



CLARE & GILBERT
VALLEYS COUNCIL

CLARE & GILBERT VALLEYS COUNCIL SPECIAL COUNCIL MEETING AGENDA

Mayor Wayne Thomas has requested that a Special Meeting of the Clare & Gilbert Valleys Council be called to consider the matters of:

1. Local Government Reform Submission

This meeting will be held at the Council Chambers, 4 Gleeson Street, Clare on Monday 28 October 2019 commencing at 9.00pm

A handwritten signature in black ink, appearing to read 'Helen Macdonald'.

Dr Helen Macdonald
Chief Executive Officer

25 October 2019

Acknowledgement Statement

We acknowledge and respect the traditional custodians whose ancestral land we are meeting upon here today.

1 Opening and Welcome

- 1.1 Present
- 1.2 Apologies

2 Declaration of Conflict of Interest

A conflict of interest arises when an affected person or close associate will enjoy or have reasonable expectation of enjoying a benefit or will suffer or have a reasonable expectation of suffering a detriment if a matter were to be decided in a particular manner.

If an affected person remains unsure about whether or not a conflict exists after considering all the issues, it is recommended that the interest be disclosed and necessary action taken.

3 General Business

4. Local Government Reform Submission

5. Closure



Subject: Local Government Reform

Responsible Officer: Leanne Kunoth, Director Corporate Services

Purpose:

To provide Minister for Local Government thoughts on proposed Local Government Reform.

Strategic Outcome	Council Leadership and Organisation Sustainability Strong Leadership Working in Partnership to achieve the best outcomes for the local area. Foster strong partnerships with other levels of government, key NGO's, regional boards, surrounding councils and Regional Development Australia
Financial Implication	There are no specific financial implications identified in this report at this point in time.
Statutory Implication	Local Government Act 1999, Local Government Elections Act 1999
Policy Implication	N/A
Community Implication	There are no specific community implications identified in this report.
Risk Assessment	Failure of Council to take the opportunity to provide feedback in relation to Local Government Reform with a risk rating of low.

Report

In March 2019, The Minister for Transport, Infrastructure and Local Government commenced a review of local government legislation that South Australian councils operate under, this includes the Local Government Act and the Local Government Elections Act.

The Government's reform program will focus on changes to the above legislation, across these four areas, being:

Strong Council Member capacity and better conduct

Efficient and Transparent Local Government Representation

Lower costs and enhanced financial accountability and

Simpler Regulation

At its 15 April 2019 meeting, Council considered and resolved to support the Local Government Association's initial report on LGA Reform.

Following on from community consultation on the same four areas of local government reform. The Minister for Transport, Infrastructure and Local Government released [Reforming LG in SA discussion paper](#).

Following on from this the Local Government Association has also released a discussion paper on the 70 proposals with a preliminary analysis of each proposal to help Council understand.

The LGA has provided the traffic light guidance and comments which have been incorporated into Council Administration response to the LGA reform proposals.

The Office for Local Government advises that a resulting Bill to amend the Local Government Act is scheduled for release in the first quarter of 2020.

21 October 2019

Council at its meeting on 21 October 2019, considered the Local Government Reform responses and requested that a workshop be held to enable Council Members to provide feedback on the responses.

This Council Workshop was held on 24 October and the feedback from the workshop has been inserted into the responses document and provided as "track changes" so that all Council Members can see the changes proposed. This will now be considered at a Special Meeting of Council on Monday 28 October 2019

The reason for the quick turnaround is that the State Government has set a closing date of 1 November 2019 for responses.

Attachments

- CVGC Assessment of the State Government's Local Government Reform Discussion Paper August 2019

Recommendations

Moved: Cr
Seconded: Cr

That Council support responses to the State Governments Local Government Reform Discussion Paper, August 2019 as outlined in *the October 2019 document entitled CVGC Assessment of the State Government's Local Government Reform Discussion Paper August 2019*.

