

Local Nuisance and Litter Control Act (SA) 2016 – Understanding the Benefits and Cost Imposts to Local Government

Final Report

July 2020

Report prepared by BRM Advisory



Executive summary

The Local Nuisance and Litter Control Act (SA) 2016 (the Act) places a burden on councils to respond to litter and nuisance issues by transferring a number of activities which were previously (pre 2016) the responsibility of the Environmental Protection Authority (EPA).

The focus of this project was to establish a methodology for quantifying the total cost imposts of the Act on the Local Government sector. To do so, data was collected from 18 of the State's councils, representing just over a quarter of councils by number and 55% of the resident population. Councils surveyed (Participating Councils) were asked to provide information relating to their activities under the Act including:

- the level of human resourcing committed to compliance;
- out of pocket costs; and
- other challenges and opportunities created by the introduction of the Act.

The data collected shows that there has been a large increase in reported litter and nuisance activity when compared to the level of activity that was previously being managed by the EPA. One metropolitan council reported that litter and nuisance complaints in their council area had risen from 60 per annum under the former regulatory regime to over 1,000 per annum under the Act. Such increases are likely to be placing a larger burden on the local government sector than what may have been originally envisaged when the Act was introduced.

Participating Councils reported that the increase in activity is the result of a greater level of awareness in the community of council's compliance responsibilities and that councils are more accessible (than perhaps the State Government) in terms of reporting and responding to complaints.

By extrapolating the quantitative data supplied across the entire population of South Australian councils, a range of the total cost imposts of the Act on the local government sector was determined. This range, calculated by determining both the mean and the median of the data collected, was between \$6.5 million and \$8.5 million per annum. This equates to between \$7.15 and \$9.35 per South Australian ratepayer per annum.

To support the cost impost, Participating Councils have collectively identified that the community is receiving a higher level of service under the Act and that councils have greater authority to manage litter and nuisance issues in the local area than previously. Councils have identified that they are able to provide improved response times and more locally focussed resolutions to residents.

The major challenge reported relates to resourcing and the requirement to deploy additional resources or reduce service levels in other areas to respond to the level of activity required. This has come at a direct cost to ratepayers. Over 70% of the Participating Councils commented that they had reduced service levels in other areas to accommodate the additional resourcing required to undertake its responsibilities under the Act.

In considering the impact of the Act on different councils and local government areas, there is a large difference in the resourcing commitment and the importance of the Act given the locality of the council area.

Broadly, the Act appears to have a proportionately greater impact on metropolitan councils and particularly outer metropolitan councils than it does in regional areas. When reviewing the data collected, density of living appears to be the key variable in determining the level of cost impost of the Act.

There is a large divergence in the activity and cost data being captured by all councils and the formal level of reporting of activities under the Act in councils' Annual Reports.

Adopting a uniform approach to reporting and benchmarking across all councils is difficult to justify as smaller and more regional councils are unlikely to see a benefit in investing time and effort into a standardised reporting framework. However, producing more consistent information is the key for the sector to be able to present a more informed position on the total costs and benefits of the Act.

The report notes that inconsistencies in reporting stem from the lack of clarity provided in the Act and/or the absence of any other disclosure guidelines.

To ensure a more consistent approach is applied across the sector, the EPA should work with local government to prepare and release a guidance paper which seeks to standardise the level of reporting under Section 8 of the Act and to encourage councils to develop a consistent set of activity data that can inform future advocacy work on litter and nuisance.

The findings and data provided in this report provide an evidence base to inform future advocacy the LGA of SA may undertake on behalf of member councils to the EPA in response to the consideration of future changes to the Act. In particular, the report provides support to the LGA of SA's current policy position that:

"no amendments that increase the role and responsibility of local government in responding to litter and nuisance complaints should be made unless:

- they are supported by a clear policy basis and information and data that justifies the need for the change; and*
- a commitment from the State Government to adequately compensate or appropriately resource councils to undertake the additional responsibilities."*

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Background

The Local Nuisance and Litter Control Act (SA) 2016 (the Act) was introduced with the objectives of protecting individuals and communities from local nuisance, preventing littering, improving the amenity value of local areas and promoting the creation and maintenance of a clean and healthy environment.

South Australian councils were given primary responsibility for dealing with local nuisance and littering under the Act with their responsibilities commencing on 1 July 2017.

The introduction of the Act places a burden on the local government sector in responding to nuisance issues in the community with a number of activities which were previously the responsibility of the Environmental Protection Authority (EPA) being transferred to councils.

In July 2019, the EPA released the 'Review of Local Nuisance and Litter Control Act 2016 Discussion Paper'.

The Local Government Association of South Australia (LGA of SA) consulted its membership in relation to the review and received feedback in relation to the additional time, resourcing and cost impost on councils as a result of the Act and also that the imposts of the Act were quite different on councils in different regional contexts.

As a result of the feedback the LGA of SA presented a submission in response to the review noting specifically that:

'for many councils, their expanded role in responding to nuisance issues in the community has required significant additional resourcing, the LGA recommends that no amendments that increase the role and responsibility of local government in responding to litter and nuisance complaints should be made unless they are supported by a clear policy basis and information and data that justifies the need for change.'

The LGA of SA is seeking to further clarify and identify the actual level of cost impost on the sector and the regional considerations that are driving activity in response to the Act.

Project deliverables

A comprehensive data set relating to the total cost impost of the Act and insights into regional considerations that influence the level of activity of councils in varying regional contexts.

The Project specifically seeks to:

- Identify the various costs imposts from various parts of the Act,
- Identify the key benefits for the community and local government of the Act;
- Identify regional considerations that impact council interactions with the Act;
- Make specific recommendations for improvements to the Act where the current version is leading to undesirable outcomes; and
- Identify opportunities for local government to improve its practices and levels of compliance with the Act.

Methodology

1. Identify Participating Councils

LGA of SA sent a communication to all councils seeking volunteers to participate in the Project. Following that communication, Project consultants BRM Advisory also directly approached a number of councils seeking their participation in the study.

As a result, 22 councils made commitments to participate in the data gathering exercise as part of the Project (Participating Councils).

