



**Local Government Association**  
of South Australia  
EDUCATION & TRAINING SERVICE

## **WELCOME TO LOCAL GOVERNMENT IN SOUTH AUSTRALIA**

### **INTRODUCTION TO LOCAL GOVERNMENT WORKBOOK**

#### **Learning Objectives:**

- Understand the Australian system of government**
- Understand the roles, functions and objectives of Local Government**
- Understand Local Government governance arrangements**
- Understand financial management in a Local Government context**
- Understand Chief Executive Officers' roles and responsibilities**
- Understand Council Members' roles and responsibilities**
- Understand the Council Member / CEO / Council Staff working relationship**
- Understand the impact of communities on decision making**
- Understand the role of the Office of State/Local Government Relations**
- Understand the role of the Local Government Association of SA**

**Prepared by the LGA Education & Training Service (South Australia)  
(updated October 2011)**

## TOPIC 1: AUSTRALIAN SYSTEM OF GOVERNMENT

The three spheres of government – Local, State and Federal – work together in various ways to govern and provide services to the community. Although each sphere functions differently and has very different powers and functions, each has an important role to play in the total picture of government in Australia.

The Australian Constitution defines Federal and State Government roles. Various State Acts define State and Local roles including the SA Constitution Act 1934 and the Local Government Act 1999. In April, 2006 the Commonwealth, all State and Territory governments and the Australian Local Government Association signed an Inter-Governmental Agreement (IGA) on relationships with Local Government.



### **Federal Government**

The Federal (or Commonwealth) Government decides on matters which affect the whole country as specified in the Australian Constitution. These matters include things like foreign affairs, defence, trade, telecommunications, postal services, social services, monetary policy, universities, immigration, public finance, national highways, income and company taxation.

It has responsibilities alongside those of the States in health, education, law and order, transport and water resources, to list the main areas. Where there is conflict between State and Federal laws in these areas, Federal laws over-ride those of the States.

The Federal Government's legislative arm is the Commonwealth Parliament – elected by all Australians. The Government is run by Ministers who come from the party which has the majority in Parliament. Staff are employed through departments who report to Ministers.

More information about the Federal Government can be found at:

<http://www.australia.gov.au/248>

### **Federal Government – Relationship to Local Government**

The Federal Government provides general purpose grants and specific purpose grants to Local Government. The general purpose grants (known as Financial Assistance Grants) are delivered via the State Government through the South Australian Local Government Grants Commission. Once SA's share is known, the commission recommends allocations to each Council.

Specific purpose grants relating to roads, home and community care (HACC) and other programs are negotiated directly with Councils (usually after consultation with the Australian Local Government Association, State LGAs and State governments).

## TOPIC 1: AUSTRALIAN SYSTEM OF GOVERNMENT - Continued

Local Government is represented on the Council of Australian Governments (COAG) by the Australian Local Government Association (ALGA) and on several national Ministerial Councils. It is also participating in the Australian Council of Local Governments established by the Australian Government in 2008.

### State Government

Each State has its own government which has powers to make laws in any area not given exclusively to the Federal Government in the Australian Constitution. Its major functions include provision of primary and secondary education, health and hospitals, the justice system and police, energy and water supply, public transport, arterial roads, sewerage systems, ports, social services and public housing.

State Governments also has a legislative arm – the SA Parliament which is elected by the whole State. State governments are formed by the party with the majority in the parliament. Staff are employed through departments who report to State Ministers.

The State Governments establish the legislative framework in which Local Government operates via the Constitution Act and the Local Government Acts. About 45 other Acts also provide powers or responsibilities for Councils.

More information about State and Territory governments in general can be found at:

<http://www.gov.au>

More information on the SA Government can be found at:

<http://www.sacentral.sa.gov.au/site/page.cfm?u=52&cat=4372>

### State Government – Relationship to Local Government

A State-Local Government Relations Agreement signed by the SA Premier and the President of the Local Government Association guide relationships between State and Local government. It recognizes the separate mandates of State and Local government but shared responsibility to work in the interests of SA communities.

State and Local government work in partnership in many areas to ensure effective outcomes for local communities. Local Government partners with a number of State Government departments to plan, fund and deliver services to local communities.

The ministers and departments which Local Government is most involved with include:

- Transport, Energy and Infrastructure
- Environment and Conservation
- Urban Development and Planning
- State/Local Government Relations

The Minister for State/Local Government Relations is responsible to the Parliament for the Local Government Act 1999 which is the primary legal framework for Local Government. The Act does not allow intervention in the day to day business of Councils.

A Forum has been established including 5 State Government Cabinet Ministers, 5 members of the LGA State Executive Committee and other State and Local Government representatives to deal with priority issues of significance to both State and Local Government.

## **Local Government – Delivers and Implements Programs**

The legal framework for Local Government is established by the SA Constitution Act, the Local Government Act 1999 and the Local Government (Elections) Act 1999. The Local Government Act 1999 provides very broad powers for Councils to act in the interests of communities. Councils cannot however act in areas where either Federal or State legislation provides for exclusive powers.

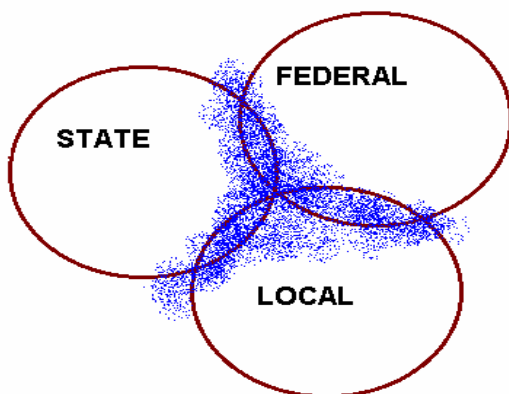
Most areas of Local Government activity result from local discretion in the interests of communities. This includes work on local roads, waste management and recycling, stormwater and libraries. There are however a small number of areas where State legislation requires Council response including; registration of dogs, processing of planning and building applications and some public health and fire safety functions. While many services are common to all or many Councils, some are distinct.

Read more about Council services later in this booklet.

All Councils consist of an elected arm (democratically elected Council Members) and an operational arm (Council employees). The operational or administrative arm is responsible for implementing Council decisions. The Council Members appoint the Chief Executive Officer, decide on Council policies and monitor Council operations.

Local Government is a vital part of the Australia's democratic system of government representing people who live, work and visit Council areas. The central role of democratically elected Council Members is to advocate and lead on behalf of their community in the many areas that affect their lives.

Council Members are accountable to their communities with decision making and consultation processes open and transparent. Local Government supports individuals and groups; provides a wide range of services for the well-being of the community; and enables new initiatives for the economic, environmental, social and cultural development of the community.



Areas of joint involvement include:

- Health
- Environment
- Emergencies
- Community support
- Roads

**COUNTRY SOUTH AUSTRALIA**

- Alexandrina Council
- The Barossa Council
- District Council of Barunga West
- Berri Barmera Council
- District Council Ceduna
- Clare & Gilbert Valleys Council
- District Council of Cleve
- District Council of Coober Pedy
- The Coorong District Council
- District Council of the Copper Coast
- District Council of Elliston
- The Flinders Ranges Council
- District Council of Franklin Harbour
- Regional Council of Goyder
- District Council of Grant
- Kangaroo Island Council
- District Council of Karoonda East Murray
- District Council of Kimba
- Kingston District Council
- Light Regional Council
- District Council of Lower Eyre Peninsula
- District Council of Loxton Waikerie
- District Council of Mallala
- Mid Murray Council
- District Council of Mt Barker
- City of Mt Gambier
- District Council of Mt Remarkable
- The Rural City of Murray Bridge
- Naracoorte Lucindale Council
- Northern Areas Council
- District Council of Orroroo Carrieton
- District Council of Peterborough
- Port Augusta City Council
- City of Pt Lincoln
- Port Pirie Regional Council
- District Council of Renmark Paringa
- District Council of Robe
- Municipal Council of Roxby Downs
- Southern Mallee District Council
- District Council of Streaky Bay
- Tatiara District Council
- District Council of Tumby Bay
- City of Victor Harbor
- Wakefield Regional Council
- Wattle Range Council
- The Corporation of the City of Whyalla
- Wudinna District Council
- District Council of Yankalilla
- District Council of Yorke Peninsula

