Some staff bullied, one leaving and unable to return to work for this reason. I believe the organisation had struggled to recover from this, but I do hope that with new Management the trust and respect can be regained.

43. Limited knowledge of what is happening across Council. I feel that providing the Friday Edition to all staff would help with this.

44. Lack of moral and teamwork. Delays in getting things achieved.

45. Obvious divisions between departments. No desire to simply help one another. We all work in the one organization so should be a team. Admin not easily accessible. Cannot just ask someone for assistance, requests for assistance to be emailed to customer hub. Time wastage. Admin on one level. Majority of the Depot staff being unproductive for 30 minutes before the work day is finished.

46. The current culture. Secretive nature of some issues. Lack of openness from GM's. Lack of care factor. The segregation that has formed amongst departments, (even in the same business unit).

47. Red Tape which is necessary in a Public organisation. Some peoples attitude to how good we could have it here. Loss of knowledge and experience in recent years

48. I haven't found out yet.

49. Not working as one business.

50. Sometimes there can be a gap in communication across the departments and issues arise but on the whole it is okay. I do not like the trend towards contracts rather than permanent employment.

51. I haven't worked here long enough to find anything I don't like yet.

52. After the restructure of 2 1/2 years ago, it has not been a great working environment. I do not believe the General Managers do much except sit in meeting with closed doors, (I feel quite nasty saying this but the email did call for honesty) and that at least 3 chosen GM's were not the right people for the job which is an opinion I still hold to this day. There is no respect from the GM's to the staff I believe, you just get spoken over and opinions ignored.

I
Where was the process in that? Why didn't all of Pamela's direct reports get the opportunity to act in the role so if the role of GM - Business Services is made into a full time role that everyone had the opportunity to show the new CEO their individual talents. I am not saying the person acting in the role currently is unsuitable or not doing a great job - but I feel others should have had the opportunity.

53. Push back if matters are considered 'change' or 'too much change'. Improvements / ideas being killed off by having to have them completely worked out and signed off by all stakeholders before being able to get started on them - takes the joy out of it / removes the trust that the initiator brings (based on skills and experience) out of the process and therefore demotivates. Causes Council to miss out on opportunities for efficiencies. Non equitable treatment of staff related to (historical) work ethic differences.



54. Would like more permanent hours

55. - Unrealistic expectations and unwarranted criticism from current elected members (mayor excluded) and the "us vs them" culture, - Unfair criticism of Council in general and ill-informed comments from the general community about work undertaken by council, - Under resourced organisation and high work loads across the board - many officers work many unpaid hours above and beyond just to keep on top of daily tasks - in my opinion this is unsustainable and I have concerns for the health and wellbeing of my colleagues. - Each area lacks general admin assistance which makes it difficult to stay on top of general admin with conflicting priorities, - Lack of morale boosting activities, - Some areas work in silos, ie. concentrate on how things affect them or their team only without consideration to other areas - more effective collaboration is needed at times. - I feel the General Managers are spread far too thin to be effective across all areas of their work. While not intentional this often leaves them unable to build relationships with staff across the organisation outside of their portfolios as with back-to-back calendars they are not always approachable and not easily accessible. This also makes it difficult for them to strategise and be an effective leadership team. Individually they are great people however the organisation can not progress and the staff can not be developed if they do not have sufficient time to apply to all areas of need.

56. When staff members are having 'a bad day' and behaviour affects them and those around them. Changing the atmosphere and work environment.

57. The it's not part of my job negative attitude that some employees express Some teams within Council not always willing to help each other out, we should all be working together as one team

58. -The sometimes demanding workload -The inconsistencies between Departments -The inconsistencies between people on the same Pay Level - some people are completely overloaded with work, others are not.

59. What we have become. Not so long ago the organisation was in itself like a community, where people worked together and were encouraged to. We knew we were working for the greater community, we had values and felt valued. Some senior appointments have been failures resulting in damage to employee morale and self esteem and total confusion around process. We've been criticised, put down, bullied, not heard. It's hard work, yet we still have good people working here who have proven their commitment and strength and resilience by holding on - it's a fractured organisation at the moment.

60. Watching colleagues demoralised and exhausted by Councillors acting in a divisive, distrustful and disrespectful manner, and deliberately or unwittingly diverting attention and resources toward squeaky wheels and other trivial matters.

61. Constant short staffing is not addressed Having to work over Christmas and New Years is ridiculous. The community will survive if we close for a day or two. And it would allow ALL staff to have a decent break with their families. No rates discount. We all work hard for this organisation, the organisation should give something back.

62. Inconsistencies, delays in decision making processes and too many unproductive meetings.

63. Nil

64. Some staff are taking a large portion of the work and payed the same as others doing the bare minimum

65. NA

66. having workloads increased,accountability of some workers and managers, ratio of inside workers to outside workers has increased immensely over previous ceo

67. Wet weather Under performers Some employees

68. divisions separated, Indoor staff treat Outdoor staff differently

69. Communication of day to day things are sometimes lacking. I'm happy with the communication of bigger changes, but operational day to day things seem to be often not communicated.

70. That some decisions are made without consultation with me which should include me as it involves my position.

71. when work pops up and priorities over everything that is going on which means jobs need to stop temporarily.



72. I don't like the way it appears that the loudest people in our organisation win. If you talk loudly that doesn't mean you should get all the say. Respect is a two way street and should be afforded to all staff. We have a fractured organisation that is divided by sheer lack of communication and respect for what people do, when not all staff actually understand the pressure placed on staff to do their daily work. All staff need to be reminded of this. We have just survived the worst GM appointment in the history of the organisation, and we need the GM's and CEO to work together now to make us a 'community' again, so we can work as one voice to help our community thrive, and keep all of us sane.

73. There is a culture of "it is not my job" and many departments continue to work as silos.

74. The feeling of working in silo's and that there aren't shared values and goals across the organisations. Inconsistent and unclear paths to achieve outcomes in the workplace with conflicting messages coming from GM's. Feeling disempowered by invisible processes/organisational politics that delay or pause projects indefinitely.

75. N/A

76. Petty politics

77. Sometimes feel unappreciated for the job I do, and the effort I put in.





Talent Retention Index (TRI) 2018 - City of Mount Gambier.

Comments

In what ways do you think City of Mount Gambier could improve the way it attracts and recruits new staff?

1. Where it advertised
2. Not really sure on this one.
3. I'm not sure.
4. As the City of Mount Gambier, a small city, roles will always be attractive.
5. Communicate and treat all staff the same
6. No comment
7. NA
8. Lift the morale of the organisation
9. COMG should offer all positions externally as well as internally, while we continue to only recruit internally we are limiting the ability to recruit exciting and qualified staff.
10. Open all jobs to external staff rather than just internal. That way the council will get the best available people for the role, rather than small pool of people.
11. I believe the recruitment process and attraction of staff does not require improvement. But I believe further enquiries including referee checks should happen more often.
12. In some areas where it is hard to attract people with the correct qualifications, it would be useful to employ cadets and trainees and provide on the job learning. This would also help to overcome an aging workforce.
13. I think promoting itself as a family friendly work place would assist attracting staff. I think ensuring that some of the existing negative attitudes are addressed - especially where it is known in the public that the COMG has a negative work environment when it comes to some areas/staff - and there are staff who have left because of this (it is a small town - so everyone knows where there are issues!)
14. Attracting does not seem to be an issue. Regional locations often find it difficult to find qualified staff but once recruited we do well in retaining them.
15. Improve the culture for existing staff and value / respect them by resourcing so they can do their job. Over loaded and stressed staff impacts on all. This was evident during the activation of the Railway Lands and some staff are worried this will happen again with the Rec Centre. Another example is overloaded General Managers who then don't have time / concentration for their Portfolios. Improvement to staff resourcing will in turn help with the employer reputation which has diminished over the last few years. Aim = Professionals want to work in a safe environment in this over stressed world. City of Mount Gambier could be a Leading example as an Employer by raising the bench mark.
16. No trouble attracting staff but ensure recruitment procedures are kept confidential and continue to support them when they start.
17. My best answer would be to increase current employee satisfaction. If the staff are happy, people will know. The rest will take care of itself.



18. The recruitment process was quite intimidating but once employed I found the induction process extremely beneficial.
19. Transparent recruitment. Better work conditions. Employing management and senior management that are experienced in the particular field they are employed to manage and being knowledgeable in the field they manage. Currently the senior management have no knowledge of what their staff do. The staff are more competent than the Managers and the Community know this and would rather deal with the staff.
20. HR team make it extremely difficult. Let divisions be more hands on with recruitment.
21. Broader advertisement of jobs.
22. better ads in the paper, more specific in the qualifications we require
23. No
24. Less focus on "local government" and more on transferrable skills
25. Wider advertising (e.g. through professional bodies).
26. Do we advertise on social media as well as in the paper when a position isn't for an internal vacancy? A lot of people use social media more than the paper.
27. members of the interview panels need addressed
28. Council's culture in the past was of a family orientated, caring and trustworthy corporation. This has been lost over recent years, and the general public and peers in other Council's have sensed this. Time to bring back the old values.
29. Not be so old school - be more innovative
30. N/A
31. no comment
32. Council has always been viewed as a good place of employment, and whilst internally there has been much turmoil I do feel that in the public eye it is still perceived to be a secure and good choice of employment.
33. Research some of the concepts that One Forty One use in relation to trainees and recruiting skilled employees and offering study options while on the job.
34. Build culture and morale Recognise the people that contribute constantly
35. Council needs to improve transparency in the way it recruits.
36. Recruit multi skilled people rather than for specific roles and then have to be retrained
37. I was fine with the process.
38. Offer permanent jobs after an annual contract expires.
39. Not sure.
40. I think the way that outside staff are attracted and recruited are fine. We have many lovely, hardworking and talented people who work for the City of Mount Gambier. Process is rarely followed in my opinion with internal recruitment, it seems to be what suits on that particular day. Internal appointments (which aren't really supposed to happen in my opinion, everyone in our community should have the opportunity to work here) should be handled by an external recruitment agency, to ensure no favouritism is shown.
41. HR Manager and HR function that provides guidance and advise on recruitment, Council's market position, forward thinking, not just administration. Providing staff to be able to perform their tasks and responsibilities without frustrating their skills and trust: Balance between role ownership and responsibilities vs consultation and communication.



42. Nothing

43. - Shortlists should be conducted by suitably qualified or neutral staff or external provider, - With an often high volume of applicants I wonder if it is necessary to include the salary level on recruitment advertisements as I often hear of people applying for the attractive salary rather than because they think they are the right person for the job.

44. Needing to be properly introduced to all staff and explained their roles. It is seen many times when existing staff have not been introduced to new members. This can help new employees have a better understanding of Council's structure.

45. By promoting a positive, energetic and vibrant workplace and location Reducing the time of the recruitment process and the time for advising successful and unsuccessful candidates

46. I think from a local point of view, there is no problem recruiting staff from within the region. Local people do think highly of Council jobs. I think the problem lies with recruiting professionals from the cities. I don't believe it is anything Council can do as it has to do with people wanting to move to Mount Gambier, which in reality is a small town and may not offer what they are looking for.

47. Appointing a professional HR Manager would be a good first step. Don't be blinded by parchments - they should be respected but are no guarantee of practical knowledge or effective skills.

48. Ensure that the City has and maintains quality services, shopping, transport, education (including tertiary) and other facilities, including new opportunities for growth of its people, not just its businesses.

49. 1. Build a dynamic company culture. 2. Set clear expectations and empower employees to exceed them. 3. Highlight social impact. 4. A proactive and engaged HR department.

50. Being more personable

51. the process is to long and costly

52. Offer more competitive wages

53. not sure

54. Recruit people with the skills required for the advertised position not next in line Dont have trainees fill full time positions until the traineeship has expired Listen to experienced staff when we advise not to hire certin people (Theres always a good reason)

55. nil

56. Have more "open days" for the public to view what council does and to have publicity on the great things council does.

57. Possible through word of mouth and sourcing from other organisations for job applications

58. Be honest and open in what you need and don't rely on a degree as a reason to employ someone, we have proof that the piece of paper, whilst terrific for the owner, doesn't mean they can work well with other staff or fit in as they should, if you want a functioning Council we need team players and helpers not more management.

59. Creating a flexible workplace allowing for a greater work life balance.

60. Goals and values that are shared and clearly implemented and prioritised across the organisation

61. Make the expected structure of potential employee applications clearer. I initially applied for a position but was advised that my application was likely overlooked as it wasn't set-out in a way that the manager desired.

62. By striving to achieve a dynamic organisational culture that values its employees and the community that it serves.

63. Dont think City of Mount Gambier has any problem recruiting people. (People always asking me how to get a job there)Just working for the





Talent Retention Index (TRI) 2018 - City of Mount Gambier.

Comments

In what ways do you think City of Mount Gambier could improve the way it retains its valuable people?

1. To make people feel valued and that they are being heard. Not just lip service or comments.
2. You're always going to do more if you feel valued. Regardless, most people give way more to CoMG than standard hours. Flexibility, recognition, training and development opportunities and a focus on career pathways for those aspiring for more would be beneficial.
3. Clear communication within divisions, across divisions. Express the value of those staff members to them in some way.
4. Increase Professional Development opportunities - have a leadership development program providing pathways for skill development.
5. I don't think there is a need to improve.
6. A commitment to the review process. The current process is COMG focused and is not about the person - currently a process without real engagement. Put "Human" back into HR. I don't think the CEO as HR manager has worked.
7. Salaries that are comparable with other councils, including Victoria.
8. Recognition and support.
9. No comment
10. NA
11. More praise for individuals who contribute to our community daily. Acknowledgment of each individual and their role and importance to us as an organisation. Sometimes it seems like we don't really know what each person does, because if they don't work in our department were not exposed to their amazing talents!
12. communication and avenues for promotion
13. I don't believe a lot of valuable people leave COMG.
14. I believe that well-performing staff need to be acknowledged more for their efforts and poorly performing staff need to be managed better.
15. Employee recognition and support, sometimes it's the small things that can make someone's days.
16. recognition or hold a free function to celebrate their achievements
17. The City of Mount Gambier needs to learn to appreciate its staff and not take the hard workers for granted while staff who complain the most get rewarded.
18. Recognising staff who are performing well in their roles - and not just seeing time in a role as an indication of performance - rather actually looking and seeing what staff are actually delivering and recognising this.
19. The standards of performance should not be about just doing your job. Those who are proactive, go above and beyond and not sit back and wait for opportunities are deserving of recognition. In particular, those working collaboratively across departments who then share in positive outcomes need to be encouraged.



20. Value staff and volunteers and walk the talk
21. Judge Staff on work output and not on personalities they may favour.
22. Respect and Recognition goes a long way.
23. I'm not even sure if anyone know who I am and what I do, I feel as though I don't even exist, it would be nice to be recognized for our commitment and contribution to our community.
24. Employ good Managers. The management at Council seems to be 'mates' jobs and this is back firing in the Community. The wrong people tend to get promoted and it is seen internally and externally. The Community don't like Council and how it has been run. Communicate better with good staff. Stop bullying and harassing good staff. Give positive feedback to staff when they do good things.
25. Listen to the staff more. Value knowledge.
26. permantly employ the good casual workers that have proved themselves
27. By helping customers as best as we can when they come in.
28. I haven't been here long enough to really know
29. Making those staff feel like they are valuable to the organisation, through things like recognition of achievements, flexibility in working arrangements (to encourage better work/life balance, etc), more opportunities for professional/career/personal development.
30. By offering more opportunities for training and skill development, and by recognising and utilising current skills.
31. Change the culture Encourage that every team member is as important as the next Discussion between teams about roles for greater understanding. Manage the people who don't believe in the change culture
32. More surveys like these.
33. take advantage of knowledge gained in positions and acknowledgment of that skill. Ensure those employed in senior positions have a good working knowledge of the position.
34. listen to what employes say instead of thinking of them as trouble makers and not wanting to move with the times
35. Reward current workers for their efforts and open up more opportunities to staff who wish to try different roles within the organisation.
36. Keep the communication lines open and not so much red tape to make a change
37. I think council retains it good employees well.
38. incentives - extra week leave allocated for staff who have been employed in council for so many years(15+?)
39. It seems Council does not want to retain it's valuable people. Current management's thinking is that if you stay more than a couple of years you become stagnant and new blood is needed.
40. I would like to see the trust and respect return to the organisation. I would like staff to be treated fairly and on par with other employees. An example being a team of three employees doing the same position at a Level 2 but the job entails some Level 3 work - all three put in for reclassification. To avoid all three reclassifications one appointed as senior, but at the end of the day all three employees are still doing the exact same job. Money not an issue, it is the principle and acknowledgement.
41. Recognise the people that contribute constantly. Place a strong value on people Our People Make the Difference
42. Provide opportunities for 'lower' paid staff to attend training sessions to expand knowledge and possible career opportunities.
43. Hard one, good people will stay if happy but it is hard to keep people happy even if they have it pretty good.



44. I can't say as I haven't been here long enough, but people in my understanding, generally need regular recognition, as well as some give and take and flexibility, to feel valued.
45. Set up a mentoring program to assist with pathways for career development.
46. Continue to work on the home and work life balance for employees. Be open and listen to the employees.
47. We need a HR Manager - and have had for a long time. Some of the undercurrent here is due to not being able to talk to anyone if you have a grievance. The former CEO did not want any part of anything that was difficult and if you felt you needed to raise an issue you had with your manager, you really had no one to talk to. Sometimes all people need is a friendly ear and an opportunity to vent. The GM's are quite unapproachable in my view. We have not had much success with HR managers in the past, selecting the correct person is key for this very important role.
48. Improve top down KPI / Strategic Plan process such that each contribution to this can be noted and appreciated. Regular reporting on these KPI and area's contribution towards these. Provide an internal award structure for project well done - advise this on the intranet Create a culture of process improvement / clarity of KPIs and related communication, so it becomes apparent who is contributing to these goals and objectives.
49. I think it does well in this area
50. - Morale boosting initiatives, - Regular opportunities for all employees to meet with general managers, not just managers and team leaders, - Scholarship program - interested staff could apply to have tertiary fees covered by Council (or other significant training opportunities), - Future leaders to be identified and adequately trained so that potentially future management positions can be filled internally to retain valuable knowledge and skills, - Competent staff be given opportunities to step up where they have the capacity to do so - there are some younger members of staff who have the ability to contribute more but are not given the opportunities to do so due to their age or working amongst more experienced officers.
51. Perhaps regular check ups? See where people stand and if they have some concerns. Maybe see what skills outside of their position description that can use to benefit City of Mount Gambier and if they are willing to expand those skills.
52. Open communication with staff, rewarding and acknowledging staff that are excelling and addressing the ones that aren't
53. I believe Council can retain it's valuable people by promoting more of a work/life balance and not expecting them to work excessive hours all the time. There are too many people who are overworked, and who are, or have got, burnt out. I believe in the previous CEO's tenure, too much pressure was put on some staff to get work done by unrealistic deadlines. This may have flowed down from the Members.
54. All employees should feel valued. Some work to be done here but people are less likely to leave if they feel worthy.
55. Provide a meaningful training and development program including existing systems and process and regional opportunities, not just General Managers and professionals travelling to Adelaide and not on-sharing learnings. Provide opportunities for career progression through sideways job transfers in support of staff development and succession planning. Remove impediments that discourage staff from trying other positions and opportunities such as probation periods with no fall-back for existing permanent employees and onerous expression of interest processes for temporary or same level opportunities. Ensure that Enterprise Bargaining maintains competitive pay rises and employment conditions. Provide a safe, innovative workplace with clarity of how their roles and duties fit within the larger organisation and legislative framework Provide organisational processes that make it easy and encourage staff to better perform their contribution to the organisation. Encourage partnership and job/resource sharing, staff secondments, training opportunities with LCLGA and surrounding Councils to keep staff motivated and working/learning within the local government sector/region.
56. If certain people or departments are crying out for extra hours because they are made to provide a massive service and programs in part time hours, offer them full time employment. We risk losing valuable staff because their hours are not sufficient to either do their job or live off!
57. As above.
58. Talk with them and openly communication expectations and opportunities
59. Better communication and a higher level of respect from some of the senior managers
60. NA
61. Improve Training



62. buy rewarding them instead of moving them on

63. Feed back Upgrades

64. rewards for commitment

65. For management to "appraise" their workers - this could be in "employee of the month" or a newsletter of what great things people are doing within Council. Could be a recognition at quarterly staff meetings!

66. providing appropriate classification for what they do and the teams they run, especially when they run a crew of employees whom are on a hire rate than the team leader.

67. All staff are valuable and should be valued. History shows they will stay as long as they wish to.

68. Provide clear direction and opportunity for staff to progress whether that is advancement or opportunity to gain new skills and change departments/roles. Foster a team environment where people work together across departments and knowledge of the various roles and skills across council is common place. Greater training opportunities allowing staff to formalise their skills or remain current on new and evolving techniques etc.

69. Value and act on their feedback. Empower staff to contribute across divisions. Encourage more collaboration

70. Communication, recognition, ensuring skills are valued and utilised and by offering training and career enhancement opportunities to ALL staff members.

71. Learning & development opportunities. Authentic acknowledgement of contribution. Be approachable and listen. Build a values based culture anchored by trust and respect.

72. Not sure on this





Talent Retention Index (TRI) 2018 - City of Mount Gambier.

Comments

Is there any feedback that you feel would be useful for the new CEO?

1. I feel that the Customer service, one desk, Customer Experience team has not worked. There are certain areas that require more training that just answering a phone. Some administration roles are extremely important to the work flow process. A good administration can save higher payed staff time which flows on the efficiencies. I do not mean everyone should have a personal assistant, but there are some roles that can benefit from administration efficiencies.
2. Come and speak to those on the ground. Learn about their role and what they do from their perspective.
3. I think leadership from the top is vital - it feels very disjointed - would be great to have an additional leadership team for Council to the Executive Team - include Managers from across the organisation to ensure everyone is working collaboratively toward a common goal. Communication across the organisation is lacking. Decisions and changes are made without the information being disseminated to all staff. - this survey is a great step forward for this to improve!
4. Not really :)
5. This is a great Council, with people who are committed to their roles. We all come to work wanting to do our best. There has been a lot of change over the past few years, some folk feel a bit battered, but your early engagement has been appreciated. Thanks.
6. I think it would be very beneficial to the organisation to reduce unnecessary admin as much as possible, and to give admin support to technical staff, and the GMs. This will enable technical staff to focus on the specialist work they're employed for, instead of spending a lot of time on admin tasks. Fleet management should be officially assigned to a role. the cars are not cleaned, nor re-fueled, as often as they should as it is no particular persons responsibility (as far as I'm aware). We need a much more efficient way to make small purchases (\$1-\$100). As it is staff have to go to the store, check the price, go back to the office, raise a PO, wait for the PO to come through, then go back to the store and get the item. All for something that might only cost \$5. A card or something similar that could be used, with the appropriate checks, would be much more efficient.
7. Wish him all the best
8. Continue to interact with the workers and I really enjoy your meetings. I feel like you really care about what we think
9. Welcome to the team Andrew, One thing i feel is needed is more praise for individuals in the work place who contribute to our community daily. Acknowledgment of each individual and thier role and importance to us as an organisation. Sometimes it seems like we dont really know what each person does, because if they dont work in our departemt were not exposed to thier amazing talents! The little get togethers weve had so far have een great. Thank you
10. lift the morale and value the employees more than the last CEO
11. Keep engaging with staff, get to know them and interact. Staff need to respect their leaders and this needs to be continually worked on.
12. Keep up you current openness to staff. I would prefer this type of questionnaire be done in person with the CEO or GM. It will allow much better and deeper feedback rather than a scoring system that could be interpreted incorrectly.
13. I feel that the managers etc. need to be more closely performance managed to ensure they are adequately managing under performance and supporting there well-performing staff.
14. Open communication between the Senior Management Team and employees will help to build trust and provide leadership for the organization.
15. Continue on keeping in touch with all staff - the Monthly meetings are so informative.



16. My first impression of Andrew is a positive one. It sounds like he wants to get the City of Mount Gambier working as a team but it will be a hard road ahead.

17. There are some staff who are perhaps too closely aligned with elected members, and other 'prominent' people in the community, who go out of their way to highlight internal shortcomings (or what they see as them) - tread carefully - as many of these staff are quick to turn and reluctant to support other to achieve. Change is resisted even where it is positive. Generally the workplace has some great individuals, who have the capacity of delivering great things. It would be great to see the silos broken down, as quiet often areas work against each other or are not fully aware of the full extent of how each area operates and their requirements. Keep smiling - 95 pc of the organisation has great intention and will support management and each other to deliver the goals of the organisation.

18. The integrity of Council is compromised by conflicts of interest.

19. All staff meetings and emails are an instant improvement. See answer to Q3. Be approachable, initiate one on one conversation with staff and build the trust. Keep his sense of humour.

20. Engage with all staff and not just upper managers concerning culture within the organisation.

21. I believe that the majority of staff are hopeful for some positive changes with the new CEO. Plenty of staff found the previous CEO unapproachable. I wish you all the best in your new role.

22. The sector that I work in isn't recognized and taken seriously by fellow colleagues within council, this needs to change!

23. Look at re-structuring. The current management is not working. The community are not happy and neither are the staff. The one customer service counter is a huge failure. Admit it failed badly and put customer service back how it was. The community and staff would applaud this. Admin staff are even wanting to leave from the changes. No one were engaged in this process just top Managers making a call which they knew nothing about. Credit staff for doing a good job. Allow staff to use their skills and promote good staff. It seems in the last few years the good staff are being forgotten about. The people that don't forget the good staff are the community. I get recognized in the community all the time, I cant remember when I was last applauded or thanked by my Manager. I am confident the new Council will shake up the poor Management and help clean up the bullying and harassment of staff!

24. no.

25. no

26. Nope. He's doing a great job!

27. Don't take things on face value. There seems to be a number of people who are stuck in their ways/mentalities of 20 years ago; and they are resistant to change. There are also some people who are still bitter about past organisational restructures/other changes within the organisation. On a positive note, there are a number of people who take pride in their jobs, are team players and do their absolute best in representing the City of Mount Gambier.