The sample of Participating Councils included 12 from Metropolitan Adelaide and 10 from peri-urban and regional centres and was designed to represent approximately one third of all South Australian councils.

2. Develop data collection methodology

LGA of SA had an existing understanding that councils did not have access to a readymade data set to quantify the costs imposed by the Act. Therefore, a tailored and bespoke approach to collecting relevant data was required.

BRM Advisory developed a customised survey (Attachment One) which was designed to extract the relevant information from councils to meet the Project deliverables. Information was sought from Participating Councils in relation to:

- the number of complaints made under the Act in FY2018 and FY2019,
- the resources committed to responding to such complaints, and
- qualitative feedback on how council's responsibilities under the Act have been managed.

3. Pilot testing of survey

The draft survey was sent to one Metropolitan and one regional council for testing. Feedback received was incorporated into the final survey.

4. Final survey

Following feedback on the pilot survey, a final survey was distributed to Participating Councils on 18 December 2019 with a request to respond by the end of January 2020.

During the response period, four Participating Councils withdrew from the process as a result of either not having the data to appropriately respond to the survey or not having the resources available internally (sometimes due to the Christmas leave period) to respond to the survey.

18 completed responses were ultimately received.

5. Data checking and corroboration

During February 2020, BRM Advisory undertook a process of corroborating and checking the data submitted by Councils to help to ensure that each Council had fully understood the requirements of the survey in their response. Adjustments were made to submitted data accordingly.

6. Draft findings

The COVID pandemic resulted in a slight delay to the Project from the initially proposed timeframes. A draft version of this report was presented to all Participating Councils on 17 June 2020. A two-week period was provided for Councils to provide feedback on the draft report.

7. Final Report

A final report was provided to the LGA of SA on 15 July 2020.

Participating councils

Table One provides a snapshot of the councils who participated in the survey. The names of the councils have been de-identified.

Table One: Participating Councils

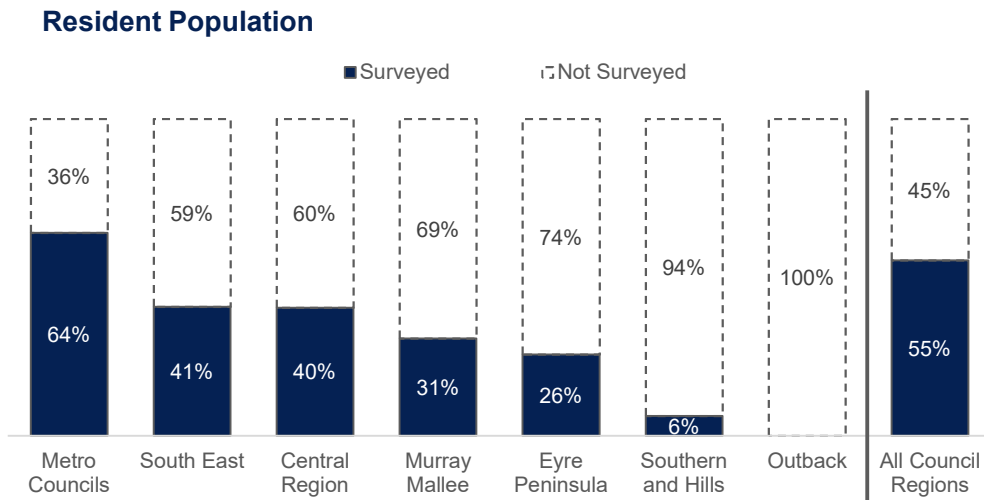
Council	Status
Metropolitan Council #1	Survey completed
Metropolitan Council #2	Survey completed
Metropolitan Council #3	Survey completed
Metropolitan Council #4	Survey partially completed
Metropolitan Council #5	Survey completed
Metropolitan Council #6	Survey completed
Metropolitan Council #7	Survey completed
Metropolitan Council #8	Survey completed
Metropolitan Council #9	Survey partially completed
Metropolitan Council #10	Survey completed
Metropolitan Council #11	Survey completed
Southern and Hills #1	Survey completed
Murray Mallee #1	Survey completed
Central #1	Survey completed
Central #2	Survey completed
Central #3	Survey completed
Eyre Peninsula #1	Survey completed
South East #1	Survey completed
Metropolitan Council #12	Withdrew – resourcing
Southern and Hills #2	Withdrew – resourcing
Murray Mallee #2	Withdrew – resourcing
Central #4	Withdrew – lack of data

¹ Resident population as at 30 June 2019. Source: Grants Commission database reports.

Population data

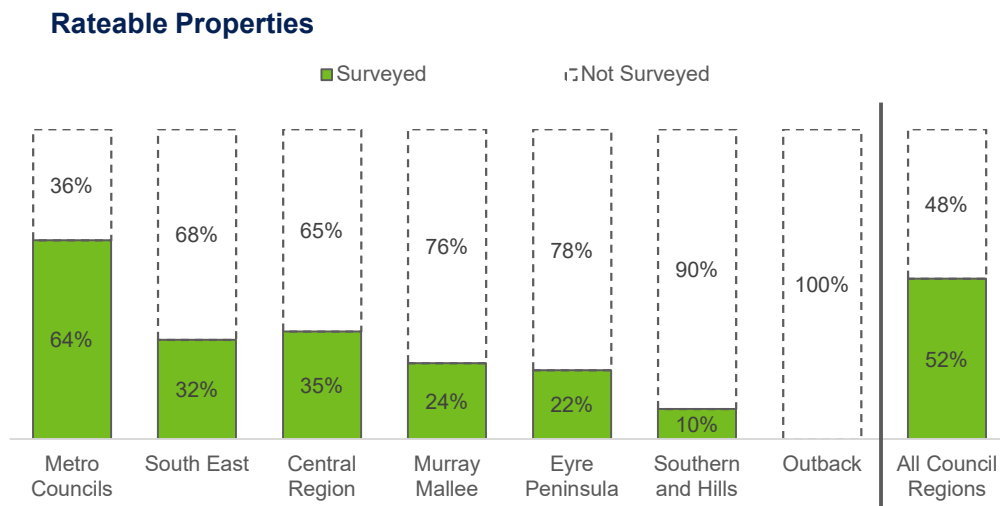
The number of residential properties and ratepayers represented by the data collected during this process is shown in Figure One and Figure Two.

