Notice of Meeting

Notice is hereby given that the LGA Ordinary General Meeting will be held on

Friday 13 April 2018 at 11.00am

In the Auditorium, Adelaide Town Hall
128 King William Street, Adelaide

Matt Pinnegar
Chief Executive Officer

14 March 2018
# Agenda

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The LGA Annual General Meeting will be held on Friday 26 October 2018 at the Adelaide Entertainment Centre, Port Road, Hindmarsh.
5.1 Minutes of the Annual General Meeting held
16 November 2017

Minutes of Previous Meeting

From: Jacqui Kelleher, Office Manager
Meeting: Ordinary General Meeting 13 April 2018
ECM: 659760 Attachment: 656663

Recommendation

That the Ordinary General Meeting confirms the minutes of the Annual General Meeting held on 16 October 2017 as a true and accurate record of the proceedings held.

Discussion

An Annual General Meeting of the membership was held on 16 November 2017. The draft minutes are attached for confirmation as to their accuracy.
Draft Minutes of the LGA Annual General Meeting held on Thursday 16 November 2017 in the William Magarey Room, Adelaide Oval, War Memorial Drive, North Adelaide at 11.00 am

1. Open & Welcome

The President opened the meeting at 11.00 am and welcomed members and staff.

Present:

LGA Secretariat
LGA President Mayor Lorraine Rosenberg
Chief Executive Officer Matt Pinnegar
Executive Director Corporate & Member Services Kathy Jarrett
Executive Director Public Affairs (Scrutineer) Lisa Teburea
Senior Finance Officer (Scrutineer) Ben Swan
Manager Executive Services (Minutes) Jacqui Kelleher

Member Councils (voting delegates):
Adelaide City Council Coorong District Council
Adelaide Hills Council District Council of Elliston
Adelaide Plains Council The Flinders Ranges Council
Alexandrina Council District Council of Franklin Harbour
The Barossa Council Town of Gawler
District Council of Barunga West Goyder Regional Council
Berri Barmera Council Holdfast Bay City Council
City of Burnside Kangaroo Island Council
Campbelltown City Council District Council of Karoonda East Murray
District Council of Ceduna District Council of Kimba
City of Charles Sturt Kingston District Council
Clare & Gilbert Valleys Council Light Regional Council
District Council of Cleve District Council of Lower Eyre
2. Apologies

District Council of Coober Pedy
District Council of Copper Coast
District Council of Grant

District Council of Peterborough
District Council of Robe
Municipal Council of Roxby Downs

3. Notices & Arrangements

The Executive Director Corporate & Member Services outlined the notices and arrangements for the meeting.

4. President’s Report

The President provided a verbal report. The report is attached to these minutes.

Moved Unley Seconded Berri Barmera that the Annual General Meeting notes the report.
5. Minutes of Previous Meeting

5.1 Minutes of the Ordinary General Meeting held 21 April 2017
Moved Port Adelaide Enfield Seconded Adelaide that the Annual General Meeting confirms the minutes of the Ordinary General Meeting held on 21 April 2017 as a true and accurate record of the proceedings held.

Carried

5.2 Resolutions and Actions from Previous Minutes
Moved Naracoorte Lucindale Seconded Tumby Bay that the Annual General Meeting notes progress with resolutions resulting from the meetings of 21 October 2016 and 21 April 2017.

Carried

6. Discussion Reports from the LGA Board

6.1 Annual Report 2016/17
Moved Coorong Seconded Northern Areas that the Annual General Meeting receives and adopts the LGA of SA Annual Report for the year 2016/17.

Carried

6.2 Annual Financial Statements 2016/17
Moved Port Lincoln Seconded Mid Murray that the Annual General Meeting receives and adopts the LGA of SA consolidated Financial Statements for the year 2016/17.

Carried

6.3 Electronic Voting in Local Government Elections
Moved Adelaide Seconded Unley that the Annual General Meeting endorses keeping a watching brief on the work of the ECANZ national electronic voting working group, comprised of representatives from all Australian States, which is developing a process for electronic voting in Commonwealth, State and Local Government Elections.

Carried

Moved Naracoorte Lucindale Seconded Berri Barmera that the Annual General Meeting notes the report which was endorsed by the LGA Board on 28 September 2017.

Carried
6.4 LGA Submission – Review of the Code of Conduct

Moved Kimba Seconded Salisbury that the Annual General Meeting endorses the LGA’s framework for replacing the existing code of conduct for council members and reconfiguring the support arrangements in place to assist councils in managing council members’ behaviour.

Carried

Moved Light Regional Seconded Onkaparinga that the Annual General Meeting notes the report and the attached submission, which was endorsed by the LGA Board on 28 September 2017.

Carried

7. Information Reports from the LGA Board

7.1 LGA Advocacy Update

Moved Mid Murray Seconded Port Adelaide Enfield that the Annual General Meeting notes the report.

Carried

7.2 Local Government Research and Development Scheme

Moved Victor Harbor Seconded Berri Barmera that the Annual General Meeting notes the report.

Carried

7.3 Local Government Financial Indicators 2017

Moved Gawler Seconded Wakefield Regional that the Annual General Meeting notes the report.

Carried

7.4 LGA Schemes Review Update

Moved Goyder Seconded Mt Remarkable that the Annual General Meeting notes the report.

Carried

7.5 LGA Governance Review Update

Moved Unley Seconded Northern Areas that the Annual General Meeting
1. notes the report; and
2. notes the proposed new LGA governance structure, constitutional drafting notes and draft new LGA Constitution to be the subject of sector wide consultation prior to endorsement at the next general meeting of members of the LGA.

Carried
7.6 LGA Schemes Update:

- LGA Workers’ Compensation Scheme
- LGA Mutual Liability Scheme

Moved Loxton Waikerie Seconded Mitcham that the Annual General Meeting notes the report.

Carried

8. Council Notices of Motion

8.1 Community Land Management Plans (Charles Sturt)

Moved Charles Sturt Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to undertake a comprehensive review of their Community Land – Classification and Management Plans Guidelines to ensure that these guidelines take into consideration the decision handed down by Justice Malcolm Blue in the Supreme Court.

Carried

8.2 Material Conflicts of Interest (West Torrens)

Moved West Torrens Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to seek the amendment of section 74 of the Local Government Act 1999 (LG Act) to enable a member of council who has declared a material conflict of interest in a matter to be discussed at a meeting of council, to be able to elect to remain in the meeting, participate in the debate and vote on the matter if the member is able to demonstrate that it is in the public interest for the member to do so particularly when nominating for community membership or conferences and seminars specifically related to local government business i.e. Local Government Association Annual General Meeting, Australian Local Government National Congress etc.

Carried

8.3 Rating of Electricity Generators (Wattle Range)

Moved Wattle Range Seconded Goyder that the Annual General Meeting asks the LGA to investigate, in collaboration with Regional LGAs, the potential benefits of allowing councils to collect rates from electricity generators in the same manner as councils in Victoria as part of a broader review of rating equity for commercial and industrial land uses.

Carried
8.4 Child Visitations within Council Facilities (Prospect)
Moved Prospect Seconded Gawler that the Annual General Meeting requests the LGA to liaise with the Attorney General for the establishment of a procedural guideline in relation to the use of council community facilities within Parenting Orders for child visitation. The guideline should include the requirement for notification to council through discussion between courts / court officers and an appropriate delegated officer managing the council facility.

Carried

8.5 Essential Services Property Reinstatement Policy (Prospect)
Moved Prospect Seconded Murray Bridge that the Annual General Meeting requests the Local Government Association to liaise with essential service providers to establish an agreed policy on reinstating public infrastructure to the satisfaction of councils after completion of works and remediation improvements.

Carried

8.6 Establishing Local Government common data formats (Prospect)
Moved Prospect Seconded Marion that the Annual General Meeting requests the LGA to seek interest from the Local Government sector in:

- establishing common formats for collecting data;
- the LGA collating and sharing such data; and
- ensuring the data is available to the public in a user friendly format.

Carried

8.7 2018 Periodic Election Postal Voting (Mitcham)
Moved Mitcham Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to seek assurances of overnight delivery during the two week period when voting happens during the 2018 periodic election to ensure that all votes posted by 6 pm on the last Thursday will be received in time to be counted.

Carried

8.8 Car Parking and Traffic Management in and around Schools (Mitcham)
Moved Mitcham Seconded Port Adelaide Enfield that the Annual General Meeting requests the LGA to advocate to the Department for Education and Child Development (DECD) for the following:

1. Where existing schools have the capacity that increased off-street parking and / or ‘kiss and drop’ facilities be provided for users of the schools to increase the safety for children and reduce any on-street traffic and parking issues.
2. That for any new schools the potential parking and school drop off and pick up impacts be assessed and that adequate off-street parking and/or ‘kiss and drop’ facilities for users of the schools be provided to create a planned, safe, on-site drop off and pick up environment and avoid both on-street unsafe, ad hoc drop off and pick up situations as well as parking and traffic congestion issues.

Carried

8.9 Use of independent experts for assessment of Regulated or Significant trees (Unley)

Moved Unley Seconded Burnside that the Annual General Meeting requests the LGA to:

1. investigate with councils and the Department of Planning, Transport and Infrastructure the development of a Planning Circular which outlines the ‘special circumstances’ which should apply to request an expert or technical report relating to a tree; and

2. advocate for arborists involved in the assessment of Significant and Regulated Trees to be included in the Accredited Professionals scheme and Code of Practice to be established under the Planning, Development and Infrastructure Act.

Carried

8.10 Development Assessment Fees (Campbelltown)

Moved Campbelltown Seconded Burnside that the Annual General Meeting requests the LGA seek from the Government and the Opposition, their position on the revision of Development Act fees, to allow councils to recoup from developers the costs incurred as they undertake their statutory obligations as the Local Planning Authority, as the question of Development Act fees has not progressed since the Ordinary General Meeting in April 2016.

Carried

9. Late Reports

9.1 Call for a cap on increases in taxes, levies on any future State Government (Clare & Gilbert Valleys)

Moved Clare & Gilbert Valleys Seconded Wattle Range that the Annual General Meeting requests the LGA to adopt as a policy:

1. That a future State Government will cap all future increases in State Government taxes, levies, fees and charges (including Government business units/enterprises) In line with any capping proposal for Local Government.
That any percentage increase in total revenue collected through State Government taxes, levies, fees and charges (including Government business units/enterprises) not exceed the Local Government cap.

That a future State Government will not introduce any new taxes, levies, fees and charges on South Australians.

2. That a future State Government will not transfer responsibility of services to Local Government without adequate and mutually agreed additional funding to Local Government.

That a future State Government will not amend or introduce legislation that has a negative financial impact on Local Government.

**AMENDMENT** Moved Campbelltown Seconded Walkerville that the Annual General Meeting requests the LGA to adopt the following policy positions and call on all South Australian political parties to publicly support these policies:

1. that a future State Government must cap all future increases in State Government taxes, levies, fees and charges (including government business units/enterprises) affecting local government in line with any capping proposal for Local Government;

2. that the percentage increase in total revenue collected through State Government taxes, levies, fees and charges (including government business units/enterprises) affecting local government must not exceed any Local Government rate cap;

3. that a future state government must not introduce any new State Government taxes, levies, fees and charges to be collected by Local Government and passed on to the State Government or its agencies;

4. that a future State Government must not transfer responsibility for services to Local Government without adequate and mutually agreed additional funding of Local Government; and

5. that a future State Government will not amend or introduce legislation that has a negative financial impact on Local Government without mutual agreement.

That the amendment become the motion was put and was **Carried**

The amended motion as amended was put and **Carried**
9.2 Administering the Construction Industry Training Fund Levy (Barossa)

Moved Barossa Seconded Alexandrina that the Annual General Meeting requests the LGA to seek consideration by the State Government to change legislation to enact a simpler and efficient calculation or council allocation of the Construction Industry Training Fund Levy, based on either:

1. an annual fee based on council’s ratepayer base;
2. an annual fee based on capital expenditure; or
3. explore other options for a simpler formula and / or method.

Carried

9.3 Increase to Newstart Allowance (Playford)

Moved Playford Seconded Gawler that the Annual General Meeting requests the LGA to:

1. lobby the Federal Government to increase the Newstart Allowance; and
2. request the ALGA to support the Motion and to also lobby the Federal Government for an increase to the Newstart Allowance.

Moved Mid Murray Seconded Campbelltown that the motion be put.

Carried

The motion was put and was Lost

10. **Next Meeting**

The 2018 LGA Ordinary General Meeting will be held on Friday 13 April 2018 at the Adelaide Town Hall, 128 King William Street, Adelaide.

11. **Close**

The meeting was declared closed at 12.40 pm.

**Minutes confirmed**

.............................................................

Chairperson signature

Date .....................................................
It’s my pleasure to provide the President’s Report to the 2017 LGA Annual General Meeting. Since our Ordinary General Meeting in April we’ve achieved some great outcomes through working together.

Securing the return of Financial Assistant Grant indexation in the 2017/18 Federal Budget was a huge win – not just for councils in South Australia, but right around the country.

I would like to acknowledge ALGA President and Prospect Mayor David O’Loughlin for ALGA’s contribution to getting this indexation reintroduced.

I would also like to thank all of you who advocated to your local Federal representatives on this issue.

The return of this indexation meant an additional $4 million in Commonwealth funding to South Australian councils in 2017/18.

These grants are untied, meaning this funding can be used by councils to address specific local needs in their communities.

Unfortunately, the three-year indexation freeze has had an effect on the value of the FAGs program, and we will now work with ALGA to advocate for the total amount of these grants to be returned to 1% of Commonwealth taxation.

Another fantastic result achieved through ALGA, LGA and council advocacy was the return of supplementary road funding for South Australia.

This is funding that was traditionally provided to our State as a top up to address the unfair share of road funding we receive.

It was removed in 2014, but its return this year has meant an additional $40 million across 2017/18 and 2018/19 for South Australian roads.

We are focussed on getting this funding included as a recurrent item in future Federal Budgets.

As a partner in government, we’ve worked closely with the State Government over the last six months on a range of programs.

Fund My Neighbourhood is one example of where the LGA and councils have worked with the State and communities towards a positive outcome.

This included assessing and costing around 1,500 potential projects on land owned or managed by councils.

I understand the successful projects will be announced in the next few weeks, and like all of you I’m interested to see what the voting public have chosen to support.

We’ve also continued to work with the State Government and councils to sign funding agreements for the State Local Government Infrastructure Partnership.

Negotiated by the LGA on behalf of councils, this program has seen a $25 million State Government investment in $124 million worth of council infrastructure projects, which will support around 190 jobs a year over the next three years.
This is a terrific example of what we can do when we work together, and I’d like to thank the Government, councils, and LGFA for their contributions.

We’ve also worked closely with the Government on the transition to a new planning system. This included collaborating with DPTI on roadshows, participating as a member of the Minister’s Collaborative Advisory Team, and working with councils to prepare a submission on the draft Design Guidelines.

The LGA also successfully advocated for the deferral of local government contributions to the State’s new e-planning platform, saving all councils between $4,000 and $36,000 this year.

The Regional Youth Traineeship Program is a real success story for our sector, giving young people in our regions their first start in local government.

This year we’ve administered two rounds of the program concurrently, supporting 114 positions across 47 local governing authorities.

We have also built on the connections between councils and state agencies during emergency events through the Local Government Functional Support Group.

This has included developing the Local Government Emergency Management Framework to help councils understand their roles and responsibilities in emergency management, and continuing to deliver the i-Responda program.

From a legislative perspective, we worked closely with the Government on their Local Government (Boundary Adjustment) Amendment Bill 2016.

As a result, we will have – when it comes into effect in 2019 - a more transparent and independent process for councils and communities that want to look at making changes to their boundaries.

Internally, the LGA has progressed its Governance Review, with the goal of making sure all member councils have a fair opportunity to contribute to the Association’s programs and strategic direction while streamlining processes and making better use of the Association’s resources.

Our proposed new governance structure and revised constitution – both shaped through extensive consultation with member councils this year – will be presented later this meeting.

We are also in the process of implementing the recommendations of our schemes review to improve and modernise their governance.

The mutual fund model we have here in South Australia provides our sector and communities with significant benefits and savings, and this year our Mutual Liability Scheme, Workers Compensation Scheme and Asset Mutual Fund returned a combined $6 million to member councils.

Return to Work SA recently renewed the LGA Workers Compensation Scheme’s registration as a self-insured employer for an additional five years.

This was the maximum extension allowable, and I would like to particularly acknowledge the three councils who were evaluated as part of the review process and did our sector proud.

These councils were the City of Mitcham, Port Augusta City Council, and Kingston District Council.

The LGA, in conjunction with the Mutual Liability Scheme, also successfully negotiated with the State Government to extend the Treasurer’s Indemnity for another three years, enabling the Scheme to provide unlimited civil liability protection in the event of a catastrophe.
Since our Ordinary General Meeting in April we have continued to accelerate the transformation of LGA Procurement, including appointing another Board Director.

Two new positions have also been created to work with councils and suppliers, and improve the extent and quality of services offered.

We are expanding the services we offer to councils through the creation of a new Commercial Services function, and recently appointed a new Executive Director Commercial to lead this work.

Work has also commenced on an industrial relations strategy for our sector that will identify opportunities for improvement and greater efficiencies.

Improving morale within the sector has been identified as a priority by the LGA Board, and we’re developing a new program to provide peer to peer support.

We have also worked closely with councils to undertake a review of the code of conduct for council members.

Based on this consultation, we’ve put a proposal to the State Government to improve and strengthen the code that would include clearly defining harassment and bullying and elevating these behaviours to misconduct.