28. I believe there needs to be a full culture overhaul and Managers shouldn't be afraid to manage. I feel as though our no redundancy clause means people are not prepared to change or don't feel as though they need to. I also believe we need to shift the mentality to embrace change. To much of "we do it like this because we always have"

29. Keep up the good work! Your open communication and meetings is something I know I value. A positive step forward encouraging and showing us all how to work as a team.

30. At first appearances, the new CEO appears to be very approachable, caring and a good listener. He appears to be Country orientated and not City eccentric, which are all attributes I see as the beginning to the change in Culture required. Looking forward to the future.

31. In going forward I feel we need more resources in IT and training in the programs we have

32. N/A

33. Think I have covered in previous questions.

34. I enjoy the CEO updates. I would like to see a 10 minute update from each of the GM's.

35. Recognise the people that contribute constantly. Place a strong value on people Our People Make the Difference Stop wearing out those that are the work horses.



36. Communication and lack thereof needs to be addressed/improved to provide better customer service, both internally and externally. The segregation between departments needs to be addressed to allow work to be completed more efficiently.

37. Congratulations and good luck with the new position. Difficult to be able to listen to all points of view and get a balanced result from different perspectives.

38. At risk of identifying myself if it wasn't obvious, the things I have noted so far as a newer arrival follow: - I've noted concern about potential removal of partitions in downstairs area. It's a very live room anyway; removal or reduction of partitions will make it like one of those noisy restaurants where people keep getting louder to be heard til everyone's shouting and nobody can hear. There's a speech privacy issue already, where it's hard to make a call if others are talking, and the caller can hear voices and think they don't have privacy. I've worked in an office where the partitions weren't even at monitor height; it was horrible, constantly making accidental eye contact with the person sitting opposite, constant distraction from their movement and movement of others in the space, inability to make a client call in privacy, and inability for quiet concentration. - Record keeping - I'm completely on board with the imperative to keep records, and DAs have their own folder in HPE that keeps everything together. However, ad hoc enquiries are not linked to the property address in Authority, but kept in "bucket" files in HPE. This relies in individuals consistently and reliably naming these entries in an open text field (!), to identify them and provide any link to the property and owner. With the best will in the world, this doesn't always happen. As it stands, if I want to find out history of enquiries by the owner, I can't open the property file in Authority and find links; I have to do a keyword search in HPE, and hope all relevant material was saved with correctly identifying keywords. Open text fields are avoided in database design, as it affects stored data quality. Certain fields need to be controlled to manage searching and recovery of that data, and avoid duplication. I.e., enquiry type or reason for contacting the client, enquirer, subject address, owner, response required y/n, etc. One partial solution might be to have a file in HPE for each property while still relying on naming convention.

39. He seems open and willing to listen and be available for employees to chat.

40. I hope Andrew is not put off by the responses I think he is going to get. Welcome Andrew, I feel you are genuinely interested in making us a better workplace to serve our community which is the reason why we exist in the first place. We have been fractured in divisions for far too long we need to be one Council again. I for one am very happy to have you here.

41. Focus on cohesion and cooperation between Council elected members and Administration, supported by a clear vision internally on the mid-term (1 - 3 years) goals for the Administration, assisting all staff to focus on these and see results.

42. Not at the moment I think he seems like a great fit!

43. - In summary to the above, staff morale is still low following the recent restructure and many staff, especially long serving still feel undervalued but small steps can go a long way to improving this. Thank you for the opportunity to provide feedback via this survey. I hope these comments are useful and provide a good benchmark as you get to know the organisation.

44. None as of yet. He is doing a great job. I appreciate the team meetings and getting employees together.

45. It's rewarding to see the communication channels opening and hearing more positive discussions from employees across Council

46. There is a lot of ground to make up from the last CEO's tenure. Unfortunately with the contracts being terminated in the last couple of years of two Directors plus a Finance Manager and the appointment of four new General Managers, there is a lot of mistrust and bitterness leftover amongst a majority of staff. Trust needs to be built up again by providing open and honest communication. There still is a division between 'Indoor' and 'Outdoor' staff. A lot more needs to be done to make the outdoor staff not feel inferior to inside staff and to make everyone feel like they belong to one team (this also includes the other sites - Main Cnr/Library etc).

47. Andrew is a genuine person and appears very capable. A man with a brain and a heart. He has many challenges ahead of him but if given the support he will need I think he'll do a great job and lead us through and out of a difficult situation and in the right direction.

48. Yes, but not in a survey response where we have been told that all staff and Elected Members will be provided with the results.

49. For MET: 1. Be more transparent. 2. Help us stay focused. 3. Hold us accountable. 4. Spend more time coaching and developing us. 5. Be decisive. 6. Be consistent. 7. Trust us, we do not need to be micromanaged! 8. Lead by example.

50. be visible to all areas of Council not just the Civic Centre

51. don't be like the last one, stay true to yourself

52. Good luck



53. keep doing meeting with staff to inform what lies ahead for everyone...enjoyable

54. Visit the outlining council divisions (ie Cemetery, Visitor Centre, Reuse Centre, etc) and say "Hello" once a fortnight/month - not to stay just at the main office. Keep up the "get-together" of staff meetings with CEO.

55. I am looking forward to working with Andrew, he believes in humanity and well being, and it will be good to have someone beside us that truly does care, something that has been missing for quite some time.

56. N/A

57. Be open to your employees and upfront





5.7 ADMINISTRATIVE PRINCIPLES RELATING TO THE ENFORCEMENT OF UNLAWFUL DEVELOPMENT AND UNSIGHTLY PREMISES – REPORT NO. AR19/52752

Committee:	People and Place Committee
Meeting Date:	8 October 2019
Report No.:	AR19/52752
CM9 Reference:	AF19/326
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	Two Administrative Principles relating to the Enforcement of Unlawful Development and Unsightly Premises have been adopted relating to areas of the Council business where there needs to be a consistent approach.
Community Plan Reference:	Goal 1: Our People Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/52752 titled 'Administrative Principles relating to the Enforcement of Unlawful Development and Unsightly Premises' as presented on 08 October 2019 be noted.



BACKGROUND

The Council has no consistent Administrative Principle approach to areas of legislation affecting the appearance of the City of Mount Gambier. The two Administrative Principles have been put in place to enable clarity regarding these two pieces of legislation to be dealt with equitably and efficiently.

The Administrative Principles are based on the LGA models and have been reviewed and given local content by officers. The Enforcement of Unlawful Development Administrative Principle has also been reviewed by the Ombudsman SA.

With regards to the Enforcement of Unlawful Development Administrative Principle (**Attachment 1**), its purpose is stated as:

“To assist Council officers to act promptly, consistently and effectively in response to allegations of unlawful development activity. It provides workable guidelines on:

- *how to assess whether allegations of unlawful activity require investigation;*
- *options for dealing with unlawful activity; and*
- *how to decide whether enforcement action is warranted.”*

The principles behind the Enforcement of Unlawful Development Administrative Principle are:

“Proportionality: a proportionate response means that the Council’s actions will be scaled to the seriousness of the breach;

Consistency: the Council will take a similar approach in similar cases to achieve similar outcomes; and

Transparency: the Council will be open and transparent about the manner in which it undertakes enforcement activities under the Act.”

With regards to the Unsightly Premises Administrative Principle (**Attachment 2**), its purpose is stated as:

“How to assess whether allegations of unsightly premises require investigation;

Options for dealing with unsightly premises; and

How to determine whether enforcement action is warranted.”

The principles behind the Unsightly Premises Administrative Principle are:

“Education: the importance of educating the community regarding legislative obligations and the consequences of action and non-action;

Opportunity: recognising and using opportunities to assist community members to comply with their legislative obligations;

Equity: fairness and impartiality in the judgement and conduct of authorised officers;

Prioritisation: focus on matters/issues of severity which pose danger and hazards to the community;

Proportionality: a proportionate response means that the Council’s actions will be scaled to the seriousness of the breach;

Consistency: the Council will take a similar approach in similar cases to achieve similar outcomes; and

Transparency: the Council will be open and transparent about the manner in which it undertakes enforcement activities under the Act.”

These two Administrative Principles have been published on the Council’s website to enable members of our community, complainants and alleged transgressors to understand what processes will be followed in handling issues relating to these subjects.

ATTACHMENTS

1. Administrative Principle - Enforcement of Unlawful Development [↗](#)
2. Administrative Principle - Unsightly Premises [↗](#)





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1. INTRODUCTION

Local Government is charged with legislative responsibilities which protect individuals and the community as a whole. This includes responsibilities for the safety and amenity of the community's environment under the Development Act 1993 ('the Act'). Potential unlawful activity may come to the attention of the Council through public enquiries or complaints, or through Council officer patrols and inspections. The Council has discretion on taking action with respect to any unlawful activity and will do so in accordance with the principles of good governance and administrative practice.

In adopting this Administrative Principle, the Council has recognised that when laws are made by the Parliament it may be difficult to determine all the circumstances that should give rise to enforcement. Consideration needs to be given to each individual situation having regard to its impact on economic, social, environmental and public safety issues. It is therefore recognised that it is appropriate for the Council to apply discretion or common sense in determining when and when not to take enforcement action

2. SCOPE

The Council adopts a broad definition of "enforcement", which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies. Notwithstanding the above, the Council will take immediate action when required (for example to ensure public health and safety or to protect the environment) against those who act unlawfully when circumstances warrant.

Only officers who are competent by training, qualification and/or experience will be authorised under section 18 of the Act to take enforcement action. Officers will also act in accordance with this, any delegated authority and other relevant Council policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with Council policies must have approval from the relevant Manager and the reasons for action recorded in accordance with the Council's Records Management protocols.

Officers are required to show their authorisations on demand.

3. PURPOSE

To assist Council officers to act promptly, consistently and effectively in response to allegations of unlawful development activity. It provides workable guidelines on:

- how to assess whether allegations of unlawful activity require investigation;
- options for dealing with unlawful activity; and
- how to decide whether enforcement action is warranted.

4. PRINCIPLES

Enforcement actions are taken within the context of both a legal and policy framework. Council officers will carry out their enforcement related work with due regard to the following principles:

- Proportionality: a proportionate response means that the Council's actions will be scaled to the seriousness of the breach;
- Consistency: the Council will take a similar approach in similar cases to achieve similar outcomes; and
- Transparency: the Council will be open and transparent about the manner in which it undertakes enforcement activities under the Act.

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5. IMPLEMENTATION

UNLAWFUL DEVELOPMENT ENFORCEMENT DECISION MAKING

IS AN INVESTIGATION REQUIRED?

Not all allegations of non-compliance with the Act will warrant investigation. The Council will consider a range of factors when deciding whether to investigate. These include:

- Is the matter within the jurisdiction of the Council and the Development Act?
- Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
- Is the activity or work permissible with or without consent?
- If the activity is permissible with consent, is there a consent in place?
- Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- Is the complaint trivial, frivolous or vexatious?
- Has too much time elapsed since the events the subject of the complaint took place?
- Is there another body that is a more appropriate agency to investigate and deal with the matter?
- Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?
- Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- Has the person or organisation complained of been the subject of previous complaints? (i.e. is there a history of non-compliance).
- Does the complaint have special significance in terms of the Council's existing priorities?
- Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
- Is it in the public interest to investigate the complaint? (i.e. is it trifling?)

Where a decision is made not to investigate a complaint, the decision and reasons will be recorded in accordance with the Council's Records Management protocols and the complainant will be advised in writing.

FACTORS IN CHOOSING AN ENFORCEMENT STRATEGY

In coming to a decision on the most appropriate means of enforcement (and whether any enforcement is required at all), the officer shall apply discretion having regard to the following factors:

- whether the breach or situation ("the Development") has drawn complaint, and if so, to what extent; whether the Development has been implicated in any accident;
- whether the Development is highly visible due to its size, colour, location, illumination etc.;
- the size and scope of the Development, particularly as compared with what might be established "as of right" (i.e. without need for approval);
- the duration (hours) of operation of the Development, if relevant;
- whether the Development is something commonly employed by other like businesses, residences, premises, etc.
- whether other nearby businesses, residences, premises, etc. and/or competitors employ similar developments;
- how long the Development has been in place before coming to the Council's attention and whether the Council is within time to take enforcement action;
- whether the Development is being used for a purpose that is not envisaged by the Development Plan for the relevant area;
- whether the Council has given incorrect information or advice or in some other way encouraged the erection of the development;
- whether the Development would likely gain approval if approval was sought; and

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- the “seriousness” of this Development relative to other breaches or situations of which the Council is aware (presumably it must prioritise its enforcement resources, targeting the most serious matters first).

The following factors are to be ignored when choosing an enforcement strategy:

- any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- possible political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any political group or party.

Where a personal association or relationship with the alleged offender or any other person involved exists:

- an alternative person will make decisions where possible; and
- the facts about any conflict/relationship will be recorded in accordance with the Council’s Records Management protocols.

Written documentation will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- detail the section/s of the Act contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

Where a decision is made not to pursue compliance, having exercised discretion in doing so, the decision and reasons, will be recorded in accordance with the Council’s Records Management protocols and the complainant will be advised in writing.

OPTIONS FOR COMPLIANCE

Where, after having undertaken investigation and exercising an appropriate level of discretion in accordance with this Administrative Principle, it is determined that on prima facie evidence non-compliance has occurred, the Council has various options available to it to seek or promote compliance including:

- explaining legal requirements and, where appropriate, the means to achieve compliance;
- providing an opportunity to discuss points of issue where appropriate;
- allowing reasonable timeframes to achieve compliance and/or waiving or reducing fees;
- facilitating communication between affected parties to achieve a resolution;
- issuing a verbal or written warning; or
- enforcement actions such as issuing an expiation, issuing an order/direction or prosecution (see discussion below).

Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected.

ENFORCEMENT ACTIONS

Officers have a range of enforcement actions available as outlined below. In considering each option, regard should be had to the factors outlined later in this Administrative Principle.

NO ACTION

No action will be taken when, after investigation and exercising an appropriate level of discretion, no breaches of the Act are discovered.

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It may also be appropriate to take no action when:

- the complaint is frivolous, vexatious or trivial in nature;
- the alleged offence is outside the Council's area of authority;
- taking action may prejudice other major investigations;
- the factors described later in this Administrative Principle do not warrant action being taken.

INFORMAL ACTION

Informal action to achieve compliance with legislation may include:

- offering verbal or written advice;
- verbal warnings and requests for action; or
- written warnings. Advice from officers will be put clearly and simply and will be confirmed in writing.

The circumstances in which informal action may be appropriate include:

- the act or omission is not serious enough to warrant formal action;
- the duty holder's past history reasonably suggests that informal action will secure compliance;
- confidence in the individual/other body is high;
- the consequences of non-compliance will not pose a significant risk to health and/or safety; or where informal action may prove more effective than a formal approach.

Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of the Council and the reasons recorded in accordance with the Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.

FORMAL ACTION

Service of Orders and Directions and Court action The Act provides for a number of enforcement actions:

- Legally binding directions or orders (for example, section 69 Emergency Order or section 84 Enforcement Notice);
- Civil enforcement proceedings under section 85 of the Act;
- Criminal prosecution proceedings under section 49 of the Summary Procedure Act 1921.

Proceedings under S.84 of the Development Act 1993 may only be instigated within 12 months of the date of the alleged breach. Proceedings under S.85 of the Development Act 1993 must be commenced within three years after the date of the alleged breach or, with the authorisation of the Attorney-General, at any later time.

Council officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/direction and the timeframe to comply.

Where officers are of the opinion that there is a need for formal action, a case management meeting will be convened including the case officer and at least two of the following:

- Manager – Development Services;
- General Manager – City Growth; and
- Chief Executive Officer.

The outcomes of the meeting will include:

- The agreed formal action;
- A timescale for its undertaking;

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- An allocation of this responsibility;
- A statement of reason(s) as to the action(s) agreed; and
- A file note placed on the enforcement file detailing the above.

This will ensure that the approach to formal action is consistent, proportionate and in the public interest.

Only in circumstances such as a threat to life or immediate threat to public health or safety will an Order be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.

In most cases the person receiving the Order or Direction has a right of appeal to the Environment, Resources and Development Court if the Order or Direction is considered unreasonable. If an Order or Direction is served for which an appeal is possible, the Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order or Direction.

Where there is evidence that an offence has been committed, the Council may issue an Expiation Notice or launch a prosecution in addition to serving an Order or Direction. This will only be done where it is determined that the conduct of the recipient justifies taking both steps.

ACTION IN REGARD TO A DEFAULT

Failure to comply with Orders or Directions will incur further enforcement action such as launch of a prosecution.

Where action in regard to a default is provided for by the Act and the necessary work has not been carried out in the time allowed without good reason (for example, section 56 of the Act), the Council may undertake the required work. Before doing the work the Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken the Council will seek to recover all costs over a fair period, using all statutory means available.

The decision to carry out action in default will be made by the Chief Executive Officer or delegate.

Where an offence has been committed the Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order or Direction. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.'

SERVICE OF AN EXPIATION NOTICE

A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence to prove an offence beyond reasonable doubt.

The following circumstances are likely to warrant an Expiation Notice:

- certain breaches of the Act administered by the Council;
- failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer (informal enforcement action);
- failure to comply with the requirements of an Order or Direction;
- confidence in the individual/other body's likelihood to not re-offend is low; or
- a written warning has been given for a similar offence.

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 City of Mount Gambier	ADMINISTRATIVE PRINCIPLE – ENFORCEMENT OF UNLAWFUL DEVELOPMENT	
	Version No:	1
	Issued:	October 2019
	Next Review:	October 2020

PROSECUTION

A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- it is not possible to rectify a breach (for example, demolition or tree-damaging activity);
- a failure to comply with the requirements of an Order or Direction;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by the Council or an aggrieved party.

Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.

A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- whether the offence was premeditated;
- the need to influence the offender's future behaviour;
- the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence (i.e. would a prosecution be perceived as a disproportionate response given the offender's circumstances);
- the availability and efficacy of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both personal and general; and the likely length, expense and outcome of a trial.

The final decision to prosecute will be made by the Chief Executive Officer.

6. REVIEW & EVALUATION

This Administrative Principle is scheduled for an initial review by Council in October 2020 and thereafter at four yearly intervals. However, it will be reviewed as required by any legislative changes which may occur.

7. AVAILABILITY OF ADMINISTRATIVE PRINCIPLE

This Administrative Principle will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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		Issued:	October 2019
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File Reference:	AF15/598
Applicable Legislation:	Development Act 1993, Planning, Development and Infrastructure Act 2016, Local Government Act 1999
Reference: Strategic Plan – Beyond 2015	Goal 4, Strategic Objective 7 and 8
Related Policies:	
Related Procedures:	
Related Documents:	

DOCUMENT DETAILS

Responsibility:	MANAGER – DEVELOPMENT SERVICES
Version:	1.0
Last revised date:	October 2019
Effective date:	2 nd October 2019
Next review date:	October 2020

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 City of Mount Gambier	ADMINISTRATIVE PRINCIPLE – UNSIGHTLY PREMISES	
	Version No:	1
	Issued:	October 2019
	Next Review:	October 2020

1. INTRODUCTION

Local Government is charged with legislative responsibilities to prevent, and to protect the community from, local nuisance and litter. This includes responsibility for addressing unsightly premises under the Local Nuisance and Litter Control Act 2016 ('the Act'). Identification of unsightly premises may come to the attention of the Council through public enquiries or complaints, or through Council officer patrols and inspections. The Council has discretion on taking action with respect to any unsightly premises and will do so in accordance with the principles of good governance and administrative practice.

In adopting this Administrative Principle, the Council has recognised that when laws are made by Parliament it may be difficult to determine all the circumstances that should give rise to enforcement. Consideration needs to be given to each individual situation having regard to its impact on economic, social, environmental and public safety issues. It is therefore recognised that it is appropriate for the Council to apply discretion and/or common sense in determining when and when not to take enforcement action in relation to unsightly premises.

2. SCOPE

The Council adopts a broad definition of "enforcement", which combines the provision of advice and assisting compliance with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies. Notwithstanding the above, the Council will take immediate action when required to address unsightly conditions on premises which may substantially affect the environment or amenity in a negative way or which may give rise to public health and safety concerns.

Only officers who are competent by training, qualification and/or experience will be authorised under Section 12 of the Act to take action in relation to unsightly premises. Officers will act in accordance with this Administrative Principle, any delegated authority and other relevant Council policies and procedures to ensure a reasonable and consistent approach to their duties. Any decision to act other than in accordance with Council policies must have approval from the relevant Manager and the reasons for action recorded in accordance with the Council's Records Management Protocols.

Officers are required to show their authorisations on demand.

3. PURPOSE

To assist Council officers to act promptly, consistently and effectively in response to allegations of the unsightly condition of premises. It provides workable guidance on:

- How to assess whether allegations of unsightly premises require investigation;
- Options for dealing with unsightly premises; and
- How to determine whether enforcement action is warranted.

4. PRINCIPLES

Actions to address unsightly premises are taken within the context of both a legal and policy framework. Council officers will carry out work related to this role with due regard to the following principles:

- Education: the importance of educating the community regarding legislative obligations and the consequences of action and non-action;
- Opportunity: recognising and using opportunities to assist community members to comply with their legislative obligations;
- Equity: fairness and impartiality in the judgement and conduct of authorised officers;
- Prioritisation: focus on matters/issues of severity which pose danger and hazards to the community;

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- Proportionality: a proportionate response means that the Council's actions will be scaled to the seriousness of the breach;
- Consistency: the Council will take a similar approach in similar cases to achieve similar outcomes; and
- Transparency: the Council will be open and transparent about the manner in which it undertakes enforcement activities under the Act.

5. IMPLEMENTATION

WHAT ARE UNSIGHTLY CONDITIONS?

Section 17 of the Act states that unsightly conditions fall within the meaning of local nuisance:

"17 – Meaning of local nuisance (1) For the purposes of this Act, local nuisance is –

.....

- (c) Unsightly conditions, of a kind declared by Schedule 1, on premises caused by human activity or a failure to act; or*

Schedule 1 of the Act provides further clarification regarding unsightly conditions:

"3 – Unsightly conditions on premises (section 17(1)(c)) For the purposes of section 17(1)(c), the following unsightly conditions are declared:

- (a) Conditions on premises involving-*
 - (i) Excessive or unconstrained rubbish, waste or vegetation; or*
 - (ii) Stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste in the circumstances; or*
 - (iii) Graffiti (other than authorised graffiti) that has been left on the premises-*
 - (A) In the case of offensive graffiti – for more than 7 days; or*
 - (B) In any other case – for more than 28 days, where, in the opinion of an authorised officer, the conditions have had an adverse effect on the amenity value of the area or caused the premises to be significantly out of conformity with the general appearance of neighbouring premises; or*
- (b) Conditions involving a building on the premises having been left partially demolished or in a state of disrepair, dilapidation or damage where, in the opinion of an authorised officer, the conditions have had an adverse effect on the amenity value of the area or caused the premises to be significantly out of conformity with the general appearance of neighbouring premises."*

FACTORS IN CHOOSING AN ENFORCEMENT STRATEGY


When a premises is identified that may fall within the definition of unsightly conditions, and accordingly local nuisance, an officer must use discretion when determining an enforcement strategy (including whether any form of enforcement is necessary) having regard to the following factors:

- The extent of any alleged unsightly conditions;
- Whether the breach or situation has drawn complaint, and if so, to what extent;
- The visible nature of unsightly conditions;
- The factors which may have led to the unsightly conditions including (but not limited to) the mental health of any owners / occupiers, lack of financial resources, cultural reasons, lack of transport;
- The ownership and use of the land (some properties may be exempt from the requirements of the Act);
- The nature of the locality and the impact on the amenity of the locality;

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- Whether the unsightly conditions are causing risks to life, property or safety of either occupants and/or members of the community; or
- Whether the issue can be best dealt with using other legislative provisions (e.g. Public Health Act) and in conjunction with other teams within the Council or community.

The following factors are to be ignored when choosing an enforcement strategy:

- Any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- Possible political advantage or disadvantage for a government, person holding (or a candidate for) public office, or any political group or party.

Where a personal association or relationship with the alleged offender or any other person involved exists:

- An alternative person will make decisions where possible; and
- The facts about any conflict / relationship will be recorded in accordance with the Council's Records Management protocols.

Written documentation will:

- Include all the information necessary to make clear what needs to be done to comply with legal requirements, the required timeframe and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- Detail the section/s of the Act contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- Clearly differentiate between legal requirements and recommendations of good practice. Where a decision is made not to pursue compliance, having exercised discretion in doing so, the decision and reasons will be recorded in accordance with the Council's Records Management protocols and the complainant will be advised in writing.

Where potential unsightly conditions are identified (either via complaint, referral or observation) Council Officers will undertake an initial investigation which will involve the following:

- Where a complaint or referral is made, it must be received in writing by the person making the complaint or referral (help can be provided by Council officers in this regard);
- A case file will be established in conjunction with the Records Team and an acknowledgement of the complaint / referral sent back to the person who lodged it;
- A review of Council's Records System will be undertaken to discover any previous complaints, actions or activities in relation to the matter;
- A site visit will be undertaken to determine the extent of the unsightly conditions; and
- A record of the research and inspection undertaken regarding the unsightly conditions will be made on the case file and recorded in accordance with the Council's Records Management protocols.

OPTIONS FOR COMPLIANCE


Where, after having undertaken an investigation and exercising an appropriate level of discretion in accordance with this Administrative Principle, it is determined that on prima facie evidence of unsightly conditions is sufficient to take further action, the Council has various options available to it to seek or promote compliance including:

- Explaining legal requirements and where appropriate, the means to achieve compliance;
- Providing an opportunity to discuss points of issue where appropriate;
- Allowing reasonable timeframes to achieve compliance and / or (where relevant) waiving or reducing fees;
- Facilitating communication between affected parties to achieve a resolution;

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- Issuing a verbal or written warning; or
- Enforcement actions such as issuing an expiation, issuing an order / direction or prosecution (see discussion below).

Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public are adequately protected.

ENFORCEMENT ACTIONS

Officers have a range of enforcement actions available as outlined below. In considering each option, regard should be had to the factors outlined in this Administrative Principle.

NO ACTION

No action will be taken when, after investigation and exercising an appropriate level of discretion, no breaches of the Act are discovered. It may also be appropriate to take no action when:

- The complaint is frivolous, vexatious or trivial in nature;
- The alleged offence is outside the Council's area of authority;
- Taking action may prejudice other major investigations;
- Other factors described in this Administrative Principle do not warrant action being taken.

INFORMAL ACTION

Informal action to achieve compliance with legislation may include:

- Offering verbal or written advice;
- Verbal warnings and requests for action; or
- Written warnings. Advice from officers will be put clearly and simply providing all relevant information, and will be confirmed in writing where relevant / necessary in the judgment of the officer.

The circumstances in which informal action may be appropriate include:

- The unsightly conditions are not serious enough to warrant formal action;
- The duty holder's past history reasonably suggests that informal action will secure compliance;
- Confidence in the individual/other body is high;
- The consequences of non-compliance will not pose a significant risk to health and/or safety; or
- Where informal action may prove more effective than a formal approach.

Where statutory action is not possible under the *Local Nuisance and Litter Control Act*, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by an officer of the Council and the reasons recorded in accordance with the Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.

FORMAL ACTION

The Act provides for a number of enforcement actions:


- Requesting that the unsightly conditions, and the substance, material or thing causing that, be removed (Section 20);
- The issuing of a Nuisance Abatement Notice (Section 30);
- The issuing of an Emergency Notice (verbal or written) where urgent action is required (Section 30);
- The issuing of an Expiation Notice;
- The undertaking of the work required by a Nuisance Abatement Notice by the Minister or Council, with the costs of undertaking that work being recovered by the Minister or Council;

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- Lodging proceedings with the Environment Resources and Development Court to secure a civil remedy;
- Lodging prosecution proceedings with the Environment Resources and Development Court.

Council officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by a Notice/Order/Direction and the timeframe to comply.

Where officers are of the opinion that there is a need for formal action, a case management meeting will be convened including the case officer and at least two of the following:

- Team Leader – General Inspectorate;
- Manager – Development Services;
- General Manager – City Growth; and
- Chief Executive Officer.

The outcomes of the meeting will include:

- The agreed formal action;
- A timescale for its undertaking;
- An allocation of this responsibility;
- A statement of reason(s) as to the action(s) agreed; and
- A file note placed on the enforcement file detailing the above. This will ensure that the approach to formal action is consistent, proportionate and in the public interest.

Only in circumstances such as a threat to life or public health or safety will a Notice/Order/Direction be made with immediate effect. In these circumstances immediate compliance to resolve a situation can be required.

Where there is evidence that an offence has been committed, the Council may issue an Expiation Notice or launch a prosecution in addition to serving a Notice, Order or Direction. This will only be done where it is determined that the conduct of the recipient justifies taking both steps.

APPEALING A NOTICE

In most cases the person receiving the Notice, Order or Direction has a right of appeal to the Environment, Resources and Development Court if the Notice, Order or Direction is considered unreasonable. If a Notice, Order or Direction is served for which an appeal is possible, the Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Notice, Order or Direction.

Persons have the right to attend any appeal at Environment Resources and Development Court as do Council officers.

Any actions or discussions between the parties underway at the time of the appeal may be suspended or many continue depending on the nature of the appeal and the issue which leads to the appeal.

DEFAULT


Where action in regard to a default is provided for by the Act and the necessary work has not been carried out in the time allowed without good reason, the Council may undertake the required work (Section 31 of the Act). Before doing the work the Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken the Council will seek to recover all costs over a fair period, using all statutory means available.

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The decision to carry out action in default will be made by the General Manager City Growth or a delegate.

Where an offence has been committed the Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order or Direction. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.'

SERVICE OF AN EXPIATION NOTICE

A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence to prove an offence beyond reasonable doubt.

The following circumstances are likely to warrant an Expiation Notice:

- Certain breaches of the Act administered by the Council;
- Failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- Failure to comply with the requirements of a Notice, Order or Direction;
- Confidence in the individual/other body's likelihood to not re-offend is low; or
- A written warning has been given for a similar offence.

PROSECUTION

A prosecution will only proceed where a person/body corporate has elected to be prosecuted and/or where there is a reasonable prospect that an offence can be proved beyond reasonable doubt. The following circumstances may warrant a prosecution:

- A flagrant breach of the law such that public health, safety and welfare have been put at risk;
- The alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- A failure to correct an identified serious condition after having been given reasonable opportunity to do so;
- A failure to comply with the requirements of a Notice, Order or Direction;
- An established and recorded history of similar offences;
- An unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- The recovery of the costs of the investigation or remedial work or financial compensation that are required by the Council or an aggrieved party.

Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence. A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:


- Whether the offence was premeditated;
- The need to influence the offender's future behaviour;

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- The effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence (i.e. would a prosecution be perceived as a disproportionate response given the offender's circumstances);
- The availability and efficacy of any alternatives to prosecution;
- The prevalence of the alleged offence and the need for deterrence, both personal and general; and

The likely length, expense and outcome of a trial. The final decision to prosecute will be made by the Chief Executive Officer, however a number of other bodies / persons have an ability to commence proceedings including:

- The Director of Public Prosecutions;
- The Minister;
- An authorised officer;
- A relevant council;
- The Chief Executive Officer of a relevant council;
- A police officer;
- A person acting on the written authority of the Minister.

PENALTIES

A number of penalties are applicable to persons or body corporates who contravene or fail to comply with the provisions of the Act. When determining the extent of any financial or other penalties regard will be had to the principles and factors outlined throughout this Administrative Principle.


6. REVIEW & EVALUATION

This Administrative Principle is scheduled for review by Council in October 2020. However, it will be reviewed as required by any legislative changes which may occur.

7. AVAILABILITY OF ADMINISTRATIVE PRINCIPLE

This Administrative Principle will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.



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		Issued:	October 2019
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File Reference:	AF1#/####
Applicable Legislation:	Local Nuisance and Litter Control Act 2016, Local Government Act 1999
Reference: Strategic Plan – Beyond 2015	Goal 4, Strategic Objective 7 & 8
Related Policies:	
Related Procedures:	
Related Documents:	

DOCUMENT DETAILS

Responsibility:	CHIEF EXECUTIVE OFFICER
Version:	1.0
Last revised date:	October 2019
Effective date:	2 nd October 2019
Next review date:	October 2020

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**5.8 REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA - DISCUSSION PAPER
– REPORT NO. AR19/47773**

Committee:	People and Place Committee
Meeting Date:	8 October 2019
Report No.:	AR19/47773
CM9 Reference:	AF19/326
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents the Department of Planning, Transport and Infrastructure ‘Reforming Local Government in South Australia – Discussion Paper’ and provides recommendations for a Council response to the reform proposals
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/47773 titled ‘Reforming Local Government in South Australia - Discussion Paper’ as presented on 08 October 2019 be noted.
2. That Council generally supports the position of the Local Government Association on each of the 72 local government reform proposals and further supports the additional 12 reform proposals contained in the August 2019 Discussion Paper.
3. That the establishment of a new (member) conduct management framework as a combination of Models 1 & 2 presented in the August 2019 Discussion Paper is supported.
 - Model 1 – the clarification of current legislation
 - Model 2 – using governance committees

Council does not support the establishment of another body to oversight local government, unless established and managed for the sector by the Local Government Association.
4. That Council implore the State Government in progressing local government reform to focus on outcomes that:
 - provide community benefit without increasing administrative burden;
 - are not so prescriptive, but adaptable to suit needs of different communities;
 - are simple to understand and administer without the need for legal interpretation;

and consistent with Reform Area 4 – Simpler Regulation, contribute toward cutting rather than creating red-tape which diverts Council resources from beneficial community services.
5. That Council seek further engagement on a Draft Amendment Bill, with an explanatory paper if necessary, prior to any of the proposed reforms becoming law.



BACKGROUND

In August 2019 the Minister for Transport, Infrastructure and Local Government / Minister for Planning released “*Reforming Local Government in South Australia - Discussion Paper*” for consultation on 72 proposed reforms which was provided Discussion paper was provided to Members on the evening of its release. Elected Members were made aware of the documents release at a briefing on 5 August 2019 and the briefing was placed on the extranet the following day.

The Local Government Association also released a response paper in August 2019.

These documents were re-circulated to Members in the Friday Edition on 27 September 2019 in preparation for a Member Briefing on Monday 30 September 2019.

Submissions on the reform proposals are sought by the Minister by 1 November 2019.

DISCUSSION

The Minister’s August 2019 Discussion Paper contains 72 reform proposals across 4 reform areas:

- Reform Area 1 – Stronger Council Member Capacity and Better Conduct
- Reform Area 2 – Lower Costs and Enhanced Financial Accountability
- Reform Area 3 – Efficient and Transparent Local Government Representation
- Reform Area 4 – Simpler Regulation

Following consultation on these reform proposals it is anticipated that a Local Government Amendment Bill will be prepared in early 2020, including input from work currently being undertaken by the Productivity Commission.

In response the Discussion Paper, the Local Government Association response paper applies a ‘traffic light’ system categorising those reforms that are ‘generally supported’ (green), ‘will depend on the detail’ (amber) and ‘generally opposed’ (red).

Both the Minister’s Discussion Paper and Local Government Association response paper are attached for information (**Attachments 1 & 2** respectively).

Discussion during the Member Briefing indicated general support of the Local Government Associations position on each of the 72 reform proposals, as well as 12 additional reform proposals put forward by the Local Government Association.

The reform proposals and Local Government Association position on each are now presented for Council to formally consider supporting a submission to the Minister and Local Government Association and Limestone Coast Local Government Association on the reform proposals.

CONCLUSION

Having informally discussed and formally considered the 72 reform proposals (as well as 12 proposed by the Local Government Association), Council may now determine whether it supports (or otherwise) the reform proposals as presented in the August 2019 discussion papers.

Based on feedback from the Member Briefing on 30 September 2019 this report recommends that Council support the Local Government Association position on each of the 72 reform proposals.

Council may also wish to consider including additional commentary on any particular reform proposal(s), or to present any further reform proposals not raised in the discussion papers.

ATTACHMENTS

1. Reforming Local Government in South Australia - Discussion Paper [↓](#)
2. Reforming Local Government in South Australia - LGA Response Paper [↓](#)





REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA DISCUSSION PAPER



Government of South Australia
Department of Planning,
Transport and Infrastructure

AUGUST 2019

FOREWORD

Every four years, thousands of people stand for election to their local council, with more than 700 chosen to serve and lead their communities.

High expectations are rightly placed on those elected, as they take on real responsibilities for support and services in their local area. Like all governments, councils need to make decisions about the services they provide, and the revenue that they need to bring these services to life.

To achieve good outcomes for ratepayers we need the ecosystem in and around local government to be as robust as possible. From the internal structures around how councils operate, to the integrity bodies that oversee them and the media that report on them, every part of the ecosystem needs to work to deliver quality services for local communities, whilst also ensuring that ratepayer dollars are used as wisely as possible.

As Minister for Transport, Infrastructure and Local Government, I have a responsibility to ensure that this legislation offers councils the support they need, provides appropriate oversight and gives each community certainty that their council is making good decisions, understands local needs and is operating efficiently and sustainably.

This discussion paper proposes reforms to local government legislation that aims to achieve this. Some of the key reforms proposed include a new conduct management framework for council members, an expanded role for council audit committees to provide expert, independent advice to councils on a range of critical financial and governance matters, and improvements to regulation to reduce councils' costs.

I am grateful to the people who provided their ideas for reform in the first stage of the Local Government Reform program. I was impressed by the range and number of considered ideas that were submitted. Likewise, I am keen to hear as many views as possible on the reforms contained in this discussion paper. Which do you think will work? Are there other ideas for reform that should be considered?

I look forward to receiving all submissions on this discussion paper, and to work together to ensure we have local government legislation that will set the future direction for councils in our State.

HON STEPHAN KNOLL MP

*Minister for Transport, Infrastructure and Local Government
Minister for Planning*



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WHY IS LOCAL GOVERNMENT REFORM NEEDED?

The *Local Government Act 1999* (the Act) was put in place following significant council amalgamations in the late 1990s that created our current 68 councils. In 1999, the Act recognised that councils are government bodies elected by their communities to make decisions about the services that need to be delivered for their local area.

This means that councils have serious responsibilities. The services they provide—roads, footpaths, ovals, parks, sporting grounds, waste management, libraries, community centres and community support services to name just a few—are what makes our local communities work.

The State Government also has a responsibility to ensure that the legislative framework around councils enables them to act, make decisions, and provide services in the way in which their communities expect. It ‘sets the rules’ for how councils are elected; what their roles and responsibilities are; how they can raise revenue; how they make decisions; and how they inform and engage their communities.

The four reform areas put forward by the Government recognise that there are areas in this legislative framework that currently aren’t working as well as they should, and need to be reviewed.

These areas are—

REFORM AREA 1



**STRONGER COUNCIL MEMBER
CAPACITY AND BETTER CONDUCT**

REFORM AREA 2



**LOWER COSTS AND ENHANCED
FINANCIAL ACCOUNTABILITY**

REFORM AREA 3



**EFFICIENT AND TRANSPARENT
LOCAL GOVERNMENT
REPRESENTATION**

REFORM AREA 4



SIMPLER REGULATION



REFORM AREA 1

STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT



Communities have high expectations of how their council members should behave. They are leaders in their communities, who speak and make decisions on their behalf. There are more than 700 council members in South Australia, and most meet this expectation admirably. They step forward to serve on their council, and commit considerable time and energy to make their local community a better place to live.

However, from time to time, some council members conduct themselves in a way that is not acceptable.

This can be poor behaviour, such as rudeness or a lack of respect to fellow council members or community members. It may be poor behaviour in a council meeting, through an unwillingness to engage in the respectful debate that's needed to ensure good decisions. Or it may be conduct that calls the integrity of their decisions into question, such as not managing a conflict of interest properly, or accepting gifts and other benefits that may improperly influence what they do.

Whatever the issue is, council members and their communities expect that it should be dealt with in the right way. This means that it is investigated at the right level; that sanctions are applied that fit the behaviour, and that council members who choose to repeat poor conduct receive escalating penalties.

There is a strong view that the current system for managing the conduct of council members is not delivering on these expectations. Feedback has been that councils have a desire to be better equipped to manage low-level behavioural issues on a local level, but also want a clearer pathway to resolving more serious conduct matters. Proposed reforms will create a better framework for managing and improving council member conduct and capacity. The Act will make a clear distinction between lower-level 'behavioural' matters that can be dealt with at a council level, and more serious 'integrity' matters that should be investigated and dealt with by an independent body.

The new framework will also recognise that while most behavioural matters are low-level, occasionally poor behaviour can be serious enough, or can be repeated to an extent that it causes a risk to the health and safety of others, or prevents an elected member body from acting effectively. Councils should be able to refer these 'serious behavioural matters' to an independent body for investigation and resolution as integrity breaches.

One question that this discussion paper poses is which model should be put in place to deliver this new framework. Three alternatives are proposed—a 'light touch' model that clarifies the current legislative provisions; a model that uses a new council 'governance committee' to support councils' conduct management; and a significant change through the introduction of a 'Local Government Conduct Commissioner'.



REFORM AREA 2

LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY

It is fair to say that of all the decisions a council makes, the one that receives the most attention is setting the rates that are paid by its community. This decision is what enables councils to provide the services that we rely on—roads, waste management, libraries, and all the other council services and facilities that our communities use. It also enables councils to manage the very significant assets that underpin these services—over \$23 billion worth across the State.

Most people realise this and are prepared to contribute their fair share to these services. However, ratepayers must have confidence that their money is being raised fairly and spent sensibly. This means that their council is managing its finances responsibly, with the right level of oversight and assurance; that it makes every effort to keep costs low; and that it also provides clear and easily understood information about these critical decisions. The Act establishes clear standards of financial management and accountability, which have been reviewed and improved a number of times over the past decade.

However, given the critical importance of councils' financial position, the need for all councils to make well informed and effective decisions on revenue and expenditure, and a continuing need for independent oversight that assures both councils and their communities that councils are well managed and sustainable; another review of these standards is timely.

The discussion paper proposes several reforms to improve council auditing and oversight, to improve decision making by council member bodies and to improve the information that councils provide each year to their communities on their rating decisions.

Feedback on all proposals is welcome. However, it should also be noted that the State Government has charged the SA Productivity Commission (SAPC) to undertake an inquiry into cost pressures and efficiencies in the local government sector. It is likely that any recommendations the SAPC makes in its final report in November 2019 will have a significant impact on reforms in this area.



REFORM AREA 3

EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION



It is the election of our councils that makes them a government.

Like State and Federal Government elections, Local Government elections give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us. Many aspects of these elections are the same. They are run by an independent body, which for councils and the State Government is the Electoral Commission of South Australia (ECSA). They are based on a fundamental principle of 'one vote, one value'—that is, that each vote held by each voter is equal.

However, there are also unique features of council elections in South Australia. Most notably, voting for councils is voluntary, and done by a postal vote. The franchise is different—property owners, as well as residents, can vote. The method of voting and counting is also different in council elections. Other differences are in the role of formal political parties, which is much less apparent in council elections; and how voters learn about the candidates that are standing for election.

In the call for reform ideas, council elections attracted the most submissions and comments. Many contributors asked for the introduction of online voting, to make voting more convenient and to improve the numbers of people choosing to vote. There is general agreement that online voting is desirable, however, a range of technological challenges must be overcome before its introduction to ensure the security of our elections. This is why this discussion paper does not propose this reform.

Other calls for improvement to local government elections centred on clarifying the roles of ECSA and councils in elections; particularly for people who wish to nominate for council, and then become candidates. There was also a widespread view that candidates should be required to provide more information that would be of interest to people considering whether to vote for them—any political affiliations the candidate may have; whether they live in the area for which they are standing; and any significant donations they may have received.

The reforms in the discussion paper therefore propose a greater role for ECSA in receiving nominations and publishing information on candidates—all online, to provide a more convenient, centralised service for both candidates and voters. The reforms also propose greater information disclosure by candidates in an easily accessible form.



REFORM AREA 4 SIMPLER REGULATION

Councils are required to act within a range of regulations that are put in place to deliver or protect the public interest. For example, they are required to undertake a specific, regulated process before they decide to revoke the community land status of some of their land. This regulation is in place to ensure that councils fully consider all aspects of this decision, to provide assurance that this decision is made in their community's best interest.

However, it also must be recognised that regulations can be costly—in time and resources. This is why regulation is often referred to as 'red tape'—or perceived only as a barrier to timely and effective actions. There's no question that regulation should be regularly examined to ensure that it delivers on the public good it aims to protect. Every dollar that a council spends on compliance is a dollar that must be raised by rates or not spent on a local service. It's therefore essential that regulations are regularly reviewed to ensure that the cost of compliance is justified by the benefits they deliver.

The many ideas for local government reform received suggested a number of areas where regulation can be simplified. This paper therefore proposes reforms to a range of current regulations. These include a more modern approach to community engagement; a faster process for simple community land revocation proposals; clarifying councils' ability to hold workshops and information sessions for its council members; reducing regulations that apply to permits for use of council roads; and improving aspects of council meetings.



HOW TO MAKE A SUBMISSION

This discussion paper puts forward a range of proposals for local government reform.

In some instances, these include a number of potential models for discussion and debate. In other cases, a single proposal is put forward for comment.

We are seeking your views on the proposed reforms. Which do you think would best address the issues that have been identified? Are there changes that you would make to the proposals? And are there any new ideas and alternative proposals that you think we should consider?



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REFORM AREA 1



**STRONGER COUNCIL
MEMBER CAPACITY
AND BETTER CONDUCT**



1 INTRODUCTION

Under the *Local Government Act 1999* (the Act), a council is a body corporate and consists of members elected to the council. A council's elected member body is made up of a principal member who is known as either a 'Mayor' (elected to the position) or a 'Chairperson' (appointed by the other elected members, although may also be referred to as a 'Mayor') and several council members often referred to as 'Councillors'

The reforms proposed in this discussion paper aim to improve the legislative framework to support and promote better conduct and stronger capacity of council members, while recognising the status of council members as democratically elected representatives, who are primarily accountable to their communities and will ultimately be judged at local government elections.

2 COUNCIL MEMBER CONDUCT

BACKGROUND

2.1

Council members are elected to council to make decisions for, and to act in the best interests of, their community. Being a council member is a position of trust bestowed on them by their local communities.

Because local governments today have many complex responsibilities and a great deal of discretion, their communities understandably have high expectations of standards of behaviour, integrity and performance. As representatives and leaders of their communities, council members are generally expected to act ethically, diligently, respectfully, honestly and with integrity.

Generally, the South Australian community is well served by those who serve as council members in local government, who overwhelmingly conduct themselves in accordance with the high standards expected of them. However, from time to time, inappropriate or improper conduct by council members can lead to council dysfunction, impairment of local government integrity and performance, and a reduction in community trust and confidence.

State legislation plays an important role in council member conduct. It can set the standards of behaviour, and provide arrangements for dealing with breaches across all areas of conduct.

This is a spectrum of behaviour that ranges from lower-level behavioural matters, such as how council members relate to others, to more serious matters that may affect the integrity of council members' decisions, such as poor



management of conflicts of interest, or the inappropriate acceptance of gifts and benefits. At the highest, or most serious, end of this spectrum is criminal conduct and corruption¹.

The various pieces of legislation that make up the council member conduct framework are intended to operate as an escalating system that addresses the varying levels of seriousness of poor behaviour with increasing levels of sanctions and penalties.

The chief parts of the current council member conduct management framework are set out below.

THE CODE OF CONDUCT FOR COUNCIL MEMBERS

2.1.1

The Act requires council members to observe a Code of Conduct that is set in regulation. When people think about the 'rules' that apply to the conduct of council members, this Code of Conduct is often what comes to mind. The Code of Conduct has several functions. One is to establish the standards of behaviour and integrity that council members should adhere to. Reflecting the spectrum of conduct, the Code has three core 'levels' of standards.

The first of these is a statement of high-level principles of behaviour that council members are expected to demonstrate, such as a commitment to serving the best interests of the community, to discharging duties conscientiously, to work together constructively and to uphold the values of honesty, integrity, accountability and transparency.

The second is to set out the specific behaviours that council members should adhere to, in Part 2 of the Code—the 'Behavioural Code'. These range from more general statements about behavioural standards (such as 'act in a way that generates community trust and confidence in the Council'), to more detailed instructions on particular behaviours (such as 'ensure that personal comments to the media or other public comments on Council decisions and other matters, clearly indicate that it is a private view and not that of Council').

The third level is contained within Part 3 of the Code, 'Misconduct'. This section contains matters that, if breached, could affect the integrity of council decisions, such as the poor management of conflict of interest, or the inappropriate acceptance of gifts and benefits. Many of these matters are also contained within the Act.

An appendix to the Code outlines the most serious conduct matters—those that could be criminal conduct or corruption.

Along with 'setting the standards'; the Code also establishes the process by which alleged breaches of these standards are investigated. The high-level principles are not intended to be enforceable, as these express the broader expectations of council members. The Code is clear that breaches of 'behavioural matters' in Part 2 should be dealt with at a council level, but allows each council to determine a process to do so that best fits their own needs.

NOTE: This paper does not consider 'corruption' or 'serious and systemic misconduct or maladministration', which is within the jurisdiction of the Independent Commissioner Against Corruption (ICAC) and the Office of Public Integrity (OPI). Any reasonable suspicion of corruption, misconduct or maladministration in public administration should be reported to OPI—which is responsible to ICAC—in the first instance. It is noted that misconduct and maladministration complaints or reports may be referred by the ICAC to the Ombudsman for investigation.



Alleged breaches of Part 3, 'Misconduct', are referred to the Ombudsman, as integrity matters should be investigated by an independent statutory body. The Code of Conduct also allows for repeated breaches of the 'Behavioural Code', or non-co-operation with a council investigation or finding under the Behavioural Code, to be elevated to the Ombudsman.

Any suspected breaches of the most serious criminal matters should, of course, be referred to the Independent Commissioner Against Corruption (ICAC).

Finally, the Code of Conduct and Act set the penalties or sanctions that can apply when it has been breached. Again, these are designed to escalate in accordance with the seriousness of the breach.

IF A COUNCIL FINDS THAT A MEMBER HAS BREACHED PART 2 (THE BEHAVIOURAL CODE) IT MAY—



Pass a censure motion in respect of the council member.



Request a public apology, whether written or verbal.



Request the council member to attend training on the specific topic found to have been breached.



Resolve to remove or suspend the council member from a position within the council (not including the member's elected position on council).



Request the member to repay monies to the council.

IF THE OMBUDSMAN HAS INVESTIGATED A MEMBER, HE MAY MAKE THE FOLLOWING RECOMMENDATIONS TO THE COUNCIL TO—



Reprimand the member (including by means of a public statement).



Require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps.



Require the member to reimburse the council a specified amount.



Ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal (SACAT).

If a council member fails to comply with a requirement made by a council on the Ombudsman's recommendation, then the council must lodge a complaint against the member with the South Australian Civil and Administrative Tribunal (SACAT). This could result in stronger sanctions for the member, including their suspension or disqualification from office.

OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT

2.1.2

Along with establishing the Code of Conduct, the Act includes a number of specific conduct requirements that apply to council members.

In summary, these requirements are—



To act honestly, and with reasonable care and diligence in the performance of official duties;



Not to disclose information that is confidential;



To declare all financial and non-financial interests in the 'Register of Interests';



To properly manage any conflict of interest.



Not to make improper use of their position, or of information they have gained through this position, for their own advantage or to cause detriment to the council;

OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT

2.1.3

Other pieces of legislation that form part of the council member conduct framework include the *Independent Commissioner Against Corruption Act 2012* and the *Ombudsman Act 1972* (which provide for the powers and functions of the integrity agencies in South Australia) and the *Criminal Law Consolidation Act 1935* (which covers serious criminal offences by 'public officers').