Figure One: Population of data collected during the survey



As part of the data collection process approximately one quarter of all SA councils were surveyed covering a resident population of 55% of South Australians.

Figure Two: Rateable properties of Councils data collected during the survey



The councils surveyed account for 52% of all rateable properties in South Australia.

Data collection

Survey overview

The survey contained four sections:

1. Basic information – requesting details of the officer(s) responsible for completing the survey.
2. Activity – which gathered information about the number of interactions with various components of the Act broken down into the various litter and nuisance categories as stated in the Act.
3. Cost and FTEs – which asked councils to estimate the level of FTE resourcing it has currently committed to compliance with the requirements of the Act and sought to specify other direct costs of compliance (such as legal costs and training and development).
4. General (qualitative) data – which sought general feedback from councils about the non-financial impact on council as well as the perceived benefits that the introduction of the Act has had on the community.

Other data sources

The findings have been informed by the survey and a number of other sources of information including:

1. The EPA's Review of the Local Nuisance and Litter Control Act 2016 (Discussion Paper).
2. LGA of SA's submission (dated September 2019) in response to the Discussion Paper.
3. Discussions with employees of other regional councils who did not directly participate in the survey.
4. Additional information sent to us by councils to enhance their survey responses including:
 - a. Existing council reports on the impact of the Act on resourcing;
 - b. Policies and processes to manage complaints under the Act; and
 - c. Individual Council submissions in response to the Discussion Paper.

Key limitations

- There is a large divergence of methodologies and approaches used by the Participating Councils to capture data relating to activities undertaken under the Act. Some councils reported having set up new categorisations in their Customer Management Systems that corresponded directly to the Act while at least one council was not even aware of their legislative requirement to report on their activities under the Act in their Annual Report and had accordingly not been capturing any activity data.
- Given the nature of the activities and the lack of activity-based costing methodologies used within councils (i.e. timesheets), allocating a monetary value to compliance activities requires an element of estimation. Allocation of cost estimates required council officers to make a number of assumptions in terms of the average time taken to manage an activity and to extrapolate this over a given year.
- Responses to the survey were sought during the December / January period, when many staff traditionally take annual leave. Some councils advised they were unable to respond to the request due to the timing of the survey process and the absence of key staff.
- Given the timing of the project, the impact of the COVID-19 pandemic on resourcing levels and cost imposts of the Act has not been considered.

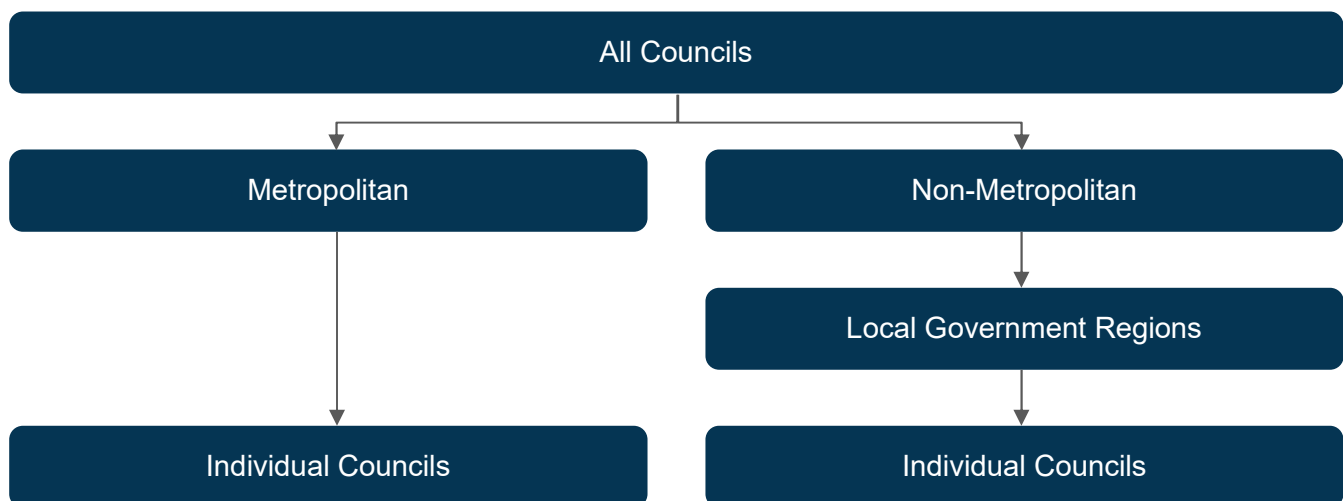
Management of survey data

Given the unique nature of each council area and each local government region, care must be taken in extrapolating data gathered from the sample to the entire population of councils using basic extrapolation techniques.

Based on the survey results, housing density appears to be a key driver of the number of litter and nuisance complaints that are received by councils. As a consequence, there is a clear distinction in the data received between Metropolitan and non-Metropolitan councils in terms of the number of complaints received and the level of council resources allocated to handling activity under the Act.

Each survey question has been analysed using the following data hierarchy.

Figure Three: Data hierarchy



In relation to the Activity data collected from Participating Councils, information was received for both FY2018 and FY2019. Where possible the FY2018 and FY2019 activity data has been averaged at the council level to seek to smooth results and increase the reliability of the reported information.

There may not be enough reliable data to report on each survey question at each data hierarchy level, therefore information has only been presented where it is considered that there is an adequate sample of responses to draw conclusions from the data.