To view Local Government Boundary Maps, go to the Council Maps page on the LGA website : <http://www.lga.sa.gov.au/site/page.cfm?u=209#e501>

## **METROPOLITAN ADELAIDE**

- Adelaide City Council
- Adelaide Hills Council
- The City of Burnside
- Campbelltown City Council
- City of Charles Sturt
- Town of Gawler
- City of Holdfast Bay
- City of Marion
- City of Mitcham
- The City Of Norwood, Payneham & St Peters
- City of Onkaparinga
- City of Playford
- City of Port Adelaide Enfield
- City of Prospect
- City of Salisbury
- City of Tea Tree Gully
- City of Unley
- Corporation of the Town of Walkerville
- City of West Torrens

## **UNINCORPORATED AREAS**

- Anangu Pitjantjatjara
- Gerard Community Council
- Maralinga Tjarutja
- Nepabunna Community Council
- Outback Communities Authority
- Yalata Community Council

To view Local Government Boundary Maps, go to the Council Maps page on the LGA website: <http://www.lga.sa.gov.au/site/page.cfm?u=209#e501>

**Other Legislation Relevant to Local Government**

Examples of South Australian Government Acts of Parliament that assign roles, powers and responsibilities to Local Government follow (**please note this is not an exhaustive list**):

- Aboriginal Heritage Act, 1988
- Adelaide Cemeteries Authority Act, 2001
- Adelaide Dolphin Sanctuary Act, 2005
- Adelaide Park Lands Act, 2005
- Aquaculture Act, 2001
- City of Adelaide Act, 1998
- Climate Change and Greenhouse Emissions Reduction Act, 2007
- Coast Protection Act, 1972
- Community Titles Act, 1996
- Constitution Act, 1934
- Construction Industry Training Fund Act, 1993
- Criminal Law Consolidation Act, 1935
- Crown Land Management Act, 2009
- Crown Rates and Taxes Recovery Act, 1945
- Development Act, 1993
- Dog and Cat Management Act, 1995
- Dog Fence Act, 1946
- Electricity Act, 1996
- Emergency Management Act, 2004
- Environment Protection Act, 1993
- Expiation of Offences Act, 1996
- Fences Act, 1975
- Fire & Emergency Services Act 2005
- Food Act, 2001
- Freedom of Information Act, 1991
- Government Business Enterprises (Competition) Act, 1996
- Graffiti Control Act, 2001
- Harbours and Navigation Act, 1993
- Heritage Places Act, 1993
- Highways Act, 1926
- Housing Improvement Act, 1940
- Impounding Act, 1920
- Land Acquisition Act, 1969
- Land and Business (Sale & Conveyancing) Act, 1994
- Libraries Act, 1982
- Linear Parks Act, 2006
- Liquor Licensing Act, 1997
- Local Government Act, 1934
- Local Government Act, 1999
- Local Government (Elections) Act, 1999
- Local Government Finance Authority Act, 1983
- Local Government (Forestry Reserves) Act, 1944
- Local Government (Implementation) Act, 1999

**Other Legislation Relevant to Local Government – Continued**

- Marine Parks Act, 2007
- Meat Hygiene (Miscellaneous) Amendment Act, 2004
- Metropolitan Drainage Act, 1935
- Mining Act, 1971
- Motor Vehicles Act, 1959
- Naracoorte Town Square Act, 2005
- National Soldier's Memorial Act, 1949
- Native Title (South Australia) Act, 1994
- Native Vegetation Act, 1991
- Natural Resources Management Act, 2004
- Occupational Health, Safety and Welfare Act, 1986
- Ombudsman Act, 1972
- Penola Pulp Mill Authorisation Act, 2007
- Primary Produce (Food Safety Schemes) Act 2004
- Private Parking Areas Act, 1986
- Public Assemblies Act, 1972
- Public and Environmental Health Act, 1987
- Public Finance and Audit Act, 1987
- Real Property Act, 1886
- Recreation Grounds (Regulations) Act, 1931
- Residential Parks Act, 2007
- Residential Tenancies Act, 1995
- River Murray Act, 2003
- Roads (Opening and Closing) Act, 1991
- Road Traffic Act, 1961
- Roxby Downs (Indenture Ratification) Act, 1982
- Safe Drinking Water Act, 2011
- Sewerage Act, 1929
- South Australian Country Arts Trust Act, 1992
- South Australian Local Government Grants Commission Act, 1992
- South Australian Motor Sport Act, 1984
- South Eastern Water Conservation and Drainage Act, 1992
- South-Western Suburbs Drainage Act, 1959
- State Records Act, 1997
- Strata Titles Act, 1988
- Summary Offences Act, 1953
- Supported Residential Facilities Act, 1992
- Swimming Pools (Safety) Act, 1972
- Tobacco Products Regulation Act, 1997
- Unclaimed Goods Act, 1987
- Upper South East Dryland Salinity and Flood Management Act, 2002
- Valuation of Land Act, 1971
- Water Resources Act, 1997
- West Beach Recreation Reserve Act, 1997
- Workers Rehabilitation and Compensation Act, 1986
- Zero Waste SA Act, 2004

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT

Local Government has been an important part of community decision making since the earliest days of settlement in South Australia (circa 1840).

The South Australian Constitution Act 1934 provides for a system of elected Local Government bodies.

The Local Government Act 1999 sets out the constitution, system and operational framework for Local Government in this State.

The Local Government (Elections) Act 1999 and the City of Adelaide Act 1998 contain the requirements for Local Government Elections. They set out how the elections are to be conducted, who can nominate, who can vote, how the votes are counted and other important matters.

Local Government is an elected system of government directly accountable to the local community. A major theme of the Local Government Act 1999 is that of a Council and its community having the appropriate degree of autonomy to meet its needs and influence its own future.

Councils in South Australia form important political and social communities with an unparalleled depth of knowledge of the needs of the local area and for this very reason Local Government is often referred to as the 'grass roots' level of government.

It uses its own resources or that of State and Federal Governments to deliver a diverse range of services in its local area.

In South Australia Local Government is provided by 68 individual autonomous Councils, the Outback Areas Committee and 5 Aboriginal communities. Each Council covers a defined geographic area. Council areas vary in geographic size, population, land use and location. Despite these differences, all Councils, have the same powers and responsibilities.

The first Local Government Council in Australia was formed in 1840 with the election of four Aldermen and fifteen Council Members to the new Adelaide Corporation. This followed a petition from residents for the "rights and privileges" of their own Council.

As settlers moved into more remote parts of the State, they were less eager to form Councils, provided that the central government continued building railways and major roads to serve them.

As a result, the State Government passed the 1887 *District Councils Act* which empowered it to form Councils without waiting for residents to take the initiative.