ISSUES

2.2

There is general agreement from the local government sector and the community more widely that the current conduct management system is not working as effectively as it should.

One key issue identified is that the use of the Code of Conduct, particularly the 'Behavioural Code', results in an overly formal process that exacerbates conflicts between elected members, and creates a long, difficult and costly process for councils to resolve behavioural matters.

Before the current Code of Conduct was introduced, each council had its own code of conduct for council members that it was required to review within 12 months after each general election. The intent of the uniform, regulated Code of Conduct was to provide consistent standards of behaviour across all councils. However, feedback has been that formally regulating detailed behavioural matters can result in an excessively combative or legalistic approach to these matters.

Both the ICAC and the Ombudsman have raised public concerns about the number of Code of Conduct complaints they receive from council members against each other, particularly when the complaints stem from disagreements or personality clashes between the members.

Recent statistics from the Ombudsman indicate that almost half of the Code of Conduct complaints he receives are from an elected member against another elected member. Both the ICAC and the Ombudsman have been publicly encouraging council members to stop lodging 'trivial' or 'petty' complaints, which are a waste of public money and resources. The Ombudsman has stated that much of his time has been taken up by internal council complaints that have proved to be costly and time-consuming.

Additionally, continual trivial or petty complaints can be very destructive at a council level. It is very difficult for a council to operate effectively if its members are unable to overcome personal differences and are continually lodging Code of Conduct complaints against each other.

These concerns have also been raised by councils, who have noted a lack of deterrence for 'trivial, frivolous and vexatious' complaints. Councils do not feel that they have the right tools to deal with minor behavioural matters quickly, fairly, and effectively.

Another key area of concern is how serious behavioural issues can be dealt with—behaviour that may cause a risk to another person's health and safety. While the current Code of Conduct recognises bullying and harassment, and provides for a mechanism for repeated behavioural breaches to be escalated from council level to the Ombudsman, there is a strong view that this mechanism is not effective; and that the sanctions available to deal with these matters are not adequate.

It is also essential to ensure that the health and safety of council staff and members is properly protected. There may therefore be a need to enable a position (such as a principal member or CEO), or a body (such as a council governance committee) to give immediate, limited directions to council members in circumstances where this health and safety is at risk.

Other concerns have been raised about the overlap and duplication between the Code of Conduct and conduct matters within the Act. These include duplication of expectations of behaviour in the Code of Conduct and in the section of the Act that sets out the 'General Duties' of members, conflict of interest matters, and the management of confidential information.



While the Code of Conduct was intended to create a 'one-stop shop' that described all conduct matters, and therefore included matters also in the Act, the conclusion is that this approach causes confusion and uncertainty as to the appropriate body to investigate alleged breaches.

Councils have also argued that the conflict of interest provisions in the Act, which were introduced in 2016 are considered 'complex' and 'confusing', making it difficult for council members to adhere to the rules.

PROPOSALS FOR REFORM

2.3

It was clear from the response received through the call for reform ideas that the community generally considers that there should be rules of behaviour or conduct that council members should abide by.

It was also clear that there is support for a review of the current system to create a 'clearer', 'simpler', 'stronger', 'well-defined' conduct management framework. Ideas received on how this could be achieved, however, were diverse.

Ideas about how disagreements between council members should be managed ranged from dealing with them 'in-house' within the council to having an external, independent body to manage all complaints.

Other suggestions were that it is the responsibility of the Mayor and/or the elected member body and/or CEO (i.e. the 'leadership' roles) to manage disputes and find appropriate resolutions. A number of submissions advocated for a mechanism to resolve behavioural issues without having to resort to external complaints management bodies.

Many councils endorsed the approach put forward by the Local Government Association (LGA), which stated that "It is important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations."

Following on from this, one of the LGA's proposals is for an "increase in devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate". The LGA submission also seeks a broadening of the range of penalties so that effective action can be taken commensurate with the circumstance of each case, and clearer classifications of 'misconduct', along with definitions for 'bullying and harassment' and 'sexual harassment'.

The Local Government Reform process provides an opportunity to review the conduct framework to provide clearer roles and responsibilities and a broader (and proportionate) range of tools and sanctions for managing different categories of elected council member conduct.

Noting the complexity of this issue, there are three conduct management framework models proposed in this paper. All of these models, however, contain a number of 'common features' that, like the current system, reflect the spectrum of member conduct.



COMMON FEATURES PROPOSED

2.3.1












A CLEAR 'HIERARCHY' OF CONDUCT

A new conduct management framework will establish a much clearer hierarchy of conduct that clearly separates 'behavioural matters' from 'integrity matters'. This will create clearer responsibilities and pathways and enable council members and members of the community to understand which body is responsible for managing aspects of council member conduct.

The Local Government legislation will continue to be the primary documents that establish the standards of behaviour and of conduct that affects integrity for council members. It is proposed that detailed behavioural matters are removed from a 'Code of Conduct' in favour of setting appropriate standards of behaviour in the legislation.

Councils will be empowered to determine —if they choose to do so and consider it helpful—more detailed examples of these behaviours (in a policy adopted by the council), which supports and is consistent with the standards in the legislation.

The legislation will also clarify which conduct matters are 'integrity matters'. These may include—

	A requirement to act honestly in the performance of official functions and duties.		Release and disclosure of confidential information.		Misuse of information to gain benefit or cause detriment.
	Misuse of position to gain benefit or cause detriment.		Register of interests.		Conflicts of interest.
	Directing or influencing council staff.		Gifts and benefits.		Only using official council communication methods (e.g. e-mails) for official council functions and duties.
	Breaching any communication (or other) protocol set up by the council or CEO for staff or council members to address risks to health and safety allegedly caused by a council member.				Misuse of meeting management powers by the presiding member.



COUNCILS WILL CONTINUE TO BE RESPONSIBLE FOR 'BEHAVIOURAL MATTERS'

Councils will continue to be responsible for managing council member behaviour, as they currently are under the Code of Conduct.

The current Code of Conduct enables councils to decide for themselves the most suitable mechanism for dealing with behavioural matters by elected members. Complaints may be investigated and resolved in any manner that a council deems appropriate in its process for handling alleged breaches of the Behavioural Code. This can include, but is not limited to: a mediator or conciliator; the Local Government Governance Panel; a regional governance panel; or an independent investigator. A complaint within this process may be considered trivial, vexatious or frivolous and accordingly not investigated.

It is proposed that councils will continue to be required to have a process for handling complaints and an internal resolution process, but will also continue to have the autonomy to decide on the resolution mechanisms that are most suitable to that council.

Councils will also continue to be able to apply the sanctions for breaches of 'behavioural matters' that are contained within the current Code of Conduct, however, it is proposed that this be strengthened to enable councils to direct or require (rather than 'request') the actions.

It is also proposed that the principal member have enhanced powers to deal with disruptive behaviours at meetings.

AN ESCALATION PROCESS FOR 'SERIOUS BEHAVIOURAL MATTERS'

It is recognised that certain behaviours or circumstances can require escalation to an independent body for investigation or intervention if they are serious enough to be considered as an integrity breach.

The current Code of Conduct recognises this and provides for certain matters to be referred from a council to the Ombudsman for investigation. These matters include—

1. Failure of a council member to cooperate with the council's process for handling alleged breaches.
2. Failure of a council member to comply with a finding of an investigation adopted by the council.
3. Repeated or sustained breaches of the Behavioural Code (Part 2) by the same council member may be referred, by resolution of the council.



These referral mechanisms, however, have rarely been utilised by councils. Feedback has been that it can be difficult to escalate issues about a council member's behaviour where there are factions within the council, or where divided views amongst council members on the conduct in question mean that they are unable to agree to refer the matter to the Ombudsman.

It is proposed that a better process is put in place to escalate serious behavioural matters from a council to an independent body for investigation, where there is a view that these matters are an integrity breach.

The matters which could be considered for escalation to an independent body could include—

1. Repeated and unreasonable behaviour by a council member that creates a risk to health and safety, such as bullying or harassment. This may specifically include 'sexual harassment'.
2. Behaviour that is not repeated, but still creates a risk to health and safety.
3. Behaviour that is repeated and does not create a risk to health and safety, but is serious 'unreasonable' behaviour. This could be circumstances where, despite a council's reasonable, multiple efforts to address behaviour, a council member continues to be unreasonable and unmanageable, necessitating an external 'circuit breaker' to resolve the matter.

It is likely that the independent body receiving complaints about these matters would expect that the relevant council would have taken reasonable actions to address the behavior at a council level, before escalating, where possible. It is also proposed that complaints of this nature would be escalated only following a decision of the council, or by a council's governance committee.

It should be noted that any person affected by behaviour that poses risks to their safety can seek intervention orders (including an interim order) under the *Intervention Orders (Prevention of Abuse) Act 2009 (SA)* for their protection. It is proposed that a council member subject to an intervention or interim intervention order relating to a council member or staff could be suspended from office for the duration of this order to properly protect members and staff.

ENSURING THAT 'INTEGRITY MATTERS' ARE DEALT WITH BY AN INDEPENDENT BODY

A new conduct management framework will clarify that breaches of integrity matters should be dealt with by an independent body that has appropriate sanctions available to them.

This body could be the Ombudsman, or the 'Conduct Commissioner' (as discussed in the proposed models). It is also proposed that this body could apply an expanded range of sanctions that would include: the ability to suspend a member; suspend a member's allowance; or to require reimbursement to the council of costs involved in an investigation of a matter.



A number of ideas received requested a greater ability to dismiss council members, and/or prevent them from standing at future elections.

This ability is currently only held by the South Australian Civil and Administrative Tribunal (SACAT). It is appropriate that the ability to disqualify a democratically elected council member from office should be reserved for only the most serious categories of conduct, and can only be applied by a tribunal or court.

It is, however, essential that serious matters can be brought before SACAT when necessary. Accordingly, the new conduct management framework will retain the ability of the independent body investigating integrity breaches to require that complaints to SACAT be made when appropriate.

IMPROVED CONFLICT OF INTEREST PROVISIONS

The conflict of interest provisions in the Act will be reviewed, to—



Simplify the current system by reducing the current three 'categories' of conflict (material actual and perceived) to two—'material conflict of interest' and 'non-material conflicts of interest'



Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter. This will include a review of the 'ordinary business matters'.



Clarify the application of conflict of interest rules to council committees and subsidiaries to remove the current complex regulations that deal with this matter.

OPTIONS OF PROPOSED MODELS FOR COUNCIL MEMBER CONDUCT FRAMEWORK 2.3.2

The three models of the conduct management framework that are proposed are detailed below. It is proposed that all of these models would include the common features described above. Additionally, the models are not mutually exclusive. Elements of any of the three could be incorporated into any final model.

MODEL 1 - CLARIFICATION OF CURRENT LEGISLATION

This proposed model would have the common features described above but would require a council resolution to refer 'bullying and harassment' complaints to the Ombudsman. That is, the council as a body has to be satisfied that the definition or threshold for 'bullying and harassment' has been met.

This model would also require the council to report on conduct matters in the annual report.



MODEL 2 - UTILISATION OF GOVERNANCE COMMITTEES

This proposed model utilises a council 'governance committee' (with requisite skillsets) to have a role in relation to council member conduct. The concept of a 'governance committee' is explored in Reform Area 2. In summary, it would be an independent body that is empowered to advise the council on a range of governance issues.

This model would—



Require governance committees to assess complaints of alleged 'bullying and harassment' by council members, and, if determined that alleged behaviour meets the definition/threshold, to lodge the complaint with the Ombudsman.



Enable (but not require) councils to use governance committees to consider behavioural matters.



Require governance committees to report on conduct matters in the annual report.

MODEL 3 - ESTABLISH A LOCAL GOVERNMENT CONDUCT COMMISSIONER

This model would create an additional integrity body with a specific responsibility to oversee all aspects of council member conduct. This body would—



Have a specific role in the prevention of improper conduct through providing training, advice and practice guidelines to council members.



Be able to consider and investigate alleged breaches of behavioural standards at the request of the relevant council.



Have responsibility for considering and investigating bullying and harassment allegations, if the council/governance committee agrees to the referral of this complaint to them.



Have responsibility for the investigation of all alleged breaches of integrity matters (rather than the Ombudsman).



Have appropriate disciplinary or sanction powers except for the powers that will remain with SACAT (e.g. disqualification powers).



At council request, may undertake a range of services on a cost-recovery model including specific training, counselling, mediation and conciliation.



It is expected that this model would be funded by the local government sector, including cost recovery fees for specific services.

While the detail of the operation of a 'Local Government Conduct Commissioner' would be developed in accordance with its potential functions, it is expected that it would—



Require the appointment of a suitably qualified and experienced person as the Commissioner, noting that this role would have similar responsibilities to those currently held by the Ombudsman to investigate members and apply sanctions. This is likely to be a full time, or near full-time position.



Require a core administrative unit to be established to support the Commissioner, and to undertake investigations.



Enable the Commissioner to appoint training facilitators, mediators, and additional investigators as required.

This model would enable the Ombudsman to focus on the administrative acts of councils (not including conduct) as is the case with most other Australian jurisdictions.

3 COUNCIL MEMBER CAPACITY

ROLES WITHIN LOCAL GOVERNMENT - OVERVIEW

A brief overview of the roles of the various components that make up local government is set out below—

THE COUNCIL

A group of members (led by a mayor or chairperson) elected by the community and is the governing body of a local government. Councils are responsible for the governance of their local government's affairs and functions. This includes oversight of the planning and allocation of finances and resources and the determination of local government policies.



CHIEF EXECUTIVE OFFICER (CEO)

Employed by the council to head the administration and manage the day-to-day operations, or executive functions, of the local government and to implement lawful council policies and decisions.

COUNCIL STAFF

Employed by the CEO to perform the functions of the local government.

3.1 ROLE OF COUNCIL MEMBERS

BACKGROUND

3.1.1

Council members are elected to represent the interests of their community through participation in important local decisions and are expected to act with the highest standards of integrity.

To effectively perform this role, council members are also expected to work together constructively and deal with disagreements, conflicts or personality differences in a professional manner, for the best interests of their community. They must also make every effort to ensure that their skills and knowledge enable them to perform their roles, and are continually improved.

The Act recognises the role of council members, and provides some specific details on expectations, that this role is—

AS A MEMBER OF THE GOVERNING BODY OF THE COUNCIL—



Participate in the deliberations and civic activities of the council.



Keep the council's objectives and policies under review to ensure that they are appropriate and effective.



Keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.



Ensure, as far as is practicable, that the principles set out in section 8 of the Act are observed.



AS A PERSON ELECTED TO THE COUNCIL—



Represent the interests of residents and ratepayers.



Provide community leadership and guidance.



Facilitate communication between the community and the council.

ISSUES

3.1.2

While the role of a council member details the tasks and responsibilities of a council member's functions and duties, the Act is currently silent on expectations of a council member's behaviour, and on their obligations to promote a good working relationship amongst their council.

Feedback was also received that the importance of mandatory training for council members is not well recognised within the Act. Some concern has been raised within the local government sector that there is a perception in the community, however, that training or ongoing training and development of council members is a waste of public resources

PROPOSALS FOR REFORM

3.1.3

There is an opportunity to strengthen council members' capacity and improve their conduct through better description of their role in the Act.

It is proposed to further clarify the role of council members, in particular, to recognise their responsibility both individually and collectively to ensure (as far as reasonably practicable) good working relationships within the council, and to support the effectiveness of a new conduct management framework.

It is also proposed to clarify that the role of a council member recognise their obligation to complete mandatory training requirements within the required timeframes and have a commitment to the continuous development of knowledge and skills.

The role of a council member in the Act will be clarified to include—



Ensure (as far as is practicable) constructive working relationships within the council including with other council members, the principal member and council employees.



Ensure completion of mandatory training within the specified timeframes and to have a commitment to ongoing training and development of skills relevant to the role of a council member and the roles and functions of the council body.



Act with integrity.



Recognise and support the role of the principal member as specified in the Act.

To better recognise the importance of council member training, it is also proposed to clarify its mandatory nature in the Act, and to revise the presentation of the mandatory training scheme in the regulations (see below for further discussion).

3.2 THE ROLE OF THE PRINCIPAL MEMBER

BACKGROUND

3.2.1

The Act also defines the specific role of the principal member of a council (that is, the Mayor or Chairperson), which is in addition to their role as a council member.

These additional duties and responsibilities are to preside at (chair) council meetings, to perform certain civic and ceremonial duties, to act as the principal spokesperson for the council, and to provide advice to the CEO on the implementation of a decision of a council.

ISSUES

3.2.2

While the role of the principal member as described in the current Act recognises the particular responsibilities of a principal member, it does not sufficiently reflect expectations that Mayors and Chairpersons are a leader of their elected body; and should demonstrate and lead the standards of behaviour and decision making that are critical to the effectiveness and reputation of their council.

Good governance relies on constructive working relations between council members. The principal member, as the leader of the council, is expected to promote and foster positive relationships and to support members in resolving disagreements or conflicts that arise. Promoting and leading good relations between council members before contentious issues arise increases the likelihood that these issues can be dealt with robustly but without becoming divisive in a way that damages the reputation of the council.

It is also recognised that, in addition to these expectations, principal members have limited tools available to them to support behavioural standards and working relationships between elected members. In particular, it has been identified that principal members need greater powers to manage poor behaviour in the context of council meetings.

Currently, under the *Local Government (Procedures at Meetings) Regulations 2013*, a council member can only be excluded (suspended) for part of or the remainder of a meeting by a council resolution. This is unworkable where there are factions within a council or where there are disagreements creating high tensions that result in inappropriate and impeding behaviour.

Finally, a number of concerns have also been voiced about the working relationship between principal members and councils' chief executive officers. For a council to be effective, these two leaders must work together in a complementary way, providing mutual support and ensuring productive interaction between the elected council and its administration.

PROPOSALS FOR REFORM

3.2.3

It is proposed that the Act should clearly state expectations of the role of the principal member as a leader of the council. These could include—



Presiding at meetings of the council and exercising the powers as prescribed under the regulations.



Providing guidance to council members about what is expected of a council member.



Supporting council members' understanding of the separation of responsibilities between the elected and administrative arms of the council.



Promoting and supporting good, constructive working relationships and high standards of behaviour and integrity in the council.



Where necessary, taking a leadership role in resolving differences in the elected member body.

It is also proposed that the presiding member of the council meeting (which is usually the principal member) be given enhanced powers to manage disruptive behaviour by council members in a council meeting, through a power to exclude council members for part of or for the remainder of council meetings.

Any misuse of this power would be considered as an integrity breach, within the new conduct framework.



Mayors cannot vote on most council motions as they are currently restricted to a casting vote only when members' votes are tied. Feedback from Mayors is that this limitation does not reflect community expectations of their leadership role within a council. Therefore, it is proposed to give directly elected Mayors a deliberative vote in council meetings while retaining their ability to make a casting vote.

3.3 MANDATORY TRAINING REQUIREMENTS

BACKGROUND

3.3.1

Currently, the imposition of mandatory training for council members is through the requirement in section 80A of the Act and Regulation 8AA of the *Local Government (General) Regulations 2013* that councils must prepare and adopt a training and development policy for its members that complies with the *LGA training standards* approved by the Minister. The *LGA training standards* require mandatory training.

ISSUES

3.3.2

There is a significant amount of support from the community for mandatory training requirements for council members.

However, the LGA, with support from the local government sector, has raised an issue regarding how the mandatory training for council members is currently imposed through the training standards. A number of submissions proposed that there could be more clarity in the legislation on the training that is required, and on the consequences for members that choose not to comply with the mandatory training requirements.

Ideas have been received to change the requirements to a competency-based assessment (rather than attendance-based) and consideration of online training capabilities. Many suggestions were also received in regard to the topics that should be covered in mandatory training.

PROPOSALS FOR REFORM

3.3.3

It is proposed to amend the Act to replace the requirement for councils to have a training and development policy with a mandatory training scheme established in regulations.

It is also proposed that the requirement for mandatory training for council members to be completed (within a specified timeframe) be prescribed in the legislation and that there be a consequence for non-compliance. Specific sanctions may apply for a failure to comply with these mandatory training requirements, or this failure could be considered as a breach of an 'integrity matter'.



The details of minimum training requirements and standards will be considered as part of the development of a regulation package in a later stage of the reform process.

4 THE ROLES AND RELATIONSHIPS BETWEEN THE COUNCIL ELECTED MEMBER BODY AND THE CEO

BACKGROUND

4.1

The effectiveness of a local government is largely dependent on the relationship that a council (and its individual elected members) has with its administration, primarily the chief executive officer (CEO). The role of the CEO is outlined in the Act—in summary, CEOs must implement council policies and lawful decisions, be responsible for the day-to-day management of the council, and provide good advice and information to the council.

CEOs answer to their council—and it is, therefore, the council's responsibility to properly manage them. However, while the Act includes requirements for appointing (employing) a CEO, and sets some procedures for appointment and grounds for termination, the Act does not have any specific requirements about performance reviews or management.

ISSUES

4.2

Feedback received raised concerns about a perceived imbalance of power in local government in South Australia. There is a view that the council as a governing body and the individual elected members are overly reliant on the administration, particularly the CEO, in their decision making.

Concerns have also been raised that council CEOs have a disproportionate advantage in negotiating their own contractual conditions and that there is insufficient oversight of their performance. Conversely, other feedback argued that CEOs can be vulnerable to poor assessments of their performance, and poor decisions regarding their future employment. The role of a CEO in a council is of critical importance, and therefore, so is their performance. However, council members do not always have the expertise to set performance standards, contractual conditions and appropriate remuneration, or to conduct effective and timely performance monitoring and management.

Further, the review of a CEO's performance can be particularly difficult when relationships between the council and its CEO are not professional—both hostile and overly friendly relationships between a council and its CEO can be equally problematic.



PROPOSALS FOR REFORM

4.3

A number of ideas were received on the performance of the CEO, and the role and relationships between the CEO and the council. These ideas included revising the process by which CEOs' positions are advertised, appointed, renewed and released.

It is proposed that councils be required to involve independent advice in a CEO appointment process. This could be a requirement to receive independent advice or to include independent members on the CEO selection panel that makes recommendations to the council on the appointment and employment of a CEO, including employment conditions. An additional proposal could be to give the responsibility for determining appropriate CEO remuneration to the Remuneration Tribunal of South Australia (which currently sets council members' allowances).

It is also proposed that councils be required to conduct annual performance reviews of their CEO. These could include independent membership (noting that it is common for councils currently to use CEO performance committees), which may be linked to the council's governance committee, if this reform is implemented, or separate independence advice.

Finally, it is proposed that a CEO's contract cannot be extended without the council completing a performance review; and that the CEO's contract cannot be terminated without the council gaining specialist industrial/employment contract advice.



REFORM AREA 1

STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT SUMMARY OF REFORM PROPOSALS

COUNCIL MEMBER CONDUCT

- 1.1** Clearly separate behavioural matters from integrity matters in the legislation.
- 1.2** Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.
- 1.3** Continue to give councils flexibility to deal with behavioural matters.
- 1.4** Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.
- 1.5** Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).
- 1.6** Simplify the conflict of interest provisions by establishing 'material' and 'non-material' conflicts.
- 1.7** Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.
- 1.8** Clarify the application of conflict of interest rules to council committees and subsidiaries.

Establish a new conduct management framework through—
 - 1.9** Model 1 - The clarification of current legislation
 - Model 2 - Using governance committees
 - Model 3 - Establishing a Local Government Conduct Commissioner.



COUNCIL MEMBER CAPACITY

- 1.10** Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.
- 1.11** Clarify the role of council members to recognise their obligation to complete mandatory training.
- 1.12** Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.
- 1.13** Provide directly elected Mayors with a deliberative vote on motions before council.
- 1.14** Establish a mandatory training scheme within the regulations.
- 1.15** Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.
- 1.16** Require councils to receive independent advice on CEO selection and remuneration.
- 1.17** Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia
- 1.18** Require councils to conduct annual performance reviews of CEOs, with independent oversight.
- 1.19** Require annual performance reviews to be completed before the extension of a CEO contract.
- 1.20** Require councils to receive independent advice before terminating a CEO contract.



REFORM AREA 2



**LOWER COSTS AND
ENHANCED FINANCIAL
ACCOUNTABILITY**



1 INTRODUCTION

Councils in South Australia collectively manage an annual budget in excess of \$2.2 billion and are responsible for more than \$24 billion worth of infrastructure and other assets. To manage these responsibilities, councils can raise tax—council rates—and impose other fees and charges on their communities.

It is essential that councils, as public bodies, meet the right standards of accountability for public sector administration and management of public funds.

The reforms proposed in this paper aim to enhance financial accountability and improve efficiency within the local government sector by delivering greater confidence in council audits, improving council decision making, financial reporting, and making information about council financial performance more accessible.

Many submissions made through the call for ideas argued that a system of benchmarking or service reviews across local government would help councils and communities to better understand the costs of services, and how efficiencies may be achieved.

The South Australian Government has directed the South Australian Productivity Commission (the SAPC) to undertake an inquiry into local government costs and efficiency to identify options to improve efficiency and financial accountability and reduce costs for ratepayers.

The inquiry will involve state-wide consultation with councils, community groups and relevant professionals in the public, private and professional bodies as part of the public engagement process, before the release of a draft report in August 2019, and a final report on 22 November 2019. It is expected that this work will inform future directions on the potential use of benchmarking and other service review mechanisms across local government.

Further information on the SAPC's work is available at—
www.sapc.sa.gov.au/inquiries/inquiries/local-government-inquiry/consultation



2 FINANCIAL ACCOUNTABILITY

BACKGROUND

2.1

The *Local Government Act 1999* (the Act) sets the standards for councils' administrative and financial accountability, largely in Chapter 8 of the Act. This framework reflects the broader local government policy that has been in place for South Australia for some time, that is, that councils have a responsibility to abide by the statutory framework, and are accountable to their communities for doing so, without detailed compliance oversight from the State Government.