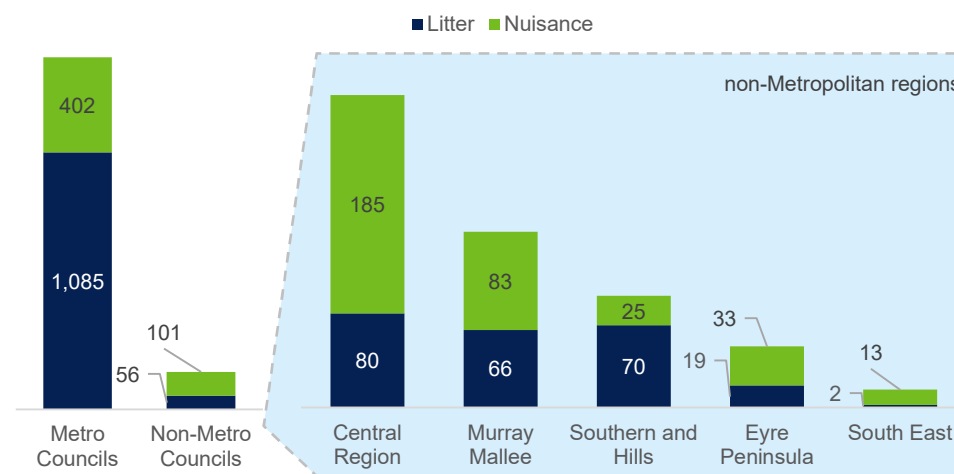
Additionally, the attribution of individual council responses has been limited in this report to ensure that data is not misinterpreted or taken out of context.

The LGA has also been provided with a full list of all qualitative responses to the survey questions and will use this data to help inform future advocacy in the area of litter and nuisance.

Litter and nuisance complaints (by number)

- The Metropolitan councils surveyed received a total of 10,845 litter complaints and 4,419 nuisance complaints.
- One Metropolitan council had just 37 complaints per annum while the one of the outer metropolitan councils recorded the most with 2,981.
- In the Non-Metropolitan councils, complaints activity was much less common with all councils (other than one) recording fewer than 100 litter complaints and 120 nuisance complaints each per annum.
- Given the higher living density, those councils in Metropolitan areas receive a higher number of litter and nuisance complaints than those in more regional settings.
- There is a large divergence between the minimum and maximum activity data provided by councils. This could be the result of inconsistencies in the way that councils capture and report on litter and nuisance data and may not be as a result in actual differences in activity.

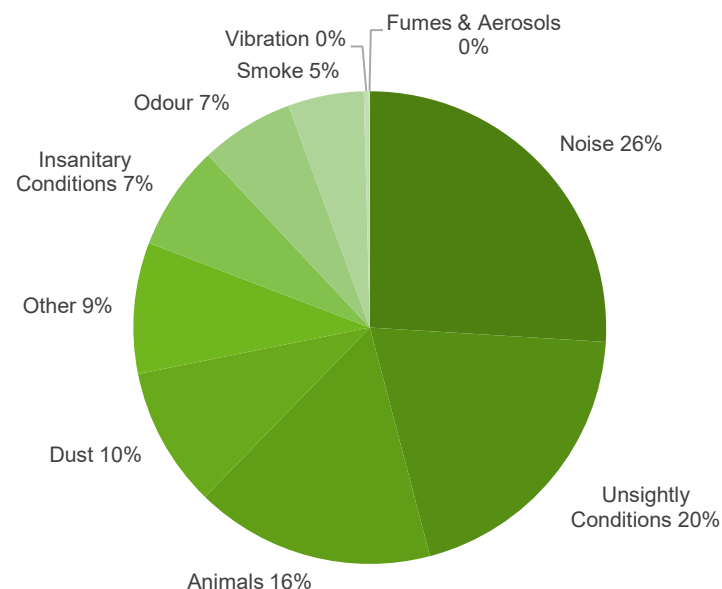
Figure Four: Average number of nuisance and litter complaints per council per annum



Nuisance complaints (by type)

- Figure Five provides a breakdown of the types of nuisance complaints being received by councils. The categories presented align with the different nuisance categories included in Section 17 (1) of the Act.
- Complaints around noise and unsightly conditions were the most common nuisance complaints.
- 9% of all nuisance complaints received by Participating Councils were not categorised or did not fall into the other relevant nuisance categories.
- We note that some Participating Councils have advised that complaints relating to insanitary conditions are often dealt with under the *Public Health Act 2011 (SA)* and therefore may not be included in the data captured.
- Similarly, some complaints relating to animals are managed under the *Dog and Cat Management Act 1995 (SA)*.
- Other Participating Councils advised that they did not capture the nature of all nuisance complaints using the same breakdown or categorisations as contained in Section 17 (1) of the Act. Where possible these councils have attempted to align their responses with the categorisations provided in the survey.

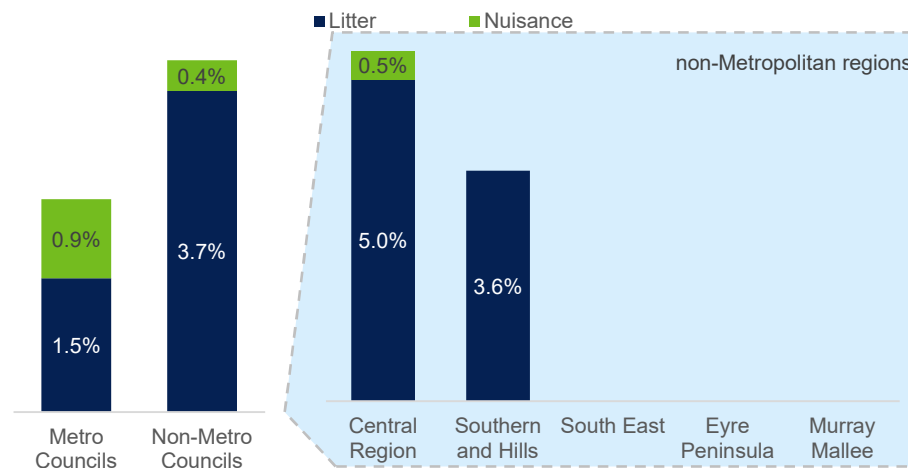
Figure Five: Proportion of nuisance complaints by type (Metropolitan councils only)



Enforcement activities – expiations issued

- The overall percentage of complaints resulting in an expiation is relatively low across the Participating Councils.
- The most common reason for an expiation stated by Participating Councils was as a result of failure to comply with an abatement notice.
- It appears that Participating Councils are mostly using other enforcement strategies such as abatement notices and warning letters to seek to handle and manage complaints rather than expiations.
- Note: not all councils keep records of the number of warning letters issued and many use less formal approaches such as telephone calls and emails to seek to remedy complaints.