**South Australian Local Government History**

<b>Dates</b>	<b>Events</b>
Pre-European Settlement	Aboriginal communities have their own form of local governance.
1840	Petition by free settlers for local representation leads to the establishment of the Adelaide City Council – the first Council in Australia, and the first occasion on which Australians fully elected a government. First Council focus on prime community needs – establishment of roads to transport produce to markets/ports.
1875	First formal association of Councils in Australia formed in SA to jointly approach Government on road funding.
1880	Colonial State Government imposes Local Government on many parts of the State to ensure local rating takes financial burden off the State Government.
1890	By 1890 there were more than 170 Councils in the State.
1901	Federation sees creation of the Commonwealth Government.
1919	Susan Grace Benny of Brighton Council, SA, becomes the first woman elected member of any sphere of government in Australia.
1930s	Depression sees population in rural towns decline and the number of Councils drops to about 140.
1940s	A combination of the industrial revolution and World War II sees an increasing centralisation of powers and responsibilities to central governments. Around this time, Councils' roles broadened to meet the increasing demand for improved public health. Drainage, sewerage, health inspection, and immunisation are taken on.
1947	The Australian Local Government Association formed to represent Local Government to the Commonwealth.
1960s	Local Government's role in land use planning introduced. Growing demand for Councils to become active in community development and community services.
1975	Local Government gains a share of untied Commonwealth grants which increase in value rapidly in the ensuing decade.
1979	Traditional property voting franchise broadened to give vote to all adult residents. Local Government House opened in Adelaide.
1983/84	Single Local Government Superannuation Scheme and the Local Government Finance Authority introduced. Substantial changes to Local Government Act introduce proportional voting, two-yearly elections, expense allowance for Council Members, and requirement for fair distribution of voters between wards.
1986	LGA Workers Compensation Scheme established.

**TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – Continued****South Australian Local Government History – Continued**

<b>Dates</b>	<b>Events</b>
1989	LGA Mutual Liability Scheme established.
1990	LGA signed formal agreement with SA Premier to reform State-Local relationship towards a partnership approach.
1992	Local Government invited to join new Council of Australian Governments (COAG) with Prime Minister and Premiers.
1993	Hindmarsh & Woodville Councils amalgamate.
1994	LGA signs a formal agreement with the new SA Premier to continue the State-Local relationship towards a partnership approach.
1994/95	Structural reform of Local Government became a major issue for both State and Local Government.
1997/98	Voluntary Council amalgamations. By 1998 Council numbers are reduced in South Australia from 118 to 68.
1998/99	The Local Government Act 1934 undergoes its first complete revision and a new Local Government Act 1999 and Local Government (Elections) Act 1999 are produced along with an Implementation Act. Statutes Repeal legislation is effective on 1 January 2000.
2002	LGA initiates its “Future Directions – Strengthening Intergovernmental relationships” program, designed to focus on key priorities to enhance South Australia through all three spheres of government collaborating with each other
2002	Minister for Local Government establishes the “Minister’s Local Government Forum” to progress/resolve issues of State Government/Local Government interface.
2003	Commonwealth Parliament finds substantial cost-shifting onto Local Government by State and Federal Governments (known as the Hawker Report)
2004	State/Local Government Relations Agreement signed by SA Premier and LGA President to enhance relationships between the two spheres of government. (Renewed in 2011)
2005	Independent Inquiry into the Financial Sustainability of Local Government – the first independent inquiry established by Local Government in Australia’s history.
2006	Historic Inter-Governmental Agreement signed by all Australian Governments (Federal, State and Local).
2008	The Federal Government establishes the Australian Council of Local Government and the first meeting is held in November 2008

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – ROLES, FUNCTIONS & OBJECTIVES

The **roles, functions and objectives of Councils** are set out in the Local Government Act 1999 as follows.

Councils' **roles** (Section 6) are to:

- act as a representative, informed and responsible decision-maker in the interests of its community;
- provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner;
- encourage and develop initiatives within its community for improving the quality of life of the community;
- represent the interests of its community to the wider community; and
- exercise, perform and discharge the powers, functions and duties of Local Government in relation to its area, as contained in the Local Government Act 1999 and other Acts.

Councils' **functions** (Section 7) include to:

- plan at the local and regional level for the development and future requirements of its area;
- provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- provide for the welfare, well-being and interests of individuals and groups within its community;
- take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- provide infrastructure for its community and for development within its area;
- promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- establish or support organisations or programs that benefit people in its area or Local Government generally;
- manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- manage, improve and develop resources available to the Council; and
- undertake other functions and activities conferred by or under an Act.

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – ROLES, FUNCTIONS & OBJECTIVES – Continued

Councils' **objectives** (Section 8) include to:

- to provide open, responsive and accountable government;
- to be responsive to the needs, interests and aspirations of individuals and groups within its community;
- participate with other Councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- seek to co-ordinate with national and State governments in the planning and delivery of services in which those governments have an interest;
- seek to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- manage its operations and affairs in a manner that emphasises the importance of service to the community;
- seek to ensure that Council resources are used fairly, effectively and efficiently;
- seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

**In summary, Sections 6, 7 and 8 of the Local Government Act:**

- make specific reference to the importance of service provision, equity in access to services and the use of resources in an effective and efficient manner;
- provide scope for Councils to determine the level of participation, involvement or direct service delivery desirable for local communities;
- place emphasis on economic and social development and environmental management;
- encourage participation with other Councils, regions and State and Commonwealth Governments in public policy setting and planning and delivery of services; and
- require Councils to strike a balance within communities between economic, social, environmental and cultural considerations.

### **What do Councils do?**

The range of services provided by Local Government is in response to the needs and priorities determined by local communities. The services can vary greatly from one Council area to another depending upon the Council's geographical location and size, development and growth patterns, and population profile.

Most people recognise that Councils provide a diverse range of services but few people understand quite how wide and diverse the range of services are.

Combined, all 68 Councils in SA expend around \$1.5 billion a year, about half of which is spent on: roads and drainage; waste collection, disposal and recycling; recreation and cultural activities; and library and information services.

### **What Councils must provide**

Mostly Councils decide what services they will provide locally, however there are some services which Councils are required to provide by legislation.

These include:

- formulation of planning policy for the area (note that planning policy must be approved by the State Minister for Planning) and assessment of development proposals including the enforcement of breaches of the Development Act 1993
- some environmental health services, such as monitoring cooling towers for Legionnaire's Disease
- fire prevention (some building inspection, and some bushfire prevention enforcement functions are a duty, others are discretionary)
- dog and cat management
- some administrative requirements, such as preparing strategic plans for the area, maintaining an office, employing a Chief Executive Officer and supporting the elected Council.

### **What Councils provide by choice**

Other services provided and activities undertaken or funded by many Councils in SA are listed below:

- Aged care
- Arts and cultural programs
- Business support
- Caravan parks
- Cemeteries
- Coastcare and dunecare projects
- Community buses
- Community centres
- Community development programs
- Community leadership and advocacy
- Community services such as home and community care
- Control of pest animals and plants
- Control of public nuisances
- Crime prevention
- Cycling tracks

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – ROLES, FUNCTIONS & OBJECTIVES – Continued

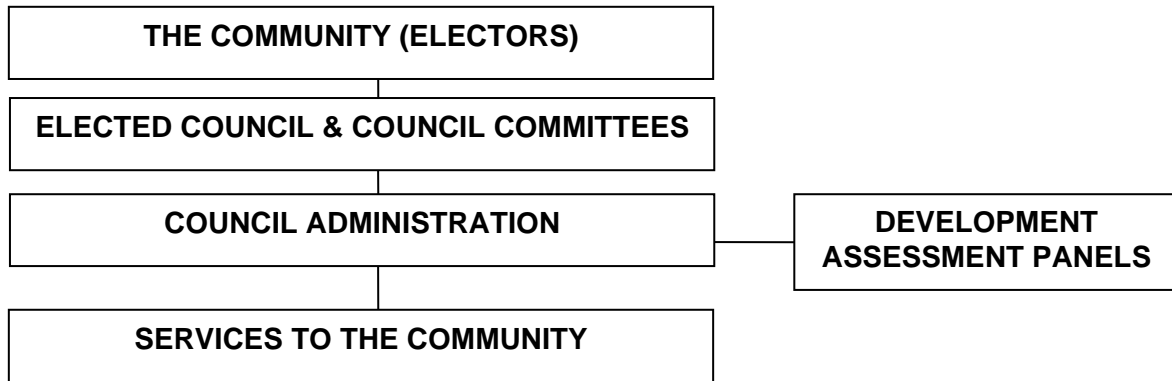
- Dry zones
- Economic development
- Employment /training programs
- Environmental management
- Festivals and events
- Food safety inspections
- Footpaths
- Immunisation
- Information services
- Landcare programs
- Libraries with books and free internet
- Local museums and heritage support
- Monitoring of insanitary conditions
- On street parking
- Online services
- Ovals
- Parks and gardens
- Public swimming pools
- Recreation facilities and centres
- Recycling
- Reserves and picnic areas
- Roads (local roads - that is, not national highways or State arterial roads)
- Rubbish collection and disposal
- Septic Tank Effluent Disposal Schemes
- Skate parks
- Stormwater drainage
- Street lighting
- Tourism information and support
- Traffic management
- Wetlands
- Youth advisory committees



Whether a service is a legislative requirement of Councils, or is provided by local choice, the Local Government Act requires that a Council is "responsive to the needs, interests and aspirations of individuals and groups within its community..." and that it must "...seek to ensure that Council resources are used fairly..." (Section 8, (b) and (h) Local Government Act, 1999).