The feedback from our sector has been very clear.

The behaviour of council members is generally very good, but a strengthened code of conduct with increased penalties for breaches is necessary for councils to effectively deal with serious behavioural issues when they occur.

Research we undertook at the start of this year confirmed that, as the closest government to communities, councils are valued and trusted.

The LGA commenced a public awareness campaign earlier this year to build on the proven reputation of our sector.

Highlighting the extent and value of council services, it will run right through to the 2018 council elections.

We’re hoping to have a record turnout next year – both from candidates and voters – and building on the positive reputation of our sector will be vital to achieving this outcome.

I would like to acknowledge all of the councils that have supported us with this campaign through localising the content and promoting it through their own channels.

Our public awareness campaign also functioned as the first phase of a three phase campaign to stop the introduction of rate capping in South Australia.

It’s now running concurrently with the second phase of the campaign, which is about activating the 11,000 people who work in councils, and 11,000 volunteers who work with us, to oppose this policy.

The LGA has continued to undertake research into the effects rate capping is having on communities in New South Wales and Victoria, and what we could expect to see if it were implemented here.
Research commissioned through our Research and Development Scheme, and undertaken by a Professor at the University of New England, revealed that almost four decades of rate capping has not made councils in New South Wales more sustainable.

In fact, it has led to higher levels of debt, higher fees for service, and larger infrastructure backlogs, when compared to councils in South Australia.

We've also confirmed that the cost of implementing rate capping in Victoria has been more than $6 million over the past three years – and it’s getting more expensive every year.

Rate capping will not save South Australians money.

It will not make councils more efficient.

It is not necessary, it will affect local services, and we are committed to standing against it in any form in South Australia.

The LGA Board has signed off on the third phase of our campaign to oppose rate capping in the lead up to next year’s state election.

Our door remains open to any candidates or parties that want to work with us to deliver meaningful reforms that will benefit communities.

However, it’s vital that we are a true partner in government, and we retain the right to make local decisions locally, in consultation with our communities.

Thank you for your contributions to your communities, and our sector.

I look forward to working with all of you over the coming twelve months to make local government even more efficient, and our State a better place to live, work and visit.

Thank you.
5.2 Resolutions and Actions from Previous Meetings

**Minutes of Previous Meeting**
From: Jacqui Kelleher, Office Manager
Meeting: Ordinary General Meeting 13 April 2018
ECM: 658956

**Recommendation**
That the Ordinary General Meeting notes progress with resolutions resulting from the Annual General Meeting of 16 November 2017 and outstanding resolutions from previous meetings.

**Discussion**
The attachment shows progress of resolutions from the previous General Meetings of the LGA.
<table>
<thead>
<tr>
<th>Resolutions from the LGA Annual General Meeting - 16 November 2017</th>
<th>Status</th>
<th>Action Taken / Progress</th>
<th>Officer</th>
<th>Report ECM</th>
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<tbody>
<tr>
<td>6.3 Electronic Voting in Local Government Elections</td>
<td>Complete</td>
<td>The LGA is keeping a watching brief on this issue and remains in contact with ECSA on all matters related to council elections.</td>
<td>AS</td>
<td>655535</td>
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<tr>
<td>that the Annual General Meeting endorses keeping a watching brief on the work of the ECANZ national electronic voting working group, comprised of representatives from all Australian States, which is developing a process for electronic voting in Commonwealth, State and Local Government Elections.</td>
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<td>that the Annual General Meeting notes the report which was endorsed by the LGA Board on 28 September 2017.</td>
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</table>
6.4 LGA Submission – Review of the Code of Conduct

that the Annual General Meeting endorses the LGA’s framework for replacing the existing code of conduct for council members and reconfiguring the support arrangements in place to assist councils in managing council members’ behaviour.

that the Annual General Meeting notes the report and the attached submission, which was endorsed by the LGA Board on 28 September 2017.

Complete

The LGA President successfully advocated to the Premier to delay any further action on the code of conduct until after the State election. The President held a round table discussion to which representatives of all political parties were invited. Representatives from all parties except Labor and the Australian Conservatives attended. The LGA sought and obtained a number of commitments from the attending representatives to work with the LGA on the code.

On Track

7.5 LGA Governance Review Update

that the Annual General Meeting

1 notes the report; and

2 notes the proposed new LGA governance structure, constitutional drafting notes and draft new LGA Constitution to be the subject of sector wide consultation prior to endorsement at the next general meeting of members of the LGA.

On Track

Following extensive consultation, a draft New Constitution is presented to the April 2018 Ordinary General Meeting for adoption. Refer to Agenda Item 6.1 for further information.

AS 655536

KJ 655567
### 8.1 Community Land Management Plans (Charles Sturt)

that the Annual General Meeting requests the LGA to undertake a comprehensive review of their Community Land – Classification and Management Plans Guidelines to ensure that these guidelines take into consideration the decision handed down by Justice Malcolm Blue in the Supreme Court.

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<th>Status</th>
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<td>On Track</td>
<td>The LGA has commenced a project to identify and implement necessary responses to the Coast Park decision. The LGA has written to all councils as well as the OLG and DEWNR and ascertained interest in attending a consultation session on the response. The consultation session will be held on 20 March 2018.</td>
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### 8.2 Material Conflicts of Interest (West Torrens)

that the Annual General Meeting requests the LGA to seek the amendment of section 74 of the Local Government Act 1999 (LG Act) to enable a member of council who has declared a material conflict of interest in a matter to be discussed at a meeting of council, to be able to elect to remain in the meeting, participate in the debate and vote on the matter if the member is able to demonstrate that it is in the public interest for the member to do so particularly when nominating for community membership or conferences and seminars specifically related to local government business I.e. Local Government Association Annual General Meeting, Australian Local Government National Congress etc.

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<tr>
<td>On Track</td>
<td>The LGA has written to the Minister asking for the change to be made and asking also for a full review of the conflict of interest provisions. The Minister has asked for further information, and the LGA will now wait until after the election and the appointment of a new minister before pursuing this matter further. Successful advocacy on this issue will require further input from councils about the issues being experienced in the sector.</td>
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<td>EHS</td>
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<tr>
<td>AS</td>
<td>655373</td>
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| **8.3 Rating of Electricity Generators (Wattle Range)** | **On Track** | The Legatus Group has received funding from the Local Government Research and Development Scheme for a project entitled: *Rating equity for commercial and or industrial land uses.*

The project will investigate and recommend how commercial or industrial land uses within predominantly rural areas should be treated in a Council’s rating policy (& whether any legislative reform is required) to balance the principles of taxation, including equity between ratepayers.

The purpose of the project encompasses the issue of electricity generators (wind/solar) but is deliberately broader, in order to consider any other similar potential examples of commercial or industrial land uses (such as mining and telecommunications towers) on predominantly rural land.

Wattle Range and Goyder councils have confirmed their willingness to participate in the project as the two case studies.

A final consultant’s report is due to Legatus by end May 2018. | **LB** | 655481 |
<table>
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<tr>
<th>Section</th>
<th>Issue Description</th>
<th>Status</th>
<th>Notes</th>
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<tbody>
<tr>
<td>8.4</td>
<td>Child Visitations within Council Facilities (Prospect)</td>
<td>Complete</td>
<td>The LGA has raised this issue with the Attorney General and requested they take action in relation to guidelines.</td>
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<td>Gawler that the Annual General Meeting requests the LGA to liaise with the Attorney General for the establishment of a procedural guideline in relation to the use of council community facilities within Parenting Orders for child visitation. The guideline should include the requirement for notification to council through discussion between courts / court officers and an appropriate delegated officer managing the council facility.</td>
<td></td>
<td>The LGA has yet to receive a response from the Attorney General.</td>
</tr>
<tr>
<td>8.5</td>
<td>Essential Services Property Reinstatement Policy (Prospect)</td>
<td>On Track</td>
<td>The LGA is currently examining how this resolution could be advanced as initial research has indicated considerable engagement and consultation will be required with the various stakeholders including councils. The MLGG Executive Committee has indicated an interest to assist in this regard and LGA staff are now considering resourcing options.</td>
</tr>
<tr>
<td>8.6 Establishing Local Government common data formats (Prospect)</td>
<td>Current</td>
<td>A briefing document is being prepared on current initiatives, preparatory to consulting Councils.</td>
<td>KJ</td>
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| that the Annual General Meeting requests the LGA to seek interest from the Local Government sector in:  
  • establishing common formats for collecting data;  
  • the LGA collating and sharing such data; and  
  • ensuring the data is available to the public in a user friendly format. | | | |

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<thead>
<tr>
<th>8.7 2018 Periodic Election Postal Voting (Mitcham)</th>
<th>Complete</th>
<th>The LGA President has written to Australia Post seeking the assurance and has also raised this issue with ECSA as the returning officer for the elections.</th>
<th>AS</th>
<th>655421</th>
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<tr>
<td>that the Annual General Meeting requests the LGA to seek assurances of overnight delivery during the two week period when voting happens during the 2018 periodic election to ensure that all votes posted by 6 pm on the last Thursday will be received in time to be counted.</td>
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8.8 **Car Parking and Traffic Management in and around Schools (Mitcham)**

that the Annual General Meeting requests the LGA to advocate to the Department for Education and Child Development (DECD) for the following:

1. Where existing schools have the capacity that increased off-street parking and / or 'kiss and drop' facilities be provided for users of the schools to increase the safety for children and reduce any on-street traffic and parking issues.
2. That for any new schools the potential parking and school drop off and pick up impacts be assessed and that adequate off-street parking and / or 'kiss and drop' facilities for users of the schools be provided to create a planned, safe, on-site drop off and pick up environment and avoid both on-street unsafe, ad hoc drop off and pick up situations as well as parking and traffic congestion issues.

| Complete | The LGA President wrote to the Minister for Education and Child Development on 15 December 2017 to progress this issue.
The LGA 2018 State Election Agenda. South Australia. Uncapped Potential sought a commitment from the next State Government to provide more off street parking and 'kiss-and-drop' areas on school land to improve traffic management and road safety around schools.
In February 2018, SA Labor made an election commitment to provide up to $2 million year for kiss and drop zones in schools if re-elected next March. The LGA has welcomed this announcement. |
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<td>LB</td>
<td>655422</td>
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<tr>
<td>8.9 Use of independent experts for assessment of Regulated or Significant trees (Unley)</td>
<td>On Track</td>
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<tr>
<td>that the Annual General Meeting requests the LGA to:</td>
<td>The LGA has raised this issue as part of the development of the Accredited Professional Scheme Discussion Paper, and will include as part of its submission that the assessment of Significant and Regulated Trees to be included in the Accredited Professionals scheme.</td>
</tr>
<tr>
<td>1. investigate with councils and the Department of Planning, Transport and Infrastructure the development of a Planning Circular which outlines the 'special circumstances' which should apply to request an expert or technical report relating to a tree; and</td>
<td></td>
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<tr>
<td>2. advocate for arborists involved in the assessment of Significant and Regulated Trees to be included in the Accredited Professionals scheme and Code of Practice to be established under the Planning, Development and Infrastructure Act.</td>
<td></td>
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</tbody>
</table>
8.10 Development Assessment Fees
(Campbelltown)

that the Annual General Meeting requests the LGA seek from the Government and the Opposition, their position on the revision of Development Act fees, to allow councils to recoup from developers the costs incurred as they undertake their statutory obligations as the Local Planning Authority, as the question of Development Act fees has not progressed since the Ordinary General Meeting in April 2016.

The LGA has written to the Minister for Planning who has provided the following response:

1. There are no immediate plans to review or revise the current statutory fees under the Development Act 1993 other than the annual CPI increases;
2. Consultation on a new schedule of fees and charges will occur as part of a package of regulations to support the introduction of the new planning legislation. Initial engagement is proposed to occur with stakeholders in early to mid-2018.
3. Adopting a pure cost recovery model will have difficulties for a system that administers a range of different functions with broader community benefit.

The LGA will continue to advocate on this matter on behalf of the local government sector. The LGA as part of the 2018 State Election Agenda has called on the next State Government to conduct a comprehensive review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.

The LGA has also finalised a report on the cost impacts of the current planning system, which includes the current costs associated with development assessment and planning policy compared with the actual amount of fees councils receive. The report identifies that on average the total income for development assessment is only 31% of costs, providing a strong basis for...
### 9.1 Call for a cap on increases in taxes, levies on any future State Government (Clare & Gilbert Valleys)

that the Annual General Meeting requests the LGA to adopt the following policy positions and call on all South Australian political parties to publicly support these policies:

1. that a future State Government must cap all future increases in State Government taxes, levies, fees and charges (including government business units/enterprises) affecting local government in line with any capping proposal for Local Government;

2. that the percentage increase in total revenue collected through State Government taxes, levies, fees and charges (including government business units/enterprises) affecting local government must not exceed any Local Government rate cap;

3. that a future state government must not introduce any new State Government taxes, levies, fees and charges to be collected by Local Government and passed on to the State Government or its agencies;

4. that a future State Government must not transfer responsibility for services to Local Government without adequate and mutually agreed additional funding of Local Government; and

5. that a future State Government will not amend or introduce legislation that has a negative financial impact on Local Government without mutual

| On Track                                                                 | The LGA has run a campaign opposing rate capping during the state election period. During this campaign, all parties have been called upon to oppose rate capping.
|                                                                         | SA Labor, SA-BEST, Greens SA, Dignity Party and Australian Conservatives have confirmed that they do not support rate capping being introduced in South Australia.
|                                                                         | Further advocacy on rate capping will be undertaken following the state election.
|                                                                         | The LGA’s state election campaign has also included a focus on cost shifting and has called upon all parties to make commitments and public statements in relation to not introducing new costs to local government without agreement and without adequate funding. |
9.2 Administering the Construction Industry Training Fund Levy (Barossa)

that the Annual General Meeting requests the LGA to seek consideration by the State Government to change legislation to enact a simpler and efficient calculation or council allocation of the Construction Industry Training Fund Levy, based on either:

1. an annual fee based on council’s ratepayer base;
2. an annual fee based on capital expenditure; or
3. explore other options for a simpler formula and / or method.

On Track

A letter was sent by the LGA CEO Matt Pinnegar to the Barossa Council 15 January 2018 stating that the issue has been referred to the newly formed State Local Government Red Tape Reduction Taskforce that held its inaugural meeting Tuesday 30 January 2018. This item was addressed at the meeting held on 27 February 2018.

The Simpler Regulation Unit of the Department of Treasury & Finance have been working with the Construction Industry Training Board and The Barossa Council to establish an interim solution and for the longer term the Red Tape Task Force will develop a recommendation that may or may not include legislative reform.

<table>
<thead>
<tr>
<th>Resolutions from the LGA Ordinary General Meeting – 21 April 2017</th>
<th>Status</th>
<th>Action Taken / Progress</th>
<th>Officer</th>
<th>Report ECM</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3 Resolutions and Actions - 21 October 2016</td>
<td>Complete</td>
<td>The LGA wrote to the Attorney General, Hon John Rau MP (20 September 2017) seeking assistance in establishing a stronger regulatory framework for trail bike riding and other off-road vehicles. The Attorney General acknowledged our correspondence and referred the matter to the Minister for Transport and Infrastructure. In addition to seeking a legislative solution, the LGA has also sought advice from the Office of LB n/a</td>
<td>SH 656134</td>
<td></td>
</tr>
</tbody>
</table>
Recreation and Sport about whether the State Government has plans to progress the recommendations of the South Australian Off Road Motorcycling Strategy and Facilities Master Plan, which could provide more avenues for legal trail bike riding in areas that would not intrude on residential amenity.

The LGA will raise this matter with the incoming State Government and relevant ministers post the March 2018 election.

| 8.1 General Purpose Financial Assistance Grants (Orroroo Carrieton) | Complete | In July 2017 the LGA President wrote to the Minister, Geoff Brock and the Chair of the Local Government Grants Commission (LGGC). The letter to the LGGC acknowledged that it was not within the LGGC’s power to review the annual minimum grant formula, as this formula is specified in section 6(2)9B) of the Commonwealth’s Local Government (Financial Assistance) Act 1995. Minister Brock responded supportively but noted: “...a copy of the Review has been requested on numerous occasions, without success. Both the Commission and I support the release of the Review and I will add the issue to the agenda to discuss with the Federal Minister for Territories and Local Government Senator, Hon. Fiona Nash, at | PSS 647686 |
4. provide an update report on this matter to the 2017 LGA AGM.

The LGA has made inquiries from the Australian Local Government Association (ALGA) and has been advised that the Federal Treasurer has declined to release the 2013 report, nor act upon it, on the basis that it was a report commissioned by a previous Government.

The ALGA Board meeting of 21 September 2017 was advised that the Federal Minister Fiona Nash had recently been considering a new review of FAGs and had sought ALGA’s advice on an appropriate body to undertake the review.

This update provided within this report is deemed to satisfy part 4 of the resolution.

8.2 Update on Waste Levy (Gawler)
that the Ordinary General Meeting requests the State Government produce an update on the waste levy, specifically the Waste to Resources Fund and how much of the Waste to Resources Fund has been re-invested into waste management programs and initiatives specifically aimed at reducing the amount of waste entering land fill.