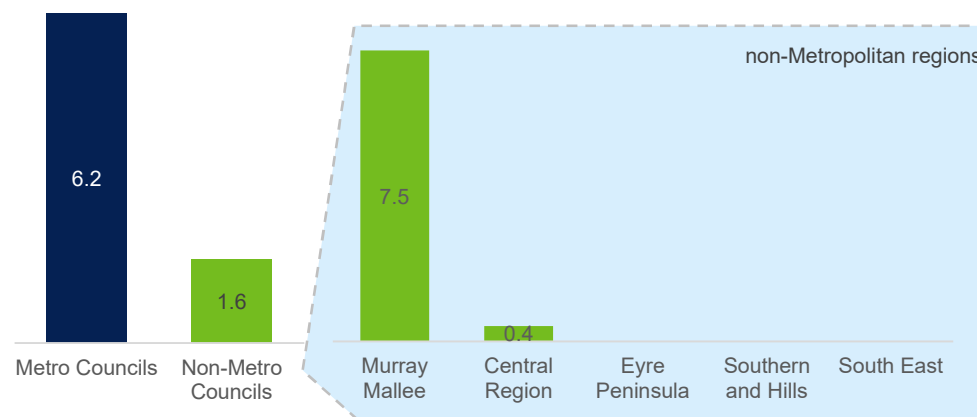
Figure Six: Expiations issued as a percentage of complaints made



Enforcement activities – abatement notices and legal costs incurred

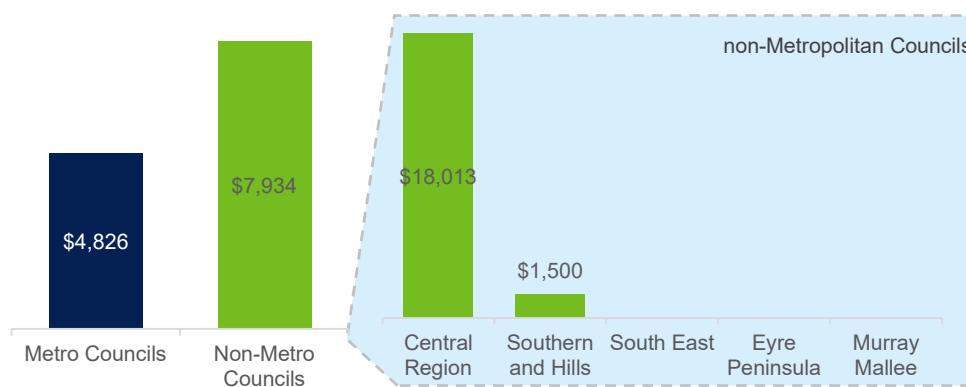
- All but one of the surveyed Metropolitan councils had issued at least one abatement notice during FY2018 and FY2019.
- The use of abatement notices for non-Metropolitan councils is less common with four of the six surveyed councils not issuing any abatement notices over the last two years.

Figure Seven: Average number of abatement notices issued per annum



- 9 of the 11 Metropolitan councils recorded at least \$1,000 of expenditure on legal fees relating to enforcement activities.
- The average related legal spend is not significant and on most occasions is less than \$10,000 per annum. Only two councils surveyed had spent over \$20,000 in one year on legal fees relating to litter and nuisance enforcement activities.

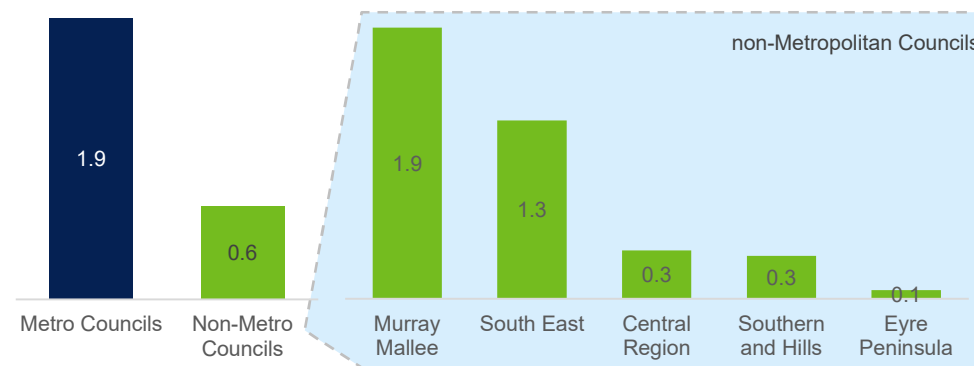
Figure Eight: Average legal costs per council as a result of administering the Act



Full time equivalent staff – compliance officers

- The average number of compliance officers employed by metropolitan councils to administer the Act is 1.9 FTE. The lowest level of resourcing for an individual council was 0.5 FTE compliance officers with the highest being 3.5 FTE.
- Resourcing in non-Metropolitan councils is usually significantly less than in Metropolitan areas, reflecting the lower number of complaints however there is one noted outlier in the data.
- Many councils have absorbed litter and nuisance related activities under the Act into existing roles or created new roles with responsibilities for litter and nuisance as well as other regulatory or environmental health functions. Therefore, in most circumstances there have not been positions created with the sole responsibility for litter and nuisance issues; they form part of a broader regulatory services set of responsibilities at most councils.

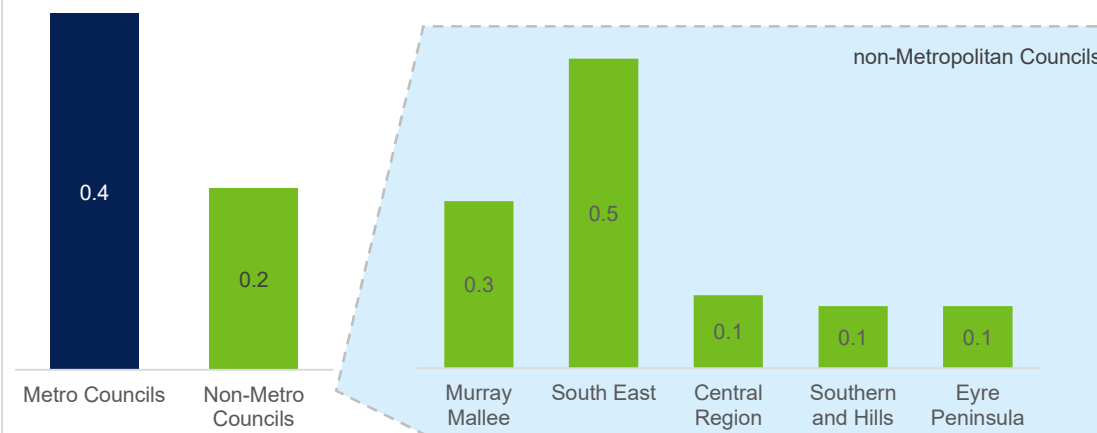
Figure Nine: Average number of Compliance Officers required per council to administer the Act