Council-CGVC Assessment of the State Government's Local Government Reform Discussion Paper August 2019

The following tables represent an assessment of proposal local government reforms delivers in the Reforming Local Government in South Australia Discussion Paper of August 2019 from the perspective of Clare & Gilbert Valleys Council. This table also represents the LGA "traffic light code " and commentary which provides a sector view.

- Generally opposed.
- Will depend on the detail.
- Generally supported.

Reform Area 1: Stronger Council Member Capacity and Better Conduct

OLG Ref	Proposal	LGA Traffic Light	Local Government Association of SA Discussion Notes.	CGVC Support	Council Notes	Will the Initiative Result in Savings or Efficiencies If It Proceeds
1.1	Clearly separate behavioural matters from integrity matters in the legislation.	<input type="checkbox"/>	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).	Conditional Support	Agree with LGA position, quick turn around of behavioural issues is appropriate at the Council level; depending on the nature of the incident. Refer 1.9	Minor improvement to efficiency or cost
1.2	Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.	<input type="checkbox"/>	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	Supported	There should be mandatory behaviour standards across all council members in South Australia.	No

			or should councils set their own standards?			
1.3	Continue to give councils flexibility to deal with behavioural matters.	<input type="checkbox"/>	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.	Conditional Support	Will depend on the detail and trigger points for escalation.	No
1.4	Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.	<input type="checkbox"/>	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?	Supported	Agree but need to consider the limits and what mechanisms to deal with Mayors non-use of those powers.	Minor improvement to efficiency or cost
1.5	Enable escalation of serious behavioural matters to an independent body.	<input type="checkbox"/>	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. Q: Should a council be able to refer less-serious matters to the independent body if (for example):	Supported	Again depends on outcome of reform 1.9.	Minor improvement to efficiency or cost

			<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.	<input type="checkbox"/>	<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>	Supported	Current system is cumbersome and ineffective resulting in CEO's and Directors having to support and answer questions around conflict matters.	Minor improvement to efficiency or cost
1.7	Simplify the process by which council members can be exempt from conflict of	<input type="checkbox"/>	<p>Conflict of interest rules should ensure that all relevant relationships are declared but should not prohibit participation in</p>	Supported	See 1.6 comments	Minor improvement to efficiency or cost

	interest provisions, or seek approval to participate in a matter.		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.	<input type="checkbox"/>	One set of conflict of interest rules should apply, whether at a council meeting, a committee or at a council subsidiary.	Supported	See 1.6 comments	Minor improvement to efficiency or cost
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.	<input type="checkbox"/>	<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? Q: Could the existing arrangements work if the legislation was clearer or governance committees were created? Q: If an independent body is created (Model 3), what</p>	Supported	<p>Will depend in the detail of the preferred model and a transition through a model through internal management under above clauses, escalating to Mayor's powers and thereafter a Conduct Commission which could be an existing oversight body but resourced appropriately.</p> <p>Preferred position is model 3, whilst this may result in sector costs on balance it is felt the overall cost would be lower. The LGA are undertaking analysis of the financial and governance impacts and therefore further information may be forthcoming in due course.</p>	Increased cost expected – will depend on any matters requiring escalation

			would an ideal model look like? eg: Who should appoint Commissioners? Who should pay for it?			
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.	<input type="checkbox"/>	Q: How should the role of council members be expressed? General principles? Black-and-white rules? Both? Q: Should the duties of members continue to be expressed in the Act, Code of Conduct? Or should these be consolidated?	Supported	Supportive that Council Members responsibility is recognized in legislation, both role and functions and general behaviour.	No
1.11	Clarify the role of council members to recognise their obligation to complete mandatory training.	<input type="checkbox"/>	Mandatory training for elected members is supported by the LGA. Qs: How can mandatory training be improved? What penalties should apply, for members failing to complete the training? Is it 'Misconduct'?	Conditional Support	Would depend on what the training is, Member training needs to move away from knowing the law, basics of debating, budgeting and move to something similar to company board of directors, organisational culture, strategic thinking, community engagement, skills and needs of informed decision makers including agenda management and consideration of relevant and irrelevant considerations and policy development – officers can do the nuts and bolts training on day to day matters.	No
1.12	Clearly state the role of the principal member as a leader of the	<input type="checkbox"/>	There is widespread support for clarifying the role of Mayors and ensuring they have the	Conditional Support	Agree with statement to clarify role of principal members. Would require further information on	No

