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Contact number for meeting venue: 8384 0614

29 October 2019

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN in accordance with Section 83 of the *Local Government Act 1999* that a **Special Council meeting** of the City of Onkaparinga will be held on **Tuesday 29 October 2019 at 7pm** at the Council Chamber at the Civic Centre, Ramsay Place, Noarlunga Centre for the purpose of considering the items included on the attached agenda.

We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna.

A handwritten signature in black ink, appearing to read "Kirk Richardson".

Kirk Richardson
Chief Executive Officer (Acting)

Disclaimer: Please note that the contents of the Council Agenda have yet to be considered by the Council and recommendations contained therein may be altered or changed by the Council in the process of formally making decisions of Council.



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City of Onkaparinga
Agenda for the Special Council meeting
to be held on 29 October 2019

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced:

Present:

Apologies:

Leave of absence: Cr Cowan
Cr Peat

Absent:

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

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1. Opening of meeting

2. Reports of officers

2.1 Nomination of representative to the Australian Coastal Councils Association Inc Committee of Management

This is a regular or standard report.

Director: Alison Hancock, Director Corporate and City Services
Report Author: Therese Brunotte, Senior Governance Officer
Contact Number: 8301 7228
Attachments: 1. Email from ACCA calling for nominations (2 pages)
2. ACCA Committee of Management Terms of Reference (2 pages)

1. Purpose

The Australian Coastal Councils Association (ACCA) has contacted council seeking a local government representative to be nominated to the Australian Coastal Councils Association Inc Committee of Management for South Australia. This report seeks a nomination from Council.

2. Recommendation

That Council nominate Cr as a representative to the Australian Coastal Council's Association Inc. Committee of Management for South Australia for 2019-21.

3. Background

The Australian Coastal Councils Association Inc. (ACCA) is a national body which represents the interests of coastal councils and their communities. The organisation was previously known as the National Sea Change Taskforce.

The ACCA are calling for nominations to their Committee of Management for the period 2019 to 2021. The committee consists of two representatives of member councils in each state for a period of two years.

Only one nomination will be accepted by ACCA from a member council for election to the committee.

An email (attachment 1) calling for nominations was received from ACCA on 15 October 2019 with nominations closing on 8 November 2019.

Elected members were advised via email on 25 October 2019 that nominations were being sought for a representative.

4. Financial Implications

There is no sitting fee for this committee.

5. Risk and Opportunity Management

Opportunity	
Identify	Maximising the opportunity
City of Onkaparinga representation	A representative from the City of Onkaparinga to the Committee would be well positioned to be involved in policy and strategy and provide input from a local government perspective.

6. Additional information

Cr Jamieson has expressed an interest in being nominated.

ACCA

The role of ACCA is to advocate on behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues, including:

- The shortfall in resources to meet increasing demand for infrastructure and services.
- Coastal erosion and the projected impacts of sea level rise.
- The legal risks faced by coastal councils in relation to planning for climate change.
- Proposed changes to arrangements for natural disaster funding, which will shift more of the recovery costs onto the States and local government.
- The impact of tourists and other visitors on coastal communities.
- The continuing impacts of high population growth in peri-urban and regional coastal councils.

The Association is the only body that specifically represents the interests of Australia's coastal councils at a national level in relation to these issues.

Part 4 of the Terms of Reference of the Committee are shown at attachment 2.

From: Alan Stokes
Sent: 15 Oct 2019 14:50:43 +1030
To: ACCA
Subject: Call for Nominations - ACCA Committee
Attachments: Nomination form - Association Committee of Management 2019-21.pdf

To Members, Australian Coastal Councils Association Inc.

Call for Nominations to ACCA Committee of Management

The election of representatives to the Association's Committee of Management for the period 2019 to 2021 will be held at the conclusion of the 2019 Association Annual General Meeting, at 12 noon, Friday 22 November. Please note that for the first time the AGM will be held entirely by teleconference for the convenience of members and to minimise costs. More information on how to dial-in to the AGM will be provided closer to the date.

The Committee consists of two elected representatives from member councils in each State for a period of two years.

A nomination form for the election of representatives of each State to the Committee is attached.

Nominations will only be accepted from representatives of Association member councils that are financial members of the Association for 2019-20.

Under the Rules of the organization, only one nomination will be accepted from a member council for election to the committee.