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – COUNCIL STRUCTURE, MEETINGS, ELECTIONS

The following diagram depicts the interface between the Council, the Council organisation, and the community.



### Council Meetings

A matter that requires a decision of Council can only be decided at a properly constituted Council Meeting. These meetings are held at least monthly, at a time and place that was determined by the Council after the last periodical election. The Chief Executive Officer can call a Special Meeting in certain circumstances providing there is an agenda.

A meeting of the Council or a Council committee must be open to the public except in special circumstances, as outlined in the Local Government Act. In addition, in its Annual Report, a Council is required to report on when these provisions have been used.

The procedure that is followed at a Council or committee meeting is set out in the Local Government Act and regulations. Amongst other things, the Act explains the difference in voting rights between a Mayor and a Chairperson. The regulations outline the specific procedures to be followed regarding petitions, motions, formal motions and voting to name a few.

### Local Government Elections

Local Government elections are held every four years in November (2020, 2014 etc) so as to avoid the State Government election held in March of the same year. Residents of a Council area who are enrolled on the State House of Assembly voters roll are automatically included on the Council voters roll and are able to vote at Council elections. Other persons, including natural persons, bodies corporate and groups may apply to the Council CEO for inclusion on the Council voters roll. Staff that work in a Council's Rates Department could give you a lay-person's explanation of voting entitlements.

Voting at Council elections is not compulsory, it is a secret vote and conducted entirely by postal voting. A Ballot Pack is posted to each voter whose name appears on the Council voters roll and the completed votes are posted back to the Returning Officer. The State Electoral Commissioner is the Returning Officer for all Council elections. The Returning Officer will appoint Council staff and other people to act as Deputy Returning Officers and Electoral Officers to assist with the conduct of the elections.

More information regarding Council elections can be found on the LGA website at: <http://www.lga.sa.gov.au/site/page.cfm?u=239>

There is also a link to the Electoral Commission of SA website where you can find out more about how voting actually works at: <http://www.ecsa.sa.gov.au>

## **Planning and Development**

Planning and development of the local area are key responsibilities of Local Government. Section 7 of the Local Government Act 1999 requires Councils to plan at the local and regional level for the development and future requirements of the area. The Development Act 1993 provides more specific roles in relation to both development rules and the assessment of development applications.

The range of activities that constitute 'development' is defined in the Development Act and includes building work, a change in the use of land and the division of land. There are also special controls over heritage places, significant trees and mining operations.

Councils play an important and significant role in developing planning rules and assessing development applications - either by officers under delegation or via Council Development Assessment Panels (CDAPs) appointed by Council. These roles impact significantly on the character and amenity of the Council area.

The Act establishes a system of strategic planning and provides for the creation of Development Plans. The Development Plan is a statutory document that contains objectives and principles of development control against which development proposals are assessed. A Council (officers or CDAPs) must have regard to the Development Plan in its decision making. Councils are obligated to regularly review their Development Plan and can propose an amendment to update the Plan, but any changes need to be approved by the relevant State Minister before they come into effect.

Council Members have three principal roles in the planning and development of the area, namely:

- preparing, recommending changes to and reviewing the Council's Development Plan
- appointing a Development Assessment Panel under the Development Act 1993 (SA)
- some Council Members may have a role in making decisions on development as part of a Council's Development Assessment Panel. (Council staff also undertake assessment of development proposals under delegated authority – approximately 90% to 95% of applications are determined by Council staff).

## **Council Development Assessment Panels**

In June 2006, the Development Act 1993 was amended to require all Councils to establish a Council Development Assessment Panel (with membership consisting of both external persons and Council Members and/or Council staff) to assist Councils to exercise their development assessment powers and functions.

Decisions on development applications are made under the Development Act 1993, not the Local Government Act 1999. That is, the Council Development Assessment Panel is quite distinct from other functions of a Council.

The Development Act 1993 prescribes, amongst other things, composition of the Council Development Assessment Panel, matters relating to procedures of the Panel; public access to agendas, minutes and meetings; review of Panel delegations; conflict of interest; and extent of liability of Panel members.

## TOPIC 2: GOVERNANCE IN LOCAL GOVERNMENT – STRATEGIC MANAGEMENT PLANNING

Planning for the development and well being of communities is a critical role for Councils. The Local Government Act 1999 requires Councils to develop and adopt 'plans' for the management of the local area (Section 122).

Development of strategic management plans provides an opportunity for a Council, together with its community, to set the goals and objectives appropriate for the local area and to determine the services and activities to be undertaken to meet these goals and objectives. It also enables Councils to identify opportunities, where appropriate, to participate in the development of regional, State and Commonwealth Government policy and planning activities and to explore opportunities for collaborative effort.

Councils' plans are also required to reflect the consideration it has given to the co-ordination of effort between Local, State and Commonwealth Governments in public policy development and the planning and delivery of services where there is a common interest. In practice, this requires the development of effective working relationships with various government agencies.

The framework for strategic management of the local area prescribed in the Local Government Act 1999 includes strategic management plans, long term financial plans and infrastructure and asset management plans. It is the responsibility of individual Councils to determine the contents of their plans and the strategies they will use to develop, promote, measure and report on the success of their plans. The requirements for strategic management plans assist Councils to focus on the context of their decision making. Strategic management plans must be reviewed on a regular basis – currently at least every three years.

The strategic framework provides wide scope for Councils and their communities to determine:

- the specific strategies or outcomes desirable
- the approach to be used to deliver the outcomes determined (including the levels/types of plans adopted)
- the scope of services the Council will provide, facilitate or advocate for in its area
- the nature of the consultation approach the Council will adopt to formulate or review its plan/s
- how the outcomes of plans ought to be monitored
- under what circumstances a review of plans should take place and how reviews are to be conducted
- the size of the plans.

**A Snapshot of South Australian Local Government in 2009/10**

	<b>Total Metropolitan</b>	<b>Total Rural</b>	<b>Average Metropolitan</b>	<b>Average Rural</b>
<b>Size of Councils (hectares)</b>	228,938	14,629,177	12718.78	292583.5
<b>Operating Revenue</b>	\$1,051,959,607	\$581,060,631	\$58,442,200	\$11,621,213
<b>Resident Population</b>	1,189,359	412,945	6,6075.5	8,258.9
<b>Number of Council Employees (FTE)</b>	5,642	3581.5	313.44	71.63
<b>Number of Council Members</b>	241	403	13.39	8.06
<b>Councils with Mayors</b>	19	44	1.05	0.88
<b>Councils with Chairpersons</b>	0	4	0	0.08
<b>Councils with only Area Council Members</b>	3	29	0.17	0.58
<b>Councils with Wards</b>	16	19	0.89	0.38
<b>Number of Wards</b>	94	63	5.22	1.26

Please Note: Roxby Downs does not have an elected Council

### **WORKSHOP EXERCISE**

This is an opportunity for participants to put into practice what has been learnt about governance in Local Government. Working in small groups, participants will be asked to develop a draft strategic plan for an allotted Council area.