However, the State does have a responsibility to ensure that the statutory framework sets appropriate standards. Significant legislative amendments have therefore been made over a number of years to improve the financial management and accountability of councils in South Australia.

In 2007, amendments to the Act improved the accountability of councils as well as strengthening their financial governance, asset management, rating practices and auditing arrangements.

These improvements included the requirement for councils to—



Prepare and adopt long-term financial plans.



Prepare and adopt infrastructure and asset management plans.



Establish audit committees.



Adopt several measures to strengthen the independence of external auditors.



Adopt a consistent and improved reporting format for annual financial statements.



Additional amendments in 2009 further improved the legislative framework for internal and external review of council administration and financial management, including changes to improve council external audits and strengthen internal controls.

These changes included—



New requirements for an auditor to audit a council's internal controls and provide an opinion on whether those internal controls provide a reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.



Expanding the matters that council auditors must report to the Minister.



Increased guidance about what council policies, procedures and practices must be designed to achieve in key areas such as prudential management and contracts and tendering.

In addition, amendments were made to the *Public Finance and Audit Act 1987* in 2013 to enable the Auditor-General to conduct an examination of a publicly funded body (which includes a council, a subsidiary of a council or a regional subsidiary) and the efficiency, economy and effectiveness of its activities.

The Auditor-General may also examine the accounts relating to a publicly-funded project and the efficiency and cost-effectiveness of the project. The Auditor-General must conduct an examination if requested to do so by the Treasurer or the Independent Commissioner Against Corruption.

COUNCIL AUDITS

2.2

Auditing is the independent examination of the financial report of an organisation. Audits are critical to ensuring confidence in councils' financial position and operations, as they assess compliance with the standards set out in the Act and Regulations.

External audits in the South Australian local government sector have traditionally been focused on an independent assurance that a council's annual financial statements present a true and fair view of the financial position of the council and comply with prescribed requirements.



These audits now also examine and report on the adequacy of a council's internal controls, which are the measures put in place by councils to ensure that a council's resources, operations and risk exposures are effectively managed.

Auditors must undertake an audit on the controls put in place by a council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, and provide a report to the council as to whether these controls are sufficient to provide reasonable assurance that the financial transactions have been conducted properly and in accordance with law.

In forming such an opinion on a council's internal controls, the auditor must assess them according to the criteria in the LGA's *Better Practice Model – Internal Financial Controls*, which is a tool that assists a council to assess, mitigate against and reduce risks in its day-to-day operations.

Organisations commonly undertake an internal audit process to assess and report on internal controls, however, an internal audit function is not prescribed for councils in South Australia. Many councils do have an internal audit function of some kind in place to provide assurance to their audit committee that internal controls are in place and effective.

Along with a requirement to undertake an audit, the Local Government Act also provides some direction on how auditors should be appointed, and how audits should be undertaken.

All councils contract registered company auditors to audit their annual financial statements, applying the relevant Auditing Standards. Under the Act—



Councils are required to appoint an auditor who must either be a registered company auditor or a firm comprising at least one registered company auditor.



Auditors are appointed by councils on the recommendation of a council's audit committee.



The term of an appointment of an auditor must not exceed five years.

As described above, external auditors must undertake annual auditing of a council's financial statements and internal controls exercised by the council, and then provide, to the council, an opinion on the financial statements and the adequacy of the internal financial controls.

In practice, many councils have a majority of independent members on their audit committees, and many also extend the role of their committees to provide independent advice on a range of matters, such as procurement and prudential reporting.



Additionally, a council may request its auditor, or some other person determined by the council to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives.

It is worth noting the critical role that councils' audit committees play in their financial reporting framework, including auditing. South Australia was one of the first States in Australia to require councils to establish an audit committee, as a body that provides independent advice to a council on auditing and related matters.

Currently, audit committees are required to—



Review annual financial statements to ensure that they fairly present the state of affairs of the council.



Propose, and provide information relevant to a review of the council's strategic management plans or annual business plan.



Have a role in an investigation of a council's financial management, or its efficiency and effectiveness, if this investigation is requested by the council.



Liaise with the council's auditor.



Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

An audit committee must have between three and five members and must include at least one external independent member with financial experience as determined by the council.



ISSUES

2.3

It is critical that audits are an effective financial management tool for councils, and that they generate public confidence in their operation.

Increasingly, there is an expectation for audits to provide improved financial management, fiscal responsibility, public accountability and greater community confidence in a council's administration of public money.

While significant improvements have been made to the provisions in the Act regarding council financial management and audits, there are concerns about the present arrangements for the external audit of councils. While there appears to be a consensus that the legislative framework is sound, questions have been raised about the quality of some audits. There also have been calls for greater external oversight.

A report released by the LGA in 2016, *Who Should Audit Local Governments in South Australia?* identified a number of issues regarding local government audit arrangements.

These issues included the limited scope of many council audits (the depth of an audit performed), lack of audit oversight, inconsistency in the interpretation and application of accounting standards and auditing standards, the thoroughness of audits (in light of the generally low audit fees charged by auditors), and the independence of the relationship between auditor and council.

Additionally, an examination of the District Council of Coober Pedy completed by the Auditor-General in late 2018 concluded that this Council's financial position was unsustainable, the Council's financial performance was inadequate and that the Council's accounting systems and records were significantly deficient and unable to support effective financial management of the Council's operations.

While this examination was of a single council, its results raise the question of why the Council's own external audit process apparently did not reveal any irregularities in the Council's accounting practices or management of its financial affairs, or identify the multiple breaches of the Act that had been occurring.

PROPOSALS FOR REFORM

2.4

It is timely to consider improvements to the Act to ensure that councils' financial management framework is both robust and consistent.

Potential improvements centre on two reform proposals—strengthening the role of audit committees and expanding the role of the Auditor-General.



IMPROVING AUDIT COMMITTEES

2.4.1

As noted above, audit committees play a critical role in the standard of councils' financial management practice and auditing processes.

The value of audit committees is widely recognised in the local government sector. Many councils have taken additional steps, beyond those required by the Act, to improve the independence and standard of audit committee members, and to expand its role.

It is generally acknowledged within the local government sector that having more than one independent member, including an independent chair, is best practice. Many councils also give their audit committees responsibilities and oversight that extend beyond those currently required under the Act, to include risk management and fraud prevention, financial and non-financial performance, and compliance with council policies and legislation.

A simple improvement to audit committees would be to require all committees to have a majority of independent members and an independent chair.

However, it may also be timely to strengthen the role of the audit committee. It is essential to ensure that the relationship between the council and its auditor is independent, and that council audits are not compromised by limited scope and reduced costs.

This could be achieved through establishing a clearer role for audit committees in the appointment of a council's auditor; to ensure that the scope of the council's audit parallels the scope of public sector audits undertaken by the Auditor-General, and clarify an audit committee's role as the council's chief liaison point with the auditor.

Additionally, given the importance of a strong internal control regime in councils, it is proposed that the responsibility of an audit committee to comment on these be strengthened, to form an opinion on the council's internal audit requirements and a recommended course of action, recognising the diversity of councils with regard to size, needs, budget and complexity of operations.

It is critical that the audit committee's membership contains the right skillsets and knowledge, particularly if the role is to be expanded. For example, an audit committee should have at least one member with financial qualifications and experience, in addition to experience in risk management, financial and legal compliance, governance, and a local government background. An appropriate induction should also be provided to committee members.

It is also proposed to amend the Act to clarify the policy intent for an audit committee to be active and carry out its responsibilities. It is therefore suggested that audit and risk committees be mandated to meet regularly, for example, at least four times a year.



It is acknowledged that there are concerns regarding the ability to attract suitably qualified and skilled members to audit committees, particularly in regional areas.

Amendments to the Act in 2009 permitted each council to determine, or allow its committees to determine for themselves that some committee meetings may include participation by telephone or other electronic means, provided that there is still a place that is open to the public where the conduct of the meeting can at least be heard, even when all participants are not physically in that place.

It is proposed that an expansion of audit committees' responsibilities and roles would be accompanied by an ability for councils to establish regional audit committees as they choose.

EXPANDING THE ROLE OF THE AUDITOR-GENERAL

2.4.2

Currently, South Australia is the only Australian state where the Auditor-General does not have some role in the annual council audit process.

In every other jurisdiction (with the exception of the Northern Territory), the Auditor-General is the external auditor for councils. All also enable the Auditor-General, at his or her discretion to undertake a broad scope or performance audit of councils or the local government system.

The council audit process in most interstate jurisdictions has developed in recent years into a mechanism for addressing and improving financial and asset management. This is well illustrated by the reforms in local government seen interstate, in particular in Victoria and New South Wales.

Further, in interstate jurisdictions where the Auditor-General's mandate encompasses the audit of local government authorities, the Auditor-General submits the results of these audits in reports to Parliament. These reports include comparative analysis, including analysis of financial performance and sustainability, and key issues and trends relating to local government. Further information on interstate arrangements is available in a separate document from the Office of Local Government website dpti.sa.gov.au/local_government_reform



The proposal that the South Australian Auditor-General should have a similar role for councils here has been put forward previously, through—

The Economic and Finance Committee of Parliament's 2016 *Final Report on the Inquiry into Local Government Rate Capping Policies*, which recommended that councils be subject to a thorough auditing process under the auspices of the Auditor-General, consistent with section 36 of the *Public Finance and Audit Act 1987*, and that councils be required to publish, on an annual basis, these audits.



The LGA's 2016 *Who Should Audit Local Governments in South Australia?* report, which concluded that transferring local government audits under the auspices of the Auditor-General should be considered as a serious alternative to the current system.

The South Australian Local Excellence Expert Panel's 2013 report *Strengthening South Australian Communities in a Changing World*, which recommended that the Auditor-General assume responsibility for local government auditing on a basis to be agreed between the LGA and State Government, noting that this would add to the legitimacy and autonomy of local government by making it subject to the same scrutiny and accountability to both the community and the Parliament as other spheres of government.



It is acknowledged that, as is the case interstate, the Auditor-General would appoint and oversight councils' external auditors, rather than undertake the audits 'in house'. However, this oversight would ensure that council audits are undertaken to the same standards as the audits of all State government bodies, which would improve the scope and quality of the audit process in many councils.

It would also provide a level of oversight from outside of the council body that is currently lacking. While, as detailed above, audit committees were put in place to ensure that councils' 'self-assessment' scheme under the Act is subject to independent oversight, in order to deliver high quality audits across all councils, this previous reform has not quite achieved that aim. Improving the membership and role of the audit committees, while valuable, may continue to pose a risk that a body that is established by and is subordinate to councils may not deliver the level of independent oversight that is critical for public bodies.



The Auditor-General's involvement in council audits would ensure that all audits are undertaken uniformly and to a high standard. It would also allow for the collection of useful data that can form the basis for further investigations and performance audits.

It is important that councils are aware of what services they provide, the cost of those services, and how they can improve delivery to achieve cost efficiency. Unlike the terms of reference for audits traditionally developed by most councils, an audit by the Auditor-General could routinely assess whether councils are delivering services efficiently and economically.

Finally, establishing a role for the Auditor General in council audits would also provide a consistent approach to the oversight of all public bodies in South Australia, as is already largely the case with the other integrity bodies in the State, the Ombudsman and the Independent Commissioner Against Corruption.

It is recognised that the costs of audits would be likely to increase under the mandate of the Auditor-General. This cost should be weighed, however, against the benefits of improvements to the scope and quality of many council audits, and of better, consistent data and analysis and increased public confidence in councils' financial position, management and decisions.

3 IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

BACKGROUND

3.1

Councils are established as democratically elected governments to make representative, informed and responsible decisions in the interests of local communities, for which they are ultimately accountable at elections. As local governments, councils must meet the standards of accountability appropriate for public sector administration and management of public funds.

The Act sets out the primary legislative framework for the system of local government and the operation of local governing authorities, including financial governance. For example, the Act requires each council to develop and adopt a number of key documents, including strategic management plans, an annual business plan and budget, and annual report.

ISSUES

3.2

While councils are independent spheres of government that answer to their communities for the decisions that they make, it is critical that these decisions are made within a legislative framework that sets high standards of accountability and transparency.



Concerns have been raised regarding council decision making and accountability. It is essential that the legislative framework supports elected member bodies to make decisions that are well informed and that these decisions are effectively communicated to members of the public. This includes improvements to financial reporting to ensure that information about councils' finances and budget decisions are both accessible and easily understood.

3.3 PROPOSALS FOR REFORM

CREATING 'AUDIT AND RISK COMMITTEES'

3.3.1

As noted above, a number of councils have expanded the role of their audit committees to provide advice to them on a range of matters beyond those detailed within the Act. They do this to ensure that the council has an independent and thorough assessment of various matters to help the council to make good decisions, and to provide assurances to their communities that critical processes and decisions have been subject to independent oversight and assessment.

It is therefore proposed that audit committees be expanded to become 'audit and risk committees' that would play a critical role in improving councils' financial management and performance. An expanded role could include—



Reviewing councils' risk assessments and controls.



Providing comment on councils' rating policies and practices.



Reporting to councils on its use of public resources.



Reporting to councils on prudential matters.



Performance monitoring of councils.

It is also suggested that the chair of each audit and risk committee provide a report or statement in the council's annual report on prescribed matters including compliance with financial governance and related statutory obligations..

The expansion of their current role would assist with increased accountability, improved decision-making, and compliance with legislation, policies and procedures. As highlighted above, it is critical that the committee's membership contains diverse skillsets, particularly if the role is to be expanded.



While councils are required to develop a rating policy, the Act does not require councils to adopt a funding policy that sets out approaches to the funding of services. Some councils, however, have adopted a formal funding policy. The LGA's local government reform agenda highlights that funding policies would create a single point of reference to enable the community to understand how a council proposes to pay for each of its services and infrastructure over a period of time, taking into account rates, grants fees and charges and commercial activities.

An additional proposal is therefore that councils should be required to develop and adopt a funding policy that would be reviewed on an annual basis, as part of a council's annual business plan. Audit and risk committees could also be required to review and report to councils on this policy before its adoption.

In response to concerns regarding the transparency of rating decisions and their impact, it is proposed that councils be required to release a summary with their draft annual business plan each year that details the expected increase in councils' total general rate revenue and the reasons for this increase. If the increase is above a prescribed level, the council's audit and risk committee could be required to report to the council on the necessity for the increase, before a final decision on the matter.

CREATING 'GOVERNANCE COMMITTEES'

3.3.2

Along with audit committees, many councils also establish a range of committees to advise them on critical council business and decisions. These can be governance and corporate management committees, strategic planning committees, policy committees, or committees to assist councils to appoint and manage its chief executive officer (CEO). Often these committees consist entirely of council members, or members and staff.

The advice that independent audit committees provide to councils can be invaluable. They can be a critical source of support for members, to provide additional assessment and assurances to inform their decisions, beyond that which is provided by council administration.



It is proposed to capture the benefits delivered by independent audit committees to apply to other, equally important matters before councils. To undertake their roles properly, councils need good governance standards. This extends beyond their financial management and position to encompass management, policies, processes, guidance and actions that councils rely on to make their decisions. These can be improved and strengthened through independent advice on matters that could include—



Councils' compliance and governance policies.



Councils' policies for improving ethical standards across councils and reducing fraud and corruption risks.



Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.



Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).



CEO appointment and management (as described in Reform Area 1).

This additional 'governance role' could be incorporated into the overall role of an 'audit and risk committee' (potentially creating an 'audit, risk and improvement committee'), or established as a separate 'governance committee'.

Alternatively, an approach could be to allow councils to decide whether to establish two, smaller committees, or one slightly larger committee to deliver all responsibilities. As with the proposed expansion of the audit committees, enabling councils to establish regional committees could assist regional councils to appoint members with the necessary expertise and experience.



4 ADDITIONAL PROPOSALS

The reform program provides an opportunity to progress a number of other issues that have been identified.

LONG TERM FINANCIAL PLANS — CONTENT

4.1

Section 122(1a) of the Act requires each council to develop and adopt a long-term financial plan covering a period of at least 10 years, along with an infrastructure and asset management plan also covering a period of at least 10 years. These plans form part of a council's strategic management plans. The Act and Regulations set out content requirements for long-term financial plans and the LGA's Financial Sustainability Information Paper includes guidance material.

It is proposed that the requirements in the Act and Regulations should be more detailed. For example, councils should be required to clearly state whether their infrastructure and asset management plan is based on maintaining existing service levels, or whether service level reductions or improvements are planned.

LONG TERM FINANCIAL PLANS — CONSULTATION

4.2

The Act requires councils to review their long-term financial plans, and any other elements of its strategic management plans as soon as practicable after adopting its annual business plan for a particular financial year.

To ensure that long-term financial plans are improved and updated as frequently as practical, it is proposed to amend the Act to clarify that public consultation is not required for a review of a long-term financial plan unless significant changes are being proposed.

It is also proposed to clarify that long-term financial plans must be reviewed at least once a year, rather than the requirement for the review to be undertaken as soon as practicable after the CEO reports on the council's long-term financial performance and position



CEO REPORT ON THE COUNCIL'S LONG TERM FINANCIAL PERFORMANCE AND POSITION 4.3

The Act requires a council CEO to report, each year, on the sustainability of a council's long-term financial performance and position. As the content and quality of such reports vary significantly, it is proposed to strengthen the legislative provisions by ensuring that the report is presented in a manner in which supports council members and the community to understand it.

APPROVAL OF COUNCIL BORROWINGS 4.4

A report released by the Auditor-General in late 2018, concerning the District Council of Coober Pedy, could be interpreted to suggest that councils are required to pass a separate resolution every time a borrowing is undertaken. It is proposed to amend the Act to ensure that a budget adopted by a council may include approval of an amount of new borrowings or other forms of financial accommodation which may be undertaken for the financial year.

ADOPTION OF AN ANNUAL BUSINESS PLAN 4.5

Currently, councils are unable to adopt their annual business plans and budgets before 1 June each year, but must do so before 31 August (except in a case of extraordinary administrative difficulty). It is proposed to simplify this requirement, and recognise that most councils adopt their annual budgets in July, by requiring councils to adopt their annual business plan and budget by 15 August each year.

INTERNAL FINANCIAL CONTROLS 4.6

It is proposed to require all councils to comply with the LGA's *Better Practice Model – Internal Financial Controls*. This would support councils to meet their obligations under the Act to maintain policies, practices and procedures of internal control.

It would also resolve a current inconsistency between the requirements for internal controls under section 125 of the Act, and the scope of internal controls required to be considered by a council's external auditor under section 129(3)(b) of the Act. Unless a council has voluntarily agreed to adopt and comply with the *Better Practice Model – Internal Financial Controls* framework, an external auditor may be put in the position of being required to give an opinion on a council's compliance with a framework that a council is not required to comply with.



REFORM AREA 2

LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY SUMMARY OF REFORM PROPOSALS

FINANCIAL ACCOUNTABILITY

2.1 Require audit committees to have a majority of independent members, and an independent chair.

2.2 Strengthen the role of audit committees in councils' external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor

2.3 Require audit committees to report on the council's approach to internal audit processes.

2.4 Require audit committee members to have specified skills, and an induction process.

2.5 Allow councils to form regional audit committees.

2.6 Require the Auditor-General to oversight all council audits.



IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

Create 'audit and risk committees' that play an expanded role in councils' financial management and performance.

This could include—

- 2.7**
- Reviewing councils' risk assessments and controls.
 - Providing comment on councils' rating policies and practices.
 - Reporting to council on its use of public resources.
 - Reporting to councils on prudential matters.
 - Performance monitoring of councils.

- 2.8** Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.

- 2.9** Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.

- 2.10** Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.

- 2.11** If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.

Create 'governance committees' to provide independent advice to councils on critical management, polices, processes and actions, potentially—

- 2.12**
- Councils' compliance and governance policies.
 - Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks.
 - Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
 - Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
 - CEO appointment and management (as described in Reform Area 1).





1 INTRODUCTION

Every four years, all councils across South Australia are elected. Just like State and Federal elections, Local Government elections establish our government. They give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us.

The details of an election process are therefore critically important. Many aspects of council elections are unique, differing from State and Federal elections to reflect their essentially local nature.

It is fair to say that the way in which we vote for our councils is a matter of great importance to all people with an interest in local government. It's critical that this process is fair, transparent, run independently, provides the right information at the right time, and encourages participation from potential council members and voters alike.

This Reform Area provides a range of proposals aimed at improving the local government elections in South Australia. As election processes can be technical, this Reform Area breaks this process into smaller parts, that progressively work through the 'stages' of an election; from its basis to its final result, to assist further discussion and debate on these proposals.

This Reform Area also covers matters of representation that sit outside a general council election process—supplementary elections; and the role of representation reviews that consider councils' internal structure.

Finally, a number of additional (technical) amendments to the *Local Government (Elections) Act 1999* are proposed. These have largely been requested by the Electoral Commissioner of South Australia (ECSA) to remove inconsistencies and address technical issues that have arisen during previous Local Government elections.

Note: Many aspects of Local Government elections are the responsibility of the 'returning officer'. The returning officer is currently ECSA. References to ECSA throughout this paper should, therefore, be read in this context.



2 BASIS OF ELECTIONS

BACKGROUND

2.1

Local Government elections are held in November every four years. Currently, local government elections are held in the same year as State elections. In 2018, the State election was held in March and Local Government Elections were held in November.

Unlike State and Federal elections where voting is compulsory, voting for your council is voluntary in South Australia.

Voting is postal. Ballot papers are sent to voters, and, if they are choosing to vote, voters complete the ballot papers, and return them via post or to a council office.

The voting franchise extends beyond residents, to include property owners.

It should be noted that these elements of Local Government elections vary across Australian jurisdictions. For example, voting for your council is compulsory in New South Wales, and voting there is also by 'attendance'—that is, at a polling booth.

ISSUES

2.2

While many ideas and suggestions to improve local government elections have been made, the chief issue that is raised is voter turnout. A statewide average of 32.94% of enrolled voters chose to vote in their council elections in the 2018 elections. This is a proportion that has been fairly consistent since the introduction of postal voting for the 2000 Local Government elections.

PROPOSALS FOR REFORM

2.3

During the call for reform ideas, the most popular idea received was to introduce electronic—online—voting for councils. However, there are a range of technological challenges that must be overcome before online voting can be introduced. For this reason, it is not proposed to change the current postal voting system.

ECSA has, however, requested an ability to provide ballot papers to electors electronically in some instances (with them returned electronically) to avoid delays in receiving the completed votes.



It is also not proposed to move to compulsory voting. Enforcing compulsory voting in a postal voting system is difficult and resource intensive. This may be a reform best explored at a time when online voting is possible.

However, it may be timely to consider changing the timing of council elections, to move them away from a State election year. If this proposal is to proceed, it is suggested that Local Government elections would be held the following year from State elections. If this is the desired change, the next local government elections will be held as scheduled in November 2022, followed by the next periodic elections in November 2027 (ie a five-year term), then reverting to four-year terms.

It is also proposed to clarify the respective roles that ECSA and the local government sector play in promoting local government elections. To allow for clear and timely messages to be provided to both encourage people to nominate for councils and to encourage people to vote, it is suggested that councils are responsible for information sessions about their role and opportunities for potential members; and that ECSA is solely responsible for the promotion of the election.

3 ENROLMENT

BACKGROUND

3.1

Before receiving ballot papers, voters must be on their council's voters roll.

In South Australia, voters who are already on the State Electoral roll in their council area to vote in State elections are automatically included on the Council voters roll and receive ballot papers in the post. However, landlords, business lessees or resident non-Australian citizens who wish to vote in Local Government elections must enrol for each council election by completing an enrolment form. The application for enrolment on a voters roll must be made to the CEO of the council, who is responsible for the maintenance of the voters roll for the council area.

This was a change made after an extensive review of local government elections in 2008. From 2000-2008, property owners—like residents—automatically received ballot papers in the post, without having to 'self-enrol'.

However, the 2008 *Review of Local Government Elections* found that the costs of maintaining a separate council voters roll, comprising those voters who are landlords, business lessee or resident non-Australian citizens, was high. Councils at that time were spending around \$1 million across the sector to maintain the roll. Additionally, the voter turnout from property franchise holders was very poor. Slightly less than 19% of these voters chose to exercise their vote in the 2006 local government elections, dropping as low as 10.2% in previous elections.



ISSUES

3.2

When the requirement to automatically enrol property franchise holders was removed, councils were required to notify people who were not on the House of Assembly roll in their areas of the need to self-enrol if they wished to receive ballot papers. It has become apparent, however, that many people are not aware of this requirement, and are unhappy when they do not receive ballot papers in the post.

There have therefore been a number of requests from councils and from members of the public to re-introduce the requirement to automatically enrol property franchise holders.

However, some councils have also expressed concerns that this could have significant resource implications. Additionally, ECSA have advised that the re-introduction of the automatic enrolment of property franchise holders must include a requirement for groups and body corporates to nominate a natural person to exercise its vote, before receiving ballot papers. This will enable councils to ensure that a person is not voting twice in a council election, but will add to the costs of managing the roll.

PROPOSALS FOR REFORM

3.3

Two proposals are suggested to improve participation in local government elections by property franchise holders—

1. Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol before an election (and introduce a penalty for non-compliance).
2. Re-introduce automatic enrolment of property franchisees, with each body corporate and group required to nominate an eligible natural person as a 'designated person' in order to receive ballot papers.

4 NOMINATIONS

BACKGROUND

4.1

Nomination is the process that enables a person who wishes to be elected to their council to put themselves forward as a candidate.

Before making this decision, people can attend information sessions and obtain nomination kits, which are made available by ECSA two weeks before nominations open.



Once they have decided to nominate, that person must complete a form declaring their eligibility to stand as a candidate in their nominated election. Their nomination is then lodged with the council in which the individual is standing for election. The nomination must be accompanied by a 'candidate profile' that includes a short (150 word) description of themselves and the reasons why people should vote for them.