Please note that nominations must be lodged by email at the Association's office (as indicated on the nomination form) by close of business on **Friday 8 November 2019**.

In the event that more than two nominations are received in any state a ballot of members in that state will be held.

Please let me know if you have any questions.

Regards,

Alan Stokes

Australian Coastal Councils Association Inc
T: 03 9399 8558
M: 0411 592 269
PO Box 550 Williamstown VIC 3016



Nomination Form – Committee of Management 2019-21

I _____

_____ (Position with Council)

Of _____ (Name of Council)

Which is a current financial member council of the Australian Coastal Councils Association Inc for 2019-20 hereby nominate the following elected representative from this Council:

Name _____

Position with Council _____

For election as a representative to the Australian Coastal Councils Association Committee of Management for 2019-21 for _____ (insert State)

Signed _____

Date _____

Please return by COB Friday 8 November 2019 by:

Email info@coastalcouncils.org.au

(Under the Rules of the organisation only one nomination will be accepted from any member council)

Part 4 The committee of Management

14 Powers of the committee

The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

15 Constitution and membership

- (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
 - (a) Two delegates of each State to be elected by member councils of that State at the annual general meeting of the association under rule 16.
 - (b) Three office bearers to be elected by committee members at the conclusion of the annual general meeting.
- (2) The office-bearers of the association are to be:
 - (a) the Chair,
 - (b) the Deputy Chair, and
 - (c) the Treasurer
 - (d) the Secretary (or public officer), who does not need to be a member
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the second annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may call for nominations of members from the relevant State to fill the vacancy. If more than one nomination is received the Secretary is to conduct a ballot of members in the State to fill the vacancy. The member elected to fill the casual vacancy is to hold office, subject to these rules, until the conclusion of the next annual general meeting.

16 Election of members

- (1) Nominations of candidates for election as members of the committee:
 - (a) must be made in writing and
 - (b) must be delivered to the secretary of the association at least 5 working days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A ballot for the election of office bearers (other than the Secretary) is to be conducted among committee members at the conclusion of the Annual General Meeting
- (8) In the event of a tied vote for the election of members of the committee the election is to be decided by drawing lots.

2.2 Local Government Reform draft submission

This is a regular or standard report.

Manager: Dale Sutton, Acting Manager Strategic Futures

Contact Number: 8384 0623

Attachments: 1. Letter to Minister Knoll (3 pages)
2. Draft submission (19 pages)

1. Purpose

This report seeks Council approval for a submission to the state government's local government reform agenda.

2. Recommendation

That Council approves the draft submission (attachment 2 to the agenda report) be sent to the state government in response to their local government reform proposals, after incorporating the following changes:

[to be inserted at the meeting]

3. Background

The state government (through the Office for Local Government) is proposing reforms to local government legislation that aims to ensure that *'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'*. In particular their focus is on the *Local Government Act 1999* and *Local Government (Elections) Act 1999* that provide the operating framework for councils.

The Office for Local Government (OLG) undertook some early consultation in March/April, and at that time the Mayor wrote to Minister Knoll (attachment 1).

Based on feedback from their early consultation the OLG released a [discussion paper](#) on 5 August detailing 72 proposals for *'reforming local government in South Australia'*. The OLG are now seeking feedback on their discussion paper, with their consultation closing at 5pm on Friday 1 November.

In response to the OLG's discussion paper, the Local Government Association of South Australia (LGA) released their own discussion paper on 15 August—see [here](#). The LGA addressed each of the 72 proposals, as well as adding 12 proposals of their own that they would like considered.

We have developed a submission to the OLG discussion paper (attachment 2) which considers the LGA's responses.

Council's approved submission will be provided to the LGA for consideration when finalising their own response to the OLG.

Timeline (and next steps)

March-April 2019	State government early consultation (stage 1)
23 April 2019	Letter to Minister Knoll (refer attachment 1)
5 August 2019	State government discussion paper released (2nd stage of consultation)
15 August 2019	LGA SA discussion paper released
29 October 2019	Draft submission presented to Council (this report)
1 November 2019	State government consultation closes
Early 2020	Release of draft bill

4. Financial Implications

There are no financial implications to this report.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
The local government reform agenda has the potential to shape the way councils operate. This could affect the work we do and the way we operate, which will have an impact on our communities	Provide a submission to the OLG to address any concerns we have with their 72 proposals. Provide a copy of our submission to the LGA to support their response to the OLG.