The LGA 2018 State Election Agenda calls on the State Government to increase spending, through the Green Industry Fund, by providing greater access to the fund by local government for green industry and disaster recovery initiatives through an uncapped and ongoing application process. The LGA wrote to Green Industries SA in February 2018 to request an update on the solid waste levy and spending from the Green Industry Fund. The LGA will advise further once a response to the letter has been received.
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<tr>
<td><strong>8.5 Deregulation of Liquor Licensing Public Campaign (Prospect)</strong></td>
<td><strong>On Track</strong></td>
<td>In the LGA’s 2018 State Election Agenda we have called on the next State Government to make the small venue licence available beyond the CDB to foster growth opportunities in tourism and create the right conditions for local businesses to grow employment. There will be opportunities to continue our advocacy and undertake a public campaign on this issue following the state election in March 2018.</td>
</tr>
<tr>
<td>that the Ordinary General Meeting requests the LGA to undertake a public campaign to positively influence the deregulation of Liquor Licensing for small bars across South Australia and in so doing ensure there is equity between metropolitan, regional areas and the Central Business District.</td>
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<tr>
<td><strong>8.9 Protection and Retention of Residential Amenity (Gawler)</strong></td>
<td><strong>Complete</strong></td>
<td>Through the LGA’s role on the Ministers Collaborative Advisory Team and Industry Liaison Group established by DPTI, local government has been involved in the earlier discussions on the framework for the Planning and Design Code. The LGA following consultation with councils provided a submission on the Design Guidelines developed by the Office for Design and Architecture. DPTI now provides regular updates on the implementation of the PDI Act through the SA Planning Portal.</td>
</tr>
<tr>
<td>that the Ordinary General Meeting request the LGA to lobby the State Government to provide an update on the contents, progress and preparation of the Planning and Design Code for the implementation of the Planning, Development and Infrastructure Act 2016 and what provisions will be included that pertain to protection and retention of residential amenity, privacy and enjoyment of land.</td>
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<tr>
<td><strong>8.10 Innovation and Investment in Commercial Activities (Adelaide)</strong></td>
<td><strong>On Track</strong></td>
<td>The LGA has appointed Steve Nolis to the role of Executive Director Commercial. A suite of potential commercial operations are currently under consideration including; Public Lighting;</td>
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<tr>
<td>that the Ordinary General Meeting requests the LGA to explore local, national and international business models used by the local government sector to manage</td>
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</table>
commercial operations and explore any current legislative barriers or opportunities that would enable greater innovation and investment in commercial activities, in order to offset the cost of council services for our community.

| Energy Solutions; Legal Services; Travel; Human Resources; and Information Technology. The Executive Director is currently undertaking a visitation program, meeting with council CEOs and key stakeholders to assist with prioritising and building commercial business plans and value propositions to benefit councils and the LGA. Legislative barriers are being addressed to reduce barriers in establishing new commercial opportunities. The Metropolitan Local Government Group is considering research into commercial opportunities for councils in its 2018 work plan. |

8.12 Climate Change Adaptation Fund (Adelaide)
Moved Adelaide Seconded Alexandrina that the Ordinary General Meeting requests the LGA to advocate to the Government of South Australia to establish a Climate Change Adaptation Fund to support local government to deliver regional adaptation initiatives, noting the particular impacts of climate change on coastal regions, inland waterways and water resources.

| Complete | The LGA Election Platform document calls for the State Government to establish a four year $10 million local government grant program to support joint implementation of priority climate adaptation actions. At the time of comment, there has not been any election commitments that would suggest that existing or future governments are currently planning to provide funds for climate adaptation. | VB 647969 |
## 8.14 Reform in the Disability Sector (Gawler)

that the Ordinary General Meeting requests the LGA to assist councils to navigate the changes to the disability sector and NDIS through information provision and advocacy.

| Complete | The LGA has prepared and released a fact sheet to assist councils understand the potential impacts of the introduction of the NDIS and Disability Inclusion Action Planning (new legislated requirement).
|          | R&D funds were recently allocated for a metro and regional gap analysis report to be undertaken so that councils have a clear idea of what the changes mean to their everyday business and will assist them to decide if they want to become NDIS service providers, or act more in an advocacy role. |

| LB       | 647830 |

## 8.15 National Centre for Local Government (Adelaide)

that the Ordinary General Meeting requests the LGA to work with the Australian Local Government Association, the Federal and State governments and local universities to establish a National Centre for Local Government innovation, research and development in Adelaide.

| Current  | Preliminary discussions have been held with the Australia Local Government Association and with UniSA.
|          | South Australian Universities do not currently have a focus on local government and this may hinder our argument for such a centre to be located in Adelaide.
|          | However, discussions also indicate there may be room to look for funding to establish a database of local government research which could be located on the Australian Policy Online system for which UniSA is a partner. |

<p>| CR       | 647970 |</p>
<table>
<thead>
<tr>
<th>Resolutions from the LGA Annual General Meeting - 21 October 2016</th>
<th>Status</th>
<th>Action Taken / Progress</th>
<th>Officer</th>
<th>Report ECM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.1 Value Proposition of LGA Membership</strong>&lt;br&gt;that the Annual General Meeting:&lt;br&gt;1. notes the report;&lt;br&gt;2. notes the LGA Secretariat will further develop the value proposition of the LGA including the benefit to all councils of 100% membership of the LGA; and&lt;br&gt;3. endorses the decision of the Board to quarantine LGA services from non-members.</td>
<td>Complete</td>
<td>An independent verification of the ‘Value Proposition’ undertaken by UHY Haines Norton was published with LGA Circular 11.5 of 11 March, 2017 as the next step in development of an annual publication. The Board is seeking to implement changes primarily during 2017 to ensure quarantining of services should a Council leave the LGA in future.</td>
<td>KJ</td>
<td>642849</td>
</tr>
<tr>
<td><strong>6.2 Policy Manual Review</strong>&lt;br&gt;that the Annual General Meeting:&lt;br&gt;1. notes the report; and&lt;br&gt;2. supports the continued work on the review of the LGA Policy Manual based on the future directions for a revised LGA policy mandate.</td>
<td>Complete</td>
<td>A revised draft LGA Policy Manual has been prepared and approval is sought from the Ordinary General Meeting to consult with councils and present a final draft to the Annual General Meeting in October 2018.</td>
<td>VB</td>
<td>642869</td>
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</tbody>
</table>
### 6.5 Domestic Violence – Recommendations for Local Government

that the Annual General Meeting:

1. notes the report; and
2. supports the following actions whereby local government in South Australia can provide better support for members of their communities impacted by domestic violence:
   
a) Local government commits to being part of the solution in the prevention of violence in South Australia. As the level of government closest to our communities, we recognise the damaging impact domestic and family violence has on individuals and other communities.

   b) Recognising local government’s role to create and maintain healthy, vibrant, inclusive and safe communities, councils in South Australia will seek opportunities to work in partnership with each other and collaborate with specialist non-government organisations and agencies from other levels of government to raise awareness, facilitate, advocate and provide information to support victims of domestic violence.

   c) Councils in South Australia will demonstrate leadership by supporting employees through training and HR arrangements where

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<tr>
<th>Complete</th>
<th>The LGA has worked with councils to develop the following resources.</th>
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<tr>
<td></td>
<td>A resource guide for council staff who may come into contact with victims of family violence, available here:</td>
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<tr>
<td></td>
<td>A fact sheet for victims of family violence to explain the council, information, referral and specialist support services available, available here:</td>
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<td></td>
<td>Councils may also be aware that in December 2017 a resource was released by OurWatch on Domestic Violence - Counting on change: A guide to prevention monitoring.</td>
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<td></td>
<td>OurWatch notes the Guide is a world-first in identifying indicators of change for the drivers and reinforcing factors of violence against women, and advising on available data sets and processes for gathering this information into a picture of progress.</td>
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</table>
appropriate.

d) Councils will investigate the possibility of taking steps to become a White Ribbon Accredited Workplace.

e) The LGA will help to build the capacity of member councils to promote councils working together by facilitating a workshop and sharing examples of best practice.

8.9 Extended Producer Responsibility (Alexandrina)

that the Annual General Meeting requests the LGA to lobby the State and Federal Government to implement stronger legislation to reduce waste at the source such as Extended Producer Responsibility.

| Not on Track | The LGA had anticipated undertaking this lobbying via the statutory review of the Product Stewardship Act 2011, which was due to commence in mid 2017 and be completed by mid 2018. The review has yet to commence | SPS 642949 |

8.10 Legislative Controls over Rivers and Creeks on Private Land (Adelaide Plains Council)

that the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to liaise with the State Government in order to develop guidelines and/or appropriate legislation to enable the control and management of the flooding caused by rivers and creeks on private land.

| On Track | The LGA is represented on the State Government Flood Working Group, which is a new iteration of the Flood Reform Taskforce. The Flood Working Group has been tasked with implementing a number of recommendations of the Burns Review (the independent review of the extreme weather event in SA in September/October 2016). The Flood Working Group is currently working to develop a policy position on dam safety regulation and on levee bank management. The LGA is | EHS 643000 |
| **8.11 Regulation of Trail Bike Riding (Adelaide Plains Council)** | **Complete** | The LGA wrote to the Attorney General, Hon John Rau MP (20 September 2017) seeking assistance in establishing a stronger regulatory framework for trail bike riding and other off-road vehicles. 

The Attorney General acknowledged our correspondence and referred the matter to the Minister for Transport and Infrastructure. 

In addition to seeking a legislative solution, the LGA has also sought advice from the Office of Recreation and Sport about whether the State Government has plans to progress the recommendations of the South Australian Off Road Motorcycling Strategy and Facilities Master Plan, which could provide more avenues for legal trail bike riding in areas that would not intrude on residential amenity. 

The LGA will raise this matter with the incoming State Government and relevant ministers post the March 2018 election. |
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<tr>
<td>Moved Adelaide Plains Seconded Flinders Ranges that the Annual General Meeting requests the LGA formally write to the Minister for Planning, the Minister for Local Government and the Minister for Environment and Conservation – all of which preside in some manner over the regulation of nuisance, noise and amenity intrusion – requesting that they commence a process of reviewing and amending their respective legislative frameworks to enable activities such as trail bike riding on both public and private land to be regulated through relevant instruments.</td>
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<tr>
<td>8.14</td>
<td><strong>DECD (Department for Education and Child Development) to Provide Appropriate School Car Parking (Playford)</strong></td>
<td>Complete</td>
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<tr>
<td>8.23</td>
<td><strong>Live Music Policy (Norwood Payneham &amp; St Peters)</strong></td>
<td>Complete</td>
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</table>
**8.24 Heritage Projects Funding (Prospect)**

that the Annual General Meeting requests the LGA liaise with the State Government to investigate the feasibility of establishing a state based lottery to assist in subsidising heritage projects and heritage property upgrades.

| Complete | A letter to Minister for Planning was sent 16 November 2016. The response received indicated some interest, but advised that the proposal would need to be scoped in terms of impacts, mechanisms and responsibilities. This idea was also included in the LGA State Election Agenda. | SPS 642916 |

**8.28 Renewable Energy Sourcing (Gawler)**

Moved Gawler Seconded Victor Harbor that the Annual General Meeting requests the LGA negotiations for power supplies for Councils include:

a. an assessment of the environmental benefits of increasing the level of renewable energy sources;

b. an assessment of how the Carbon Neutral policy of the State Government can be supported by Council power procurement;

c. how a partnership of Councils with the State Government may assist;

d. whether there may be economic and environmental benefits for Councils sourcing renewable energy through contracting with electricity retailers who source large and small scale generation certificates;

e. looking at template contracts which have options

<p>| Complete | The environmental benefits of sourcing renewable energy are well known (particularly small-scale on-site generation) and the LGA is continuing to provide information to councils on this via energy efficiency audits (42 already completed). This is being combined with energy procurement approaches that seek to secure multi-objective outcomes for the sector including balancing procurement of green power with cost. | LT 642951 |</p>
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<th>Action</th>
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<th>Details</th>
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<tr>
<td>8.29</td>
<td>Complete</td>
<td>LGA Procurement purchases electricity for all but a couple of SA councils and in doing so undertakes an open and transparent procurement process for each of the supply contracts that it manages. These supply contracts have included a consultative process including an Electricity Forum in March 2017 that was addressed by the Minister for Mineral Resources and Energy the Honourable Tom Koutsantonis MP where the sector was provided the opportunity to outline its concerns. The LGA and LGA Procurement continue to keep abreast of the rapidly changing electricity supply and security debate and will continue to advocate for improved outcomes for councils and their communities.</td>
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<td>8.31</td>
<td>Complete</td>
<td>In February 2017, Dr Roger Thomas was appointed independent Treaty Commissioner for a term of three years. Government set aside $4.4 million over five years to support the process Research undertaken by the LGA Secretariat</td>
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and steps to successfully achieve endorsement.

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<tr>
<th>Not on Track</th>
<th>On Track</th>
<th>Completed/No further action required</th>
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indicates that there is a strong appetite from Aboriginal people to discuss treaty with the Treaty Commissioner and for these discussions to occur through the Commissioner with state government at the local group or nation level in the early stages.


Based on the advice in the Talking Treaty Report, South Australian Aboriginal groups were invited to submit Expressions of Interest towards commencing Treaty negotiations. An Aboriginal Treaty Advisory committee was established to consider all expressions of interest and provide a report to the Minister for approval.

The LGA will continue to follow these developments and provide further advice to member councils as to the relevance to local government as these treaties progress.
### 8.32 Women Representation in Local Government (Prospect)

Moved Prospect Seconded Salisbury that the Annual General Meeting requests the LGA work in partnership with key stakeholders in order to address the low representation of women in Local Government, currently 29 percent, compared to the proportion of women in society, currently 51 percent of the population.

| Current | A communications and engagement guide for fostering inclusive representation in council elections has been developed for use by councils. It contains strategies councils can implement to increase the participation of women and underrepresented groups (Aboriginal, people with disabilities, CALD, women & young people) in the 2018 council elections. The LGA is also implementing a council elections promotions strategy, which includes working with relevant stakeholders to improve participation of underrepresented groups. It should be noted that the issue of the underrepresentation of women is not limited to local government; state and federal governments have about the same proportion of women elected however the communications and engagement guide will assist councils to implement a range of strategies to encourage more women to nominate. | SR | 642919 |

### 8.33 First Female Politician – 100th Anniversary Celebrations (Prospect & Holdfast Bay)

Moved Holdfast Bay Seconded Prospect that the Annual General Meeting requests the LGA to initiate a project to promote and celebrate the 100th anniversary (in 2019) of the election of Susan Grace Benny to Brighton Council and thus becoming the first female politician in South Australia and Australia.

| Complete | LGA Secretariat will negotiate with Australian Local Government Association and other State Associations to hold a week-long celebration delivered through social media channels to acknowledge and promote the contribution Susan Grace Benny and other significant women who have contributed to the local government sector. The timing of this will coincide with the LGA Conference and AGM to be held in October 2019. | SR | 642926 |
8.34 Protecting the Rights of Breastfeeding Women (Prospect)
Moved Prospect Seconded Charles Sturt that the Annual General Meeting requests the LGA establish a policy guideline to assist Councils in setting their own policy to reflect the legislative provisions protecting the rights of breastfeeding women, particularly with regard to council staff and elected members.

Status: Complete
Action Taken / Progress: A model policy has been developed and will be circulated to councils for consideration and voluntary adoption once it has been reviewed by a legal professional to ensure compliance with relevant legislation.

9.1 Occupational Licensing Complexity (Barossa)
that the Annual General Meeting requests the LGA to liaise with Consumer and Business Services (CBS) to advocate for a review of the occupational licensing system in South Australia to achieve a simplified and efficient system and that CBS implement an appropriate statewide training and education program.

Status: Current
Action Taken / Progress: This issue was raised with councils during a review of the legislative framework around procurement in South Australian councils. This was not highlighted as a priority issue for the sector. However, the LGA will undertake further work with the Network of Procurement Professionals to fully explore and address this issue with Consumer and Business Services.

Resolutions from the LGA Annual General Meeting - 15 April 2016

<table>
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<tr>
<th>Resolution</th>
<th>Status</th>
<th>Action Taken / Progress</th>
<th>Officer</th>
<th>Report ECM</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Rate Capping</td>
<td>Complete</td>
<td>The LGA continues to work to ensure that rate capping is not introduced and ran a comprehensive campaign, supported by 50 councils, during the 2018 state election period.</td>
<td>LT</td>
<td>635977</td>
</tr>
<tr>
<td>9.1 Occupational Licensing Complexity (Barossa)</td>
<td>Current</td>
<td>This issue was raised with councils during a review of the legislative framework around procurement in South Australian councils. This was not highlighted as a priority issue for the sector. However, the LGA will undertake further work with the Network of Procurement Professionals to fully explore and address this issue with Consumer and Business Services.</td>
<td>LT</td>
<td>643586</td>
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rates are better informed, and the impacts better understood, when made by the respective councils in consultation with their communities;

3. rejects the State Opposition’s policy on rate capping;

and

4. endorses the LGA President and CEO to continue to work with all Members of Parliament to ensure rate capping is not imposed on South Australian councils.

### 6.3. Community Housing Update

that the Ordinary General Meeting:

1. notes the report; and

2. supports the continued lobbying of the State Government to ensure councils do not incur any loss of rateable income in rebates to Community Housing Providers including the transfer of public housing stock.