Prior to the close of nominations, those nominations that are accepted (ie not rejected by ECSA) are displayed in council offices for the public's information. The front page of this form includes the candidate's enrolled address, and address of the rateable property, if different from their enrolled address.

Within five business days of the close of nominations, a candidate may also provide a 'candidate's statement', which is subsequently published on the Local Government Association's website. This differs from the candidate profile as candidates are allowed to make direct statements about the council and its members in this statement.

Candidate profiles are also provided to all voters with their ballot papers.

ISSUES

4.2

A number of councils have expressed concerns regarding their involvement in receiving and publishing nominations. This can place pressure on council staff, and give rise to an impression that staff are assisting or benefiting some candidates over others.

There was also some confusion expressed about the intent of the candidate profile and the candidate statement. It was also noted that the need to provide a platform for candidates to promote their candidature has been largely superseded by the accessibility of social media, which allows candidates to communicate information to voters in a dynamic, responsive manner, which the website is unable to achieve.

A specific issue regarding nominations for the position of Lord Mayor has also been raised. The *City of Adelaide Act 1998* prevents any person from holding office as Lord Mayor for more than two consecutive terms. No other council office—and no office within State or Commonwealth Parliament—has a similar limit.



PROPOSALS FOR REFORM

4.3

It is proposed that ECSA, as the returning officer, take a clearer and more centralised role in receiving nominations and publishing candidate profiles—

- ECSA will be responsible for the nominations process, will manage an online nomination process and provide councils (and publish online) a list of accepted nominations relevant to their council area within 24 hours after close of nominations.
- ECSA will publish candidates' profiles, including the profile statements on its website. The maximum length of the profile statements will be amended from 150 words to 1000 characters, to provide a more consistent and accurate count. These 1000 characters may include directions to find further information about a candidate (such as social media).
- The provisions relating to the candidate's statement will be removed, along with the corresponding requirement for the LGA to subsequently publish these on a website.

It is also proposed that the term limit on holding the office of Lord Mayor be removed.

5 CANDIDATES

BACKGROUND

5.1

Once a person has had their nomination accepted, they become a candidate standing for election. At this point, a candidate can commence campaigning.

Many candidates in the 2018 local government elections campaigned via social media. Others used more traditional methods of campaigning, such as door-knocking and letterbox drops. 'Meet the candidates sessions' run by councils also help voters to learn who is running for their council, and what their views are.

Candidates may place election signs on road infrastructure (eg light poles and stobie poles) during the campaign, but these signs must comply with legislated guidelines. Election signs may be put in place no earlier than four weeks before the close of voting, and must be removed within 48 hours of the close of voting.

Council resources such as offices, staff, equipment or stationery must not be used during any candidates' campaign.



ISSUES

5.2

A range of issues and ideas about requirements placed on candidates were raised in the call for reform ideas.

A number of these centred on the information that is required to be provided by candidates to voters. As described above, candidates currently must provide a 150-word profile (which is included with the ballot papers posted to voters), and may make a candidate statement.

A number of people also raised concerns that candidates who are members of political parties can access a copy of the voters roll in electronic form, which is not available to candidates who are not political party members.

There was also a range of views expressed on whether or not candidates should be required to have a particular qualification, or undergo training relevant to being a council member, to improve the quality of candidates and better prepare candidates to becoming a council member.

While it was widely agreed that council resources should not be used to advantage any candidate for election—whether they be an incumbent member or not—there was also a strong view that the requirements within councils' caretaker policies do not express this obligation well.

PROPOSALS FOR REFORM

5.3

It is proposed that candidates be required to state—

- Whether they live within the ward or council area that they are contesting. This would be a simple 'yes/no' or tickbox, to avoid risks associated with the release of candidate addresses.
- Their membership of any political party, or any association or body formed for political purposes, of which the candidate is a member or has been a member within the past 12 months.

It is also proposed that the responsibility for receiving information on donations received by candidates, and enforcing candidates' compliance with campaign donations returns requirements, is transferred from council CEOs to ECSA, which will publish all returns online.

This will include a requirement for candidates to report to ECSA any single donations above a prescribed amount (for example, \$2000), or donations totalling above a prescribed amount from a single person or entity, or gifts worth above a prescribed amount, within five business days of receipt. ECSA must publish a report of these donations within two business days of receipt on its website.



It is proposed that all candidates be entitled to an electronic copy of the voters roll on request to their council, with significant penalties (\$10 000) for use of the roll for any purpose other than campaigning in the local government election for which the candidate has nominated.

While views about candidate training and qualifications were considered, it is not proposed that these will be required, given concerns about enforcement and the impact requirements may have on the range and number of people choosing to stand for their council.

Finally, it is proposed that the requirement for councils to make a 'designated decision' within their caretaker policies regarding the use of council resources for the advantage of a particular candidate or group of candidates be removed. It is more appropriate for this requirement to be simply stated within the general caretaker responsibilities of councils.

6 RECEIVING AND COUNTING VOTES

BACKGROUND

6.1

Voting packs are distributed to enrolled voters in the mail at least two weeks prior to the close of voting. In addition to ballot papers, each pack includes information about the candidates standing for election. Votes must be received by ECSA no later than the day and time noted on the postal voting guide included in the ballot package.

This guide explains how voters need to complete their ballot papers. In the South Australian system, voters must mark numerical preference for at least the number of candidates to be elected, and can continue to number if desired. This voting system is called 'partial preferential voting'.

When counting votes, ECSA use a system called 'Proportional Representation'. This system requires candidates to reach a determined quota, calculated by dividing the number of formal ballot papers (votes) by the number of vacancies to be filled.

It is a counting method designed to ensure that vacant positions are allocated as nearly as possible in proportion to the votes received. A candidate is elected after obtaining a quota or proportion of the formal vote.

ECSA must then declare the provisional result of the poll once the result becomes apparent. The election result must be finalised following a period of 72 hours for any recount requests, and results published within one month of the close of voting.



ISSUES

6.2

For the November 2018 local government elections, there were additional expense and delays in the posting of ballot papers as a result of changes to Australia Post fees and delivery policies. This raised some concerns about the voting period (2 weeks), and voters' ability to post a vote that would be received by ECSA before the end of this period.

There have also been some requests for changes to the system of voting, particularly to change to optional preferential voting in Local Government elections, to encourage voter participation. A number of requests were also received to accelerate the counting process, so that results can be known sooner after the close of voting.

PROPOSALS FOR REFORM

6.3

It is proposed that the voting period be extended by an additional week to accommodate Australia Post delivery timeframes. This will assist in bringing forward the current date for reissue of voting material and to provide for its return before the close of voting.

Changes to the voting method were considered, particularly the proposal to move to optional preferential voting. However, it should be noted that a large proportion of voters in elections where optional preferential voting applies only put a number '1'. If a voter's preferred candidate is not elected, but excluded, their ballot paper cannot be distributed as they have no further preferences marked—their vote is exhausted. Therefore, the partial preferential voting method should be retained.

It is, however, proposed to change the counting method. While the current method is assessed as a 'fair' system for counting votes, it is also recognised as a more complex counting process than other systems, and one that takes considerably longer to finalise. A simpler, faster method of counting is the exclusion method. This excludes at each count the candidate who has received the fewest votes until the number of candidates continuing in the count is equal to the number of vacancies to be filled.

The more simplified counting method will remove the requirement for complex counting software, and reduces the risk posed by any lack of access to this software.

To determine the potential effects on election results from this proposed reform, ECSA conducted recounts of ballot papers from six council elections using the simpler exclusion count method. The only change to any of the elected candidates was one case, where the final position in a ward that had six nominations for three positions, was changed. In this instance, the candidate elected through the exclusion method obtained significantly more first preference votes than the candidate elected through the current method.



7 SUPPLEMENTARY ELECTIONS

BACKGROUND

7.1

If an elected member resigns or passes away, a casual vacancy arises in the council. Supplementary elections are held when it is necessary to fill a casual vacancy on a council.

ECSA must begin a supplementary election, once advised by a council's CEO that their council has a vacancy, unless this vacancy has occurred on or after 1 January in a periodic election year, or within seven months before polling day of a general election.

Where a council does not have wards, they may adopt a policy to not fill a single vacancy until the next periodic election. However, if a subsequent vacancy occurs, a supplementary election must be held to fill all vacancies. These provisions do not extend to mayoral vacancies which must be filled as soon as practicable.

ISSUES

7.2

Supplementary elections must be funded by councils and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant. Notably, voter participation in supplementary elections is in the range of 5–7% lower than at periodic elections.

VOTER TURNOUT AT SUPPLEMENTARY ELECTIONS

YEAR	NUMBER OF SUPPLEMENTARY ELECTIONS	AVERAGE PARTICIPATION RATE
2015–16	10 supplementary elections to fill 12 vacancies ¹	24.32%
2016–17	11 supplementary elections	27.9%
2017–18	10 supplementary elections	25.7%
2018	November 2018 Local Government elections	32.94%

Seven months after the conclusion of the November 2018 Local Government elections, three supplementary elections have been held, or will be held, for four elected member positions.

¹As no nominations were received for the vacancy of councillor for Flinders Ward, in the District Council of Streaky Bay, the election failed. Accordingly, the council was required to appoint an eligible person to fill the position, under the provisions of section 8(1) of the *Local Government (Elections) Act 1999*, following the failure of the supplementary election. Source: ECSA Annual Report 2015–16.



PROPOSALS FOR REFORM

7.3

It is proposed to reduce the impact of supplementary elections on councils and their communities by allowing the last excluded candidate at the most recent periodic election to be elected, if the vacancy they are filling was created within twelve months of this periodic election. Of course, the candidate would still need to meet the eligibility criteria and be willing to accept the position. This may apply to all positions, or exclude directly elected mayoral positions.

It is also proposed that the period in which a vacancy does not need to be filled be extended to twelve months prior to the next periodic election or a general election.

It may also be possible to allow councils to 'carry' greater numbers of vacancies. It is, however, important to balance the cost of supplementary elections against the cost of under-representation of the community during council decision making processes. And, as councils have varying numbers of elected members, the impact of reduced numbers is felt differently.

For those councils that have relatively small numbers of members (6–7) allowing two vacancies would result in a very small number of elected members carrying responsibility for all council decisions. For example, some councils have a total of six elected members, and can carry one vacancy under the current provisions. If allowed to carry an additional vacancy, council decisions would be voted on by four elected members. This may also make it difficult for councils to form a quorum when members are absent.

With this in mind, it is proposed to allow a council without wards to carry a maximum of two vacancies where that council has a total of nine or more elected members, not including a directly elected mayor.

QUORUM REQUIRED FOR REDUCED NUMBER OF ELECTED MEMBERS

If councils were allowed to carry an additional vacancy, it is possible that a council could end up carrying more than two vacancies if an elected member resigned during the prescribed period leading up to a periodic or general election.

ORIGINAL NUMBER OF ELECTED MEMBERS	NUMBER OF ELECTED MEMBERS AFTER 2 VACANCIES	QUORUM REQUIRED
8	6	4
9	7	4
10	8	5
11	9	5



8 REPRESENTATION REVIEWS

BACKGROUND

8.1

Representation reviews require councils to regularly consider their composition—essentially its number of council members—and their structure—primarily whether or not it has wards.

Section 12 of the *Local Government Act 1999* sets out requirements that all councils must follow when conducting a representation review, including how councils must undertake and consider public consultation.

Councils must release a 'representation options paper' that examines the advantages and disadvantages of the various options to alter the composition of the council or its ward structure and, in particular, if the council is divided into wards, consider whether this should be the case.

The council must then invite submissions on this paper. After the public consultation period, the council must prepare a report that provides information on the public consultation, responds to issues arising from the submissions it has received, and sets out a proposal. If the council has decided not to adopt any change under consideration that was part of the representation options paper, the council must set out the reason for its decision. This report must then be made available for a 'second round' of public consultation.

Before any changes can be made to a council's composition, ECSA must determine that the requirements of the Act have been satisfied, and provide the council with a certificate. Once a council has this certificate, it can gazette the change to its composition or wards.

ISSUES

8.2

Over the last two council terms (2010–2018), all councils have completed representation reviews. Following this, there has been a request to review and simplify the requirements in the Act that apply to this important process.

In particular, there is a view that the process guiding councils' public consultation on their representation reviews is unnecessarily prescriptive, and prevents councils from properly responding to—or adopting—changes to proposals that may arise through this consultation.

On a more fundamental level, there is also a view that council members have—or are seen to have—an inherent conflict of interest when making a decision on the right representative structure for their council. Elected members may be reluctant to make any changes which would affect them and their chance to be re-elected at the next election, or may be perceived to be acting in their own interests rather than that of the council and its community.



PROPOSALS FOR REFORM

8.3

There are two proposals for reform of representation reviews—

1. Review the current provisions, to make the public consultation requirements more flexible, and to make other simplifications and improvements that may be identified, or
2. Give responsibility to the Boundaries Commission to regularly review the internal structure of councils, including council representation (eg the number of elected members) and nature of representation (eg ward vs area councillors) as is appropriate for each community. This would be done on a cost-recovery basis for each council.

9 ELECTED MEMBERS CONTESTING STATE ELECTIONS

BACKGROUND

9.1

From time to time, members of councils may choose to run for political office in another sphere of government. These candidates continue in their role as a council member throughout the campaign for State or Federal Parliament.

ISSUES

9.2

The issue that has been raised is whether it is appropriate for these candidates to be in a position as a council member if they are running for another office, or whether they should be required to take a leave of absence.

The principal argument for requiring council members to take a leave of absence while campaigning is that it is not appropriate for council members to use their position in local government to promote their candidacy for another sphere of government. It is argued that this raises perceptions that these members have a conflict of interest, or that the interests of their campaign takes precedence over their role as a council member.

While existing rules prevent council members from using council resources for their personal benefit (which would include a campaign), there may also be a perception that the resources available to council members do in fact give them an advantage in this campaign against other candidates who are not council members.



PROPOSALS FOR REFORM

9.3

It is proposed that council members standing for election to State Parliament are suspended from their position as council members during the election period. This would mean that the members would not—



Undertake any official functions or duties over this time, including attending council meetings.



Be provided with council meeting agendas or other materials as a council member.



Have any access to council facilities or services that is not available to members of the public.



Receive their allowance for this period.

This proposal only applies to State elections, as Commonwealth legislation prevents its application to elections to the Commonwealth parliament².

10 ADDITIONAL PROPOSALS

The Local Government Reform program provides an opportunity to make a range of other amendments to the *Local Government (Elections) Act 1999*.

Other proposals for reform are—

SUPPLEMENTARY ELECTIONS

10.1

Allow for the close of voting for supplementary elections to be at a time determined by the Returning Officer, allowing the Returning Officer to set both polling day [under section 6(6)] and the time for the close of voting on that day. Such a determination would be made by the Returning Officer when setting all other dates for the supplementary election including the Close of Rolls and Close of Nominations.

COUNCILS HOLDING POLLS UNDER THE LOCAL GOVERNMENT ELECTIONS ACT

10.2

Require councils to provide notice of a polling day on its website, and allow for the close of voting for a council poll to be 5 pm on polling day.

²Section 327(3) of the *Commonwealth Electoral Act 1918* provides that state or territory laws that discriminate against local government members in Federal elections have no effect.



THE VOTERS ROLL **10.3**

Remove the reference to 'purchase' of the voters roll, to provide consistency with section 15(14).

PUBLICATION OF MISLEADING MATERIAL **10.4**

Require the publication of a retraction to be prominently placed in the early pages of *The Advertiser* and other local press.

BALLOT PAPERS **10.5**

Allow for drawing of lots as soon as practicable after noon (rather than waiting for 4 pm).

ISSUE OF POSTAL VOTING PAPERS **10.6**

Align the cut-off for both an application by post and in person to be by 5 pm on the fourth business day before polling day.

ARRANGING POSTAL PAPERS **10.7**

Remove the reference to the close of voting at noon for an election or poll (consist with amendments to the close of voting).

METHOD OF COUNTING AND PROVISIONAL DECLARATIONS **10.8**

Alter the method to that used when conducting an optional preferential count.

DISPUTED RETURNS **10.9**

Allow the Electoral Commissioner as returning officer to petition the Court of Disputed Returns in circumstances where the validity of the result must be challenged due to error.



REFORM AREA 3

EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION SUMMARY OF REFORM PROPOSALS

- 3.1** Change the timing of periodic council elections to the year following a state election.
- 3.2** Enable ECSA to provide ballot papers electronically.
- 3.3** Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.
- 3.4** Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders.
- 3.5** Require ECSA to receive all nominations and publish candidate profiles.
- 3.6** Remove the term limit on holding the office of Lord Mayor.
- 3.7** Require candidates to 'tick a box' stating whether they live in the area they are contesting.
- 3.8** Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.
- 3.9** Require ECSA to host all information on donations received by candidates.
- 3.10** Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt.



3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.

3.12 Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.

3.13 Extend the voting period by one week to better allow for postal delays.

3.14 Change the counting method to the 'exclusion method'.

3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.

3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.

3.17 Enable councils without wards, and with at least nine members, to 'carry' two vacancies.

3.18 Simplify representation reviews, and make public consultation requirements more flexible.

3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.

3.20 Suspend council members running for State Parliament for the duration of the election campaign.





1 INTRODUCTION

Councils play an important role in our local communities and make many decisions that have a real impact on our day to day life. While councils are independent governments in their own right, their operations and decisions must comply with broader rules. These are the various pieces of legislation that apply to councils, that set out the processes by which they make decisions; consult with their communities and release information.

These rules and regulations seek to protect the interests of the community, by making sure that councils operate with transparency and accountability, and that their decisions and actions are, and are seen to be, in the public interest.

However, we must always be aware that compliance with these rules costs councils time and money. If regulation is inefficient, or ineffectively designed or administered, it imposes unnecessary costs on councils, businesses and the community. That is why regulation must be regularly reviewed, to ensure that the rules are justified by the benefits they deliver.

The Local Government Reform process provides an opportunity to look at improvements to the regulations that apply to councils, with the intention to better enable councils to focus on the services their communities value most.

Opportunities for simpler regulation include—



Modernising and streamlining requirements for consulting with communities.



Clarifying the provision and publication of information that is relevant and informative to our communities.



Clarifying obligations around informal gatherings.



Simplifying community land and road management requirements to assist State and Local Government, as well as reducing red tape for businesses.

2 PUBLIC CONSULTATION

BACKGROUND

2.1

Community consultation is an important channel for governments to engage with their community. They can exchange information and ideas, and make sure that councils hear views on projects, policies, issues and plans.

Perhaps most importantly, strong and effective engagement gives communities confidence in the decisions















that their councils make. They know that their council has used the insights, skills, knowledge and experience to understand the impact of their decisions, and how services can be improved.

Since its commencement, the Local Government Act 1999 (the Act) has recognised the importance of community consultation, as it stipulates that councils must prepare and adopt a public consultation policy.

The Act also lists 19 decisions, actions and policies that councils must consult on, in accordance with their community consultation policy. These range from critical annual decisions, such as determining the annual business plan and budget, to decisions that happen less regularly, such as a decision to remove the community land status from council land.

When councils are consulting on these matters, they must publish a notice on their website, and in a newspaper circulating within the area of the council, and allow at least 21 days for people to make a submission. Councils may also choose to follow their public consultation policies whenever they are of the view that it is of value to their decisions and actions.

EXAMPLES OF MATTERS THAT REQUIRE COUNCILS TO UNDERTAKE COMMUNITY CONSULTATION

	Representation reviews, including the composition and wards of the Council		Status of Council or change of name.		Principal office of the Council (places and times the office is open to the public).
	Prudential requirements for certain activities.		Public consultation policy.		Access to meetings and documents code of practice.
	Strategic management plans.		Annual Business Plans and Budgets.		Basis of rating.
	Basis of differential rates.		Passing by-laws.		Order making policies.
	Planting of vegetation on roads.		Community land: classification; revocation of classification; proposed management plans; amendment or revocation of Management plans; alienation by lease or licence.		Certain authorisations for the alteration of public roads and permits for business purposes on public roads.



ISSUES

2.2

The current legislative requirements for councils' community consultation are now 20 years old. There is a clear view that these provisions are outdated; excessively prescriptive; and can lead councils to take a 'tick the box' approach to consultation, rather than thinking creatively about engagement that best suits their community.

The Act also assumes that one process for community consultation fits all needs. Whether it is a critical decision such as a council's rating policies that affects all people in a council area, or a decision that has more impact on a local level, such as a permit for working on a council road, the process is the same. Councils are only required to publish the notice for 21 days—not to determine how best to reach the people that these decisions affect.

PROPOSALS FOR REFORM

2.3

A lot has changed over the past two decades—how we communicate, hear ideas, and provide our views to each other. It is time for the Act to 'catch up with the times', and support councils to develop flexible, contemporary public engagement practices.

It is proposed that the current, prescriptive public consultation obligations in the Act are replaced with a contemporary approach that sets minimum notification and consultation standards in the Regulations but also enables councils to design and deliver the engagement that is the 'best fit' for their decisions and actions. This approach could be to develop a Community Engagement Charter, similar to the Charter now in place within the *Planning, Development and Infrastructure Act 2016*, to deliver a consistent but flexible platform for community consultation for all councils.

3 INTERNAL REVIEWS OF COUNCIL DECISIONS

BACKGROUND

3.1

The decisions that councils make can have a great impact on our everyday lives. It's important that people in the community have confidence in these decisions, and know that they can question them at any time.

For this reason, section 270 of the Act requires all councils to have a process in place for any community member to apply for an internal review of any council decision. When requested, councils should consider the process by which it made a decision, and the various factors and views that informed it.

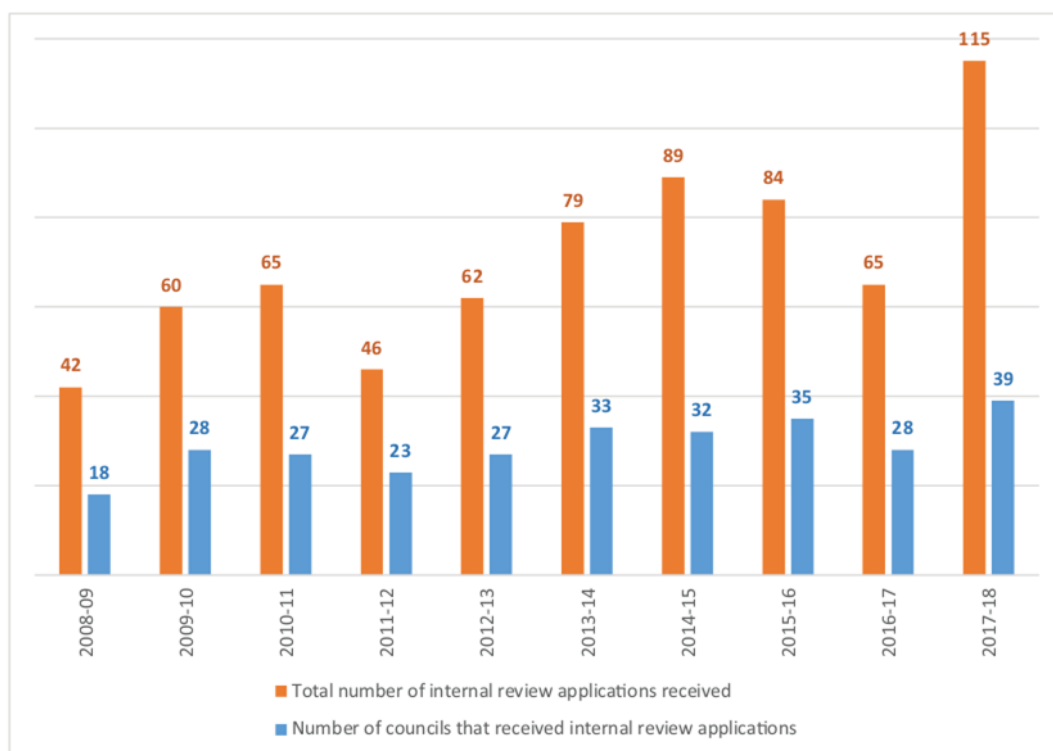
This process should not only give communities surety that councils are making well-considered decisions, but also enable councils to identify improvements in their own processes and practices.



This obligation is part of the broader set of requirements to have policies, practices and procedures in place for dealing with requests for services, and also for responding to complaints about the actions of the council, employees of the council, or other people acting on behalf of the council.

Councils are currently required to consider, on an annual basis, a report relating to applications for internal reviews. This report is required to be included in the council's annual report and also to be published on the council's website.

INTERNAL REVIEW APPLICATIONS, 2008-09 TO 2017-18



Source: SA Local Government Grants Commission.

ISSUES

3.2

There is a general consensus that a review of council internal review provisions is required. A number of councils commented that the current system does not provide sufficient benefits to their communities to justify the high level of costs and other resources that are necessary to undertake the reviews.



There is also a view that the system is open to exploitation by people who refuse to accept a reasonable decision of council, but use large amounts of council time and resources to question and challenge it. There is some evidence to support this view as while the total number of internal review applications received by councils fluctuates each year, the number of councils that receive applications has remained more consistent.

Over the past decade, the State Ombudsman has undertaken a number of reviews of councils' internal review processes.

Most recently, the Ombudsman published *Right of Review: An Audit of Local Government Internal Review of Council Decisions Procedures* in November 2016. This examined some of the key issues for councils in delivering a fair internal review of decision process. It also explored how councils can use internal reviews to drive their administrative improvement and service excellence. In summary, the Ombudsman recommended that all councils—

- Highlight a direct link on their website homepage to a plain English description of the procedure available for making an application for internal review of a council decision.
- Ensure that their internal review of decisions procedure is fully compliant with the requirements of the Act.
- Include a reference to a six-month time limit for accepting internal review of council decision applications in a revised version of their internal review of decisions procedure. Consideration should also be given to the exercise of discretion by councils to allow a longer time limit to apply in particular cases.
- Revise the part of their internal review of decision procedure that deals with matters outside the scope of the policy and procedures to explicitly state that matters that fall outside statutory appeals procedures will be considered for the conduct of a section 270 review on the merits of the individual application.
- Consider developing regional panels of independent reviewers who can assist councils with complex review matters.
- Periodically evaluate their section 270 review investigations and document learning outcomes relevant to their administrative practices and functional responsibilities.