Opportunity	
Identify	Maximising the opportunity
Provide feedback to the state government to help shape legislation for the benefit of our communities	Providing a submission to the OLG will provide our organisational position on their 72 proposals, and potentially help shape the direction for the draft bill.



From the office of the Mayor
City of Onkaparinga

23 April 2019

Hon Stephan Knoll MP
Minister for Transport, Infrastructure and Local Government
Roma Mitchell House
ADELAIDE SA 5000

Dear Minister Knoll

Local Government Reform

Thank you for the opportunity to participate in your roundtable on local government reform on 20 February 2019, and for your further correspondence regarding the reform agenda you are pursuing in collaboration with the sector.

We support the notion of sensible reforms and look forward to working closely with you and your government as you progress the bill planned for 2020.

To aid your deliberations this letter outlines some of the transparency and efficiency initiatives implemented at the City of Onkaparinga that may have sector-wide appeal and relevance. I encourage you to consider these as you prepare your discussion paper for further engagement later this year.

Stronger council member capacity and better conduct

An early initiative of my tenure as the new Mayor of the City of Onkaparinga was to introduce a 'Vision and Values' workshop with the new elected body. I believe a shared vision and a consistent set of ground rules is critical for a constructive workplace culture, in business and in government. From this strong foundation we have built a positive, collaborative and constructive culture. I acknowledge that this type of initiative cannot be 'one size fits all', and therefore problematic to mandate. Nonetheless, it is a good example of a proactive initiative in support of better conduct, that does not rely on heavy-handed governance.

Another initiative for transparency in our council has been the adoption of our [Community Engagement Framework](#). The framework commits our council to a robust decision-making process, one which publicly acknowledges that the views of the community – whilst important – are just one of many considerations in coming to decisions. This Framework provides a proven tool that facilitates constructive debate and decisions that are robust, and not simply reactionary to public sentiment. This aligns with the intent of the Local Government Act but is applied in a practical way.



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Lower costs and enhanced financial accountability

I appreciate the sentiment from the community concerning the need for enhanced financial accountability. However, I note that the sector already applies a level of transparency far higher than the other spheres of government. For example, the City of Onkaparinga publishes annual business plans, summary reports and quarterly financial updates; we also present financial information in public meetings and to committees.

The challenge, I believe, is a communication challenge rather than an accountability challenge. As a sector we need to keep finding better ways to communicate and engage with our community in regard to our spending plans and requirements.

Notwithstanding this, we have made significant improvements to our credit card expenditure over the past 12-months, introducing clearer and more robust financial controls as well as publishing even more of our spending data. These are all important steps forward and help to regain the trust of the community.

With respect to lowering costs, for the third time we have this year employed a 'zero-based budgeting' method to develop our annual budget. This method requires each team, section and department to examine and justify each budget line, each year, starting from zero and with no automatic indexation. Further, we are committed to a program of efficiency and effectiveness, routinely undertaking detailed services reviews and finding new, innovative and more cost-effective methods for delivering important services to our community. This is in addition to exploring new revenue sources, such as commercial ventures and land divestment.

Unfortunately the changes to China's import policies and challenges with our own recycling contractor have resulted in a significant impost to our budget for this financial year and next. We are working hard to address this in a manner that will not adversely impact our communities.

Efficient and transparent local government representation

We welcome a review of local government elections. My council has just experienced first-hand the challenges of coming to office so close to a budget-setting cycle. It places new elected members and staff in a challenging position while everyone learns the relevant processes, roles and past decisions, and explores new directions. This makes for a challenging start to the four-year cycle. We also expect that our community would appreciate the ability to vote online and to have more information to learn about their candidates online.

Simple regulation

Lastly, we welcome the opportunity to explore simplification to the Act and our own responsibilities as local government. For many years now our costs have escalated as we absorbed the effects of changes to Acts and Regulations. To illustrate, I have recently been made aware that the frequency of building compliance inspections will be increasing. While this will deliver greater safety for our community, a service change like this requires new staff resources. Additional staffing costs the community and we need

the ability to recoup these costs either through subsidies or the ability to charge appropriate fees. Without some means of offsetting our costs, our choices are limited and completely undesirable to the communities we serve; we either reduce our service level obligations, increase the income we get from rates, or cancel non-legislative projects, programs and services.




Thank you for the opportunity to comment. I look forward to working with you to progress these important reforms.