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<th>The LGA has continued to advocate on this issue. The LGA President has previously written to the Liberal Opposition, all South Australian cross-bench MPs and the Federal Treasurer highlighting the ongoing impacts that the escalating number of management transfers of SA Housing Trust (SAHT) properties to Community Housing Providers (CHPs) will have on councils and their communities. This issue was included in the LGA State Budget Submission 2017/18 and in the LGA’s 2018 State Election Agenda. The LGA has sought policy commitments from parties ahead of the State Election to remove the mandatory 75% rate rebate that must be applied to community housing properties. Community Housing forms part of the LGA’s public campaign on cost shifting. More details are available on the LGA website here:</th>
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### 7.2. Local Government Reform Agenda

| Local Government Reform Agenda | Complete | The LGA has engaged further with Professor Graham Sansom to prepare local government reform proposals. A discussion paper was released in November 2017, with feedback provided by councils until February 2018. The LGA Board considered feedback provided by councils and endorsed future directions for reform and a final local government reform program was endorsed by the LGA Executive Committee in February 2018. The reform program has been provided to members and political parties and informed discussions on local government reform during the 2018 state election period. | LT 635566 |

that the Ordinary General Meeting:

1. notes the report;
2. notes the work underway in the development of key policy positions to inform negotiations with the State Government or changes to the Local Government Act 1999; and
3. requests that the LGA includes the suggestions of Graham Sansom from the Rate Capping forum held on Wednesday 13 April 2016 in these considerations.

### 8.3. Royalties for Rubble

| Royalties for Rubble | On Track | The LGA has continued to lobby the State Government to re-examine its 2015 decision to impose royalties on rubble extracted by councils from private land to facilitate road building. This issue was included in the LGA State Budget | LB 635690 |

that the Ordinary General Meeting requests the LGA to continue to lobby the State Government in relation to the unfair impost of royalties for rubble on local government.
Submission 2017/18 and in the LGA’s 2018 State Election Agenda.

The Legatus Group continues to negotiate with the Cement, Concrete and Aggregates Association (CCAA) to find agreement between the parties. Once in agreement, the LGA will seek the Treasurer’s approval to remove the royalty payment requirement by councils.

| 8.7. Mandatory Elected Member Training | On Track | 1. The LGA engaged LGAQ (in its capacity as an RTO) to undertake a mapping exercise of the four modules (that constitute the SA legislated Elected Member Mandatory Training Standard) with the nationally accredited Elected Member Skill Set. The mapping exercise identified competency gaps and delivered recommendations about the processes required to elevate the current Mandatory SA Elected Member Training Standard to a nationally accredited qualification. LGAQ are currently preparing a quote for the work required to upgrade and Standard and develop training package that delivers the skill set required for Elected Members of the South Australian Local Government Sector.  
2. The LGA is developing a refresher module for Elected Members who have completed the current Mandatory Elected Member Training. | RM 635877 |
### 8.9. LED Street Lighting

The LGA is considering the opportunity to partner with third parties and/or negotiate commercial agreements on behalf of all councils. The aim is to establish consistency around pricing, service and maintenance agreements, agreed performance metrics, cancellation clauses and roll out of LED lighting (timing and price). Another consideration is understanding the costs of the future access to SAPN infrastructure for the implementation of smart-city technology. Further assistance can be offered to councils via a SAPN bill screening service.

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### 9.2. Development Act Fees

Refer to Item 8.10 November 16 AGM Notices of Motion.

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6.1 LGA Governance Review / New Constitution

Report re-issued 5 April 2018

Discussion Reports from the LGA Board

From: Kathy Jarrett, Executive Director Corporate & Member Services

Key Initiative: K.I 3 Best practice and continuous improvement

Strategy: 3D Develop, review and improve LGA commercial enterprises

Meeting: Ordinary General Meeting 13 April 2018

ECM: 659833 Attachments: 655609; 659255; 659261; 659260; 659259; 659258; 659256

Recommendation

That the Ordinary General Meeting:

1. adopts the new LGA Constitution for commencement on 27 October 2018
2. adopts the transitional arrangements inserted into the existing LGA Constitution
3. notes the consultation being undertaken on the Ancillary Documents (listed below) to the new LGA Constitution:
   a. Membership Proposition
   b. Terms of reference for the South Australian Regional Organisation of Councils (SAROC)
   c. Terms of reference for the Greater Adelaide Regional Organisation of Councils (GAROC)
   d. Terms of reference for the Audit Committee
   e. Terms of reference for the CEO Advisory Group
   f. Meeting procedures

Discussion

Following extensive consultation with the local government sector, the new LGA Constitution is presented for adoption to the LGA Ordinary General Meeting in April 2018 together with relevant transitional provisions involving changes to the existing LGA Constitution.

The adoption of the new Constitution and the insertion of transitional provisions into the existing Constitution will only be effected by a resolution passed at the meeting, provided that 30 days’ notice has been given and the resolution is passed by at least 75% of the votes cast by the Ordinary Members entitled to vote on the resolution.

There are a number of Ancillary Documents to the new Constitution that are not presented for endorsement at the Ordinary General meeting but rather are included with this report to highlight the various procedures that will operationalise the Constitution. The suite of documents are attached as follows:
New Constitution
Transitional provisions to be inserted into the existing LGA Constitution
Membership Proposition
SAROC and GAROC Terms of Reference
Audit Committee Terms of Reference
CEO Advisory Committee
Meeting procedures

The LGA Executive Committee referred these documents for broad sector feedback including workshops to the March 2018 Metropolitan Local Government Group (MLGG) and SA Regional Organisation of Councils (SAROC).

Since its release on 14 March via circular 11.8 and the holding of the above workshops, additional feedback has been received on the new LGA Constitution and ancillary documents and some changes have been endorsed by the LGA Executive Committee. These changes have now been incorporated to the new LGA Constitution to be presented for endorsement at the LGA Ordinary General Meeting. Note that the Ancillary Documents will be further consulted upon between now and the October Annual General Meeting.

The changes include:

- the new Constitution providing for SAROC and GAROC to independently determine the inclusion of CEO membership in their composition.
- the Membership Proposition is to be endorsed by Members (instead of approved by the Board) and the SAROC / GAROC Terms of Reference to be ratified by Members following the LGA Board’s review
- the new Constitution prescribing an annual Ordinary General Meeting to ensure we hold at least two meetings of members a year like we have now with the AGM and OGM
- the Membership Proposition confirming a member’s resignation can take effect after three months (instead of six months); and
- a dispute resolution clause included in the Constitution.

The updated documents are attached to this report.

Further feedback from member councils will be sought on the Ancillary Documents during the period April – November 2018.

LGA Structure and New Constitution - Background

Throughout 2016 – 2017, the LGA’s structure was the topic of many sessions with Members. A first draft model LGA structure was presented during the consultation sessions. The model structure was further refined based on feedback, and then translated into a draft new LGA Constitution which in turn was presented to Members at the November 2017 Annual General Meeting. Following this, a series of workshops were held with the Board, the MLGG, SAROC, Regional LGA Executive Officers and the LGA Audit Committee seeking feedback on the draft Constitution. During these workshops, feedback was sought on:

- Simplified member structure, removal of the concept of associate member;
- No member, no service concept;
- The role and purpose of the proposed SAROC and GAROC structures;
- Processes for member participation including notices of motion at general meetings;
- Resourcing of SAROC and GAROC;
- LGA Board of Directors – purpose, function, composition, size;
- President and Immediate Past President – eligibility, election;
- Commercial enterprise board; and
- CEO advisory group.

The feedback received has now been incorporated within the draft ‘Local Government Association of South Australia Constitution and Rules’ (see attached). This draft Constitution:

- Establishes a contemporary corporate governance framework enabling the LGA’s contribution to public value through the promotion and advancement of the interests of local government.
- Maintains Member participation and establishes a strong emphasis on collaborative councils, assisted by a strong LGA.
- Provides a focus on leadership and advocacy at all levels: state-wide, regional and individual members.
- Streamlines and integrates consistent engagement and resourcing across the system.
- Delivers a more efficient structure for LGA decision making with a smaller LGA Board of Directors (10 members), and regional structures with aligned strategic and annual planning processes and budgets.
- Ensures key expert advice to the LGA and the sector through a commercial enterprise board(s), CEO advisory group and LGA Audit Committee. These structures future proof the Association.
- Considers the latest feedback received from members.
- Has been reviewed by the LGA’s legal adviser to ensure its structure contributes to good decision making, that there were no omissions and that all provisions are workable and do not cause unintended consequences or interpretation issues.

Following adoption of the new Constitution and transitional provisions by member councils at the Ordinary General Meeting, correspondence will be forwarded to the Minister for Local Government seeking approval to amend the existing Constitution by the addition of the transitional provisions, followed by the revocation of the existing Constitution as from 27 October 2018.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
Local Government Association of South Australia

Constitution and Rules
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I Preliminary

1. Association

The Association is the "Local Government Association of South Australia" ("LGA") which is constituted as a body corporate and a public authority pursuant to the Local Government Act 1999 for the purpose of promoting and advancing the interests of local government in South Australia.

2. Constitution

2.1 This Constitution is binding:
2.1.1 as between the LGA and each Member; and
2.1.2 as between each Member and each other Member.

2.2 This Constitution may be altered only:
2.2.1 by resolution:
   a. passed at a General Meeting of which at least 30 days' notice has been given to Members; and
   b. passed by at least 75% of the votes cast by Members at that General Meeting;

and

2.2.2 with approval of the Minister under subclause 1(4) of Schedule 1 of the Local Government Act 1999.

2.3 In any circumstances in which this Constitution is silent, incapable of taking effect or being implemented according to its strict provisions, the Board of Directors may determine what action may be taken to ensure the effective administration of the LGA.

2.4 Despite any other provision of this Constitution, the Board of Directors may as it thinks fit suspend or modify the operation of any provision of this Constitution in order to provide for a matter related or ancillary to a proclamation made by the Governor under Part 1 of Chapter 3 of the Local Government Act 1999.

3. Interpretation

3.1 In this Constitution, unless the contrary intention is apparent:

"Annual General Meeting" means a meeting of Members described in clause 9.

"Audit Committee" is the committee established by the Board of Directors in accordance with clause 24.3.1.

"Board of Directors" means the persons appointed as the governing body of the LGA in accordance with this Constitution as described in clause 21.
“Chair” means the person referred to in clause 14.

“CEO Advisory Group” means the committee established in accordance with clause 24.3.2.

“Close of Nominations” means the date and time at which nominations for the office of President close under clause 28.7.

“Casual Vacancy” means a vacancy in the office of a member of the Board of Directors due to a circumstance contemplated in clause 31.1.

“Community Council” means the governing entity for each of (a) the Anangu Pitjantjatjara Community; (b) the Maralinga Tjarutja Community; (c) the Yalata Community; (d) the Nepabunna Community; (e) the Gerard Community; and (f) the Outback Communities Authority.


“Council Member” means a member of the governing body of a Member.

“Chief Executive” means the Chief Executive of the LGA and, where the context allows, includes a person acting in that position.

“Delegate” means a person appointed to represent a Member at a General Meeting pursuant to clause 12.1.

“Director” means a member of the Board of Directors.

“Fees” means moneys payable by a Member to the LGA from time to time, including annual subscriptions, special purpose levies and services charges.

“GAROC” means the “Greater Adelaide Region Organisation of Councils” described in clause 19.

“GAROC Terms of Reference” means the terms of reference for GAROC referred to in clause 19.4.

“General Meeting” means a meeting of the Members of the LGA being an Annual General Meeting, an Ordinary General Meeting or a Special General Meeting.

“Immediate Past President” means the person who is the immediately preceding President of the LGA.

“LGA” means the Local Government Association of South Australia.

“LGA Office” means the resources engaged by the Chief Executive to ensure that the LGA is enabled to adequately perform its functions.

“Member” means a Council or a Community Council which has applied for, been granted and retains membership in accordance with this Constitution and the Membership Proposition.

“Membership Proposition” means the terms of membership of the LGA endorsed by the Members.

“Misconduct” means being:
(a) found guilty of an offence involving dishonesty or other offence which the Board of Directors resolves to be an offence which, committed by a Director, would bring the LGA or local government into disrepute;

(b) being absent from 3 successive meetings of the Board of Directors without leave of the Board of Directors; or

(c) engaging in conduct which the Board of Directors resolves to be conduct likely to bring the LGA or local government into disrepute.

“Object” is the object of the LGA as set out in clause 4.

“Ordinary General Meeting” is a meeting of Members convened under clause 10.1.

“President” means at any time the person holding office as LGA President.

“Presiding Member” means the presiding member of a Council or Community Council.

“Regional Groupings of Members” means the regional groups described in clause 19.3.

“Regional Organisation of Councils” means either SAROC or GAROC as described in clause 19.

“Register of Delegates” means the register maintained by the LGA in accordance with clause 12.3.

“SAROC” means the “South Australian Region Organisation of Councils” as described in clause 19.

“SAROC Terms of Reference” means the terms of reference for SAROC referred to in clause 19.4.

“Special General Meeting” means a meeting of Members described in clause 10.

3.2 In this Constitution, unless the contrary intention is apparent:

3.2.1 words importing the singular include the plural and vice versa;

3.2.2 a power to appoint includes a power to dismiss; and

3.2.3 a reference to any document, including legislation, is a reference to that document as amended or replaced from time to time.

4. **Object**

The object of the LGA is to achieve public value through the promotion and advancement of the interests of local government by:

4.1 advocating to achieve greater influence for local government in matters affecting councils and communities;

4.2 assisting Members to build capacity and increase sustainability through integrated and coordinated local government; and
4.3 advancing local government through best practice and continuous improvement.

5. **Functions**

The LGA must undertake its functions for the purpose of achieving the Object. The functions of the LGA are to:

5.1 advocate and provide leadership for local government in South Australia, leading to strong engaged communities served by efficient and collaborative Councils and Community Councils;

5.2 advocate for an autonomous, effective and democratic system of local government in South Australia to meet contemporary community needs;

5.3 encourage and promote an efficient, effective and sustainable system of local government in South Australia;

5.4 promote and protect the interests of local government and its Members and the communities they represent;

5.5 encourage and help local government to engage with, and respond to, the needs of the community;

5.6 develop and maintain consultation and co-operation between local government and the State and Commonwealth governments and their agencies;

5.7 assist Members to develop and maintain their financial sustainability and for the advancement of local government;

5.8 undertake any business activity which contributes to the Object;

5.9 represent Members of the LGA and local government to the public and the State and Commonwealth governments;

5.10 act as an advocate for Members and the local government community to address contemporary needs;

5.11 facilitate engagement and collaboration by and between Members as to their common interests;

5.12 encourage, assist, promote and foster the achievement and maintenance of the highest levels of integrity, justice, competence, effectiveness and efficiency of local government;

5.13 undertake or promote any activity which the Board of Directors determines to be for the benefit or interest of Members and local government in South Australia; and

5.14 undertake any function as may be vested in the LGA by statute.

6. **Powers**

For the purposes of fulfilling the Object and undertaking its functions, the LGA has the power to:
6.1 acquire, hold, deal with, and dispose of, any real or personal property;
6.2 administer any property on trust;
6.3 operate accounts with any financial institution including the Local Government Finance Authority;
6.4 levy annual subscriptions, special purpose levies and service charges upon Members;
6.5 accept gifts of money or property;
6.6 invest money in any way considered prudent by the Board of Directors, including with the Local Government Finance Authority;
6.7 borrow and raise money as required by the LGA having regard to the financial sustainability of the LGA;
6.8 give security for the discharge of liabilities incurred by the LGA;
6.9 make application to, and accept grants and loans from, the State government and the Commonwealth government for the benefit of any Member or the LGA;
6.10 determine remuneration for Directors or members of committees established under this Constitution;
6.11 employ a Chief Executive and the staff of the LGA Office;
6.12 engage professional advisors;
6.13 appoint agents to transact any activities of the LGA;
6.14 insure against any risk;
6.15 enter into any contract it considers necessary or desirable;
6.16 subject to the Corporations Act 2001 (Cth), establish or dissolve incorporated subsidiaries and determine policies and procedures to apply to subsidiaries;
6.17 advocate for changes to State government and Commonwealth government legislation;
6.18 provide services to Members with or without reward;
6.19 publish material of interest to Members and for the purpose of promoting the LGA and the system of local government;
6.20 enter into any arrangements or obtain any privileges and concessions which the LGA considers to be desirable for the LGA on behalf of Members;
6.21 mediate disputes between Members or within a Member’s governing entity;
6.22 instigate or defend legal proceedings;
6.23 manage any dispute to which it is party, including by referral to, and participation in, mediation, conciliation or arbitration;
6.24 provide resourcing for the LGA Office;
6.25 establish and maintain policies, procedures, terms of reference, membership conditions and guidelines as contemplated by this Constitution or as are conducive to the achievement of the Object;

6.26 associate or collaborate with other associations and organisations having objects consistent with, or complementary to, the Object, including by way of incorporated or unincorporated joint venture or other form of alliance;

6.27 exercise any other power vested in the LGA by statute; and

6.28 do any other thing which is related, incidental or conducive to the attainment of the Object,

provided that the LGA may not distribute its assets to Members other than in the circumstances stated in clause 7.2.

7. **Dissolution**

7.1 The LGA may be dissolved by resolution:

7.1.1 passed at a General Meeting of which at least 30 days’ notice has been given; and

7.1.2 passed by at least 75% of the votes cast by Members entitled to vote on the resolution.

7.2 In the event of dissolution, and after payment of all debts and liabilities, any surplus assets shall be returned to Members in proportion to the annual subscription paid in the financial year prior to the passing of the resolution to dissolve.

7.3 In the event of a dissolution where there are insufficient funds to pay all debts and liabilities of the LGA, a levy on Members shall be determined to cover the deficiency, such levy being in proportion to the annual subscription paid in the financial year prior to the passing of the resolution to dissolve.

II **Membership of the LGA**

8. **Membership**

8.1 Each Council and Community Council is entitled to apply in writing to the Board to be a Member of the LGA, except as provided in clause 8.2.