The strategic plan developed will require consideration of the following:

- Vision – what will our Council area be like in 5 years?
- Mission – what is the Council's primary purpose?
- Goal – what do we want to achieve?
- Strategy – how are we going to do it?
- Resources – what do we need to help achieve our goal?
- Performance measurement – how will we measure our progress?
- External factors – what are the external influences which positively or negatively affect our ability to achieve our goal?

The emphasis of this exercise is to gain a better understanding of the key elements of a good strategic plan, while having some fun.

Participants will gain most benefit from this session if they review one or more existing Council strategic plans before attending the workshop.



## TOPIC 4: RELATIONSHIP BETWEEN COUNCIL MEMBERS AND COUNCIL STAFF

### Role of Council Members

The Local Government Act 1999 (Section 59) sets out the role of Council Members as follows:

- a member of the governing body of the Council
- to participate in the deliberations and civic activities of the Council
- to keep the Council's objectives and policies under review to ensure that they are appropriate and effective
- to keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review and
- a person elected to the Council, to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council.

In practice, this means:

- participating in Council and committee meetings, which are conducted using formal meeting rules
- reading and understanding reports and recommendations, including financial, environmental and social reports
- presenting arguments and constructively debating with other Council Members, and objectively analysing information presented to Council before making informed decisions about what is in the best interests of the whole community
- contributing to guiding Councils' strategic directions and local governance in general
- reviewing expenditure.



Council Members can only make decisions and act through a decision of the Council as a whole. Individual Council Members have no legal role independent of the Council and have no authority to act or make decisions for or on behalf of the Council.

The Local Government Act 1999 also makes a clear distinction between the role of the elected Council and the administration. A Council Member has no direct authority over an employee of the Council with respect to the way in which the employee performs his or her duties (Section 59(3) of the Local Government Act, 1999).

## TOPIC 4: RELATIONSHIP BETWEEN COUNCIL MEMBERS AND COUNCIL STAFF – Continued

Council Members must also be aware of their fiduciary duties. The term 'fiduciary duty' is frequently used in relation to members of the governing body of an organisation. Fiduciary duty has been defined by the High Court of Australia as 'the duty to act with fidelity and trust to another'. What this means is that a member of a governing body must act honestly, in good faith and to the best of their ability in the interests of the organisation (in this case, the Council). A Council Member must not allow conflicting interests or personal advantage to override the interests of the Council.

Council Members are required to make a prescribed undertaking to discharge their duties conscientiously and to the best of their ability at or before the first meeting following their election or appointment to Council.

Chapter 5, Part 4 of the Local Government Act 1999 deals with the conduct of Council Members and the requirements for disclosure of interests. The general duties and code of conduct requirements are set out in Section 62 and are as follows:

- Council Members must at all times act honestly in the performance and discharge of official functions and duties
- Council Members must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties
- Council Members or former Council Members must not, whether within or outside the State, make improper use of information acquired by virtue of their position as a Council Member to gain, directly or indirectly, an advantage for themselves or for another person or to cause detriment to the Council
- Council Members or former Council Members must not, whether within or outside the State, make improper use of their position as a Council Member to gain, directly or indirectly, an advantage for themselves or for another person or to cause detriment to the Council.

The provisions of Section 62 also extend to:

- committees and to members of committees
- subsidiaries and to board members of subsidiaries.

### **There are severe penalties for breaches of these provisions**

#### **Role of Chief Executive Officers and Council Staff**

Councils are required to appoint a CEO who is the senior member of the staff and, as the manager, is responsible under the Local Government Act 1999 for ensuring that the policies of the Council are implemented (Section 99). The CEO also has a responsibility to act as an adviser to the Council and to ensure that the Council acts within the law.

The CEO is responsible for structuring the organisation and employing skilled staff to implement the Council's policy objectives. The CEO is also responsible for appointing, managing and dismissing the other employees of the Council (Section 103). The CEO must ensure that sound principles of human resource management are applied to all aspects of employment.

#### TOPIC 4: RELATIONSHIP BETWEEN COUNCIL MEMBERS AND COUNCIL STAFF – Continued

Similar requirements apply for employees in relation to conduct as those for Council Members in that employees of the Council must at all times act honestly and with reasonable care and diligence in the performance of official duties.

Councils are required to adopt a Code of Conduct for employees which employees must comply with (Sections 109 & 110). There is also a requirement for employees (including the CEO) to disclose any interest in a matter which they are required or authorised to act in the course of their official duties or anything that conflicts with their duties (Section 120).

An effective working relationship between Council Members and employees in which all contributions are valued will foster a team approach and achievement of Council objectives.

It is important that Council Members and Council employees understand their respective roles and responsibilities, and work together for the benefit of the community.

This separation of roles is important as it:

- removes the need for Council Members to become involved in a large number of minor issues and administrative matters, enabling them to concentrate on determining the strategic directions for the community and addressing major issues which will impact on the community; and
- results in essential but routine matters being dealt with efficiently and promptly by eliminating the need for such matters to be referred to the Council for a decision.

Council Members have no direct authority over employees with respect to the way in which employees perform their duties (Section 59(3)). If Council Members are concerned about anything to do with staff, they should refer the matter to the CEO.

## **Council Members**

As history has shown, the community will often judge a Council according to its perception of behaviours and impressions created by individual Council Members.

Council Members generally behave in a way that generates community trust and confidence in them as individuals, which will reflect positively on the Council and help to maintain and enhance the role and image of the Council and Local Government in general.

In the course of their duties Council Members will interact with Council staff, individuals and groups in the community from a broad range of interests, State and Commonwealth Government Members of Parliament, and staff in government agencies. When representing the Council in the wider community Council Members should be fair and honest in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council and the community.

Council Members are required to represent the view of residents and ratepayers of the Council and in turn to explain Council policy and decisions to them. Council Members need to be involved in the formal aspects of Council business (meetings, planning and policy development) and the informal process of 'keeping an ear to the ground' and staying in touch with the community.

One of the most important roles of Council Members is to participate in making policy and decisions on behalf of the community. As a 'policy maker' Council Members have responsibility for establishing and reviewing the rules, regulations and guidelines by which the community is governed. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

One of the most important functions of a Council Member is attending and participating in the decision making process at Council meetings. Council Members can only make decisions and act through a decision of the Council as a whole. They have no legal role independent of the Council and as such an individual Council Member has no authority to act or make decisions.

Council Members need to prepare for meetings so that they can effectively debate and contribute to the decision making process. The relevant meeting papers and reports are often extensive and require lengthy preparation times before each meeting.

## TOPIC 5: COUNCIL MEMBERS AND THE COMMUNITY – Continued

Even though Council Members may have been elected by the people of a specific ward, when making decisions they must assess the issues and make decisions in the best interests of the Council area as a whole.

Decisions of the Council are made by a majority vote of the members present and entitled to vote. With the exception of the Mayor every member present at a Council meeting must vote on every question (motions and amendments) arising for decision unless precluded from doing so by the conflict of interest provisions of the Local Government Act 1999.

Taking on a community leadership role as a Council Member means taking on extra work. There are Council agendas, papers and reports to read, meetings to attend and community events to go to as well as getting out and about in the community and talking to people who live and work in the area about their views and how they want to be represented.

At the same time Council Members carry on with their other work, including looking after their families. It is important that Council Members carefully consider their other commitments before deciding to run for election.

### **Allowances and Expenses**

Being a Council Member involves personal expenditure and there is some compensation for these costs.

Council Members are entitled to an annual allowance for expenses associated with their position. The level of allowance is determined by the independent Remuneration Tribunal once every 4 years before Council elections. The Tribunal is required to take into account a number of factors including size, population and revenue of each Council, as well as any relevant economic, demographic and regional factors. The allowances to apply for the term of office following the November 2010 elections range from \$5,000 to \$16,800 per annum, depending on the Group to which the Council has been allocated. A copy of the Tribunal's most recent determination can be downloaded from the following website - <http://www.remtribunal.sa.gov.au/localgov.htm>.