Yours sincerely







A handwritten signature in black ink that reads "Erin Thompson". The signature is written in a cursive style with a large initial 'E'.













Erin Thompson
Mayor

Legend

-  Support in principle
-  More information/further development of proposal needed
-  Do not support

Reform Area 1: Stronger Council Member Capacity and Better Conduct







Office of Local Govt Ref No	Office of Local Government proposal	LGA response	Our response	Administration comment for Council consideration
1.1	Clearly separate behavioural matters from integrity matters in the legislation.			City of Onkaparinga supports in principle. 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 (e.g. bullying and harassment).
1.2	Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'			City of Onkaparinga supports in principle. The legislation should contain clear standards and expectations. There should also be real and speedy consequences for councillors who breach the rules.
1.3	Continue to give councils flexibility to deal with behavioural matters			City of Onkaparinga supports in principle. We agree 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			Our position on this will depend on the detail. We support clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively.
1.5	Enable escalation of serious behavioural matters to an independent body			City of Onkaparinga supports in principle. 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.
1.6	Simplify the conflict of interest provisions by establishing 'material and 'non-material' conflicts			City of Onkaparinga supports in principle. We would support simplifying the conflict of interest model into material and non-material conflicts, and also maintaining the option to declare a perceived material/non-material conflict of interest.
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			City of Onkaparinga supports in principle. 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'.
1.8	Clarify the application of conflict of interest rules to council committees and subsidiaries			City of Onkaparinga supports in principle. 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			City of Onkaparinga supports in principle. Should be an independent body where elected members are not determining outcomes for their own elected members.







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			City of Onkaparinga supports in principle.
1.11	Clarify the role of council members to recognise their obligation to complete mandatory training			City of Onkaparinga supports in principle and would support mandatory training for elected members.
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			City of Onkaparinga supports clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively.
1.13	Provide directly elected Mayors with a deliberative vote on motions before council.			
1.14	Establish a mandatory training scheme within the regulations			City of Onkaparinga supports in principle. The current mandatory training should be included in the Regulations with exceptions for returning members.
1.15	Establish a timeframe for the completion of mandatory training and a penalty for non-compliance			City of Onkaparinga supports in principle. Whilst a deadline can be a useful spur to action, any requirement should have some flexibility built in (e.g. in cases of illness or exceptional circumstances).
1.16	Require councils to include independent advice on CEO selection and remuneration.			City of Onkaparinga supports in principle. The City of Onkaparinga already engages an Independent Member for its CEO Performance Management Committee.
1.17	Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA.			City of Onkaparinga supports in principle This would effectively introduce 'banding' consistent with the process for setting Council Member allowances.



1.18	Require councils to conduct annual performance reviews of CEOs, with independent oversight.			City of Onkaparinga supports in principle. The City of Onkaparinga already undertakes an annual performance review process with its CEO.
1.19	Require annual performance reviews to be completed before the extension of a CEO contract.			City of Onkaparinga supports in principle.
1.20	Require councils to receive independent advice before terminating a CEO contract.			City of Onkaparinga supports in principle.

Reform Area 2: Lower Costs and Enhanced Financial Accountability

Office of Local Govt Ref No	Office of Local Government proposal	LGA response	Our response	Administration comment for Council consideration
2.1	Require audit committees to have a majority of independent members, and an independent chair.			<p>City of Onkaparinga supports in principle and would support an independent chair.</p> <p>Some flexibility is required as to the makeup of the committee, based largely on the skills required for an effective committee.</p> <p>To note, City of Onkaparinga has two independent members and one is the chairperson.</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>City of Onkaparinga largely supports in principle.</p> <p>Our Audit Committee is informed of the appointment and have oversight of the appointment of the auditors.</p> <p>However, external auditors need to determine scope of the audit based on their professional judgement.</p> <p>Our Audit Committee has access to the external auditor and undertakes an 'in camera' meeting each year to discuss the annual financial statements and any associated findings.</p>
2.3	Require audit committees to report on the council's approach to internal audit processes.			<p>City of Onkaparinga supports in principle.</p> <p>Has already been implemented as a part of our annual Presiding Members report to Council.</p>

