Full time equivalent staff – team leaders and managers

- No individual council has reported more than 1.0 FTE of Team Leader or Management level resources being assigned to compliance activities under the Act.
- Overseeing complaints and enforcement activities under the Act is generally absorbed as part of a leadership role of an existing regulatory services or compliance Team Leader.

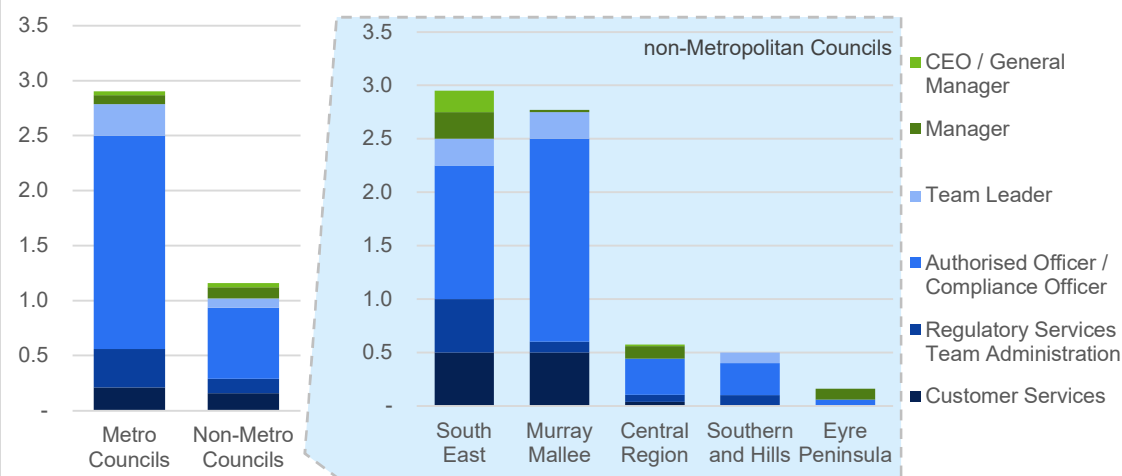
Figure Ten: Average number of Team Leaders / Manager required per council to administer the Act



Full time equivalent staff – all staff levels

- Metropolitan councils have reported an average of 4.8 FTE total resources assigned to litter and nuisance compared to 1.2 FTE for Non-Metropolitan councils, again reinforcing that compliance activities under the Act are more of an impost for Metropolitan councils than for Non-Metropolitan councils.
- In addition to dedicated compliance officer roles and management roles, councils have also identified that a percentage of customer service and administration time is also dedicated to meeting its responsibilities under the Act.

Figure Eleven: Average Resources Committed by council (FTEs)



Total cost imposition on councils

Methodology

Based on survey responses, BRM Advisory sought to identify the total resourcing commitment of each Participating Council, both in terms of labour allocations and other direct costs of administering the Act.

The total cost imposition has been calculated by:

- identifying the FTE commitment at each council by level of employee;
- applying an hourly rate, based on an understanding of an 'average' salary applicable to each employment level;
- applying a direct labour on-cost of 13.3% to the salary level to account for superannuation, workers compensation, and leave loading;
- applying an indirect cost overhead of 22.41% to the salary level to account for administration costs, occupancy costs and other overheads relating to staffing. This rate has been used by the LGA of SA in previous studies undertaken; and
- adding other identified direct costs of compliance such as legal and training and development costs.

Once a total cost has been established for each Participating Council, that cost has been apportioned to each rateable property in that particular council area to develop a cost per rateable property for compliance.

This cost per rateable property for Metropolitan and Non-metropolitan councils has then been extrapolated across the entire population of South Australian councils.

Total cost impost

Based on the sampled total cost per rateable property, an estimated total cost impost for the State is calculated to be in the range of \$6.5 million to \$8.5 million.

Table Two: Extrapolated total cost to all South Australian Councils

All Councils	Cost per Rateable Property (sampled councils)		State Total Rateable Properties	Estimated Total SA Cost		
	Average	Median				
Metropolitan	6.5	8.0	616,183	\$ 4.0 million	to	\$ 4.9 million
Non-Metropolitan	12.2 ¹	8.6	292,747	\$ 2.5 million	to	\$ 3.6 million
Total			908,930	\$ 6.5 million	to	\$ 8.5 million

¹ Note: the high non-Metropolitan average cost per rateable property is skewed by the FTE estimates provided by one council. As a result of a number of outliers in the data, we consider that the median provides a more reliable measure of the total cost of compliance with the Act.

Converting this total cost into a per ratepayer approach produces a range of between \$7.15 and \$9.35 per ratepayer per annum.

Benefits of the introduction of the Act

Surveyed councils were asked to identify the key community benefits that have been observed that directly relate to the introduction of the Act.

All councils were able to identify at least one benefit from the introduction of the Act with a majority of responses suggesting a higher standard of service being provided to the community and the Act providing a more useful tool to resolve complaints around litter and nuisance.

The key themes from the council's responses relating to the benefits of the Act are shown in Figure Twelve.

Figure Twelve: Key community benefits that have been observed



The most noted benefit of the Act identified by the Participating Councils is that it provides the community with a higher level of service for handling and managing litter and nuisance complaints. This higher level of service is being achieved in the following ways noted by the Participating Councils.