The Principal Member's allowance is also determined by the Remuneration Tribunal and is 4 times the Council Members' allowance for each Council. The only exception is the Lord Mayor for the City of Adelaide whose allowance is 7 times the Council Members' allowance.

Allowances are adjusted annually during the term of Council by movements in the CPI (All Groups Adelaide).

In addition to an allowance, Council Members are entitled to receive reimbursement for some expenses incurred in the course of duties undertaken as a Council Member. These expenses include travel and child or dependent care in relation to Council or committee meetings. Councils may also determine to reimburse other expenses such as telephone and facsimile costs incurred in the course of Council duties.

### **Who is the 'Community'?**

In undertaking strategic planning for the community and delivering services, Councils need to take into account the needs and wishes of the community. The community is made up of many different types of groups and individuals including:

- individual ratepayers and residents
- older people
- families
- youth
- individuals that come into the Council area to work and for recreation
- businesses (small, medium and large)
- tourist organisations
- sporting clubs and groups – football, tennis, cricket
- senior citizen and multi-cultural clubs and groups
- colleges, universities, schools, school councils and kindergarten committees
- children's groups – playgroups, mothers/parents groups, toy libraries
- environmental protection groups
- business groups – Apex, Lions Rotary, traders associations
- Returned Services League
- Federal and State Government agencies and departments
- religious groups and organisations
- advocate groups – ratepayers associations
- not for profit agencies – Salvation Army, Red Cross, smaller agencies
- the media

This diverse range of groups all have different expectations and requirements of Council that must be balanced in service planning and decision making.

Coupled with this Council needs to balance the needs of the current community with the needs of the community in the future in its planning for the Council area.

Councils support community groups in a range of ways including the provision of funding and grants; access to and use of community facilities; and maintaining sporting clubs and grounds.

### **Community Groups and how they impact on Local Government**

Community groups often have greater expectations of Council than individuals within the community. Their interaction with the Council is often more regular, they tend to be more organised than individuals within the community, and they can lobby Councils quite effectively to achieve outcomes for the groups and individuals that they represent.

As well as being more comfortable in their approach to Council, many community groups are experienced at utilizing the media as a tool to achieve desired outcomes.

### **Communities of Interest**

Communities of interest are groups of people connected by a common interest on a specific subject or issue or particular endeavour.

### **Challenges in working with Community Groups**

The key challenge in working with community groups is the diversity both in the groups and in their needs.

For example, in some Councils there may be as many as 90 different languages spoken and this can increase difficulties in communicating and providing information and support.

Organised community groups can sometimes distract and divert resources and service planning through political lobbying which can in turn create tensions within the broader community of the Council.

When undertaking consultation processes, it can be difficult to identify all stakeholders. This can expose Council to criticism if key stakeholder groups are inadvertently excluded. Understanding the politics of groups and between groups can be extremely complex.

## TOPIC 6: FINANCIAL MANAGEMENT IN LOCAL GOVERNMENT

A key objective for Local Government is the achievement and maintenance of the financial sustainability of South Australian Councils, both collectively and individually.

A Council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services.

Good financial management is the product of:

- sound policy processes which achieve policy outcomes that are sustainable in the short and long term
- extensive planning processes which ensure consideration of the broad range of options available to Councils
- accurate and reliable information for decision making and performance monitoring.

Understanding the role that each person plays in financial management assists in clarifying responsibilities - broadly, the roles are:

Role of Elected Body	Set Council policies Corporate performance measurement Set and approve the budget Receive/review information on Council operations Consult with the community Delegate authority
Role of Management (Including CEO)	Implement Council decisions Set administrative policy Set standards and timelines Prepare the budget Gather data and provide information to the Elected Body Provide information to the community Measure performance Delegate authority Set internal control framework
Role of Finance Staff	Record and report financial transactions Analyse financial information Coordinate the budget process Develop financial projections Maintain internal control processes
Role of Other Staff	Correctly classify financial transactions Observe internal controls Exercise delegations

Financial management resources for Councils are available on the financial sustainability page of the LGA's website at: <http://www.lga.sa.gov.au/goto/fsp> and the finance page of the LGA's website at: <http://www.lga.sa.gov.au/site/page.cfm?u=266>.

The resources available on these pages include:

- Financial Sustainability - series of Information Papers, Tools and Templates
- Model Financial Statements and Model Budget Template

## TOPIC 7: COUNCIL DECISION MAKING EXERCISE

The exercise is set in a large urban fringe Council with plenty of problems. The Council Members take pride in running the Council like a business and, in order to remain in business, the Council must achieve the following objectives:

1. rate stability
2. high employee morale
3. excellent service to residents
4. compliance with the law

Participants will be asked to form small groups and make decisions that will affect one or more of the objectives and each decision may have a consequential effect on others.

### **Rates**

The rates that the Council charges its residents must not increase too steeply, or there will be widespread dissatisfaction. In fact the resentment generated could eventually result in residents taking action politically to have the Council amalgamated with a neighbouring Council which is operating more economically. The amalgamation may not always be the best answer to Council's problems. So be realistic in this exercise, and consider the interests of Council.

### **Morale**

The job satisfaction of Council employees must be maintained. Unrest must not be allowed to develop or the union could begin to exert pressure to have you voted off the Council. Also, poor morale will cause time to be lost due to absenteeism and high labour turnover. This could reduce the productivity of the Council and threaten rate stability.

### **Service**

There must be prompt attention to residents' needs for service. If standards fall or services taken for granted are curtailed, then residents' dissatisfaction will increase. If such a situation persists, the natural apathy of residents will be overcome, to the extent that they may vote the whole Council out next election, as there is a pretty strong Resident Action Group.

### **Compliance with the Law**

The Council is subject to Local, State and Federal law just like everybody else. Some can be interpreted loosely, but if it happens too often and too blatantly then the State Government, under pressure from the Resident Action Group, may be forced to investigate the Council.

## TOPIC 7: COUNCIL DECISION MAKING EXERCISE – Continued

Each group will be allocated 3 points on a grid to each area of their decision making that will look like this:-

RATES	MORALE	SERVICE	LAW
3	3	3	3

Participants will be provided with 3 case studies, one at a time. Each case study will give a brief overview of an issue and a series of options for a decision. The group will need to agree on what option to select. Strive for consensus, but appreciate that you may need to vote. Participants will be allowed 10 minutes to read each case study and make the group decision.

Each group in turn will provide the option agreed for each decision to the facilitator who will score the decision taken by the groups against the impact of the decision on rates, morale, service and law. In some cases groups will lose points, gain points and some decisions may have no affect on some areas.

Overall at the end of the 3 case studies the group will be striving to make well balanced decisions that don't result in a zero in any of the four areas.

## **THE ELBOW BEND COUNCIL - DECISION MAKING GAME**

### **Decision 1 – Beautiful Clean Air**

The State Government's Department responsible for environmental matters has called on the good citizens of Elbow Bend to live more cleanly. In fact it has gone further and has called for all burning in the open to cease so no burning of the autumn leaves that collect in their gutters. Clean pure air will be the result and this has great popular support, as it is bound to lead to clean minds.

It will also result in increased pressure on the dump as the Council will now have to collect lawn clippings, garden trimmings etc. as part of its garbage collection. The City Engineer estimates that this will decrease the life of the dump by at least one year and increase collection cost by at least 10% over and above the 10% already budgeted for, and over and above an increase EBBC may have to face up to as a result of some new Waste Management Regulations you know are coming up soon and could cost something to comply with.