PROPOSALS FOR REFORM

3.3

It is proposed to extend the Act's current allowance for councils to refuse an internal review of decisions if the request is vexatious or frivolous, to situations where the request is substantially similar to a matter that has already been reviewed or is under review, by the council or by other means.

It is also proposed to allow councils to charge a prescribed fee to undertake an internal review. It is anticipated that this fee would be small (in the order of the current \$35 cost for a Freedom of Information enquiry) to deter vexatious complaints, rather than be a 'cost recovery' mechanism. Councils would not be required to charge this fee, and would also be able to waive it at their discretion.

It is also proposed to set a time limit in which requests for internal review of decisions can be made—potentially within six months of the relevant decision (councils would have the discretion to extend this on a case-by-case basis).

To ensure that councils continue to analyse internal review outcomes, it is proposed that the annual internal review of decisions report that councils are required to consider should include recommendations to improve its administrative practices.

4 INFORMAL GATHERINGS AND DISCUSSIONS

BACKGROUND

4.1

For communities to have confidence in their councils' decisions, they need to understand why these decisions are made, and what their council members' views are. That is why the Act makes it clear that all council meetings are to be open to the public, except in 'special circumstances'.

A number of these 'special circumstances' refer to particular matters that should be discussed in confidence. These include matters that include confidential commercial information, or matters that can affect the security of the council, or its members or employees.

The Act also recognises that council members often get together to discuss council business and other matters outside of council meetings, such as having planning sessions, or briefing and training sessions. These 'informal gatherings' can help council members be better informed on important matters, and enable them to properly plan for the conduct of council business. However, the Act also makes it clear that these meetings should not be used to effectively make a decision outside of a council meeting.



ISSUES

4.2

Some years ago, it became apparent that a number of councils were using their ability to hold informal gatherings in a way that gave rise to concerns that they were, in fact, making council decisions outside of formal council meetings.

For example, some councils were holding regular closed meetings to go through their agenda papers immediately before a council meeting. While these meetings may have simply been 'information sessions' the fact that they were held behind closed doors gave the perception at least that they were being used to avoid public debate on council decisions.

In response to these concerns, the Act was amended in 2015 to require councils to have policies to guide their informal gatherings. These policies must comply with the regulations, which currently include detailed instructions to councils on how they may hold informal gatherings, when they should be open to the public and how councils should release information about them.

While these reforms were intended to provide a clearer framework for councils, and assure communities that councils are not making decisions behind closed doors, feedback from some councils has been that the regulations are onerous, difficult to understand, and place an administrative burden on councils that is not justified.

It has also been reported that the legislation gives rise to a view that it is not appropriate for council members to discuss council business between themselves; or cannot hold social gatherings. This has never been the intent of the legislation.



PROPOSALS FOR REFORM

4.3

The Local Government Reform process provides an opportunity to re-think how the Act should guide councils when they are holding information, training or briefing sessions for council members.

It is proposed to establish a new category of council 'meeting' (possibly calling these 'information' or 'briefing' sessions) within the Act. These would be sessions called by the council or CEO, inviting any number of council members, for the purpose of providing information on council matters, or to undertake training on any aspect of the members' official functions and duties.

The Act will continue to state that these sessions should not replace open discussion and decision making at formal council meetings. Sessions discussing matters that are on a council or council committee agenda must only be discussed at a session open to the public, subject to the meeting confidentiality provisions of the Act.

Councils will also be required to publicly release information about these sessions, where practical before the session, detailing when the session will be/was held, what will be/was discussed, attendees, and whether the session was/will be open to the public. If the session was/will be closed to the public, this record would state the reasons why the council consider that it is appropriate to close the meeting.

5 REGISTER OF INTERESTS (PRIMARY AND ORDINARY RETURNS)

BACKGROUND

5.1

It is critically important that all of the decisions that council members make are made in the public interest, and not to benefit or affect them personally in any way. This requirement is largely managed through the conflict of interest processes (discussed in Reform Area 1 of this paper).

Along with managing conflicts of interest that may arise, council members are also required to provide a 'Register of Interests' that lists a range of information about themselves and their interests. These interests include things such as property ownership, sources of income, and membership of political organisations and associations.

Similar requirements also apply to council CEOs and other council staff members.

Council members' Registers of Interest are made available to members of the public at council offices; and large parts are also required to be published on a council website. Council members are also required to let their CEO know when the information on the Register changes or needs to be added to, so that the Register is kept updated at all times.



There are also requirements for council members to complete a Register of Interests under other legislation, for example, council members that sit on Development Assessment Panels under the *Planning, Development and Infrastructure Act 2016*.

ISSUES

5.2

A number of comments have been received saying that the current returns forms are lengthy and confusing to complete. Additionally, the requirement to extract some of the information for publication on the council's website is seen as an administrative burden.

Some people also noted that the requirement to complete several different Registers of Interest to capture essentially the same information is unnecessarily burdensome for council members.

PROPOSALS FOR REFORM

5.3

While the Register of Interests is an important mechanism for ensuring the veracity of council decisions, there may be scope to streamline and standardise the form and method of returns used to maintain them.

It is proposed that the various requirements and forms are compiled into one simple, plain English document that meets a suitable standard (potentially the Australian Accounting Standards)

It is also proposed that councils be required to publish council members' Register of Interests in full on their website (with the removal of any specific residential address information in the interests of safety).

6 PUBLICATION OF INFORMATION

BACKGROUND

6.1

Having full and easy access to a range of important council information means that communities are informed about their council's actions, decisions and policies; and encourages them to engage more fully with their council's work.



The Act lists a range of documents that must be made available to the public—



Documents listed in section 132(3) of the Act are required to be made available on the council website.



Documents listed in Schedule 5 of the Act are only required to be made available at the council office.

However, councils generally go well past these legislative requirements and do a good job in providing full and complete information on policies, decisions, meetings, current consultations and a range of other matters, generally on their website.

ISSUES

6.2

Councils have advised that having two lists within the Act is confusing to both councils and members of the public, as it is not clear what needs to be provided on a website and/or in paper form. The Act creates an unnecessary burden on local government to navigate the separate requirements.

Additionally, the requirement to have material available at a council office does meet current community expectations that information should be available on a website, enabling access at all hours of the day. Councils must spend time and money printing material that is now rarely accessed in this form.

PROPOSALS FOR REFORM

6.3

There is an opportunity to simplify and improve the requirements that apply to the release of information by councils.

It is proposed that any document that is required to be made public must be published on council websites (a council's Assessment Record would be exempt from this requirement for commercial and safety reasons).

This would remove the requirement to have physical documents available at a council's principal office, and the requirement to fix and pay a fee for documents. Councils may be required to print a copy of any document and allowed to charge a fee for this service.

It is also proposed that the Act include a single list of the documentation required to be available on a council's website.

This list will include all documentation/reports associated with agendas or minutes of council or council committee meetings, subject to the related motion's confidentiality orders (noting that the vast majority of councils make this information available already).



REGISTERS OR ANNUAL REPORT? HOW COUNCILS RELEASE INFORMATION

Councils are required to record some information on registers that are updated on a continual basis. This is information that may have an impact on council members' decision making, or is not available in other council material.

These registers include—



The register of remuneration, salaries and benefits—containing information about salaries and employment benefits paid by the council. This includes details of the chief executive officer's salary package.



The register of interests for council members and the council's chief executive officer and identified senior officers.



The register of allowances and benefits paid to council members.



The register of community land in the council area.



A register recording gifts and benefits received by council members above a prescribed amount (currently \$50).



The register of the council's by-laws.

It is proposed to amend the Act to require council registers to be placed on the council's website. Councils must also publish an annual report at the end of the financial year. This annual report is required to include a range of information such as—



The council's audited financial statement.



A report on freedom of information requests received by the council.



A report on the council's performance in implementing its strategic management plans, and its performance against its annual business plan.



Training and development activities for members of the council during the year.

Annual reports are easily found on council websites, and are therefore a convenient source of information about council activities, processes and expenditure. They ensure transparency without the administrative burden of constantly updating and maintaining multiple registers.

It is proposed to increase the material required to be included in a council's annual report to include—



A summary of travel undertaken by council members and staff over the year and the relevant costs.



A summary of credit card expenditure by council members and council staff, and remunerations claimed by members and staff.



A report from the Chair of the council's audit/governance committee on the governance standards of the council.

7 COMMUNITY LAND REVOCATIONS

BACKGROUND

7.1

The Act establishes a framework for the classification of most land owned by a council or under a council's care, control and management as 'community land'.

The community land framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land, with the objective of protecting community interests in land for current and future generations.



Once classified as community land the land—



Cannot be disposed of, except in prescribed cases.



May require the preparation and adoption of a management plan.



Can be leased or licensed but only in accordance with prescribed requirements.



Can be used for business or commercial purposes, subject to the use being authorised in an approved management plan for the land.

Section 194 of the Act sets out the process for the revocation of community land classification. Councils must prepare a report outlining the reasons for the proposal, stating their intention in regard to the future use of the land, and capturing any implications of the decision. Councils must also consult on the proposal, in line with the council's public consultation policy.

This report, and any matters that arose during public consultation, must be submitted to the Minister responsible for the Act for approval. Once this approval is received, the council makes the final decision to revoke community land classification.

The Act also safeguards the community land classification of certain land of significant community value. Schedule 8 of the Act contains provisions relating to specific pieces of land where the land's community land classification is irrevocable. These provisions also often include site-specific land use and management requirements that must remain in place for the benefit of the community. These can be as specific as caring for a particular tree, or requirement to maintain a caravan park or other community facility.

ISSUES

7.2

The process outlined above is a 'one size fits all' approach to revoking community land classification. It does not consider the level of impact on a community that a revocation would have, but requires all proposals to undergo the same process before requesting ministerial approval

In some cases, the cost and effort of the revocation process outweighs the benefit of the outcome, as a proposal may have little to no impact on the community. For example, a proposal may be to revoke the community land status of an unmade road that passes through private property, or of a small portion of land purely used for operational reasons. However, in other circumstances, the revocation of community land is contentious.

In more significant proposals, the future use of land may be a relevant consideration before a council's proposal is approved by the Minister. Currently, there is no general ability to impose conditions on an approval (unless State Government financial assistance was previously given to the council to acquire the land).

Concerns were also raised that the Act prevents councils changing the management of a piece of land where the owner of the land cannot be found, particularly given that councils can take actions to sell land for unpaid rates when this is the case.

Ideas were also submitted that the requirements set out in Schedule 8 of the Act that apply to specific pieces of land are too restrictive, and do not allow councils to modify their management of this land to meet modern community expectations.

PROPOSALS FOR REFORM

7.3

It is proposed to introduce a streamlined process for the revocation of community land status, by establishing two 'categories' of proposals within the Act. Administrative, or minor, proposals would not require ministerial approval. General, or more significant, proposals would continue to require ministerial approval. The Minister would also be provided with the ability to attach conditions to the approval of a general proposal.

It is proposed to enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land. These amendments would be made by regulation, however, regulations would not be able to change the community land status, or the chief use of these pieces of land.

It is proposed to clarify that a council does not need to undertake the process to revoke the community land classification of Crown land where the council's care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.

It is proposed to enable a council to revoke the classification of land as community land where owners cannot reasonably be found.

Finally, it is proposed to provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

8 AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

BACKGROUND

8.1

Councils manage most of the roads across our State—they are a core service that councils provide to their community. While roads, and infrastructure associated with a road, such as footpaths and stormwater drainage, are provided for the public's use, there are times when people or businesses need access to them, or need to make changes to them for their own purposes.



Accordingly, the Act allows councils to provide authorisations for the alteration of a public road, and permits for the use of a public road for business purposes.

Authorisations for road alterations are commonly provided for activities such as building driveway crossovers; landscaping a road verge; and laying stormwater and other pipes under roads.

Permits for the use of a road for business purposes enables activities such as footpath dining; food trucks; flower sales and ride-sharing operations. Permits and authorisations are also provided to enable property development, such as the use of a crane or concrete truck when needed.

Councils have a free hand to decide whether or not they should grant an authorisation or permit and, if they do, they can apply conditions as they see fit. One exception to this is the permits that are provided to food trucks. Following changes to the Act in 2017, councils must issue permits to food trucks, and are required to establish policies and guidelines that comply with the regulations.

ISSUES

8.2

Issues raised by councils in regard to these sections of the Act focused on what they perceive to be a heavy-handed approach, particularly in regard to the requirement that councils must consult with their communities before issuing permits or authorisations for activities that would impede traffic on the road to 'a material degree'.

This consultation must include a notification in a newspaper circulating in the council area; notification on the council's website; and allow at least 21 days for submissions. While this may be appropriate for significant works, councils have raised concerns that it this process may be required in circumstances where works are minimal, such as the need to block a road for a short period of time. The consultation period is seen as both excessive and impractical in these instances.

Councils have also raised concerns regarding the current rules about food trucks, and have sought more flexibility for councils to determine whether or not to provide permits to food trucks, and to apply conditions freely.

However, other comments about permits and authorisations reflect a view that councils' ability to grant permits and authorisations as they see fit, and to apply whatever conditions they wish, results in inconsistent approaches across councils that can be onerous, and subject to change at short notice. This can result in additional costs for businesses and their customers, and, in some instances, place the future of a business at risk.

PROPOSALS FOR REFORM

8.3

It is proposed that the consultation requirements for issuing permits and authorisations be reviewed in accordance with a review of councils' public consultation more widely (as discussed earlier in this Reform Area).



It is also proposed that the specific provisions relating to mobile food vendors be removed. These would be replaced by a general 'right of appeal' where a council has unreasonably issued or refused to issue a permit or authorisation to a business (including food trucks), or a council's use of permits or authorisations has unreasonably impacted business. This appeal could be made to the Small Business Commissioner, who has an existing role to manage any conflicts between food trucks and other businesses.

9 MISCELLANEOUS REFORMS

The Local Government Reform process also allows for a number of inconsistencies within the Act to be addressed, and for provisions to be updated where necessary.

Other proposals to simplify regulations are therefore to—

1. Repeal section 269 of the Act that requires a report to be prepared between 30 June 2002 and 31 August 2002 and tabled in Parliament.
2. Clarify that certain documents may be served on or by a council by electronic communication when indicated or agreed by a party. Remove references to 'facsimile transmission' and 'facilities of a document exchange' (for example, sections 83(6), 279 and 280 of the Act).
3. Amend the meeting regulations to achieve better integration between Regulation 12(3) and Regulation 21. This will clarify that a council's CEO can submit a report to a council meeting recommending revocation or amendment of a previous council resolution.
4. Standardise the requirement of a council to review its optional meeting code of practice to match the review requirements of its Access to meetings and documents—code of practice (section 92 of the Act).



REFORM AREA 3

SIMPLER REGULATION SUMMARY OF REFORM PROPOSALS

COMMUNITY ENGAGEMENT

- 4.1** Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.
- 4.2** Review the requirements for councils to publish notices.

INTERNAL REVIEW OF COUNCIL DECISIONS

- 4.3** Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.
- 4.4** Enable councils to charge a small fee for internal review requests.
- 4.5** Set a time limit on which requests for internal review of decisions can be made.
- 4.6** Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.

INFORMAL GATHERINGS AND DISCUSSIONS

- 4.7** Remove the 'informal gatherings' provisions in the Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.
- 4.8** Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.

REGISTER OF INTERESTS

- 4.9** Compile all council members' registers of interest into one, simple plain English form.
- 4.10** Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information)

PUBLICATION OF INFORMATION

- 4.11** Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)
- 4.12** Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).
- 4.13** Include a single list of all material to be published on a council's website in the legislation.

COMMUNITY LAND REVOCATIONS

- 4.14** Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.
- 4.15** Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.
- 4.16** Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.
- 4.17** Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.
- 4.18** Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

- 4.19** Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.
- 4.20** Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.

REFORMING LOCAL GOVERNMENT IDEAS FOR REFORM CONSULTATION SUMMARY

WHAT WE RECEIVED



Over 80 submissions received



170 yourSAy surveys completed



37 ideas shared through yourSAy online discussion



Over 700 ideas for reform

WHO WE HEARD FROM



51%
Public



31%
Councils



11%
Elected Members



7%
Professional Body

WHAT AREAS INTERESTED YOU MOST



24%
Council member capacity and conduct



19%
Lower costs and enhanced financial accountability



29%
Local Government representation



28%
Simpler regulation

WHAT YOUR IDEAS WERE ABOUT

REFORM AREA ONE	48%	Code of conduct	15%	Council member training
	24%	Conflict of interest	13%	Council member performance
REFORM AREA TWO	23%	Financial management	20%	Benchmarking
	21%	Audit committees	16%	Auditing
	20%	Rating		
REFORM AREA THREE	31%	Voting method	9%	Representation reviews
	19%	Candidate disclosure	8%	Elections
	15%	Nominations	8%	Supplementary elections
	10%	Candidacy		
REFORM AREA FOUR	25%	Council meetings	19%	Section 270 reviews
	23%	Consultation/ engagement	11%	Transparency
	22%	Informal gatherings		

TIMELINE FOR REFORM

STAGE ONE

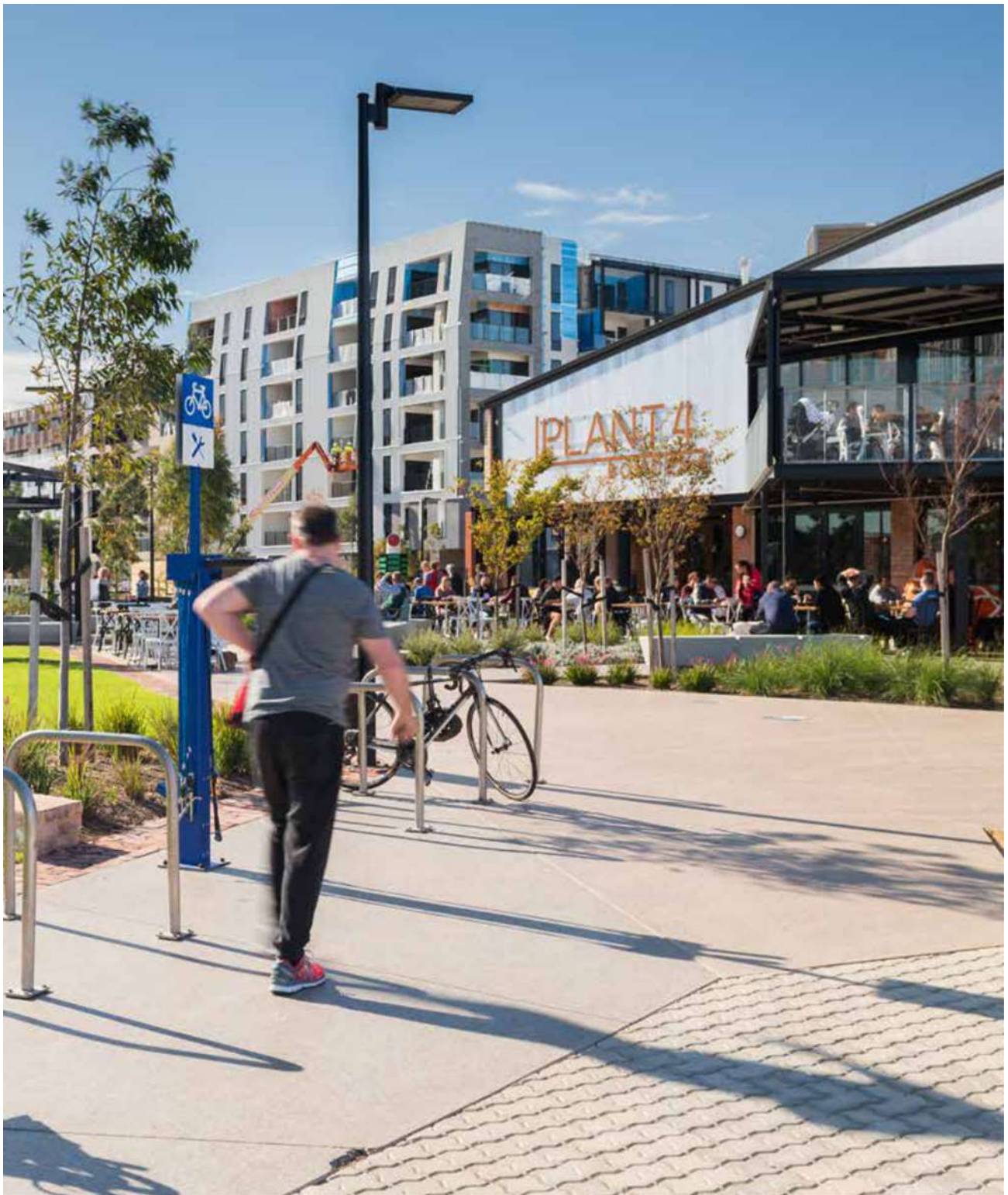
MARCH — APRIL — JULY — AUGUST — NOVEMBER — 2020

Call for ideas consultation

Release of discussion paper

Engagement on proposals

Release of Draft Bill



Government of South Australia
Department of Planning,
Transport and Infrastructure

PROPOSALS FOR LOCAL GOVERNMENT REFORM
AUGUST 2019 - DISCUSSION PAPER



The voice of local government.

Local Government Reform

LGA Discussion Paper

August 2019

Document Set ID: 663293
Version: 6, Version Date: 14/08/2019





The voice of local government.




Introduction.

On 6 April 2019, the SA Government released its discussion paper on Local Government Reform, with over 70 proposals for change. This LGA Discussion Paper provides a preliminary analysis of each proposal, to help councils understand what is proposed. In some cases, where the local government sector has an established position through the LGA, this position is expressed.

This paper also sets out a number of additional discussion issues, proposed by the LGA. Most of these are proposals previously supported by the LGA Board. A number of others are issues that warrant debate whilst local government regulation is under review.

Traffic Light Code 'Guidance':

The following is the LGA's guidance, based on LGA Board-approved decisions and previous member feedback. The LGA's formal position on each issue will be determined after, and as a result of, the consultation process with member councils.

-  Generally opposed.
-  Will depend on the detail.
-  Generally supported.

Next Steps





The LGA is facilitating six consultation workshops across regional SA and a further three workshops in the metropolitan area. This consultation will inform and direct the sector's formal response to the State Government.





In November 2019, the SA Productivity Commission is expected to make further recommendations on local government reform in SA. These will then form part of the wider reform process. The Office of Local Government advise that we can expect a resulting Bill, to amend the Local Government Act, tabled in Parliament in the first quarter of 2020.






OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
	Reform Area 1: Stronger Council Member Capacity And Better Conduct		
1.1	Clearly separate behavioural matters from integrity matters in the legislation.	●	The Ombudsman and ICAC are the appropriate bodies to deal with serious integrity issues. However, their processes take time and councils need fair and efficient processes to quickly resolve behavioural issues (eg bullying & harassment).
1.2	Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'	●	The legislation should contain clear standards and expectations. There should also be real and speedy consequences, for councillors who breach the rules. Q: Should the same standards of behaviour apply state-wide or should councils set their own standards?
1.3	Continue to give councils flexibility to deal with behavioural matters	●	The LGA agrees that councils should have clear behaviour policies and should try to resolve matters internally, before they are referred to an external conduct tribunal.
1.4	Provide principal members with enhanced powers to deal with disruptive behaviour at meetings	●	There is strong (but not unanimous) support across the sector for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively. There is a wider spread of views, on the role of Mayors, more generally. Q: Should Mayors have the power to temporarily exclude elected members from council meetings? In what circumstances should these powers be exercised?




OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
1.5	Enable escalation of serious behavioural matters to an independent body	●	<p>Agree. The LGA supports 'Prevention to intervention' strategies. Whilst councils should try to resolve disputes/issues at first instance, there need to be real consequences for elected members whose conduct does not meet behavioural standards.</p> <p>Q: Should a council be able to refer less-serious matters to the independent body if (for example):</p> <ul style="list-style-type: none"> the behaviour is on-going; or internal council processes have failed to resolve it? <p>Q: How should the Act deal with trivial or vexatious complaints made by elected members?</p>
1.6	Simplify the conflict of interest provisions by establishing 'material and 'non- material' conflicts	☀	<p>The 'conflict of interest' model in the Local Government Act is unnecessarily complicated and confusing. As a result, many councillors do not participate in debates, when their expertise would be valuable.</p> <p>Simplification is supported. However, a distinction between 'material' and 'non-material' conflicts may not be useful.</p> <p>NB Many elected members have ongoing roles in other community organisations.</p> <p>Q: How can we manage conflict of interest issues without deterring community-minded people from running for council and legitimately participating in debates?</p>
1.7	Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter	●	<p>Conflict of interest rules should ensure that all relevant relationships are declared but should not prohibit participation in debate where duties owed to two organisations do not actually 'conflict'.</p>




OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
1.8	Clarify the application of conflict of interest rules to council committees and subsidiaries		One set of conflict of interest rules should apply, whether at a council meeting, a committee or at a council subsidiary.
1.9	Establish a new conduct management framework through Model 1 - The clarification of current legislation Model 2 - Using governance committees Model 3 - Establishing a Local Government Conduct Commissioner		<p>Whilst councils should make efforts to resolve behavioural issues at first instance, there will be times when these processes fail. At present, there are few real consequences for poor behaviour.</p> <p>In those cases, where council processes have not succeeded, there is a need for an independent body that can make a speedy decision, with the ability to impose appropriate sanctions, enabling the council to move past the issues and to get on with business.</p> <p>Q: Which is the preferred model for managing conduct?</p> <p>Q: Could the existing arrangements work if the legislation was clearer or governance committees were created?</p> <p>Q: If an independent body is created (Model 3), what would an ideal model look like? eg: Who should appoint Commissioners? Who should pay for it?</p>
1.10	Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework		<p>Q: How should the role of council members be expressed? General principles? Black-and-white rules? Both?</p> <p>Q: Should the duties of members continue to be expressed in the Act, Code of Conduct? Or should these be consolidated?</p>
1.11	Clarify the role of council members to recognise their obligation to complete mandatory training		<p>Mandatory training for elected members is supported by the LGA.</p> <p>Qs:</p> <ul style="list-style-type: none"> • How can mandatory training be improved? • What penalties should apply, for members failing to complete the training? Is it 'Misconduct'?