2.4	Require audit committee members to have specified skills, and an induction process.			<p>City of Onkaparinga supports in principle.</p> <p>This has already been implemented. However, it is becoming increasingly difficult to secure members for audit committees (particularly independent members) and increasing their requirements and accountability for little extra overall benefit may exacerbate this.</p>
2.5	Allow councils to form regional audit committees.			<p>City of Onkaparinga supports in principle.</p>
2.6	Require the Auditor-General to oversight all council audits.			<p>City of Onkaparinga does not support.</p> <p>Whilst adding an extra level of oversight, this will likely come at an extra cost, for very likely little extra benefit. This is at odds with seeking a more efficient local government sector.</p> <p>Further, auditors have professional standards they must adhere to in undertaking their rather prescriptive role.</p>
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. Reporting to councils on prudential matters.</p> <p>Performance monitoring of councils.</p>			<p>City of Onkaparinga supports in principle.</p> <p>Already implemented. Our audit committee Terms of Reference are broader and have a role in financial performance risk assessments etc.</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>City of Onkaparinga supports in principle.</p>













2.9	Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.			<p>City of Onkaparinga supports the LGA's May 2019 submission on LG Reform that recommends councils have a 'revenue policy'.</p> <p>In an expanded advisory role, this is an area an audit committee could provide feedback on.</p>
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>City of Onkaparinga supports and provides key reasons for the increase in rate revenue within our Annual Business Plan.</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>City of Onkaparinga does not support.</p> <p>We currently present this directly to Council (not via our Audit, Risk, Value and Efficiency Committee) via the Annual Business Plan.</p> <p>There is no benefit in seeking this extra layer of reporting.</p>

<p>2.12</p>	<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>City of Onkaparinga does not support.</p> <p>Our committee already plays an expanded role and codifying this will add no extra benefit.</p>
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Reform Area 3: Efficient and Transparent Local Government Representation

















Office of Local Govt Ref No	Office of Local Government proposal	LGA response	Our response	Administration comment for Council consideration
3.1	Change the timing of periodic council elections to the year following a state election.	✖	✖	City of Onkaparinga does not support. The timing needs to consider a number of factors, and not just the state election. For example, local government elections held in July/August would allow for meaningful elected member inductions, particularly ahead of the complex budget process.
3.2	Enable ECSA to provide ballot papers electronically.	✔	✔	City of Onkaparinga supports in principle. We support the Act enabling full electronic voting when a suitable model is approved by the Electoral Commission of South Australia.
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-enroll, OR re-introduce the automatic enrolment of property franchise holders.	✖	✖	City of Onkaparinga does not support.
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.	✔	N/A	Not relevant to City of Onkaparinga.













3.7	Require candidates to 'tick a box' stating whether they live in the area they are contesting.			City of Onkaparinga supports in principle.
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.			City of Onkaparinga supports in principle.
3.9	Require ECSA to host all information on donations received by candidates.			City of Onkaparinga supports in principle.
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.			City of Onkaparinga supports in principle the transparent and timely reporting of campaign donations, however more information is needed to fully understand this proposal.
3.11	Enable all candidates to request an electronic copy of the voters roll from the relevant council.			City of Onkaparinga supports in principle.
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.			City of Onkaparinga supports in principle.
3.13	Extend the voting period by one week to better allow for postal delays.			City of Onkaparinga supports methods for reducing the number of late postal votes received by the Electoral Commission of South Australia, however other solutions outside of extending the voting period should be explored.
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.			City of Onkaparinga supports in principle. Countback should be able to be used within 12 months of an election.
3.16	Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.			City of Onkaparinga supports in principle. Currently a vacancy does not have to be filled if it occurs in the year of an elections. Extending this to 12 months negates the necessity of a supplementary election.
3.17	Enable councils without wards, and with at least nine members, to 'carry ' two vacancies.			City of Onkaparinga supports in principle. By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. City of Onkaparinga is 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			City of Onkaparinga supports in principle.
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.			City of Onkaparinga supports in principle.

Reform Area 4: Simpler Regulation




Office of Local Govt Ref No	Office of Local Government proposal	LGA response	Our response	Administration comment for Council consideration
4.1	Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.	★	★	City of Onkaparinga supports in principle.
4.2	Review the requirements for councils to publish notices.	★	★	City of Onkaparinga supports in principle.
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.	★	★	City of Onkaparinga supports in principle. This is already in our s270 procedure.
4.4	Enable councils to charge a small fee for internal review requests.	★	★	City of Onkaparinga supports in principle.
4.5	Set a time limit in which requests for internal review of decisions can be made.	★	★	City of Onkaparinga supports in principle. This is already in our s270 report.
4.6	Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.	★	★	City of Onkaparinga does not support. We already undertake service reviews, and are not convinced there are benefits with this proposal.