	council, particularly in ensuring good working relationships within the council.		powers necessary to chair meetings effectively. Q: What level of prescription should the Act contain, about Mayoral powers?		proposals to understand level of prescription being contemplated.	
1.13	Provide directly elected Mayors with a deliberative vote on motions before council.	<input type="checkbox"/>	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)?	Not Supported	<u>Would seem logically that the Mayor would have both a deliberative and casting vote as the Council member who is one the spokesperson of Council and two the member voted in by the whole electorate as its leader. CGVC supports the status quo, with the Mayor having the casting vote only.</u>	No
1.14	Establish a mandatory training scheme within the regulations.	<input type="checkbox"/>	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?	Conditional Support	See 1.11 comments	Increase cost expected
1.15	Establish a timeframe for the completion of mandatory	<input type="checkbox"/>	Whilst a deadline can be a useful spur to action, any requirement should have some flexibility built	Conditional Support	See 1.11 comments	Increase cost expected

	training and a penalty for non-compliance.		in (eg in cases of illness or exceptional circumstances).			
1.16	Require councils to include independent advice on CEO selection and remuneration.	<input type="checkbox"/>	<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>	Supported	Will depend on outcome of 1.17 on the question of remuneration.	Increase cost expected
1.17	Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA.	<input type="checkbox"/>	<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>	Supported	<p>Allows independent assessment, but needs to be flexible to allow for the various factors of attracting and retaining CEO's in local government especially for rural and remote areas.</p> <p>Whilst CEOs generally agree with the concept any determinations needs to provide some room for the employer (Council) to negotiate acceptable outcomes for the CEO therefore a determination should consider</p>	No

					ranges of remuneration packages and benefits, but be restricted to the types of benefits such as leave, training, tools of trade, security clauses, reimbursement of costs, remote allowances, and other benefits enjoyed by Council employees under enterprise systems.	
1.18	Require councils to conduct annual performance reviews of CEOs, with independent oversight.	<input type="checkbox"/>	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. Q: Should it be mandatory for councils to annually review their CEO's performance?	Supported	For some councils this will be an additional cost but it will ensure that the CEO is working in the best interest of all stakeholders. At a minimum having a mechanism built into the review process for administrative review by someone independent if there are areas of dispute / conflict at the conclusion of an internal process?	Effective way to manage risk for both parties
1.19	Require annual performance reviews to be completed before the extension of a CEO contract.	<input type="checkbox"/>	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. Q: Should a performance review be mandatory, before a CEO contract is extended?	Supported	Will depend on timing but if Council is contemplating extension it goes to the conclusion Council are satisfied with performance and therefore Council could be undertaking additional work and incurring cost for no particular reason. If the timing coincides with the annual review then this point is irrelevant as it would be done as part of that process.	Effective way to manage risk for all stakeholders
1.20	Require councils to receive independent advice before terminating a CEO contract.	<input type="checkbox"/>	In some cases, independent advice would be useful. In uncontroversial cases, the expense might not be justified. More information is sought about the potential benefits	Conditional Support	Interested in the view of independent advice in these circumstances though for instance Councils solicitor or a third party not involved? Would depend also on the circumstances if it is agreed	No

			<p>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>		<p>termination such as resignation / contract has been concluded on agreed terms and parties agree why both?</p>	
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Reform Area 2: Lower Costs And Enhanced Financial Accountability