**Confer with your colleagues and come to a decision.**

You have the following alternatives:

1. Remove restrictions on taking garden refuse;
2. Maintain restrictions on taking garden refuse.

ALTERNATIVE	RATES	MORALE	SERVICE	LAW	TOTAL
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## **THE ELBOW BEND COUNCIL - DECISION MAKING GAME**

### **Decision 2 – The New Dump**

New legislation has been passed by Parliament to control waste management. The relevant State waste authority has served an order on the Council to clean up its dump which is an awful mess. There are many deficiencies including no compaction of materials, insufficient cover on each layer and no boundary fencing, all of which has been pointed out by the authority in a report to the Council and needs attention to comply with the new regulations.

The City Engineer agrees with the report. He has wanted a \$250,000 tractor compactor for years, and the Council at its budget meeting 6 months ago put it on the Capital Works program for 2 years hence. A new tractor compactor and the fencing job could be brought forward for immediate attention if it were partly financed from current revenue. Carting extra soil for cover will increase costs considerably and it has not been allowed for in the 3 year forward budget.

The Financial Manager reports that full and immediate compliance with the new regulations will result in a twenty-five per cent increase in costs for next year (over and above the increase already budgeted for) and will mean rates will rise substantially next year.

**Confer with your colleagues and come to a decision.**

You have the following alternatives:

1. Full and immediate compliance. Authorise the twenty five per cent increase in costs.
2. Defer compliance for two years when it is already substantially budgeted for.
3. Partial compliance. Authorise a fifteen per cent increase which will buy the compactor and half the fence.

ALTERNATIVE	RATES	MORALE	SERVICE	LAW	TOTAL
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**THE ELBOW BEND COUNCIL - DECISION MAKING GAME**

**Decision 3 – Sunday Evening Trading**

The Chief Librarian has put up a strong case to the CEO for extending hours and opening on a Sunday evening. This will mean higher wage costs because the Council's enterprise agreement provides attractive overtime flexibilities beyond 7.00 pm. in instances such as emergencies, attendance at Council meetings and like, therefore the agreement won't cover library staff and the award penalty rates will have to apply. The agreement was negotiated 12 months ago and has 2 more years to go before it becomes due for renegotiation. The current budget will not sustain increased wages and the CEO has raised the matter with the Council, seeking some guidance.

Due to Corporate management, however, some fancy figures have been supplied that show the unit cost per book issued, and per borrower will actually drop through increased turnover. Many of the Library staff are unhappy at the issue, because they don't want to work Sunday evenings. There is no attraction in penalty rates for them. They would rather take the kids to someone else's library that is open on a Sunday night.

**Confer with your colleagues and come to a decision.**

The Chief Librarian has put forward the following alternatives:

1. Open Sunday night, and roster staff whether they like it or not.
2. Stay shut on a Sunday night.
3. Open Sunday nights with staff willing to work.
4. Open Sunday night, but enter into informal arrangements with staff willing to work that they can have time off in lieu of penalty entitlements which could be taken at any convenient time or can be added to annual leave if they wish.

ALTERNATIVE	RATES	MORALE	SERVICE	LAW	TOTAL
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## TOPIC 8: OFFICE FOR STATE / LOCAL GOVERNMENT RELATIONS

The Office for State/Local Government Relations, a part of the Department of Planning and Local Government, provides advice to the Government on the constitution and operations of the legislative framework of the Local Government system in South Australia and facilitates effective working relationships between the State Government and Local Government within South Australia.

The Office for State/Local Government Relations is an agency located within the Department of Primary Industries and Resources SA – further information can be found at <http://www.pir.sa.gov.au/index.shtml>

The Office provides advice about the following to the Minister for State/Local Government Relations, the Hon Bernard Finnigan MLC – further information can be found at <http://www.parliament.sa.gov.au/Internet/DesktopModules/memberdrill.aspx?pid=614>:

- The administration and operation of the *Local Government Act 1999*, *Local Government (Elections) Act 1999*, *Local Government (Implementation) Act 1999*, *Local Government Act 1934* and other legislation administered by the Minister
- Relationships between the State and Local Government, including providing support to the Minister's Local Government Forum – further information can be found at <http://www.localgovt.sa.gov.au/forum.htm>

The Office also supports three statutory authorities:

- South Australian Local Government Grants Commission – further information can be found at [http://www.localgovt.sa.gov.au/LGGC\\_index.html](http://www.localgovt.sa.gov.au/LGGC_index.html)
- Outback Areas Committee – further information can be found at <http://www.oacdt.sa.gov.au/>
- Boundary Adjustment Facilitation Panel - further information can be found at [http://www.localgovt.sa.gov.au/BAFP\\_index.html?u=32](http://www.localgovt.sa.gov.au/BAFP_index.html?u=32)

The authorities have independent reporting relationships with the Minister for State/Local Government Relations.

The primary objective is to provide leadership within the State Government by promoting shared strategic directions and effective working relationships between State and Local Government.

The Office for State/Local Government Relations provides policy and other advice to the South Australian Government and its agencies on:

- The constitution and operation of the Local Government system
- Whole of government policy and legislative frameworks as they affect Local Government
- Relationships between the State Government and Local Government
- The constitution and operation of statutory authorities for which the Minister for State/Local Government Relations is responsible.

### **Structure of the Office**

There are two inter-related functional areas within the Office for State/Local Government Relations (OSLGR):

#### **Local Government Relations and OSLGR Planning and Finance**

- Provides advice on the ongoing development and enhancement of Local Government and relationships between State and Local Government;
- Responsible for the management of OSLGR finances and strategic and business planning; and
- Responsible for the management of the whole of OSLGR business support and corporate services contracts.

#### **Operations and Legislative Review**

- Provides advice on existing and proposed legislation under the legislative framework for Local Government;
- Ongoing review of legislation that impacts on the Local Government environment in South Australia; and
- Responsible for the management of operational matters and interfaces with Minister and Local government stakeholders.

The Local Government Association was created by Councils to represent their interests at the State level and to provide leadership. Formed initially in 1875 to lobby government for road funding, the LGA has, over the years broadened its agenda to represent a wider diversity of issues and to provide leadership across the range of issues challenging Councils. During the 1970s the Parliament acknowledged the importance of leadership across Councils by formalising recognition of the LGA in the Local Government Act (Schedule 1). The LGA is also referred to in more than 20 other Acts where it plays a role for Councils.

All Councils are members of the LGA and have been since the late 1970s. Membership remains voluntary and that creates an important “pressure” on the LGA to constantly ensure it is in tune with the needs and priorities of Councils.

### **Representation**

The LGA represents Council interests in various ways. It has a formal agreement with the SA Premier on State/Local relations and on legislative matters. It is a member of the Australian Local Government Association (ALGA) which represents Local Government issues nationally. The President of the ALGA sits as a member of the Council of Australian Governments (CoAG) along with the Prime Minister. The LGA President and senior advisers meet regularly with the Premier and other Ministers.

A key role of the LGA is to monitor legislation which impacts on Councils in the SA Parliament. As far as is possible it negotiates with Government on the form of legislation affecting Councils before Bills enter the Parliament. It ensures all MPs understand Local Government’s views on Bills and amendments which may be put forward during Parliamentary debate and occasionally will seek support for amendments to enhance legislation.

The LGA plays a major role in seeking to secure grant funding and access to other revenue from State and Federal governments. The Federal Local Government (Financial Assistance) Act requires the government to consult with the LGA before principles for distributing grants are finalised. The LGA is active in seeking to ensure SA Councils get a fair share of Federal funds and has recently had some successes in this regard.

As Local Government’s employer representative in relation to industrial issues the LGA represents Councils in relation to award negotiations and provides support to Councils via brokered services and via information such as the provision of a database of enterprise bargaining agreements in SA Local Government.

Councils take the lead in communicating with the community but the LGA’s role in supporting Councils in this area has grown in recent years. It provides an education kit aimed at schools (refer [www.localstuff.sa.gov.au](http://www.localstuff.sa.gov.au)), a range of web-based media information (refer [www.lga.sa.gov.au/goto/media](http://www.lga.sa.gov.au/goto/media)) and plays a strong supportive role in relation to central media to ensure balanced views from across Local Government are heard.