- Councils are a more accessible authority to the community to report complaints with people able to either lodge a complaint online through a familiar website or in person at a council office;
- Councils are able to respond quicker than the State government;
- Councils are able to provide more consistent information and treatments in responding to complaints;
- the Act provides a more structured framework for managing complaints and enforcing penalties for non-compliance;
- Dedicated council resources are more familiar with the council area and the local issues that might influence a complaint and are hence able to adjust responses accordingly; and
- Council officers are situated closer to complaints and are therefore able to adopt a more 'hands-on' or 'face to face' approach to investigations and enforcement.

Operational challenges

Participating Councils were also asked what the greatest operational challenges were from the introduction of the Act. Their responses are summarised in Figure Thirteen.

Figure Thirteen: Greatest challenges for councils relating to litter and nuisance



The following are specifically noteworthy.

- The budgetary impacts on councils and the difficulties in absorbing the additional responsibilities into existing roles were the most common challenges identified.
- Over 70% of the Participating Councils commented that they had reduced service levels in other areas to accommodate the additional resourcing required to undertake its responsibilities under the Act.
- The acknowledgement that some enforcement activities are required outside of normal business hours (i.e. noise complaints) has also presented problems with existing employment awards not necessarily tailored for outside of hours work.
- Some councils also identified the dramatic increase in litter and nuisance complaints following the transition of responsibilities from the EPA. One council stated that their closer relationship with the community has led to a much larger number of complaints than were previously received by the EPA in their council area (20 fold increase from previous levels).
- There were also some comments on a general lack of support from the EPA and a lack of legal precedent to guide decision making on whether or not to undertake enforcement activities.

As time continues to pass, there is a broader concern that more rather than less complaints will be received as the community becomes more comfortable and aware of the service provided by councils. This is expected to put even more pressure on council's existing resources and budgets.

Regional specific considerations

- Metropolitan councils that are located within lower socio-economic areas of Adelaide appear to be most impacted by the Act in that they receive a larger number of complaints than their inner metropolitan council and non-metropolitan counterparts. This may be because of comparatively smaller residential block sizes and the higher density of living or a higher prevalence of behavioural matters which could lead to additional complaints.
- Noise complaints relating to building and construction works are also more prevalent in the metropolitan setting and are difficult for councils to manage given the subjective nature of these complaints.
- Illegal dumping of rubbish is a bigger issue for councils in a regional and peri-urban setting, particularly where rubbish is dumped on roadside verges.
- Empirically, as population density decreases, and as you move further into the regional areas, litter and nuisance becomes less of an issue for councils. This large divergence in the relevance of the Act on councils makes standardising reporting obligations and obtaining a consensus on proposed adjustments to the Act complex.
- Due to the limited and inconsistent nature of the data received, it is only possible to provide insight into the costs imposts at a metropolitan and non-metropolitan level. The quality and reliability of the available data does not allow further detailed insight into costs imposts relative to other factors.

Reporting under the Act

Section 8 of the Act states that:

“A council must, in its annual report prepared pursuant to section 131 of the Local Government Act 1999 in relation to a particular financial year, include details of the performance by the council during that year of functions conferred on it under this Act”

While Section 8 makes it clear that councils are required to report on the functions conferred on it under the Act in their Annual Reports, the Act does not detail the level of disclosure that is required to fulfil councils’ obligations.

The Annual Report for each Participating Council was reviewed for the year ended 30 June 2019 to assess the level of disclosure and to identify the divergence in levels of disclosure between councils.

Given the lack of guidance provided to councils, there was, not unexpectedly, a wide divergence in the approach taken to the provision of information.

Table Three: Level of disclosure relating to activities under the Act.

Level of disclosure	Number of Councils
No disclosure relating to activities under the Act	16
Overview provided of activities under the Act	19
Detailed breakdown of activities performed under the Act	32
Detailed breakdown of activities and estimate of total cost imposts under the Act	0
Annual report not available (Cooper Pedy District Council)	1
Total	68

16 of the 68 Participating Councils failed to make a disclosure relating to its activities as required by Section 8 of the Act.

The remaining Participating Councils made a disclosure which met the requirements of the Act.

No Participating Council attempted to quantify the total cost imposts of the functions conferred on it under the Act.

The lack of consistency in reporting across the sector, which stems from the lack of clarity provided in the Act and/or the absence of any other disclosure guidelines, should be addressed to ensure a more consistent approach is applied across the sector.



Local Government Association
of South Australia

The voice of local government.

148 Frome St
Adelaide SA 5000

GPO Box 2693
Adelaide SA 5001

T (08) 8224 2000

E lgasa@lga.sa.gov.au

www.lga.sa.gov

Background (please read!)

On behalf of the Local Government Association of South Australia (LGA), thank you in advance for participating in this survey.

The Local Nuisance and Litter Control Act (Act) was introduced in July 2017 which resulted in a redistribution of existing legislative responsibilities from the Environment Protection Agency (EPA) to councils and revising the existing littering regulations. Under the Act, councils inherited an array of functions and responsibilities previously undertaken by the EPA including the investigation of complaints about:

- noise
- odours
- smoke, fumes and dust
- animals
- insanitary conditions
- unsightly conditions

In July 2019, the Environmental Protection Authority released a discussion paper reviewing the introduction of the Local Nuisance and Litter Control Act (Act). The LGA has been actively involved in collating feedback from the sector and lobbying the state government in terms of the impact that the introduction of the Act has had on councils.

The LGA has engaged us (BRM Advisory) to collate additional detailed information from a sample of councils and report on the total benefits and cost imposts of the Act. This work is intended to better inform the LGA's future submissions on the EPA's review and to ensure that no amendments to the legislation that put further responsibility on the local government sector are made without appropriate consideration by the State.

Under Section 8 of the Act, councils are required to include details in relation to their performance of the functions conferred on it by the Act in their Annual Reports. Based on our work to date we have found that there is a wide variety of detail being provided by councils in their Annual Reports and that this information does not lend itself to meaningful aggregation or translation into actual cost imposts or benefits.

Accordingly, to inform our work and to complete our scope we have developed the attached survey. The survey seeks to obtain two years of detailed activity data from councils as to the nature of complaints received under the Act as well as information in relation to the resources that councils are currently committing to the performance of the regulatory functions conferred on it under the Act.