OLG Ref	Proposal	LGA Traffic Light	Local Government Association of SA Discussion Notes.	Support	Council Notes	Will the Initiative Result in Savings or Efficiencies If It Proceeds
2.1	Require audit committees to have a majority of independent members, and an independent chair.	<input type="checkbox"/>	This change is prudent but many regional councils struggle to find qualified audit committee members. So, some flexibility is required.	Supported	No change for CGVC. Three independent members, two CGVC Council Members	No
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.	<input type="checkbox"/>	Q: Feedback is sought from councils on the implications of these proposals.	Supported	For CVGVC the Audit Committee makes the recommendation to Council for the external auditor.	No
2.3	Require audit committees to report on the council's approach to internal audit processes.	<input type="checkbox"/>	SA councils have very different levels of size, complexity and business activities. These require differing levels of internal controls and audit reporting. Q: Feedback is sought from councils on the implications of these proposals	Supported	Supportive of this proposal, CGVC reports to the Audit Committee on a six monthly basis on internal control audits. This also forms part of CGVC Audit Committee work program.	No

2.4	Require audit committee members to have specified skills, and an induction process.	<input type="checkbox"/>	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.	Supported	Agree this is currently reflected in CGVCs Audit Committee Terms of Reference.	Increase costs expected
2.5	Allow councils to form regional audit committees.	<input type="checkbox"/>	Opportunities to share resources and expertise across a number of councils should be explored.	Supported	Agree with LGA position	Yes
2.6	Require the Auditor-General to oversight all council audits.	<input type="checkbox"/>	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. 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. 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. The standard of existing council audits is generally high and improving.	Not Supported	Cannot be resourced by Auditor-General and therefore there would be increased costs over and above current systems. The Auditor-general has general powers already should it be necessary to use them on particular matters. All auditors bound by standards and professional ethics to express opinions on the financial statements and risk environment. See little benefit for the estimate threefold increase in cost (based on work done some years ago by the Finance Managers Group).	Significant increased costs expected

			<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>			
2.7	<p>Create 'audit and risk committees' that play an expanded role in councils' financial management and performance. This could include-</p> <ul style="list-style-type: none"> • 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. 	<input type="checkbox"/>	<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>	<p>Conditional Support</p> <p>Not Supported</p>	<p>Another layer of oversight that is unnecessary and costly, if the legislature wish to have these specific components catered for direct them to the requirements of the audit committee. In practice CGVC already reports regularly to the Audit Committee on risk management, prudential management, rating policies etc.</p>	<p>Increased costs expected (unless absorbed into audit committee role)</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.	<input type="checkbox"/>	The additional reporting requirement is probably unnecessary and a duplication of the existing report provided by audit committees. Q: Should it be mandatory for audit committees to focus on 'governance standards and compliance' and, if so, how should this be reported?	Conditional Support	See 2.7 comments.	Increased costs expected (unless absorbed into audit committee role)
2.9	Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.	<input type="checkbox"/>	The LGA's May 2019 submission on LG Reform recommends councils have a 'revenue policy'. Q: Should a funding or revenue policy be mandatory?	Conditional Support	Is essentially the same as the budget, business plan and long term financial plan documentation seems to be further duplication of effort.	Minor inefficiency
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	<input type="checkbox"/>	'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. 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.	Not Supported	Is generally simplistic and such decisions are outlined in the budget, business plan and long term financial plan documentation seems to be further duplication of effort. CGVC supports the proposal to require Councils to release a summary of their ABP and proposed rate increase.	No Minor

			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.			
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.	<input type="checkbox"/>	'Total general rate revenue' is influenced by many factors, such as growth in the number of ratepayers. The focus and resources of auditors should not be needlessly diverted to irrelevant or non-productive tasks.	Not Supported	See 2.7, 2.9 and 2.10 comments.	Minor detriment to efficiency or cost
2.12	Create 'governance committees' to provide independent advice to councils on critical management policies, processes and actions, potentially: <ul style="list-style-type: none"> Councils' compliance and governance policies. 	<input type="checkbox"/>	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	Not Supported	Simply put isn't the Governance Committee the Council supported by the audit committee and staff this will just add further burden and cost without benefit. CGVC already use the audit committee in some of these ways. If there are extra requirements on the Audit Committee then there would likely need to be more Audit Committee meetings, this would add to the current cost.	Increased costs expected (even if absorbed into audit committee role)