8.2 A Council or Community Council which has had its membership application rejected or membership revoked under this clause 8 may not reapply for membership for the same financial year that the membership the subject of the application or revocation would have operated, unless otherwise determined by the Board of Directors.

8.3 Membership operates for a 12 month period commencing on 1 July.

8.4 A Member must provide to the LGA such information and support as the LGA reasonably requests to carry out the Object.
8.5 Subject to confidentiality requirements as determined by the Board of Directors or in accordance with terms of reference for a committee, each Member is entitled to access approved minutes of General Meetings, the Board of Directors and committees of the LGA.

8.6 Each Member will pay to the LGA:

8.6.1 the annual subscription determined by the Board of Directors applicable to that Member by 1 August for the financial year in which the membership will operate (unless otherwise determined by the Board of Directors); and

8.6.2 by the due date for payment, any special purpose levy or service charge relevant to that Member.

8.7 The Board of Directors may:

8.7.1 reject an application for membership of any Council or a Community Council; or

8.7.2 revoke the membership of a Council or a Community Council, on a basis provided for in the Membership Proposition.

8.8 Membership of the LGA will be automatically revoked for a Member who fails to pay an annual subscription or special purpose levy to the LGA by the due date for payment (or such later date as may be determined by the Board of Directors).

8.9 Revocation of a Membership does not:

8.9.1 relieve the former Member from any obligation to pay Fees to the LGA which accrued prior to the date of revocation; or

8.9.2 entitle the former Member to a refund of any Fee previously paid to the LGA.

8.10 A Council or a Community Council may resign from the LGA upon giving written notice to the LGA. A resignation takes effect as provided for in the Membership Proposition.

8.11 Any Member who resigns its Membership during a financial year:

8.11.1 remains liable to pay:

a. the full annual subscription and any annual special purpose levy for the financial year in which the resignation takes effect; and

b. any service charges payable for a service provided by the LGA up until the date on which the service ceases; and

8.11.2 is not entitled to refund of any Fee previously paid to the LGA.

8.12 The LGA is not obliged to provide any service to a Council or Community Council which is not a Member of the LGA.

8.13 The LGA may cease providing a service to a Member if the Member fails to pay a service fee in respect of the services to the LGA by the due date.
III Meetings of the LGA

9. Annual General Meeting

9.1 A meeting of the Members of the LGA to be called the “Annual General Meeting” shall be held once in each year, at a time, date and place determined by the Board of Directors.

9.2 The Chief Executive shall at least 30 days before the date fixed for the holding of the Annual General Meeting advise each Member of the time, date and place of the meeting and the proposed business of the meeting.

10. Other General Meetings

10.1 The Board of Directors of the LGA has the power to call:

10.1.1 an Ordinary General Meeting each year upon at least 30 days’ notice in writing being given to all Members by the Chief Executive; or

10.1.2 Special General Meeting of the LGA for a stated purpose upon at least 7 days’ notice in writing being given to all Members by the Chief Executive.

10.2 At least 10 Members may, by a notice in writing to the Chief Executive request a Special General Meeting stating the business to be considered and determined at the Special General Meeting. Within 14 days from the receipt of the notice, the Chief Executive must call a meeting of the Members to be held within 30 days by advising each Member of the time, date and place of the meeting and the stated business of the meeting.

10.3 No business other than the stated business may be considered or determined at a Special General Meeting.

11. Venue of General Meetings

The LGA may hold a General Meeting at 2 or more venues using any technology that gives the Members a reasonable opportunity to participate in the meeting.

12. Appointment of Delegates

12.1 Each Member may appoint a person to act as the delegate for the Member at a General Meeting, and may at any time revoke such appointment and appoint another person as its delegate.

12.2 To be eligible for appointment as a delegate, a person must be a Council Member.

12.3 Each Member shall give notice in writing to the LGA of the person appointed to act as its delegate and the LGA will maintain a register of delegates.

12.4 A Member must notify the LGA in writing if a person’s appointment as a delegate has been revoked by the Member, a person has resigned from the
role of delegate or the person appointed as a delegate ceases to be a Council Member.

12.5 If a Delegate is unable to attend a General Meeting, the Member may, by giving written notice to the LGA, appoint another person to act as a substitute for the Delegate at the meeting. The appointment will only be valid for the General Meeting specified in the written notice. A person appointed under this clause 12.5 will be a “Delegate” for the purposes of this Constitution in respect of that General Meeting.

13. **Quorum**

13.1 Subject to this clause 13, no business shall be transacted at any General Meeting unless at least half of the Delegates on the Register of Delegates, plus 1 Delegate are present.

13.2 A quorum present at the commencement of a General Meeting is taken to be present throughout the meeting unless the Chair of the meeting declares otherwise.

13.3 If no quorum is present at a General Meeting within 30 minutes after the time appointed for the commencement of a meeting, the Chair may adjourn the meeting to a determined date, time and place, provided that the date is no earlier than 7 days after the adjourned meeting or in the case of a General Meeting convened to consider a special resolution no earlier than 30 days after the notice of the adjourned meeting is provided to Members.

13.4 Notice of an adjourned meeting with the date, time and place at which the meeting will be recommenced must be provided to all Members.

13.5 Any business which could have been transacted at a meeting which has been adjourned because of the absence of a quorum under clause 13.3 may be transacted on the recommencement of the meeting as notified under clause 13.4 notwithstanding there is no quorum present at that meeting.

14. **Chair**

The President shall preside at all General Meetings and meetings of the Board of Directors, but in his or her absence a member of the Board of Directors chosen by the Board of Directors shall preside at the meeting.

15. **Adjournments**

Subject to clause 13, the Delegates present at any General Meeting may from time to time by resolution adjourn the meeting to a determined date and time.

16. **Business of General Meetings**

16.1 The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.
16.2 Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.

16.3 No business shall be brought before a General Meeting of the LGA unless:

16.3.1 it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or

16.3.2 the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.

17. Voting

17.1 Each resolution considered at a General Meeting will be decided by the majority value of the votes of the Delegates present at the meeting and voting on the resolution.

17.2 Votes of Delegates at meetings of the LGA shall have the following values:

17.2.1 Delegates of Members whose areas have populations up to 10,000 people - value of 1 vote;

17.2.2 Delegates of Members whose areas have populations of between 10,001 and 50,000 people - value of 2 votes; and

17.2.3 Delegates of Members whose areas have populations of over 50,001 people - value of 3 votes.

17.3 For the purposes of this clause, the population of each Member area shall be the population stated in the latest estimated population figures published by the Australian Bureau of Statistics.

18. Procedure at Meetings

The Board of Directors may, consistent with the Constitution, make, vary or revoke any meeting procedures regulating the mode and conduct of proceedings at any General Meeting and meetings of the Board of Directors, SAROC or GAROC.

19. Regional Organisations of Councils

19.1 There are 2 regional organisations of Members:

19.1.1 SAROC; and

19.1.2 GAROC.

19.2 The role of SAROC and GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions.

19.3 Members will be organised into regional groups for the purpose of participating in the processes for the election of SAROC and GAROC. The Regional Groupings of Members are not formed to undertake any other function.
19.4 Terms of reference for SAROC and GAROC as approved by the Board of Directors will:

19.4.1 list the Regional Groupings of Members comprising SAROC and GAROC respectively; and

19.4.2 provide for:

(a) the conduct of business including requirements for strategic and annual business planning and budgeting, and reporting requirements;

(b) the receipt and consideration of proposals for policy development for the betterment of local government from Members;

(c) the referral of proposals to the Board of Directors or General Meetings;

(d) the election of members to SAROC and GAROC;

(e) the conduct of a poll for the purposes of clause 19.7 of this Constitution;

(f) the appointment of a chairperson; and

(g) any other matters which the Board of Directors considers to be prudent or convenient.

19.5 The terms of reference for SAROC and GAROC will be presented to the Members at a General Meeting for ratification annually (or more frequently as determined by the Board).

19.6 Each Regional Grouping of Members will elect:

19.6.1 2 Council Members; and

19.6.2 subject to clause 19.7, a chief executive officer of a Member, as members of SAROC or GAROC (as relevant) provided that each person elected is from a different Member.

19.7 A chief executive officer of a Member within a Regional Grouping of Members will only be elected to SAROC or GAROC where the majority of Members within Regional Groupings of Members comprising SAROC or GAROC (as relevant) voting in a poll conducted in accordance with the terms of reference for SAROC or GAROC (as applicable) vote in favour of chief executive officers being members of SAROC or GAROC (as applicable).

19.8 In addition to the membership determined under clause 19.6, the Lord Mayor of the City of Adelaide or his or her nominee (also being a Council Member of the City of Adelaide) will be a member of GAROC.

19.9 The term of office for members of SAROC and GAROC shall commence after the Annual General Meeting of the year in which elected. Each Council Member and Council CEO will serve for a period of 2 years or until a circumstance causing a Casual Vacancy occurs.
19.10 SAROC and GAROC will be supported by the LGA Office.

20. **Annual report**

The LGA will make publicly available on or before 30 November in each year an annual report adopted by the Board of Directors in respect of the operations of the LGA for the preceding financial year.

**IV The Board**

21. **Board of Directors**

21.1 The Board of Directors is the governing entity of the LGA.

21.2 The Board of Directors shall consist of:

21.2.1 the President;

21.2.2 the Immediate Past President;

21.2.3 the chairperson of SAROC and the chairperson of GAROC; and

21.2.4 6 additional persons (each of which must be a Council Member) with relevant business and governance experience elected in equal proportions from the Council Members of SAROC (3 persons) and the Council Members of GAROC (3 persons).

21.3 The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership. The Directors do not represent SAROC, GAROC or a specific Member or Members.

21.4 Each Director must:

21.4.1 undertake his or her role as a Director honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;

21.4.2 not make improper use of information acquired by virtue of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;

21.4.3 not make improper use of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and

21.4.4 not act in any matter where the Director has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the Directors will not be an interest giving rise to a conflict of interest).

22. **Functions of the Board of Directors**

The functions of the Board of Directors include:
22.1 appointing a Chief Executive and superintending his or her performance;
22.2 holding the Chief Executive accountable for the performance of the LGA Office;
22.3 advocating for the LGA, the Members and the local government community;
22.4 superintending the activities of the LGA;
22.5 determining matters which may be placed on the agenda of a General Meeting; and
22.6 undertaking such other functions as may be provided for, or envisioned by, this Constitution.

23. **Duties of the Board of Directors**

The Board of Directors must ensure that:

23.1 the LGA acts in accordance with applicable laws and this Constitution;
23.2 the LGA acts ethically and with integrity, respecting diversity and striving for gender balance participation in all activities;
23.3 the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;
23.4 subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and
23.5 the LGA performs to its business plan and achieves or betters the financial outcomes projected in its budget.

24. **Powers of the Board of Directors**

24.1 The Board of Directors may exercise the powers of the LGA.
24.2 The Board of Directors also has power to:

24.2.1 establish committees consisting of any person with relevant experience, skill or expertise for any purpose and determine the terms of reference for such committees; and
24.2.2 recommend to the Members at a General Meeting to amend the provisions of the Constitution.

24.3 The Board of Directors must establish and maintain:

24.3.1 an audit committee comprising at least 3 persons with appropriate qualifications and experience required to discharge the functions of an audit committee as determined by the Board of Directors; and
24.3.2 an advisory group comprised of at least 8 persons each being a chief executive officer of a Member.

24.4 The Board of Directors, the Audit Committee, the CEO Advisory Group and any committee shall cause minutes to be kept of all its proceedings and actions.
24.5 The Board of Directors will report the activities of Board of Directors, the Audit Committee, the CEO Advisory Group and any committee to Members at each General Meeting.

25. Meetings of the Board of Directors

25.1 Meetings of the Board of Directors shall be held at least once in each 2 month period at such times and places as shall be determined by the President or by any 3 members of the Board of Directors.

25.2 The Chief Executive shall, at least 7 days before the date fixed for the meeting of the Board of Directors, inform each Director of the date, time and place of the meeting and the proposed business to be conducted at the meeting.

25.3 The President may in cases of urgency direct that a meeting of the Board of Directors be held at any time without the need to give 7 days' notice. If this occurs the Chief Executive shall if practicable give notice in writing to each Director of the date, time and place of the meeting and the proposed business to be conducted at the meeting.

25.4 No business shall be transacted at a meeting of the Board of Directors unless half of the Directors, plus 1 Director are present (providing that at least 1 Director from each of SAROC and GAROC is in attendance) in person or connected using technology which enables all members to communicate with each other as if they were all present in a single place.

25.5 All questions arising at a meeting of the Board of Directors shall be decided by a simple majority vote of the Directors present and voting on each question.

25.6 The Chair of the meeting has a deliberative vote and, if there are equal numbers of votes on any question, a casting vote.

26. Circulating resolutions

26.1 Notwithstanding clause 25, the Board of Directors may pass a resolution without a meeting in accordance with this clause 26.

26.2 Each member must receive notice of the proposed resolution in identical terms, including by electronic means.

26.3 A resolution will remain open for adoption for a period of 5 days (or such longer period as is provided in the notice of the resolution).

26.4 A Director may vote for a resolution received under clause 26.2 by responding to the notice confirming that they are in favour of the resolution (Instrument of Resolution).

26.5 The resolution is passed when the Chief Executive receives by hand delivery, post, email or fax Instruments of Resolution executed by a majority of Directors entitled to vote on the resolution within the time period provided for in clause 26.3.
27. **Delegations**

27.1 Subject to this clause 27, the Board of Directors may by resolution delegate any of its powers, functions or duties to any member or members of the Board of Directors, to a committee established by the Board of Directors or to the Chief Executive, excepting that a delegation to certify the audited financial statements in accordance with the Constitution must only be given jointly to the President and Chief Executive.

27.2 Where a person is acting in the position of either President or Chief Executive in accordance with this Constitution, that person may exercise powers delegated under this clause to the President or Chief Executive (as relevant).

27.3 The Board of Directors may not delegate the power to:

27.3.1 determine annual subscriptions, special purpose levies or service charges for services provided to Members;

27.3.2 determine a membership application or to determine the continuing membership status of a Member;

27.3.3 borrow money or to obtain other forms of financial accommodation;

27.3.4 adopt or revise a strategic management plan of the LGA;

27.3.5 adopt or revise an annual business plan or budget of the LGA;

27.3.6 pay remuneration or expenses to members of the Board of Directors; or

27.3.7 make an application or recommendation, or report or give notice, to the Governor or a Minister where provided for by statute.

27.4 A delegation:

27.4.1 is subject to conditions and limitations stated in the resolution;

27.4.2 if made to the Chief Executive, authorises the sub-delegation by the Chief Executive in writing of the delegated power or function to any person unless the resolution directs otherwise;

27.4.3 is revocable by resolution of the Board of Directors; and

27.4.4 does not prevent the Board of Directors from exercising the delegated power.

27.5 The Board of Directors must cause a separate record to be kept of all delegations under this clause.

27.6 The Chief Executive must ensure that sub-delegations are reported to the Board of Directors at least every 3 months.

27.7 At least once in every financial year the Board of Directors must review the delegations and sub-delegations for the time being in force under this clause.

27.8 The record of delegations made under this clause must be placed on the LGA’s public website.
28. **Nominations for the Office of President**

28.1 The office of President shall be elected by Members biennially.

28.2 In the year in which a new President is to be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members calling for nominations for the position of President.

28.3 Every Member is entitled to nominate an eligible person to the office of President.

28.4 To be eligible for nomination as a candidate for the position of President, a person must be a Council Member.

28.5 To be eligible for the position of President, a person must also be a current member of SAROC or GAROC who has undertaken that role for a period of not less than 1 year.

28.6 The eligibility for office of President shall rotate each term between a person who is a Council Member of a Member within Regional Groupings of Members in SAROC and a Council Member of a Member within Regional Groupings of Members in GAROC.

28.7 A nomination of a person for the office of President shall be by resolution of a Member and must be received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations. A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

28.8 If no nomination is received for the office of President under clause 28.7, then the Chief Executive shall call for additional nominations from and by the Delegates at the Annual General Meeting and will conduct an election at the meeting.

29. **Election for office of President**

29.1 The Chief Executive shall be the returning officer for any election for the office of President.

29.2 After the Close of Nominations, the Chief Executive will notify all Members of the candidates for the office of President.

29.3 If only 1 person is nominated for President by the Close of Nominations, the Chief Executive shall declare such person duly elected.

29.4 If the number of persons nominated for the office of President by the Close of Nominations exceeds 1 person then an election must be held in accordance with this clause.

29.5 In the event of an election being required, the Chief Executive shall conduct the election as follows:

29.5.1 at least six weeks before the Annual General Meeting the Chief Executive shall deliver ballot papers to each Member;

29.5.2 the ballot papers shall:
(a) list the candidates for election;
(b) specify the day of closure of the election; and
(c) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";

29.5.3 each Member shall determine by resolution the candidate it wishes elected;

29.5.4 the Delegate of a Member or in the Delegate's absence, the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the Delegate must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;

29.5.5 on receipt of the envelopes the Chief Executive must:
(a) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
(b) place the envelope marked "Ballot Paper" unopened into the ballot box;

29.5.6 the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;

29.5.7 at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;

29.5.8 the candidate with the most votes shall be deemed elected and the Chief Executive shall declare the candidate elected at the Annual General Meeting; and

29.5.9 in the case of candidates receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes and the lot drawn will be the candidate elected.

29.6 The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.

30. **Term of Office of Directors**

30.1 The President shall take office after the Annual General Meeting of the year in which elected and shall hold office for 2 years or until any vacancy in that office occurs.
30.2 When a new President is elected the person retiring from the Office of President shall hold office as Immediate Past President until his or her successor as President is entitled to assume the office of Immediate Past President.