We are conscious that there is a large variation in the level of and types of compliance activity being undertaken by councils in relation to the Act which appears to be based mostly on locality considerations and living density and accordingly, the Act itself and some of our questions may have less relevance to some councils than others.

If you have any questions relating to the survey or issues with your internal data, please do not hesitate to contact me directly to discuss.

Due date: **17 January 2020**

Return completed survey to: mrichardson@brmadvisory.com.au

Contact person:

Michael Richardson

mrichardson@brmadvisory.com.au

0408 637 345

Please note: Our office is closed between 24 December and 6 January but I can be contacted during this time if required.

Basic Info

Council name

Name of council officer responsible for completing survey

Position of council officer responsible for completing survey

Contact details for queries

Phone

Email

Name and position of other contributors to the survey

Activity Data

	FY2017/18 by number	FY2018/19 by number	Notes <i>you may provide details to support your response</i>
Complaints			
Nuisance			
Dust			
Noise			
Odour			
Smoke			
Fumes & Aerosols			
Animals			
Insanitary Conditions			
Unsightly Conditions			
Vibration			
Other <i>where no records are kept on complaints by type</i>			
Litter			
Class A			
50 litres or more of Class B			
Up to 50 litres of Class B			
Up to 50 Litres of General Litter			
Other <i>where no records are kept on complaints by type</i>			
Expiations			
Nuisance			
Dust			
Noise			
Odour			
Smoke			
Fumes & Aerosols			
Animals			
Insanitary Conditions			
Unsightly Conditions			
Vibration			
Other <i>where no records are kept on complaints by type</i>			
Litter			
Class A			
50 litres or more of Class B			
Up to 50 litres of Class B			
Up to 50 Litres of General Litter			
Other <i>where no records are kept on complaints by type</i>			
Number of offences directly prosecuted (no expiation)			
Number of default actions (i.e. council undertakes cleanup work)			
Number of elections to be prosecuted			
Number of expiations challenged or disputed			
Number of abatement notices issued			
Number of warning letters issued			
Civil penalties / Civil orders			

Cost data

Q1. Can you estimate the amount of full time equivalent (FTE) staff resources that your Council is currently committing to meeting the functions conferred on it under the Act.

Note: Your response should only be in reference to the Local Nuisance and Litter Control Act and not include resourcing committed to other regulatory services. Estimates should include coverage for the entire range of tasks performed by internal staff including handling / investigating / resolving complaints and other time imposts including training and development.

	FTEs	Comments
Customer Services <i>Responding to resident queries / complaints.</i> <i>Refer to the number of resident complaints your are receiving to inform your response.</i>	<input type="text"/>	
Authorised Officer / Compliance Officer (Level 4 or below) <i>Responsible for handling / investigating / resolving complaints</i>	<input type="text"/>	
Authorised Officer / Compliance Officer (Level 5 of above) <i>Responsible for handling / investigating / resolving complaints</i>	<input type="text"/>	
Regulatory Services Team Administration <i>Allocation of administration staff time spent working on matters relating to the Act.</i>	<input type="text"/>	
Team Leader(s) <i>Time spent by team leaders who have responsibility for managing and overseeing staff who work on the Act.</i>	<input type="text"/>	
Manager <i>Time spent by managers who have responsibility for managing and overseeing staff who work on the Act.</i>	<input type="text"/>	
General Manager <i>Time spent by GM(s) who may act as an escalation point for complex complaints</i>	<input type="text"/>	
CEO <i>Time spent by the CEO who may act as an escalation point for complex complaints.</i>	<input type="text"/>	
Total FTEs	<input type="text" value="-"/>	

Q2 What were the major sources information you used to validate your estimates? (i.e. CRM information, discussions with relevant staff).

Cost data

Q3 What was the total monies received in expiations in FY2018 and FY2019?

	FY2017/18	FY2018/19
Litter	<input type="text"/>	<input type="text"/>
Nuisance	<input type="text"/>	<input type="text"/>
Additional information (if required)	<input type="text"/>	

Q4 What is the total monies received from prosecutions in FY2018 and FY2019?

	FY2017/18	FY2018/19
Litter	<input type="text"/>	<input type="text"/>
Nuisance	<input type="text"/>	<input type="text"/>
Additional information (if required)	<input type="text"/>	

Q5 Has Council incurred any direct legal costs in relation to enforcement of the Act.

☐ Yes ☐ No

	FY2017/18	FY2018/19
Legal costs incurred	<input type="text"/>	<input type="text"/>

If yes, please attach a detailed breakdown including any reimbursement received in relation to orders of costs.

Additional information (if required)

Q6 Has Council incurred direct training and development cost for staff or any other direct costs in relation to compliance with the Act.

☐ Yes ☐ No

	FY2017/18	FY2018/19
Training and development costs incurred	<input type="text"/>	<input type="text"/>
Other direct costs	<input type="text"/>	<input type="text"/>



Local Government Association
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General questions

Q1 Please provide a general overview of how your council is currently resourcing the functions conferred on it under the Act.

include commentary on which team(s) or resources within council are responsible for the various elements of the Act.

Q2 Has your council created any new position(s) or job roles since 1 July 2017 which directly relate to councils responsibilities under the Act?

☐ Yes ☐ No

If so, how many FTE positions?

Describe the nature of the position(s):

Q3 Has council reduced its levels of service in other areas to accommodate the additional resourcing required to undertake its responsibilities under the Act?

☐ Yes ☐ No

If so, in what specific areas have services been reduced? Please provide detailed examples

Q4 What are the key community benefits that you have observed that directly relate to the introduction of the Act?

Please provide examples

Q5 Would you like to see any sections of the Act reviewed to limit perceived negative outcomes from a community or council perspective?

please provide detailed commentary to support your answer

General questions

Q6 What are the main operational challenges for your council in delivering the functions conferred on its under the Act?

Q7 Has your council previously attempted to quantify the total cost impost of the Act?

If yes, please provide a copy of the analysis or a summary of the outcome.

Q8 Has your administration submitted a report to your Council regarding the impact of the Act on resourcing?

If yes, please detail the date that this report was presented to Council and the decision made by council.

Q9 Does council have a policy or updated set of procedures relating to handling complaints under the Act?

If yes, please attach.



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