## **Leadership**

The LGA provides information to Councils in a variety of ways – all designed to provide support and leadership. The LGA has also provided or supported the establishment of structures to provide more practical assistance to Councils. This includes mechanisms such as the negotiation of bulk electricity contracts producing substantial savings for Councils and the establishment of the LGA Workers' Compensation Scheme, LGA Mutual Liability Scheme, the Local Government Finance Authority and Local Super to name a few. These structures deliver millions of dollars of savings to Councils each year as well as providing more responsive services. The LGA's website: [www.lga.sa.gov.au](http://www.lga.sa.gov.au) has become the central reference database for the information services provided. More information about the LGA website can be found below.

The LGA provides a range of high-level policy documents, discussion and information papers to help Councils think through complex issues. It also provides highly practical models, codes and guidelines to help Councils. These can be found on: [www.lga.sa.gov.au/goto/guidelines](http://www.lga.sa.gov.au/goto/guidelines). Much information provided to support Council members is directed to Council staff to apply within the local context. Information of more direct information for members can be found on [www.lga.sa.gov.au/goto/members](http://www.lga.sa.gov.au/goto/members).

Research is also a key focus of the LGA to inform Local Government and other stakeholders in both the overall picture on particular issues and to understand differences within the sector. The LGA undertakes considerable research via surveys of Councils and in other ways. The LGA also administers the Local Government Research and Development Scheme which is the only general research funding in relation to Local Government issues within SA (refer [www.lga.sa.gov.au/goto/research](http://www.lga.sa.gov.au/goto/research)).

In 2005 the LGA established Australia's first independent inquiry to be commissioned by Local Government itself. The inquiry looked at the financial sustainability of Councils and provided an overview of key issues which should be addressed. The report of the inquiry, other support information and the program established by the LGA to implement its recommendations can be found on [www.lga.sa.gov.au/goto/fsp](http://www.lga.sa.gov.au/goto/fsp).

The LGA also provides support in the form of formal briefings, conferences and forums and personal development via education and training courses. LGA conferences are run every year in association with an LGA General Meeting. LGA representatives attend all regional LGA meetings and the LGA Metropolitan Group meetings providing updates on relevant topics. A comprehensive program is offered by the LGA Education and Training Scheme which can be found on [www.lga.sa.gov.au/goto/training](http://www.lga.sa.gov.au/goto/training).

## **Information**

Ensuring information gets to those who need it in Councils is no mean feat given their size, diversity and the breadth of issues which they deal. There are 737 Council Members and almost 8000 staff in SA's 68 Councils.

The core of LGA information provision is LGAnet – its website. LGAnet includes a range of mechanisms to help people locate what they need including policy and project pages on common topic areas (see the drop-down menu at the top of every page), index pages (such as for Council members), a full-site search function (top right under the menu on each page) and “goto” shortcuts such as [www.lga.sa.gov.au/goto/training](http://www.lga.sa.gov.au/goto/training).

Updates on key topics are provided in daily circulars which are indexed each week and emailed to all CEOs (see [www.lga.sa.gov.au/goto/circulars](http://www.lga.sa.gov.au/goto/circulars)). The homepage provides indexes to frequently sought information for both Councils and the Public along with a “What’s Hot” listing. The website also has a small “secure” area primarily for externally purchased databases/information which cannot be provided publicly or for information provided free to Councils but which is only available for a fee to interstate Councils or other parties.

The LGA also provides a monthly newsletter which provides short updates on topical issues with contact information for more detail. The newsletter “LGA News” is sent to all Councils with enough copies for all Council Members and senior staff and to a range of other stakeholders. It is also available on the website at [www.lga.sa.gov.au/goto/lganews](http://www.lga.sa.gov.au/goto/lganews).

Forums provide another way of providing information. The LGA's formal general meetings (AGM and half-yearly General Meeting) provide key summaries of LGA activities and progress on issues and both have associated major conferences or forums. The LGA also sends representatives to all regional association meetings to provide updates and hear about local issues. All formal LGA meetings have agendas and minutes available and these can be found on <http://www.lga.sa.gov.au/goto/meetings>. LGA Annual Reports can also be found on [www.lga.sa.gov.au/goto/corpdocs](http://www.lga.sa.gov.au/goto/corpdocs).

## **Structure**

The LGA has a traditional “association” structure with an Annual General Meeting of members being the ultimate decision-making body. The 68 Councils as corporate bodies are members of the LGA – along with Anangu Pitjantjatjara Yankunytjatjara (the executive for the APY Aboriginal lands in SA's far north). An AGM or half-yearly General Meeting is the only body which can vary the constitution of the LGA. Councils are invited to submit motions to each general meeting where decisions are made.

A State Executive Committee with 8 members elected by metropolitan Councils and 8 elected by country regions, along with a President elected at large and Immediate Past President meets bi-monthly to manage the affairs of the Association. An LGA Metropolitan Group and an SA Regional Organisations of Councils Committee meet bi-monthly to provide advice on specific metropolitan and country issues. A Senior State Executive Committee comprising the President, 4 Vice-Presidents and the Immediate Past President meet between State Executive Committee meetings to provide leadership.

The LGA has a policy manual which is endorsed at annual general meetings and both the manual and the LGA constitution can be found on [www.lga.sa.gov.au/goto/corpdocs](http://www.lga.sa.gov.au/goto/corpdocs).

## TOPIC 10: FUTURE CHALLENGES

The values, attitudes and expectations of services from Councils to local communities are changing along with the issues for which communities require support. Councils are experiencing:

- the continued withdrawal of State and Federal Government services in local and/or regional areas
- legislative changes which have included specific roles and responsibilities for Councils to enhance governance practices, including approaches to the adoption of annual programs and budgets and consideration of the impact of Council rating decisions on ratepayers, especially those with fixed and low incomes
- acceptance by Councils and regions of offers of State/Federal Government grants to deliver services in areas traditionally not provided by Local Government
- increased litigation
- greater community interest in Council business
- greater community and media focus on accountability in relation to Council decision making processes
- diversity and changing demographics (including population changes such as intergenerational issues and ageing of the population) resulting in particular service needs
- pressure from communities for Councils to take a stronger intergovernmental focus and advocate on their behalf to the other spheres of government
- increasing pressure from communities for Councils to take an active role in economic development, environmental management and addressing social issues
- an ageing population, highlighting the need for Councils to plan for the provision of information, resources, amenities and services to meet the needs of older persons in the community
- an ageing workforce and skills shortages, requiring Councils to consider issues including succession planning, training and mentoring of young employees, retention of experienced workers, and ensuring that the skills and knowledge of older workers is enhanced to meet current job requirements
- an increased need for long term financial planning for infrastructure, asset and fiscal management. The report of the Financial Sustainability Review Board 2005 found a predominantly cash account system in place at most Councils and recommended that all Councils use accrual accountancy processes and develop infrastructure and asset management plans (including soundly-based depreciation methodologies) and long term financial plans
- the need to ensure community needs are being met in regards to the 30 year Plan for Greater Adelaide
- the need to better inform communities about the role, function and performance of Local Government including via a Local Government election promotion campaign, the “Shape Your World” career branding, the “Out of the Ordinary” television series and the Education Website.

## TOPIC 10: FUTURE CHALLENGES

Councils recognise their communities (locally and regionally) are seeking government responses to a range of issues including:

- development planning
- rating and related matters
- infrastructure and asset management
- waste management
- unemployment
- supporting the needs of youth
- supporting the needs of an ageing population
- meeting the needs of aboriginal communities
- economic/business/industry development
- environment protection
- affordable housing
- transport
- water quality, allocation etc
- urban regeneration
- financial management
- emergency management
- climate change
- drought