30.3 The term of office of the SAROC and GAROC chairpersons operates for the term of their respective appointments as chairperson.

30.4 The term of office of the six persons elected to the Board of Directors by SAROC (3 persons) and GAROC (3 persons) shall commence after the Annual General Meeting of the year in which the person is elected and shall be for 2 years or until a vacancy in that office occurs for any such person.

30.5 Persons elected under clause 30.4 are eligible for re-election for subsequent terms.

30.6 Any person appointed to the office of Immediate Past President shall hold office until the retiring President becomes entitled to hold that office under this Constitution.

31. Casual Vacancy

31.1 A casual vacancy shall occur in the offices of President or another Director if the person appointed to that office:

31.1.1 dies;

31.1.2 resigns from the office or from SAROC or GAROC (as relevant);

31.1.3 is dismissed by resolution of the Board of Directors from the Board of Directors or SAROC or GAROC (as relevant) for Misconduct; or

31.1.4 ceases to be a Council Member, or an administrator is appointed to administer the affairs of the Member for which the Director is the Council Member.

31.2 If there is a Casual Vacancy in the office of President, the Board of Directors shall appoint a member of the Board of Directors to act in the office of President for the balance of the President’s term, provided that the position may only be filled by a Director who is a member of the same Regional Organisation of Councils as the President.

31.3 If there is a Casual Vacancy in the Board of Directors (other than for the roles of President or Immediate Past President) then the position will be filled for the balance of the Director’s term by a person appointed as a replacement by SAROC or GAROC (as relevant to the Director the subject of the Casual Vacancy) taking into account the considerations in clause 21.2.4.

31.4 If a Casual Vacancy arises in the office of Immediate Past President then the vacant position on the Board of Directors will be filled by either SAROC or GAROC as determined by reference to whether the Member on which the Immediate Past President served was a member of a Regional Grouping of Members represented by SAROC or GAROC. SAROC or GAROC (as relevant) will elect the person taking into account the considerations in clause
21.2.4 and determining that the person is of such seniority and experience that his or her contribution will be valuable to the Board of Directors and the LGA.

32. **Leave of absence**

32.1 A Director may be granted a leave of absence by resolution of the Board of Directors.

32.2 Where a leave of absence is granted to the President, a Director will be selected by the Board of Directors to act in the office of President for the duration of the absence, provided that the position may only be filled by a Director who is a member of the same Regional Organisation of Councils as the President.

32.3 Where a leave of absence is granted to a Director (other than the President) or a Director is appointed to act as the President under clause 32.2, an acting Director will be appointed by SAROC or GAROC (as relevant to the Director the subject of the leave of absence) to serve in place of that Director for the duration of the absence.

33. **Appointment of a Chief Executive**

33.1 The Board of Directors shall appoint a Chief Executive who shall be responsible to the Board of Directors for:

33.1.1 the execution of the Board’s decisions,

33.1.2 appointing and overseeing the LGA Office on the basis of sound principles of management;

33.1.3 the discharge of duties stated in the Chief Executive’s contract of employment;

33.1.4 keeping full and accurate accounts of all monies received and expended on behalf of the LGA;

33.1.5 attending to all correspondence and receiving, giving receipt for, banking and making disbursements of LGA funds;

33.1.6 carrying out the lawful instructions given by the Board of Directors or the Members by resolution passed in General Meeting;

33.1.7 having custody of any books, journals, records or documents belonging to the LGA;

33.1.8 having custody of the seal of the LGA which may not be affixed to any document unless it is affixed in the presence of and attested by 2 members of the Board of Directors;

33.1.9 submitting a duly audited statement of income and expenditure for the previous year ending the 30th day of June to the Annual General Meeting; and

33.1.10 submitting a balance sheet showing the current assets and liabilities of the LGA to the Annual General Meeting.
33.2 The performance, remuneration and terms and conditions of the Chief Executive’s appointment shall be reviewed annually by the Board of Directors.

33.3 If the Chief Executive is on leave, incapacitated or otherwise unable to fulfil his or her role then a person nominated by the Chief Executive shall act in that capacity for the period of the Chief Executive’s absence. However, the Board of Directors will appoint an acting Chief Executive if the Chief Executive is unable to determine this appointment.

34. Audit

34.1 The Board of Directors shall appoint an auditor annually.

34.2 A person must not be appointed as the Auditor for a period of more than 5 years.

34.3 Prior to each Annual General Meeting, the Auditor shall audit the income and expenditure account and balance sheet for the year ending 30th June and shall if required report its findings to the Annual General Meeting.

34.4 If required the Auditor shall report to the Annual General Meeting regarding the audit.

V. Miscellaneous

35. Dispute resolution

35.1 A dispute between Members or between a Member and the LGA in respect of a matter under this Constitution will be subject to the process set out in this clause 35.

35.2 A Member may notify another Member or the LGA of a dispute in respect of a matter under this Constitution in writing setting out the details of dispute and a proposal for settling the dispute. The parties relevant to the dispute will meet in good faith to discuss the notified dispute and its resolution within 10 days of receiving a notification under clause 35.2.

35.3 If the dispute is unable to be resolved through discussions under clause 35.2 within 20 days (or such longer period as is agreed to by the parties to the dispute), then any party to the dispute may refer the matter to mediation by notifying the other parties to the dispute in writing.

35.4 Where a matter has been referred to mediation, a mediator will be selected by agreement of the parties or, if the parties are unable to agree, by the Resolution Institute. A mediator appointed under this clause will conduct the mediation in accordance with the Mediation Rules of the Resolution Institute within 10 days of being appointed (or such longer period as is agreed by the parties to the dispute).

35.5 The costs of the mediator will be shared equally by the parties to the dispute. Each party to a dispute will bear its own costs of participating in the mediation.
36. Administration

36.1 Subject to clause 36.2, an administrator appointed to administer the affairs of the Member may exercise the rights and satisfy the obligations of the administered Member under this Constitution.

36.2 An administrator is ineligible to be a member of the Board of Directors, SAROC or GAROC.

37. Curing of irregularities

37.1 An act done by a Director is effective even if his or her appointment, or the continuance of his or her appointment, is invalid.

37.2 A proceeding under this Constitution is not invalidated because of any procedural irregularity unless a Court of competent jurisdiction is of the opinion that the irregularity has caused or may cause substantial injustice that cannot be remedied by any order of the Court, and by order declares the proceeding to be invalid.

37.3 In this clause, a reference to a “procedural irregularity” includes a reference to:

37.3.1 a defect, irregularity or deficiency of notice or time;

37.3.2 the accidental omission to give notice of any meeting under this Constitution or the non-receipt by any person of notice of the meeting;

37.3.3 the absence of a quorum at any meeting under this Constitution; or

37.3.4 a vote cast at a General Meeting by or for a person under this Constitution not entitled to vote at the meeting or on the matter, or not entitled to vote to the extent or in the way they voted.

VI. Transitional provisions

38. Interpretation

38.1 Transitional arrangements associated with this Constitution are set out in this Part VI.

38.2 In Part VI:

“Adoption Date” means the date on which both of the following criteria have been satisfied (regardless of the order in which the criteria are satisfied):

(a) this Constitution has been adopted by the Members; and

(b) the Minister responsible for the Local Government Act 1999 has approved the revocation of the Previous Constitution.

“Effective Time” means immediately after the Annual General Meeting held following the Adoption Date.
“LGA Board” means the governing body of the LGA formed under Part 13 of the Previous Constitution.

“Previous Constitution” means the The Constitution (effective 6 December 2015).

“Transition Period” means the time period between the Adoption Date and the Effective Time.

38.3 In the event of an inconsistency between Part VI of this Constitution and another provision of this Constitution, Part VI will to the extent of the inconsistency prevail.

39. **Membership of the LGA**

39.1 A Council which is a member of the LGA in accordance with the Previous Constitution as at the Effective Time will be deemed to be a Member under the terms of this Constitution.

39.2 Any liabilities owing by a Council to the LGA prior to the Effective Time will continue notwithstanding the adoption of this Constitution.

40. **President**

The President of the LGA holding office immediately prior to the Effective Time will become the Immediate Past President under this Constitution at the Effective Time if so eligible.

41. **SAROC and GAROC**

41.1 Terms of reference for SAROC and GAROC adopted by the LGA Board during the Transition Period will continue in operation after the Effective Time as the terms of reference for the purpose of clause 19.4 of this Constitution.

41.2 As at the Effective Date:

41.2.1 the chairs of SAROC and GAROC appointed during the Transition Period; and

41.2.2 Directors elected by SAROC and GAROC during the Transition Period,

are validly appointed to the Board of Directors.

42. **Resolutions**

Resolutions passed at a General Meeting or by the LGA Board under the Previous Constitution remain valid after the Effective Time.

43. **Delegations**

43.1 Delegations granted under clause 86 of the Previous Constitution will continue in operation after the Effective Time as if the delegation was validly granted under clause 27 of this Constitution.
43.2 For the purpose of giving effect to clause 43.1, clause 27.3 will not operate to invalidate a delegation granted validly under the Previous Constitution, provided that this clause 43.2 will cease to operate on the 30 June next following the end of the Transition Period.

44. Audit Committee

44.1 The initial Audit Committee for the purposes of clause 24.3.1 will be the audit committee in existence as at the Effective Time.

44.2 Each member of the Audit Committee referred to in clause 44.1 will serve out the balance of his or her term of office.

45. Auditor

An auditor appointed under clause 54 of the Previous Constitution will continue to hold that appointment after the Effective Time, until such time as the Board of Directors replaces the auditor in accordance with clause 34 of this Constitution.
Amendment

The Constitution is amended by inserting Part 28.

**Part 28 - Governance Transition**

149. **Interpretation**

149.1 In this Part 28:

“Adoption Date” means the date on which both of the following criteria have been satisfied (regardless of the order in which the criteria are satisfied):

(a) the New Constitution has been adopted by the Ordinary Members; and

(b) the Minister responsible for the Local Government Act 1999 has approved the revocation of this Constitution.

“Effective Time” means immediately after the Annual General Meeting held following the Adoption Date.

“GAROC” means the “Greater Adelaide Region Organisation of Councils” described in clause 19 of the New Constitution.

“New Constitution” means the constitution of the LGA adopted by the Members of the LGA at a General Meeting which will commence operation at the Effective Time and replace this Constitution.

“SAROC” means the “South Australia Region Organisation of Councils” described in clause 19 of the New Constitution.

“Transition Period” means the time period between the Adoption Date and the Effective Time.

149.2 This Part 28 applies notwithstanding any other provision of this Constitution.

149.3 To the extent of any inconsistency between this Part 28 and the other provision of this Constitution, this Part 28 prevails.

150. **Provisions of the Constitution cease to operate**

From the Adoption Date the following provisions of this Constitution will cease to operate:

150.1 Part 7 – Nomination of Officers;

150.2 Part 8 – Election of Officer Bearers;

150.3 Part 9 – Postal Voting.
151. Arrangements for the New Constitution

During the Transition Period, the Board and the Chief Executive will take such steps as are necessary to ensure that arrangements are in place for the New Constitution to commence at the Effective Time, including by:

151.1 approving terms of reference for SAROC and GAROC for the purpose of clause 19.4 of the New Constitution;

151.2 facilitating the election of SAROC and GAROC by the relevant Regional Groupings of Members;

151.3 facilitating the election by SAROC and GAROC of 3 Directors each to the Board of Directors which will form as at the Effective Time; and

151.4 conduct an election for the President of the LGA as if clauses 28 and 29 of the New Constitution were set out in full in this Constitution, excepting that:

(a) clause 28.5 of the new Constitution is excluded; and

(b) for the purposes of clause 28.6, the President would be a Presiding Member of a Council within a regional grouping of councils comprising SAROC.
1. Membership Proposition

1.1. The Local Government Association of South Australia (LGA) is constituted as a public authority under the Local Government Act 1999 for the purpose of promoting and advancing the interests of local government.

1.2. The object of the LGA is to achieve public value through the promotion and advancement of the interests of local government by:
   1.2.1. advocating to achieve greater influence for local government in matters affecting councils and communities;
   1.2.2. assisting Members to build capacity and increase sustainability through integrated and coordinated local government; and
   1.2.3. advancing local government through best practice and continuous improvement.

1.3. The LGA is a member-based organisation which fulfils its object through the active participation of its Members.

1.4. As contemplated by the Local Government Association of South Australia Constitution and Rules (adopted [insert date]) (Constitution) the Members have endorsed this document (Membership Proposition) providing for the relationship between the LGA and its Members.

1.5. The Membership Proposition may be amended by resolution passed at a General Meeting.

1.6. A capitalised term not defined in this document has the meaning provided for the term in the Constitution.

1.7. To the extent of any inconsistency between the Constitution and this Membership Proposition, the Constitution will prevail.

2. Membership applications

2.1. Entitlement to Membership

2.1.1. Each Council and Community Council which applies in writing to the LGA will be granted membership of the LGA (Membership) provided that the terms set out in this clause 2 are satisfied.

2.1.2. The Board of Directors may accept an application for Membership from an applicant who does not satisfy the criteria set out in clause 2.2.3.

2.2. Criteria for Membership

2.2.1. The applicant must either be:
   (a) a Council constituted under the Local Government Act (including a Council in administration under section 273 of that Act); or
   (b) the governing entity for any of:
      (i) the Anangu Pitjantjatjara Community;
      (ii) the Maralinga Tjarutja Community;
      (iii) the Yalata Community;
      (iv) the Nepabunna Community;
      (v) the Gerard Community; and
      (vi) the Outback Communities Authority.

2.2.2. The applicant must have passed a resolution to comply with the Constitution.
2.2.3. The applicant must not be in default of an obligation to pay Fees to the LGA.

2.3. **Grounds for rejecting an application**

Subject to clause 2.1.2, the Board of Directors must reject an application from an applicant which does not satisfy the criteria in clause 2.2.

3. **Membership term**

Membership is for a period of 12 months commencing on 1 July.

4. **Membership benefits**

4.1. Members will be a part of a unified and single voice for the discussion and resolution of issues facing the local government sector and its communities.

4.2. The LGA will provide:

4.2.1. advocacy and representation for Members with other spheres of government, the community and stakeholders;

4.2.2. frontline support and assistance to Members; and

4.2.3. specialist and commercial services for Members.

4.3. Members are able to:

4.3.1. contribute to the development of policy positions and strategy with regard to issues which affect the local government sector and, thereby inform the advocacy undertaken by the LGA on behalf of the sector;

4.3.2. obtain the assistance of the LGA to build capacity and increase sustainability, including by coordination and knowledge sharing among Members facilitated by the LGA;

4.3.3. access services provided by the LGA;

4.3.4. be supported by the LGA to achieve best practice and a culture of continuous improvement through training programs and governance guidance developed and disseminated by the LGA; and

4.3.5. contribute to, and receive the benefit of, LGA activities and initiatives for key focus areas aligned to community needs.

4.4. Each year the LGA will publish:

4.4.1. a ‘Value Proposition’ which will outline and value the specific membership benefits provided to Members in the preceding financial year. The Value Proposition will be annexed to this Membership Proposition will be replaced each time the Value Proposition is updated; and

4.4.2. a pricing methodology for the services provided by the LGA to its Members.

5. **Membership rights**

5.1. **Rights under the Constitution**

Members have the rights provided under the Constitution to:

5.1.1. nominate candidates for, and elect, the LGA President;

5.1.2. participate in elections for members of the South Australian Region Organisation of Councils (SAROC) or the Greater Adelaide Region Organisation of Council (GAROC) (as relevant to the Member);

5.1.3. participate in General Meetings;

5.1.4. call a Special General Meeting in the circumstances provided in the Constitution; and

5.1.5. access the activities of SAROC and GAROC including to propose to SAROC or GAROC (as relevant) an item of business for:
(a) an Annual General Meeting or Ordinary General Meeting; or
(b) a meeting of the Board of Directors.

5.2. Participation in the development of policy and strategy

Members are able to participate in the development of policy and strategy on issues relevant to the local government sector by:

5.2.1. raising a matter for consideration by SAROC or GAROC (as relevant);
5.2.2. proposing to SAROC or GAROC (as relevant) an item of business for consideration at an Annual General Meeting, Ordinary General Meeting or by the Board of Directors; and
5.2.3. contributing to forums, consultations, discussion papers and other strategies being implemented by the LGA.

5.3. Access to services

Members are able to access LGA services either for free or on a subsidised fee-for-service basis or through group purchasing arrangements.

5.4. Access to information

Subject to confidentiality requirements as determined by the Board of Directors or in accordance with terms of reference for a committee, each Member is entitled to access approved minutes of General Meetings, the Board of Directors and committees of the LGA.

6. Membership obligations

6.1. Conduct

6.1.1. A Member must comply with the Constitution.
6.1.2. A Member must provide to the LGA such information and support as the LGA reasonably requests to carry out the object of the LGA.
6.1.3. A Member will assist its council members and staff adopt leadership standards which will contribute to the strength of the local government sector.

6.2. Fees

6.2.1. A Member must pay Fees owing to the LGA by the due date for payment (or such later date as may be determined by the Board of Directors).
6.2.2. Where the Membership of a Member commences after 1 July in any year:
   (a) that Member is liable for annual subscription and any annual special purpose levy for the period from the date on which the Membership commences to the next occurring 30 June on a per diem basis calculated from the first day of the month following the month in which their Membership commences; and
   (b) payment of the annual subscription and any annual special purpose levy is due 1 calendar month after the date on which the Membership commences.