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
1.12	Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council		There is widespread support for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively. Q: What level of prescription should the Act contain, about Mayoral powers?
1.13	Provide directly elected Mayors with a deliberative vote on motions before council.		This idea has not been previously considered by the LGA. At present Mayors receive <i>either</i> a deliberative vote (along with all of the elected members) <i>or</i> a casting vote (only used if a vote is tied). Q: Should <i>all</i> Mayors have a deliberative vote but no casting vote (so, if there is no majority, the motion fails)? Q: Should Mayors have two votes (a deliberative <i>and</i> casting vote)?
1.14	Establish a mandatory training scheme within the regulations		There are some council issues that all councillors should receive training in. However, different councils have different priorities and different training needs. These change over time. Q: What training components should be specified as mandatory?
1.15	Establish a timeframe for the completion of mandatory training and a penalty for non-compliance		Whilst a deadline can be a useful spur to action, any requirement should have some flexibility built in (eg in cases of illness or exceptional circumstances).

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
1.16	Require councils to include independent advice on CEO selection and remuneration.		<p>Independent advice can add value to recruitment and remuneration processes and is relatively common in councils:</p> <p>Q: Is there currently a problem, requiring a legislative remedy?</p> <p>Q: Will independent advice prevent the recurrence of these problems?</p> <p>Whilst members of the public are sometimes aggrieved about their councils the CEO an salary levels, it does not necessarily follow that (i) the CEO is sub-standard; (ii) they make poor decisions or that (iii) problems are so acute that legislative intervention is required.</p>
1.17	Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA.		<p>The state government has not previously raised this issue with the LGA and more information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should the Remuneration Tribunal make mandatory determinations?</p>
1.18	Require councils to conduct annual performance reviews of CEOs, with independent oversight.		<p>Annual performance reviews are generally a good idea but there can be good reasons for not conducting these. More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should it be mandatory for councils to annually review their CEO's performance?</p>





OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
1.19	Require annual performance reviews to be completed before the extension of a CEO contract.	●	<p>Annual performance reviews are generally a good idea but there can be good reasons for not conducting these.</p> <p>More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should a performance review be mandatory, before a CEO contract is extended?</p>
1.20	Require councils to receive independent advice before terminating a CEO contract.	●	<p>In some cases, independent advice would be useful. In uncontroversial cases, the expense might not be justified.</p> <p>More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should it be mandatory to seek independent advice, before a CEO contract is extended?</p>
Reform Area 2: Lower Costs And Enhanced Financial Accountability			
2.1	Require audit committees to have a majority of independent members, and an independent chair.	●	<p>This change is prudent but many regional councils struggle to find qualified audit committee members. So, some flexibility is required.</p>
2.2	Strengthen the role of audit committees in councils' external audits, through oversight of the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.	●	<p>Q: Feedback is sought from councils on the implications of these proposals.</p>
2.3	Require audit committees to report on the council's approach to internal audit processes	●	<p>SA councils have very different levels of size, complexity and business activities. These require differing levels of internal controls and audit reporting.</p> <p>Q: Feedback is sought from councils on the implications of these proposals.</p>







OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
2.4	Require audit committee members to have specified skills, and an induction process.		This is broadly consistent with the LGA's approved position. Whilst a useful aim, it is not always possible to attract a diverse range of experienced skill sets, to some councils.
2.5	Allow councils to form regional audit committees		Opportunities to share resources and expertise across a number of councils should be explored.
2.6	Require the Auditor-General to oversight all council audits.		<p>The LGA understands that the Auditor-General could not take on this extra work without extra resourcing. So, this proposal would significantly increase costs to councils, as demonstrated by interstate experiences.</p> <p>It is also very likely that the Auditor-General would out-source this extra work. In effect, the work may end up being done by the same external auditors who currently audit councils.</p> <p>The Auditor-General already has existing broad powers to audit councils and a broad discretion, as to the use of these powers. They can perform spot checks and can pursue the expenditure of any public monies.</p> <p>The standard of existing council audits is generally high and improving.</p> <p>Councils are already overseen by audit committees, auditors, ICAC, the Ombudsman, the OLG, the Minister, the Parliament and their ratepayers.</p> <p>It would more valuable to focus on enhancing the quality of existing audit processes.</p>




OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
2.7	<p>Create 'audit and risk committees' that play an expanded role in councils' financial management and performance. This could include-</p> <p>Reviewing councils' risk assessments and controls.</p> <p>Providing comment on councils' rating policies and practices.</p> <p>Reporting to council on its use of public resources.</p> <p>Reporting to councils on prudential matters.</p> <p>Performance monitoring of councils</p>		<p>Councils already have rigorous risk management controls and extensive reporting obligations. Previous LGA papers have contemplated the expansion of the role of audit committees.</p> <p>Q: Would expanding the focus of audit committees dilute the current focus on financial management and integrity?</p> <p>Q: Are there any new/additional areas of focus for an audit committee that should be mandatory?</p>
2.8	Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.		<p>The additional reporting requirement is probably unnecessary and a duplication of the existing report provided by audit committees.</p> <p>Q: Should it be mandatory for audit committees to focus on 'governance standards and compliance' and, if so, how should this be reported?</p>
2.9	Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.		<p>The LGA's May 2019 submission on LG Reform recommends councils have a 'revenue policy'.</p> <p>Q: Should a funding or revenue policy be mandatory?</p>

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
2.10	Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase	●	<p>'Total general rate revenue' is influenced by many factors, such as growth in the number of ratepayers. A council could increase their rates by less than CPI but nevertheless generate increased revenue greater than CPI, e.g. because of population increases.</p> <p>A more important aim, is for each council to have a robust Long-term Financial Plan, which should focus councils on longer term planning and reduce the pressures imposed by the electoral cycle.</p> <p>The local government sector wishes to avoid pointless reporting and 'doubling-up'. The sector hopes to have discussions with the state government about cutting some of the ever-increasing red tape, so we balance the need for transparency and accountability, on the one hand, with council priorities of efficiently providing services to our communities.</p>
2.11	If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.	●	<p>'Total general rate revenue' is influenced by many factors, such as growth in the number of ratepayers.</p> <p>The focus and resources of auditors should not be needlessly diverted to irrelevant or non-productive tasks.</p>

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
2.12	<p>Create 'governance committees' to provide independent advice to councils on critical management policies, processes and actions, potentially:</p> <ul style="list-style-type: none"> • Councils' compliance and governance policies. • Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks. • Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects. • Council member conduct-both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1). • CEO appointment and management (as described in Reform Area 1). 	●	<p>Councils already have a significant range of mandatory policies, processes, reporting obligations, committees and auditing requirements. They devote enormous and increasing resources to 'governance' and are already under multiple layers of scrutiny</p> <p>Councils already receive advice on governance from their administrations and through their membership of the LGA.</p> <p>As part of their LGA membership, councils are provided with a comprehensive suite of model policies, guidelines and resources to assist them to meet their legislated governance responsibilities.</p> <p>An additional council committee would add a further level of red tape, adding little extra value.</p>
	Reform Area 3: Efficient And Transparent Local Government Representation		
3.1	Change the timing of periodic council elections to the year following a state election.	●	<p>A Notice of Motion at LGA AGM October 2018 to move the timing of local government elections was lost (but similar motions have carried in past). Discussion focused on the benefits of building relationships with State Government during aligned terms.</p> <p>Q: Should the timing of local government elections be changed?</p>






OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
3.2	Enable ECSA to provide ballot papers electronically.		<p>Note, the OLG proposal is only to replace long-distance postal voting with a secure system for the online delivery and return of ballot papers (which will require the printing, signing and scanning of ballot paper in order to vote).</p> <p>The LGA position advocates for the Act to enable <u>full</u> electronic voting when a suitable model is approved by ECSA.</p> <p>The Act should be amended, to enable electronic voting, when that approval is given.</p>
3.3	Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.		<p>Q: Should the Act make clear that councils are not responsible for election promotion?</p> <p>Q: Should ECSA have an obligation to consult the LGA on its election promotions?</p>
3.4	Require councils to undertake specific activities to inform property franchise holders of their need to self-enroll, OR re-introduce the automatic enrolment of property franchise holders.		<p>The sector's submissions on this issue have changed on a number of occasions.</p> <p>The automatic enrolment of property franchise holders is a considerable administrative burden for councils. Figures show that this measure has only a small impact on voter turn-out (<2%). Nevertheless, this measure has been popular with elected members.</p> <p>Q: Should the requirements be reinstated?</p>
3.5	Require ECSA to receive all nominations and publish candidate profiles.		<p>The Electoral Commission is the independent body conducting elections. ECSA should remain in control of the integrity of the electoral roll, handling of nominations and the promotion of elections, generally.</p>

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
3.6	Remove the term limit on holding the office of Lord Mayor.		The LGA will seek the views of the City of Adelaide in relation to this proposal.
3.7	Require candidates to 'tick a box' stating whether they live in the area they are contesting.		This proposal is supported by LGA policy.
3.8	Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.		This proposal is supported by LGA policy.
3.9	Require ECSA to host all information on donations received by candidates.		The Electoral Commission of SA is the independent body best able to collect and disclose candidate information.
3.10	Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt.		LGA policy supports the transparent and timely reporting of campaign donations. Q: Advice is sought from members about whether 5 business days is a reasonable timeframe. Q: What should be the consequences for a breach?
3.11	Enable all candidates to request an electronic copy of the voters roll from the relevant council.		The LGA position strongly supports this change. Currently the Act only allows for the supply of a printed copy, but some candidates who have connections to political parties are able to gain access to the electronic roll for the House of Representatives. The ability for some candidates to access a digital copy of the voters roll is perceived as an advantage over those candidates who are not connected to political parties. The LGA's policy position supports a level playing field for all candidates. Any provision of the roll should include a limitation that it only be used for the purpose for which it is provided.

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
3.12	Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.		LGA policy supports this proposal. It should help councils get on with their business, most of which has little impact on election campaigns for councillors.
3.13	Extend the voting period by one week to better allow for postal delays.		The LGA supports methods for reducing the number of late postal votes received by ECSA. It is arguable whether extending the voting period is the right solution, so further consultation is needed about other solutions.
3.14	Change the counting method to the 'exclusion method'.		<p>The LGA does not have a policy on changes to the vote counting method and is seeking member views on this proposal.</p> <p>The 'Exclusion method' means that where candidates receive more than a quota of votes, or they are eliminated, their preferences are not distributed. Rather, the candidates with the least amount of votes is always eliminated until there are the same number of candidates as positions. This may lead to unfair results: eg: The first candidate on a 'ticket' receives two or three quotas (ie enough votes to elect two or three councillors). However, in the exclusion method, these votes over quota are ignored. The people who are second and third on the ticket do not get elected, as they receive fewer (first preference) votes than other candidates.</p> <p>Q: What issues are associated with using/not using the exclusion method?</p> <p>Q: Is reform warranted?</p>

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
3.15	If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.	●	By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.
3.16	Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.	●	By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.
3.17	Enable councils without wards, and with at least nine members, to 'carry' two vacancies.	●	By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.
3.18	Simplify representation reviews, and make public consultation requirements more flexible	●	The current arrangements are prescriptive and expensive. In particular, the current processes often result in councils having to undertake multiple rounds of time-consuming and expensive community consultation.
3.19	Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.	●	The LGA has (Feb 2018) called on the state government to work with ECSA, the LGA and councils to review the technical and process issues and decision-making structures for representation reviews. Q: Should representative review decisions remain the responsibility of council?

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
3.20	Suspend council members running for State Parliament for the duration of the election campaign.	●	The LGA position (October 2018 OGM) is: "Any local government elected member on nomination, endorsement or declaration of candidacy for any position in State or Federal Parliament shall for the period of suspension to only be from when the nominations are lodged and accepted to the election outcome and that the elected member take leave of absence during this time and have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable"
	Reform Area 4: Simpler Regulation		
	Community Engagement		
4.1	Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.	●	We look forward to working with the state government on a complete overhaul of the complex and prescriptive consultation requirements, in favour of a more flexible best-practice approach where the type of consultation undertaken can be tailored to the scope and complexity of the issues involved.
4.2	Review the requirements for councils to publish notices	●	There are a wide range of ways that information can be provided to the community. More flexibility is welcomed.
	Internal Review of Council Decisions		




OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
4.3	Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.		The legislation requires councils to devote considerable resources each time a council decision is reviewed. There is no point wasting ratepayers' dollars, to repeat a process that has already been undertaken. Q: Should this flexibility be extended to trivial and vexatious requests?
4.4	Enable councils to charge a small fee for internal review requests.		The official LGA position (OGM October 2018) supports this change. This reflects the costs to councils, when following the requirements in the legislation, each time a review of a council decision is requested. Q: Where a complaint is upheld, should the fee be refunded?
4.5	Set a time limit in which requests for internal review of decisions can be made.		In a democratic environment, not everyone will agree with every decision. We note that all courts have time limits for making appeals and this provides certainty, for all involved, even those who disagree. Similarly, councils need to make decisions and move forward in implementing those decisions with a reasonable degree of certainty.
4.6	Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.		Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?
Informal Gatherings and Discussions			
4.7	Remove the 'informal gatherings' provisions in the Local Government Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.		The existing sections of the Act and the Regulations are confusing. Councillors worry that legitimate conversations about the business of the council, will land them in trouble. We need to find a way to promote transparency in councils without criminalising legitimate conversations. Q: Does changing 'informal gathering' to 'information or briefing session' address the issues that have been experienced and identified by councils?

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
4.8	Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.		Councils and councillors take part in many 'information sessions and other discussions caught by s90 of the Act. Requiring a report to be made of each would create a significant additional administrative burden, which would put an upward pressure on rates. Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?
	Register of Interests		
4.9	Compile all council members' registers of interest into one, simple plain English form.		The local government sector is eager to work with the state government on clarifying and simplifying the register of interests and many other reporting requirements.
4.10	Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information).		Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?
	Publication of Information		
4.11	Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)		This proposal should be part of a general conversation about the information a council is required to place on their website. The costs of administering these changes should be fully understood, before proceeding.
4.12	Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).		This proposal should be part of a general conversation about the information a council is required to place on their website and/or have available for inspection.
4.13	Include a single list of all material to be published on a council's website in the legislation.		Throughout the Act there are many individual requirements to publish material on a council's website. A consolidated list of all these requirements could be very useful.

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
	Community Land Revocations		
4.14	Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.	●	The local government sector agrees that the current arrangements are complex and in need of reform. Councils shouldn't need to go to the Minister every time they propose a minor change to the way they use land under their care and control. Q: Would it be preferable to create two categories of community land: 'administrative' and 'significant'?
4.15	Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.	●	Councils should be able to make minor changes to the management of prescribed land, without embarking on a complicated approval process.
4.16	Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the <i>Crown Land Management Act 2009</i> .	●	This appears to be a sensible proposal to cut red tape.
4.17	Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.	●	This appears to be a sensible proposal to cut unnecessary red tape.
4.18	Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.	●	This appears to be a sensible proposal to cut unnecessary red tape.
	Authorisations and Permits for Use of Council Roads		

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
4.19	Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.		Councils support reform of community consultation arrangements, in particular, to enable councils to take advantage of new technology. Councils also need flexibility in the way they consult: not every issue requires the same approach.
4.20	Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.		The approved LGA position opposes a uniform approach across the State and supports greater council discretion/flexibility in regional areas.



Other areas for Reform (further discussion items put forward by the LGA)

LGA1	Increase the maximum penalty under a council by-law.		The current maximum of \$750 has not increased since 1999. This means the maximum permissible expiation fee (at 25%) is only \$187.50.
LGA2	Performance Management		<p>The SA Productivity Commission are considering recommendations on mandatory performance management systems, to enable councils to compare performance and identify areas for improvement. Whilst there are risks, a carefully constructed performance management system could add value to the sector, eg if:</p> <ul style="list-style-type: none"> Information is gathered automatically from existing council systems. Information is collected centrally and then used to report to government departments (in accordance with myriad Acts). This can reduce duplication of council reporting requirements. Information is systematically analysed (eg by LGA) to provide insights and advice to councils.
LGA3	Prescribed format for Asset Management Plans and Long-Term Financial Plans		There is currently no standard format prescribed in the LG Act for a consistent approach to asset management planning and long-term

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OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
			financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents.

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
LGA4	Developer contributed assets		There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset. Section 48 of the Local Government Act 1999 could clarify the right of council to undertake a prudential report and/or decline an asset.
LGA5	Rating equity for commercial and/or industrial land uses		<p>Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and the inability to effectively categorise intensive land uses for differential rating purposes, given the limited permitted rating categories available under legislation

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
LGA6	Regulations for section 245A of the Local Government Act 1999 (Development Bonds)	●	Regulations would safeguard council's infrastructure and enable councils to recoup the cost of repairs, related to development damage.
LGA7	Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013	●	The LGA requests amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member is not required. Thus, upon council consideration of a CEO recommendation a motion without notice by a member could action that recommendation at the same meeting.
LGA8	Management of unmade roads	●	The Local Government Act 1999 and the Road Traffic Act 1961 do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures
LGA9	Community housing	●	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers and that this portion of rates continues to be paid for in full by the State Government.</p>

OLG Ref No.	OLG Proposal	Traffic Light	LGA discussion notes
LGA10	Fees and charges	●	The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.
LGA11	Review the information required to be included in Annual Reports	●	A number of council reporting requirements have marginal value, at best. Cumulatively, they represent a significant impost on council resources and result in higher rates. Examples include annual reporting on: <ul style="list-style-type: none"> • council training programs; • HR management programs; • Informal gatherings (pursuant to section 90(2)).
LGA12	Clarify the ability of the SA Register-General to transfer the ownership of land, where there is a caveat placed over the land.	●	The Register-General does not believe that he has the requisite power. As a result, the statutory intention of s184 is frustrated and councils cannot sell land in cases on non-payment of rates.



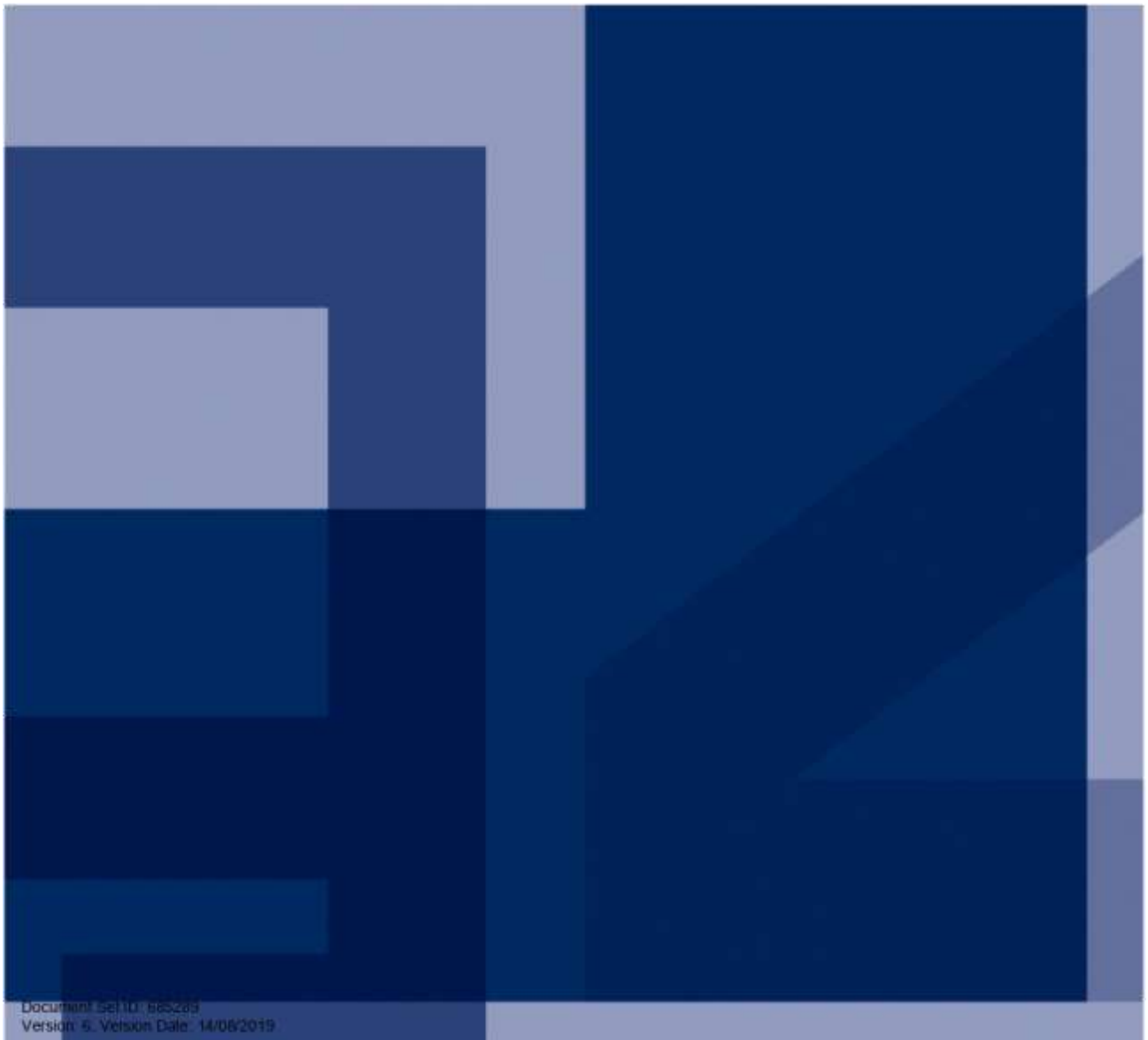
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5.9 COUNCIL ASSESSMENT PANEL RECRUITMENT AND TRAINING – REPORT NO. AR19/53262

Committee:	People and Place Committee
Meeting Date:	8 October 2019
Report No.:	AR19/53262
CM9 Reference:	AF19/326
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	A report providing information on opportunities to improve the operation of the Council Assessment Panel.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR19/53262 titled 'Council Assessment Panel Recruitment and Training' as presented on 08 October 2019 be noted.
2. That Council authorise the Chief Executive Officer to undertake a recruitment process to seek interest in filling an independent member role on the Council Assessment Panel, with a report brought back to Council to consider any nominations.
3. That, at that time, Council consider whether to appoint a proxy Elected Member to the Council Assessment Panel and whether to appoint a further independent member to act as a proxy.
4. That Council authorise the Chief Executive Officer to formulate and deliver a training program for the Council Assessment Panel and staff to meet some or all of the needs of those affected by the Accredited Professionals elements of the Planning, Development and Infrastructure Act 2016 and for this to be offered to other councils in the region.



BACKGROUND

The Council Assessment Panel (CAP) operates under a complex set of legislative requirements, which have become more difficult to work through with the gradual transition from the Development Act 1993 to the Planning, Development and Infrastructure Act 2016.

Changes were made to the operation of the CAP through this process, which changed its composition and which will now impact on the ability of the City to find appropriately qualified and trained people to serve on the CAP. The changes to the legislation have also impacted on the operation of the CAP, particularly with regards to conflicts of interest, which have greatly lifted the bar with regards to this area.

The Planning, Development and Infrastructure Act 2016 states in S83(1)(b)(i) that:

“the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the designated authority thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel;”

Currently the CAP has only four members, including Cr Jenner. This creates a challenge in terms of the consideration of some development applications, where the enhanced conflict of interest provisions have effect. It is therefore proposed that a recruitment exercise be undertaken to find a fourth independent member for the CAP. Officers will undertake a process to seek nominations and will bring back a recommendation to Council to enable them to make an appointment.

Having a CAP with 5 members will reduce the likelihood of decisions being referred to Adelaide when they could be made locally. This is the intent of changes made to the Regulations in recent years, to enable independent, local decision-making – an intent which has been frustrated by the conflict of interest and the quorum provisions (which require three members to be present irrespective of whether the CAP is comprised four or five members).

The appointment of proxy members to the CAP could also help with decision-making and it is recommended that, should there be sufficient interest, a nominee and a proxy, together with an Elected Member proxy, be put forward for Council consideration.

The significant changes to the legislation affecting development, also brings with it accreditation and training requirements. Division 4 of the Planning, Development and Infrastructure Act introduced the Accredited Professionals scheme, which applies to the Council Assessment Panel and to decision-making officers or private certifiers. This has been given effect by the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*.

In order for the CAP to function effectively and to make decisions locally, the members need to be trained and, where necessary upskilled to ensure they are compliant with the primary and secondary legislation in this area. It would be possible to enable staff and CAP members to receive the same training to meet the requirements of the Accredited Professionals Scheme and also to include colleagues from other Councils. This would demonstrate a regional leadership approach and could help deliver savings on training for all involved.

The lack of training delivered for the CAP, noting that not all the members are currently accredited professionals, places the Council at risk in terms of its decision-making and in terms of its processes and procedures being found correct through appeal processes.

The training will then help the CAP members understand their roles better, to improve decision-making and to enable a review and contemporisation of their procedures and processes.

CONCLUSION

That improving the membership and training of the CAP should deliver multiple benefits for our community and local decision-making, whilst reducing the Council's risk exposure in this regard.



ATTACHMENTS

Nil



6 URGENT MOTIONS WITHOUT NOTICE



7 CONFIDENTIAL ITEMS

7.1 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the People and Place Committee orders that all members of the public, except Councillors L Martin, F Morello, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, S Mezinac and S Perryman and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street.

The People and Place Committee is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

The People and Place Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes independent market valuations of property that the Council is considering for potential rental or sale, the public disclosure of which to potential market participants could reasonably be considered to prejudice the Council (and therefore communities) interest in obtaining the highest rental or sale result in the event that the Council determines to proceed with such activities for the subject properties, being land excluded from classification as community land.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has entered into a rental arrangement, or settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

8 MEETING CLOSE