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'.			City of Onkaparinga supports in principle.
4.8	Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.			
4.9	Compile all council members' registers of interest into one, simple plain English form.			City of Onkaparinga supports in principle.
4.10	Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information).			City of Onkaparinga supports in principle.
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).			City of Onkaparinga supports in principle.
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).			City of Onkaparinga supports in principle.
4.13	Include a single list of all material to be published on a council's website in the legislation.			City of Onkaparinga supports in principle.
4.14	Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.			City of Onkaparinga supports in principle, depending on how the two categories are defined.

4.15	Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.			City of Onkaparinga supports in principle.
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> .			City of Onkaparinga supports in principle.
4.17	Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.			City of Onkaparinga supports in principle.
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.			City of Onkaparinga supports in principle.
4.19	Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.			City of Onkaparinga supports in principle.
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.			




Other Areas for Local Government Reform (as put forward by the LGA)

LGA idea	LGA proposal	Details	Our response	Administration comment for Council consideration
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.	✱	City of Onkaparinga supports in principle.
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, e.g. 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. <p>Information is systematically</p>	✱	City of Onkaparinga supports in principle.

		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 financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents.		City of Onkaparinga supports in principle. Long-Term Financial Plans require some standardisation to allow for comparability, but formats also need to allow for the diversity between councils.
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.		City of Onkaparinga supports in principle.
LGA5	Rating equity for commercial and/or industrial land uses.	Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt		City of Onkaparinga supports in principle. However, if increasing the number of LGC rating codes, consideration must be given to the impact on valuations, systems etc.

		<p>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 		
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.		City of Onkaparinga supports in principle but would be interested in seeing the draft legislation
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		City of Onkaparinga supports in principle.

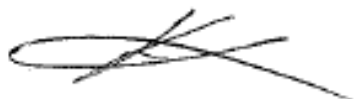
		meeting.		
LGA8	Management of unmade roads.	<p>The Local Government Act 1999 and the Road Traffic Act 1961 do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners.</p> <p>Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.</p>	✱	City of Onkaparinga supports in principle.
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>	✱	City of Onkaparinga supports in principle, providing the State Government continues to pay this portion of rates, and that the cost does not fall to Community Housing Providers or result in lost rate revenue for councils.

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.		City of Onkaparinga supports in principle.
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)). 		City of Onkaparinga supports in principle.
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.		City of Onkaparinga supports in principle.

3. Confidential items

Confidential Clause

If Council so determines items 3.1 and 3.2 may be considered in confidence under Section 90(2) of the *Local Government Act 1999* on grounds contained in the Recommendations below.



Kirk Richardson
Chief Executive Officer (Acting)

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3.1 14 degree South Enterprise, Community and Cultural Hub Initiative

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.**
- b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:**

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and**
 - (ii) would, on balance, be contrary to the public interest.**
- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.**

2-4 Confidential

- 5. a. That the matter of 14⁰ South Enterprise, Community and Cultural Hub Initiative having been considered by the Council in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999* that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the agenda report, discussion and minutes of the Council relating to discussion of the subject matter be released with the exception of section 4b (Financial Implications (Confidential)) of the agenda report which will be kept confidential until Council enters a formal lease or ceases negotiations seeking to enter a lease.**
- b. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.**
- c. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.**

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3.2 CEO Contract of Employment

This report will be provided under separate cover.

4. Closure

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL

ACTUAL

PERCEIVED

MATERIAL: Conflict arises when a councillor or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a councillor's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a councillor could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

I intend to **leave** the meeting

OR

I intend to **stay** in the meeting *(complete part 4)*

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.

Ordinary Business Matters

A **material, actual** or **perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the *Local Government (General) Regulations 2013*.

- (a) *the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act*
 - (b) *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)*
 - (c) *the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act*
 - (d) *the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act*
 - (e) *the adoption or revision of an annual business plan*
 - (f) *the adoption or revision of a budget*
 - (g) *the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration*
 - (h) *a discussion or decision of a matter at a meeting of a council if the matter—*
 - (i) *relates to a matter that was discussed before a meeting of a subsidiary or committee of the council*
 - (ii) *the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.*
- (2) *For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.*

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual** or **perceived** in a matter to be discussed at a meeting of council **by reason only of**:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.