7. Revocation of Membership

7.1. Automatic Revocation

Membership of the LGA will be automatically revoked for a Member who fails to pay an annual subscription or special purpose levy to the LGA by the due date for payment (or such later date as may be determined by the Board of Directors).

7.2. Revocation of Membership by Board of Directors

The Board of Directors may revoke the Membership of any Member, if the Member:
7.2.1. fails to comply with an obligation under the Constitution or this Membership Proposition; or
7.2.2. in the reasonable opinion of the Board of Directors, the Member has brought the local government sector or the LGA into disrepute.

7.3. **Consequences of revocation**

7.3.1. Following a revocation of a Membership, the former Member:
(a) will have no rights under the Constitution (other than the right to apply for Membership under clause 8.1 of the Constitution); and
(b) has no entitlement to the services provided by the LGA to its Members.

7.3.2. Revocation of a Membership does not:
(a) relieve the former Member from any obligation to pay Fees to the LGA which accrued prior to the date of revocation; or
(b) entitle the former Member to a refund of any Fee previously paid to the LGA.

8. **Resignation of a Member**

8.1. A Member may resign its Membership by providing written notice to the Board of Directors.

8.2. The resignation of a Member will take effect 3 months from the date on which the notice of resignation is received by the Board of Directors or such later date as is specified in the notice, unless an earlier date is determined by the Board of Directors in consultation with the resigning Member.

8.3. Any Member who resigns its Membership during a financial year:

8.3.1. remains liable to pay:
(a) the full annual subscription and any annual special purpose levy for the financial year in which the resignation takes effect; and
(b) any service charges payable for a service provided by the LGA up until the date on which the service ceases; and

8.3.2. is not entitled to refund of any Fee previously paid to the LGA.
1. **Establishment**

In accordance with clause 19 of the Local Government Association of South Australia Constitution and Rules (adopted [insert date]) (Constitution) there are 2 regional organisations of Members: the South Australian Region Organisation of Councils (SAROC) and the Greater Adelaide Region Organisation of Councils (GAROC).

2. **Terms of Reference**

2.1. These Terms of Reference set out the functions to be discharged by [SAROC/GAROC].

2.2. The operation of the Terms of Reference may be altered by the Board of Directors either generally or in respect of specific circumstances by resolution. A resolution for the purposes of this clause 2.2 will be reported to the chairperson of [SAROC/GAROC] within 24 hours of the meeting of the Board of Directors at which the resolution was passed.

2.3. These Terms of Reference will be presented to the Members at a General Meeting for ratification annually (or more frequently as determined by the Board).

2.4. A capitalised term not defined in this document has the meaning provided for the term in the Constitution.

3. **Status**

[SAROC/GAROC] is a committee of the LGA and is responsible to the Board of Directors for the discharge of its functions.

4. **SAROC/GAROC**

4.1. **Role**

The role of [SAROC/GAROC] is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions.

4.2. **Membership**

4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference ([SAROC/GAROC] Regional Grouping) will elect in accordance with clauses 4.3 and 4.5 from the Members of the [SAROC/GAROC] Regional Grouping:

(a) 2 Council Members of Members in the [SAROC/GAROC] Regional Grouping; and

(b) subject to clause 19.7 of the Constitution, 1 chief executive officer of a Member in the [SAROC/GAROC] Regional Grouping (Member CEO), to [SAROC/GAROC] provided that each person elected is from a different Member.

4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide or his or her nominee (also being a Council Member of the City of Adelaide) will be a standing member of GAROC.
4.3. Poll of Members

4.3.1. A poll of Members within the Regional Groupings of Members comprising [SAROC/GAROC] for the purposes of clause 19.7 of the Constitution will be conducted by the Chief Executive no later than 4 months prior to the Annual General Meeting to be held in the year in which the election of members to [SAROC/GAROC] will occur.

4.3.2. The Chief Executive will conduct the poll by writing to each Member and asking the Member to indicate in writing within 14 days (Poll Closing Date) whether or not chief executive officers should be members of [SAROC/GAROC] for the membership term commencing immediately after the Annual General Meeting.

4.3.3. The view expressed by the majority of members prior to the Poll Closing Date will determine whether or not chief executive officers can be elected under clause 19.6.2 of the Constitution to [SAROC/GAROC] for the membership term commencing immediately after the Annual General Meeting. If the vote is tied, then chief executive officers cannot be elected under clause 19.6.2 to [SAROC/GAROC] for the membership term commencing immediately after the Annual General Meeting.

4.4. Nominations for election to [SAROC/GAROC]

4.4.1. The members of [SAROC/GAROC] will be elected biennially.

4.4.2. In the year in which [SAROC/GAROC] members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of [SAROC/GAROC] Regional Groupings calling for nominations for the membership of [SAROC/GAROC].

4.4.3. Every Member is entitled to nominate members of [SAROC/GAROC] in respect of the Regional Grouping of Members to which the Member is allocated in the schedule to these Terms of Reference.

4.4.4. A nomination of a person as a member of [SAROC/GAROC] must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

4.5. Election to [SAROC/GAROC]

4.5.1. The Chief Executive shall be the returning officer for any election of members to [SAROC/GAROC].

4.5.2. After the Close of Nominations, the Chief Executive will notify Members of each [SAROC/GAROC] Regional Grouping of the candidates for membership of [SAROC/GAROC] nominated by the Regional Grouping of Members.

4.5.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described for either or both of clause 4.2.1(a) and, if relevant, clause 4.2.1(b) then the Chief Executive will declare those persons duly elected to those membership positions.

4.5.4. If the number of persons nominated by the Close of Nominations by the Regional Grouping of Members exceeds the number of membership positions described in either clause 4.2.1(a) or, if relevant, clause 4.2.1(b) then an election for the purpose of clause 4.2.1(a) or, if relevant, clause 4.2.1(b) or both clause 4.2.1(a) and clause 4.2.1(b) (as relevant) must be held in accordance with this clause.
4.5.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:

(a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;

(b) the ballot papers shall:
   (i) list the candidate or candidates for election;
   (ii) specify the day of closure of the election; and
   (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";

(c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;

(d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;

(e) on receipt of the envelopes the Chief Executive must:
   (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
   (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;

(f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate’s scrutineer to be present;

(g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;

(h) in respect of an election for the purposes of:
   (i) clause 4.2.1(a), the 2 candidates with the most votes shall be deemed elected and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
   (ii) clause 4.2.1(b) (if relevant), the candidate with the most votes shall be deemed elected,

and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and

(i) in the case of candidates for membership positions described in either clause 4.2.1(a) or, if relevant, clause 4.2.1(b) receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.

4.5.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.

4.6. Term of office

The term of office for members of [SAROC/GAROC] shall commence after the Annual General Meeting of the year in which the member is elected. Each member of
[SAROC/GAROC] will serve for a period of 2 years or until a circumstance causing a casual vacancy as described in clause 4.8.1 occurs.

4.7. Duties

4.7.1. Each member of [SAROC/GAROC] must:
(a) undertake his or her role as a [SAROC/GAROC] member honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;
(b) not make improper use of information acquired by virtue of his or her position as a [SAROC/GAROC] member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;
(c) not make improper use of his or her position as a [SAROC/GAROC] member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and
(d) not act in any matter where the [SAROC/GAROC] member has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the members of [SAROC/GAROC] will not be an interest giving rise to a conflict of interest).

4.8. Absences and casual vacancies

4.8.1. A leave of absence may be granted to a member of [SAROC/GAROC] by resolution of [SAROC/GAROC]. A replacement member of [SAROC/GAROC] will be appointed for the period of the leave of absence by resolution of the majority of Members comprising the [SAROC/GAROC] Regional Grouping relevant to the person the subject of the leave of absence.

4.8.2. A casual vacancy will occur in the office of a member of [SAROC/GAROC] if the member of [SAROC/GAROC]:
(a) dies;
(b) resigns from [SAROC/GAROC];
(c) is dismissed by resolution of the Board of Directors from [SAROC/GAROC] for Misconduct; or
(d) ceases to be a Council Member or Member CEO (as relevant), or an administrator is appointed to administer the affairs of the Member for which the member of [SAROC/GAROC] is a Council Member or Member CEO.

4.8.3. If there is a casual vacancy in the membership of [SAROC/GAROC] then the [SAROC/GAROC] Regional Grouping relevant to the [SAROC/GAROC] member the subject of the casual vacancy will appoint by resolution of the majority of Members comprising the [SAROC/GAROC] Regional Grouping another Council Member or Member CEO (as relevant) to serve as a member of [SAROC/GAROC] for the balance of the membership term.

5. Responsibilities

5.1. Board of Directors

5.1.1. The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership.

5.1.2. The duties of the Board of Directors are to ensure that:
(a) the LGA acts in accordance with applicable laws and this Constitution;
(b) the LGA acts ethically and with integrity, respecting diversity and striving for gender balance participation in all activities;
the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;

(d) subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and

(e) the LGA performs to its business plan and achieves or betters the financial outcomes projected in its budget.

5.1.3. The Board of Directors may from time to time refer matters to [SAROC/GAROC] for consideration.

5.1.4. The Board of Directors will receive, consider and respond to any report and recommendations provided to the Board of Directors by [SAROC/GAROC].

5.1.5. The Board of Directors will periodically review the performance of [SAROC/GAROC].

5.2. [SAROC/GAROC]

5.2.1. [SAROC/GAROC] will fulfil its functions under these Terms of Reference in a timely, objective and professional manner consistent with the ‘LGA Strategic Management Framework’.

5.2.2. [SAROC/GAROC] may, through the Chief Executive and at the LGA’s expenses, seek external legal, financial or other advice on matters within its functions or concerning these Terms of Reference.

5.3. Chief Executive

5.3.1. The Chief Executive will make available to [SAROC/GAROC] information of the LGA which is relevant to the functions of [SAROC/GAROC].

5.3.2. The Chief Executive will ensure that administrative support and other resources are made available to [SAROC/GAROC] as included in the [SAROC/GAROC] approved annual business plan and budget to enable [SAROC/GAROC] to discharge its obligations under these Terms of Reference.

5.3.3. Resources made available to [SAROC/GAROC] will include resourcing by the LGA Office or external resources considered appropriate by the Chief Executive acting in consultation with [SAROC/GAROC].

6. Functions of [SAROC/GAROC]

6.1. LGA Object

6.1.1. The object of the LGA is to achieve public value through the promotion and advancement of the interests of local government by:

(a) advocating to achieve greater influence for local government in matters affecting councils and communities;

(b) assisting member councils to build capacity and increase sustainability through integrated and coordinated local government; and

(c) advancing local government through best practice and continuous improvement.

6.1.2. [SAROC/GAROC] will assist in the achievement of the LGA’s object by:

(a) supporting the activities of the LGA at a regional level;

(b) promoting communication between Members and between Members and the LGA;

(c) advocating in respect of matters which affect the [SAROC/GAROC] Regional Group;

(d) encouraging engagement of Members within the [SAROC/GAROC] Regional Group with [SAROC/GAROC] and the LGA; and

(e) participating in policy development and implementation.
6.2. Consideration and referral of Member items of business

6.2.1. Any Member of the [SAROC/GAROC] Regional Grouping may raise an item of business for the consideration of the Board of Directors or a General Meeting with [SAROC/GAROC]. The item of business must be clearly described in writing, including an indication as to whether the impact of the item is confined to the Member or has broader implications for the local government sector.

6.2.2. [SAROC/GAROC] will consider each item of business raised with [SAROC/GAROC] by a Member.

6.2.3. A Member may be invited by [SAROC/GAROC] to address a meeting of [SAROC/GAROC] in respect of the proposed item of business.

6.2.4. Where considered appropriate by [SAROC/GAROC] on the basis of the nature, scope and impact or potential impact of the item on the local government sector, [SAROC/GAROC] will refer the item to either the Board of Directors or a General Meeting.

6.2.5. [SAROC/GAROC] will inform the Member which has raised the item of business as to whether or not the item will be referred to the Board of Directors or a General Meeting.

6.2.6. Where an item of business is not referred to the Board of Directors or a General Meeting, [SAROC/GAROC] may provide assistance or guidance to the Member in respect of progressing the matter.

6.3. Proposals for policy development

6.3.1. [SAROC/GAROC] may develop proposals for policy positions for consideration at a General Meeting either in response to an issue raised by a Member within the [SAROC/GAROC] Regional Grouping or independently.

6.3.2. A policy position developed by [SAROC/GAROC] will be referred to the Board of Directors for consideration and determination as to whether or not the position should be put for consideration and adoption to a General Meeting.

6.4. Election to Board of Directors

6.4.1. [SAROC/GAROC] will elect 3 members of [SAROC/GAROC] (each of which must be a Council Member with relevant business and governance experience) to the Board of Directors.

6.4.2. In addition to Directors elected under clause 6.4.1, the chairperson of [SAROC/GAROC] will be a Director.

6.4.3. The term of office as a Director of the 3 persons elected to the Board of Directors by [SAROC/GAROC] and the chairperson of [SAROC/GAROC] will commence after the Annual General Meeting of the year in which the person is elected and shall be for 2 years or until a casual vacancy in that office occurs.

6.4.4. Persons elected under clause 6.4.1 are eligible for re-election for subsequent terms.

6.5. Strategic and annual business planning

6.5.1. [SAROC/GAROC] will develop, in consultation with the members within the [SAROC/GAROC] Regional Group, a 4 year strategic plan for regional advocacy, policy initiation and review, leadership, engagement and capacity building in the [SAROC/GAROC] region. The strategic plan will be reviewed and updated annually by [SAROC/GAROC] by [insert date] each year.

6.5.2. [SAROC/GAROC] will develop, in consultation with the members within the [SAROC/GAROC] Regional Group, an annual business plan for the next financial year by [insert date] each year.
6.5.3. The strategic plan and annual business plan for the next financial year will be presented to the Board of Directors for approval by [insert date] each year.

6.6. Other functions

[SAROC/GAROC] will undertake any other functions:

6.6.1. of [SAROC/GAROC] set out in the Constitution; or
6.6.2. delegated by the Board of Directors to [SAROC/GAROC].

7. Budget

7.1.1. [SAROC/GAROC] will by [date] each year develop and adopt a budget to cover anticipated expenses of activities under the strategic plan and annual business plan during the next financial year. After adoption by [SAROC/GAROC], the budget will be provided to the Board of Directors for consideration and approval.

7.1.2. [SAROC/GAROC] will provide a financial report to the Board of Directors no later than [insert date] providing a true and correct record of the expenditure of [SAROC/GAROC] against the annual budget.

7.1.3. The chairperson of [SAROC/GAROC] will meet with the Audit Committee of the LGA or the LGA’s external auditor on request to discuss the [SAROC/GAROC] financial report.

8. Committees

[SAROC/GAROC] may establish committees consisting of any person with relevant experience, skill or expertise for any purpose and determine the terms of reference for such committees.

9. Meetings of SAROC/GAROC

9.1. Resolution of the Board of Directors

Requirements under this clause 9 may be altered, supplemented or replaced by resolution of the Board of Directors.

9.2. Frequency of meetings and venue

9.2.1. [SAROC/GAROC] will meet at least once in each 2 month period at such times and places as shall be determined by the Chief Executive.

9.2.2. Any member of [SAROC/GAROC] or the Board of Directors may convene additional meetings of [SAROC/GAROC].

9.2.3. Notice of a meeting of [SAROC/GAROC] will be provided in writing to members of [SAROC/GAROC] by the Chief Executive no less than 7 days prior to the meeting providing the date, time and place of the meeting and the proposed business to be conducted at the meeting.

9.3. Chairperson

9.3.1. The chairperson of [SAROC/GAROC] will be a Council Member appointed by [SAROC/GAROC].

9.3.2. The chairperson will be the official spokesperson for [SAROC/GAROC].

9.3.3. If the chairperson of [SAROC/GAROC] is absent from a meeting of [SAROC/GAROC] then the members attending the [SAROC/GAROC] meeting will appoint a chairperson for the purposes of that meeting.

9.4. Decision making

9.4.1. All questions arising at a meeting of [SAROC/GAROC] shall be decided by a simple majority vote of the members of [SAROC/GAROC] present and voting on each question.
9.4.2. The Chair of the meeting has a deliberative vote and, if there are equal numbers of votes on any question, a casting vote.

9.5. **Meeting procedure**

The meeting procedures determined by the Board of Directors from time to time will apply to meetings of [SAROC/GAROC].

9.6. **Attendance**

9.6.1. Meetings of [SAROC/GAROC] will be closed to the public.

9.6.2. [SAROC/GAROC] may invite any person to attend its meetings.

9.7. **Minutes**

9.7.1. Minutes will be kept of all [SAROC/GAROC] meetings including a record of the actions of [SAROC/GAROC].

9.7.2. Within 48 hours of a [SAROC/GAROC] meeting, the chairperson will review and confirm the draft minutes. The draft minutes will then be circulated to [SAROC/GAROC] members for comment and if necessary amendment before being certified as correct by the chairperson.

9.8. **Quorum**

The quorum for a meeting [SAROC/GAROC] is one half of the members of [SAROC/GAROC], plus 1 member of [SAROC/GAROC] (provided that at least 1 member elected by each [SAROC/GAROC] Regional Grouping must be present except for a [SAROC/GAROC] Regional Grouping with no representation on [SAROC/GAROC]).

9.9. **Performance assessment**

[SAROC/GAROC] will assess its performance against:

9.9.1. the strategic plan and annual business plan each quarter; and

9.9.2. these Terms of Reference annually.