	<ul style="list-style-type: none"> • 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 receive advice on governance from their administrations and through their membership of the LGA. 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. An additional council committee would add a further level of red tape, adding little extra value.</p>		<p>CEO appointment and management is a key role of the elected body with amendments outlined in reform area 1 this would also seem to duplicating outcomes.</p>	
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Reform Area 3: Efficient And Transparent Local Government Representation

OLG Ref	Proposal	LGA Traffic Light	Local Government Association of SA Discussion Notes.	Support	Council Notes	Will the Initiative Result in Savings or Efficiencies If It Proceeds
3.1	Change the timing of periodic council elections to the year following a state election.	<input type="checkbox"/>	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. Q: Should the timing of local government elections be changed?	Conditional Support Not Supported	Agree with LGA position, generally, however an extended term for the current term to 2023 could be appropriate, to prevent voter burnout.	No
3.2	Enable ECSA to provide ballot papers electronically.	<input type="checkbox"/>	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). The LGA position advocates for the Act to enable full electronic voting when a suitable model is approved by ECSA. The Act should be amended, to enable electronic voting, when that approval is given.	Supported	Should be able to achieve this in the 21 st century. ECSA need to be properly resourced by the Government to transition to an electronic system over the next four years and support significant information infrastructure investment which will have long term savings for the State and Local Government.	Yes

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.	<input type="checkbox"/>	Q: Should the Act make clear that councils are not responsible for election promotion? Q: Should ECSA have an obligation to consult the LGA on its election promotions?	Supported	This is what already occurs in CGVC.	No
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.	<input type="checkbox"/>	The sector's submissions on this issue have changed on a number of occasions. 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 turnout (<2%). Nevertheless, this measure has been popular with elected members. Q: Should the requirements be reinstated?	Supported Not Supported	Status quo in essence for CGVC we already do the first component of the reform. Support the principle of one person one vote. Do not support automatic property holder enrolment.	No Increase cost expected, Increase in administration cost
3.5	Require ECSA to receive all nominations and publish candidate profiles.	<input type="checkbox"/>	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.	Supported	Agree with LGA position	No
3.6	Remove the term limit on holding the office of Lord Mayor.	<input type="checkbox"/>	The LGA will seek the views of the City of Adelaide in relation to this proposal		Not relevant to CGVC	N/a
3.7	Require candidates to 'tick	<input type="checkbox"/>	This proposal is supported by LGA policy	Supported	Agree with LGA position	No

	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.	<input type="checkbox"/>	This proposal is supported by LGA policy	Supported	Agree with LGA position, although needs to be clarity on what "association" means.	No
3.9	Require ECSA to host all information on donations received by candidates.	<input type="checkbox"/>	The Electoral Commission of SA is the independent body best able to collect and disclose candidate information.	Supported	Agree with LGA position	Minor improvement to efficiency or cost
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.	<input type="checkbox"/>	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?	Supported	Support the LGA position and support the 5 day reporting period and where breached the candidate ought to be subject to a penalty amount significant to ensure regulation is complied with.	No
3.11	Enable all candidates to request an electronic copy of the voters roll from the relevant council.	<input type="checkbox"/>	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	Supported	Agree with LGA position	Minor improvement to efficiency or cost

			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			
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.	<input type="checkbox"/>	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	Supported	Agree with LGA position	No
3.13	Extend the voting period by one week to better allow for postal delays.	<input type="checkbox"/>	The LGA supports methods for reducing the number of late postal votes received by ECSA. It is arguable whether extending the voting period is	Conditional Support	Not required if we can resolve 3.2_ and further extension to the election period seems unwarranted it already fundamentally starts in January for	Minor improvement to efficiency or cost

			the right solution, so further consultation is needed about other solutions.		staff and around mid-September for candidates. Would be able to be achieved by moving the date counting is conducted by one week and allowing postal votes that are post marked on or prior to the closing date.	
3.14	Change the counting method to the 'exclusion method'.	<input type="checkbox"/>	<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>	Not Supported	<p>It is considered that the current counting method of "proportional Representation" provides for a fair result ensuring that a voters preferences are counted (distributed) by the entirety of the required vote.</p> <p>Therefore it would be preferred that the counting method not be altered from the current even allowing for times at which it can become complicated where there is a large number of candidates contesting an election.</p>	No

			Q: What issues are associated with using/not using the exclusion method? Q: Is reform warranted?			
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.	<input type="checkbox"/>	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	Conditional Support	The installation of the "runner up" could be a viable alternative to having to undertake a full supplementary election process and therefore could be cautiously supported. Would need to see full detail to confirm support. Circumstances of runner up candidates can change significantly.	Maybe
3.16	Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.	<input type="checkbox"/>	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	Supported	Subject to the same policy and legislative mechanisms currently in place.	No
3.17	Enable councils without wards, and with at least nine members, to 'carry' two vacancies.	<input type="checkbox"/>	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.	Supported Not Supported	No requirement for Election until 2 vacancies occur. Would be generally supportive, although We would compromise Council's decision making structure, and would have the potential to change the balance of power dramatically.	Yes
3.18	Simplify representation reviews, and make public consultation	<input type="checkbox"/>	The current arrangements are prescriptive and expensive. In particular, the current processes often result in councils having to undertake	Supported	Current system is expensive and achieves little reform. The proposed reform should go further and band Councils into types of models and number of representatives.	Yes

	requirements more flexible		multiple rounds of time-consuming and expensive community consultation			
3.19	Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.	<input type="checkbox"/>	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?	Not Supported	ECSA would be the better vehicle, but if representation review framework was amended under 3.18 this would remove the need for this reform.	No
3.20	Suspend council members running for State Parliament for the duration of the election campaign.	<input type="checkbox"/>	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"	Supported	Agree with LGA position	No

Reform Area 4: Simpler Regulation

OLG Ref	Proposal	LGA Traffic Light	Local Government Association of SA Discussion Notes.	Support	Council Notes	Will the Initiative Result in Savings or Efficiencies If It Proceeds
4.1	Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.	<input type="checkbox"/>	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.	Supported	Agreed flexibility on consultation requirements should match the issues involved.	Yes
4.2	Review the requirements for councils to publish notices.	<input type="checkbox"/>	There are a wide range of ways that information can be provided to the community. More flexibility is welcomed	Conditional Support	Definitely in need of a review with more use of electronic means being used, although need to ensure it is not too rigid as communities still look to local print media as well as on-line solutions for notices, to push all matters out digitally will be a disservice to the community.	Difficult to determine – need further detail.
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	<input type="checkbox"/>	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.	Supported	Agree with LGA position	Yes

	through another process.		Q: Should this flexibility be extended to trivial and vexatious requests?			
4.4	Enable councils to charge a small fee for internal review requests.	<input type="checkbox"/>	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?	Supported	Agree with LGA position	Yes
4.5	Set a time limit in which requests for internal review of decisions can be made.	<input type="checkbox"/>	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.	Supported	Agree with LGA position	Yes
4.6	Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.	<input type="checkbox"/>	Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?	Conditional Support	Council should consider recommendations for any improvement that is sound continuous improvement so long as it is not imposing new burden.	Difficult to determine – need further detail.

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'.	<input type="checkbox"/>	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?	Supported	The current legislation achieves little other than more regulatory burden a simpler system would be welcomed.	Yes
4.8	Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.	<input type="checkbox"/>	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?	Not Supported	Support LGA position see comments under 4.7.	Minor detriment to efficiency or cost
4.9	Compile all council members' registers of interest into one,	<input type="checkbox"/>	The local government sector is eager to work with the state government on clarifying and simplifying the	Supported	On condition it is simpler and easier to meet legislative compliance.	Yes

	simple plain English form.		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).	<input type="checkbox"/>	Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?	Conditional Support	Depends on design under 4.9 but would streamline administrative compliance.	Yes
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)	<input type="checkbox"/>	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	Conditional Support	Should be any legislative document and depends on final design.	No
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).	<input type="checkbox"/>	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.	Conditional Support	Often the 'available for inspection' is utilised and printing a copy each and every time is inefficient. Have to cater for all users of the system of local government therefore would recommend the status quo.	Minor detriment to efficiency or cost
4.13	Include a single list of all material to be published on a council's website in the legislation.	<input type="checkbox"/>	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	Supported		No
4.14	Create two categories of community land	<input type="checkbox"/>	The local government sector agrees that the current arrangements are complex	Supported		Minor improvement

	revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.		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'?			to efficiency or cost
4.15	Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.	<input type="checkbox"/>	Councils should be able to make minor changes to the management of prescribed land, without embarking on a complicated approval process.	Supported		Minor improvement to efficiency or cost
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> .	<input type="checkbox"/>	This appears to be a sensible proposal to cut red tape.	Supported		Minor improvement to efficiency or cost
4.17	Enable a council to revoke the classification of land as community land where owners	<input type="checkbox"/>	This appears to be a sensible proposal to cut red tape.	Supported		Minor improvement to efficiency or cost

	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.	<input type="checkbox"/>	This appears to be a sensible proposal to cut unnecessary red tape.	Supported		No
4.19	Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.	<input type="checkbox"/>	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.	Supported		Minor improvement to efficiency or cost
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.	<input type="checkbox"/>	The approved LGA position opposes a uniform approach across the State and supports greater council discretion/flexibility in regional areas.	Not Supported	The whole exception should be repealed and the matter of mobile vendors rethought so as to make a fair playing field for tradition and contemporary business models.	Minor improvement to efficiency or cost

Other areas for Reform (further discussion items put forward by the LGA)

LGA Ref	Proposal	LGA Traffic Light	Local Government Association of SA Discussion Notes.	Support	Council Notes	Will the Initiative Result in Savings or Efficiencies If It Proceeds
LGA1	Increase the maximum penalty under a council by-law.	<input type="checkbox"/>	The current maximum of \$750 has not increased since 1999. This means the maximum permissible expiation fee (at 25%) is only \$187.50.	Supported	CGVC has currently no By Laws but agree in principal	Yes
LGA2	Performance Management	<input type="checkbox"/>	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: <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. 	Supported	Support LGA Position	Unsure
LGA3	Prescribed format for Asset Management Plans and Long-	<input type="checkbox"/>	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	Supported	Support LGA Position	Yes

	Term Financial Plans		synthesise information from different council or to apply a minimum standards for these documents.			
LGA4	Developer contributed assets	<input type="checkbox"/>	<p>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.</p>	Supported	Support LGA Position	Yes
LGA5	Rating equity for commercial and/or industrial land uses	<input type="checkbox"/>	<p>Currently South Australian Councils face considerable rating constraints for selected major developments (eg 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 in electricity generators (including wind farm and solar farms) as a result of the exclusion of improvements such as electricity generating equipment from capital valuations under legislation and 	Supported	Support LGA Position	Yes

			<ul style="list-style-type: none"> 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)	<input type="checkbox"/>	Regulations would safeguard council's infrastructure and enable councils to recoup the cost of repairs, related to development damage.	Supported	Support LGA Position	Yes
LGA7	Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013	<input type="checkbox"/>	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.	Supported	Support LGA Position	Yes
LGA 8	Management of unmade roads	<input type="checkbox"/>	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	Supported	Support LGA Position	Yes

LGA 9	Community Housing	<input type="checkbox"/>	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 State Government previously paid full rate on these properties	Supported	Support LGA Position	Yes
LGA10	Fees and Charges	<input type="checkbox"/>	The LGA advocates for a review of local government fees and charges regulated by the state government to establish modern price setting principles which promote flexibility and fairness in service delivery.	Supported	Support LGA Position	Yes
LGA11	Review the information required to be included in Annual Reports	<input type="checkbox"/>	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.	Supported	Support LGA Position	Yes
LGA12	Clarify the ability of the SA Registrar General to transfer the ownership of land when there is a caveat placed over the land	<input type="checkbox"/>	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 in non-payment of rates.	Supported	Support LGA Position	Yes