9.10. **Reporting**

9.10.1. A Director elected by [SAROC/GAROC] will provide a verbal report to the Board of Directors on key matters being considered by [SAROC/GAROC] at each Board of Director’s meeting at which the minutes of [SAROC/GAROC] are to be considered by the Board of Directors.

9.10.2. Any matter relevant to regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions considered to be of significance to the corporate governance, strategic direction and leadership of the LGA will be reported by [SAROC/GAROC] to the Board as soon as practicable after [SAROC/GAROC] has considered the matter.

9.10.3. [SAROC/GAROC] will provide an annual report to the Board of Directors by September each year summarising:

(a) the discharge of [SAROC/GAROC]’s responsibilities and functions under these Terms of Reference and against the strategic plan and annual business plan;

(b) the activities of [SAROC/GAROC] during the financial year;

(c) items of business referred to the Board of Directors or a General Meeting during the financial year; and

(d) items being considered by [SAROC/GAROC] which have not been reported to the Board of Directors and the intended actions in respect of those matters.
10. **Access to information**
   10.1.1. [SAROC/GAROC] is entitled, acting though the Chief Executive, to access any information or discuss matters with staff of the LGA Office.
   10.1.2. A copy of the agenda for a [SAROC/GAROC] meeting, reports to be considered by [SAROC/GAROC] and minutes of [SAROC/GAROC] meetings certified under clause 9.7.2 will be available to all Directors.
   10.1.3. Subject to confidentiality requirements as determined by the Board of Directors or [SAROC/GAROC], a copy of the [SAROC/GAROC] agenda, reports and minutes certified under clause 9.7.2 will be published on the LGA website for review by Members.

11. **Administration**
   11.1. Subject to clause 11.2, an administrator appointed to administer the affairs of the Member may exercise the rights and satisfy the obligations of the administered Member under these Terms of Reference.
   11.2. An administrator is ineligible to be a member of [SAROC/GAROC].
Schedule: List of Regional Groupings of Members

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<th>[SAROC/GAROC] Regional Grouping</th>
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Local Government Association of South Australia

Audit Committee Terms of Reference

[insert date of adoption]

1. Establishment

In accordance with clause 24.3 of the Local Government Association of South Australia Constitution and Rules (adopted [insert date]) (Constitution) the Board of Directors of the Local Government Association of South Australia (LGA) has resolved to establish a committee to discharge the functions of an audit committee as determined by the Board (Audit Committee).

2. Terms of Reference

2.1. These Terms of Reference set out the functions to be discharged by the Audit Committee.

2.2. The operation of the Terms of Reference may be altered by the Board of Directors either generally or in respect of specific circumstances by resolution. A resolution for the purposes of this clause 2.2 will be reported to the chairperson of the Audit Committee within 24 hours of the meeting of the Board of Directors at which the resolution was passed.

2.3. A capitalised term not defined in this document has the meaning provided for the term in the Constitution.

3. Status

The Audit Committee is a committee of the LGA and is responsible to the Board of Directors for the discharge of its functions.

4. Membership

4.1. The Audit Committee will comprise of:

4.1.1. at least 2 independent members; and

4.1.2. 1 Director (Director Member),

appointed by the Board of Directors.

4.2. The term of office for members of the Audit Committee will be:

4.2.1. 3 years for independent members; and

4.2.2. 2 years for the Director.

4.3. Each member of the Audit Committee must:

4.3.1. undertake his or her role as a committee member honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;

4.3.2. not make improper use of information acquired by virtue of his or her position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;

4.3.3. not make improper use of his or her position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and

4.3.4. not act in any matter where the committee member has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the members of the Audit Committee will not be an interest giving rise to a conflict of interest).
4.4. A member of the Audit Committee may be removed from the Audit Committee by the Board of Directors. The Board of Directors will provide an independent member with an opportunity to address the Board of Directors on his or her proposed removal from the Audit Committee prior to the Board of Directors resolving to remove the member from the Audit Committee.

5. Responsibilities

5.1. Board of Directors

5.1.1. The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership.

5.1.2. The duties of the Board of Directors include ensuring that:
   (a) the LGA acts in accordance with applicable laws and this Constitution;
   (b) the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;
   (c) subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and
   (d) the LGA performs to its business plan and achieves or betters the financial outcomes projected in its budget.

5.1.3. Consistent with this role and these duties the Board of Directors has appointed the Audit Committee to:
   (a) oversee the internal audit of the LGA’s finances and activities; and
   (b) review and advise the Board on the external auditor’s report.

5.1.4. The Board of Directors will not adopt the annual financial statements of the LGA, until the Audit Committee has been provided with an opportunity to review those statements in accordance with clause 6.2.1.

5.1.5. The Board of Directors or the Chief Executive may from time to time refer matters to the Audit Committee for consideration, including in relation to the financial affairs or performance of the LGA or the undertaking or proposed undertaking of any activity by the LGA or a subsidiary of the LGA.

5.1.6. The Board of Directors will receive, consider and respond to any report or recommendation provided to the Board of Directors by the Audit Committee.

5.1.7. The Board of Directors will periodically review the performance of the Audit Committee.

5.2. Audit Committee

5.2.1. The primary responsibility of the Audit Committee is to advise the Board of Directors on evaluating and improving the effectiveness of financial management, risk management, internal controls and governance processes.

5.2.2. The Audit Committee may, through the Chief Executive and at the LGA’s expenses, seek external legal, financial or other advice on matters within its functions or concerning these Terms of Reference.

5.2.3. The Audit Committee will fulfil the committee’s functions under these Terms of Reference in a timely, objective and professional manner.

5.3. Director Member

5.3.1. The Director Member will act as a conduit between the Audit Committee and the Board of Directors.

5.3.2. The Director Member will present any report of the Audit Committee to the Board of Directors and provide context for any recommendation of the Audit Committee.

5.3.3. The Director Member will provide a verbal report to the Board of Directors on key matters being considered by the Audit Committee at each Board of
Director’s meeting at which the minutes of the Audit Committee are to be considered by the Board of Directors.

5.4. **Chief Executive**
   5.4.1. The Chief Executive will make available to the Audit Committee information of the LGA which is relevant to the functions of the Audit Committee.
   5.4.2. The Chief Executive will ensure that administrative support and other resources are made available to the Audit Committee to enable the committee to discharge its obligations under these Terms of Reference.
   5.4.3. Resources made available to the Audit Committee will include resourcing by the LGA Office or external resources considered appropriate by the Chief Executive acting in consultation with the Audit Committee.

6. **Functions of the Audit Committee**

6.1. **External Audit**
   6.1.1. The Audit Committee will recommend to the Board of Directors an external auditor to be appointed by the Board of Directors for the purposes of clause 34 of the Constitution.
   6.1.2. The Audit Committee will review and advise the Board of Directors of the adequacy of:
      (a) the terms of engagement and audit fees for the external auditor prior to the commencement of each audit;
      (b) the independence and objectivity of the external auditor and its compliance with all relevant requirements; and
      (c) the external auditor’s proposed audit plan, approach and scope, including materiality levels.
   6.1.3. The Audit Committee will meet with the external auditor without the presence of the Chief Executive or any staff of the LGA Office at least once each year to discuss the external audit process and outcomes.
   6.1.4. Representatives of the external auditor must be invited to attend meetings of the Audit Committee at which the end of year financial report and outcomes of the external audit will be considered.
   6.1.5. The Audit Committee may recommend to the Board of Directors that the external auditor or another appropriately qualified person examine and report on any matter related to financial management, risk management, internal controls and governance processes that would not otherwise be addressed as part of the annual external audit.

6.2. **Financial reporting and prudential requirements**
   6.2.1. The Audit Committee will review the LGA’s annual financial statements (and any significant amendment of the financial statements previously considered by the Audit Committee prior to adoption by the Board of Directors) to ensure that the statements present fairly the state of affairs of the LGA. The Audit Committee will include in its considerations:
      (a) compliance with accounting standards, policies and practices and any other reporting requirements, and any changes in these since the last annual financial statement were compiled;
      (b) the process used to make significant accounting estimates;
      (c) significant adjustments to the financial reports (if any) arising from the external audit process;
      (d) significant variance in the financial statements from prior years;
      (e) trends which have become evident from the annual financial statements over the last 5 year period;
(f) management representations attesting to the accuracy of the end of year financial statement and any significant matters evident from these statements; and
(g) the external auditor’s summary management report detailing the results and significant findings from the audit and management responses.

6.2.2. The Audit Committee will provide a recommendation regarding the adoption of the financial statements to the Board of Directors, subject to any recommendation by the Audit Committee.

6.2.3. The Audit Committee will review the LGA’s strategic management plans, annual business plans and budget and provide recommendations to the Board of Directors regarding actions which may be taken to enhance financial governance and sustainability.

6.2.4. The Audit Committee will review recommendations contained in business cases developed by, or for, the LGA Office in respect of significant activities or major projects. The Audit Committee will consider prudential management principles when undertaking a review for the purpose of this clause.

6.3. Internal audit, internal controls, risk management systems and compliance

The Audit Committee will monitor and advise the Board of Directors on:

6.3.1. any internal audit project or special assignments that may be undertaken from time to time as requested by the Board of Directors or the Chief Executive;
6.3.2. the LGA’s risk management policies and systems;
6.3.3. internal controls over revenue, expenditure, assets and liability processes;
6.3.4. the adequacy of internal controls over significant risks, including both financial and non-financial management control systems;
6.3.5. the efficiency, effectiveness and sustainability of significant LGA programs and activities; and
6.3.6. compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.

6.4. Commercial activities and related entities

6.4.1. The Audit Committee will monitor and advise the Board of Directors on LGA subsidiaries and entities associated with the LGA, including:
   (a) LGCS Pty Ltd (trading as LGA Procurement)
   (b) the South Australian Region Organisation of Councils;
   (c) the Greater Adelaide Region Organisation of Councils;
   (d) the Local Government Association Mutual Liability Scheme;
   (e) the Local Government Association Workers Compensation Scheme; and
   (f) the Local Government Research and Development Scheme.

6.4.2. The Audit Committee will include in its considerations for the purposes of clause 6.4.1:
   (a) service design, market testing and transitioning to new arrangements;
   (b) the effectiveness and value of services offered by the LGA, subsidiaries and associated entities to the Members; and
   (c) the ongoing adequacy of service models and governance arrangements in terms of achieving the local government sector’s desired outcomes and creating value for Members.

6.4.3. The Audit Committee will monitor and advise the Board of Directors on significant activities of the LGA, including activities where the LGA is the conduit for State government funding to Members.
6.5. Other functions

The Audit Committee will:

6.5.1. determine whether the systems of control in respect of ethical standards and conflicts of interest are adequate;

6.5.2. address issues brought to the attention of the Audit Committee, including responding to requests for advice within these Terms of Reference from the Board of Directors or the Chief Executive; and

6.5.3. make recommendations to the Board of Directors on any matter relevant to these Terms of Reference.

7. Meetings

7.1. Resolution of the Board of Directors

Requirements under this clause 7 may be altered, supplemented or replaced by resolution of the Board of Directors.

7.2. Frequency of meetings and venue

7.2.1. The Audit Committee will:

(a) meet at least once each quarter at a venue and time determined by the committee and documented in an annual schedule of meetings; and

(b) consider holding at least 1 joint workshop with the Board of Directors each year.

7.2.2. Any member of the Audit Committee or the Board of Directors may convene additional meetings of the Audit Committee.

7.2.3. A meeting of the Audit Committee must be convened in response to a request by the external auditor to meet with the Audit Committee.

7.3. Chairperson

7.3.1. The chairperson of the Audit Committee will be an independent member of the committee appointed by the Board.

7.3.2. If the chairperson of the Audit Committee is absent from a meeting of the Audit Committee then the members attending the Audit Committee meeting will appoint a chairperson for the purposes of that meeting.

7.4. Meeting procedure

The Audit Committee will determine its own meeting practice, processes and procedures.

7.5. Attendance

7.5.1. Meetings of the Audit Committee will be closed to the public.

7.5.2. The Director member of the Audit Committee may send another Director as a proxy for him or her to any meeting of the Audit Committee.

7.5.3. The Chief Executive may attend all meetings of the Audit Committee on an ex officio basis, except as provided for in clause 6.1.3 or as otherwise determined by the Audit Committee.

7.5.4. The Audit Committee may invite any person to attend its meetings.

7.6. Minutes

7.6.1. Minutes will be kept of all Audit Committee meetings including a record of the actions of the Audit Committee.

7.6.2. Within 48 hours of an Audit Committee meeting, the chairperson will review and confirm the draft minutes. The draft minutes will then be circulated to the
7.7. **Quorum**

A quorum for an Audit Committee meeting is 2 members, provided that a Director must be present at each Audit Committee meeting.

7.8. **Performance assessment**

The Audit Committee will assess its performance against these Terms of Reference annually.

7.9. **Reporting**

7.9.1. Any matter relevant to the corporate governance, financial management, risk management and process improvement of the LGA considered to be of significance to the corporate governance, strategic direction and leadership of the LGA will be reported by the Audit Committee to the Board as soon as practicable after the Audit Committee has become aware of and considered the matter. The Audit Committee will outline the nature of the matter highlighting any opportunities and risks for the LGA and endeavour to include recommendations in respect of the matter reported to the Board of Directors.

7.9.2. The Audit Committee will provide an annual report to the Board of Directors by 1 September each year summarising:

(a) the discharge of the Audit Committee’s responsibilities and function under these Terms of Reference;
(b) the activities of the Audit Committee during the previous year;
(c) issues referred to the Board of Directors during the previous year and whether or not the issue was resolved or addressed; and
(d) issues being considered by the Audit Committee which have not been reported to the Board of Directors and the intended actions in respect of those matters.

8. **Access to information**

8.1.1. The Audit Committee is entitled, acting though the Chief Executive, to access any information or discuss matters with staff of the LGA Office.

8.1.2. A copy of the agenda for an Audit Committee meeting, reports to be considered by the Audit Committee and minutes of Audit Committee meetings certified under clause 7.6.2 will be available to all Directors.

8.1.3. Subject to confidentiality requirements as determined by the Board of Director or the Audit Committee, a copy of the Audit Committee agenda, reports and minutes certified under clause 7.6.2 will be published on the LGA website for review by Members.

9. **Remuneration and Expenses**

The Board of Directors will determine from time to time reasonable remuneration for the members of the Audit Committee. Expenses reasonably incurred in carrying out the role of a member of the Audit Committee will be reimbursed by the LGA.

10. **Indemnity insurance**

Independent members of the Audit Committee will be indemnified for civil liability claims by the Local Government Association Mutual Liability Scheme in accordance with the rules applying to that scheme from time to time. These rules are available at [insert link].
Local Government Association of South Australia

CEO Advisory Group Terms of Reference

[insert date of adoption]

1. Establishment

In accordance with clause 24.3 of the Local Government Association of South Australia Constitution and Rules (adopted [insert date]) (Constitution) the Board of Directors of the Local Government Association of South Australia (LGA) has resolved to establish a CEO Advisory Group.

2. Terms of Reference

2.1. These Terms of Reference set out the functions to be discharged by the CEO Advisory Group.

2.2. The operation of the Terms of Reference may be altered by the Board of Directors either generally or in respect of specific circumstances by resolution. A resolution for the purposes of this clause 2.2 will be reported to the chairperson of CEO Advisory Group within 24 hours of the meeting of the Board of Directors at which the resolution was passed.

2.3. A capitalised term not defined in this document has the meaning provided for the term in the Constitution.

3. Status

The CEO Advisory Group is a committee of the LGA and is responsible to the Board of Directors for the discharge of its functions.

4. Membership

4.1. The CEO Advisory Group is comprised of:

4.1.1. 4 chief executive officers of Members within SAROC Regional Groupings of Member; and

4.1.2. 4 chief executive officers of Members within GAROC Regional Groupings of Member,

appointed by the Board of Directors for a term of [insert time period].

4.2. Each member of the CEO Advisory Group must:

4.2.1. undertake his or her role as a committee member honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;

4.2.2. not make improper use of information acquired by virtue of his or her position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;

4.2.3. not make improper use of his or her position as a committee member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and
4.2.4. not act in any matter where the committee member has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the members of the CEO Advisory Group will not be an interest giving rise to a conflict of interest).

4.3. A member of the CEO Advisory Group may be removed from the CEO Advisory Group by the Board of Directors. The Board of Directors will provide a member with an opportunity to address the Board of Directors on his or her proposed removal from the CEO Advisory Group prior to the Board of Directors resolving to remove the member from the CEO Advisory Group.

5. Responsibilities

5.1. Board of Directors

5.1.1. The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership.

5.1.2. The duties of the Board of Directors include ensuring that:

(a) the LGA acts in accordance with applicable laws and this Constitution;

(b) the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;

(c) subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and

(d) the LGA performs to its business plan and achieves or betters the financial outcomes projected in its budget.

5.1.3. Consistent with this role and these duties the Board of Directors has appointed the CEO Advisory Group to provide advice and input to LGA on matters within the group’s functions.

5.1.4. The Board of Directors may from time to time refer matters to the CEO Advisory Group for consideration.

5.1.5. The Board of Directors will receive, consider and respond to any report and recommendations provided to the Board of Directors by the CEO Advisory Group.

5.1.6. The Board of Directors will periodically review the performance of the CEO Advisory Group.

5.2. CEO Advisory Group

5.2.1. The primary responsibility of the CEO Advisory Group is to advise the Board of Directors on the design and delivery of policy and services to members.

5.2.2. The CEO Advisory Group may, through the Chief Executive and at the LGA’s expenses, seek external legal, financial or other advice on matters within its functions or concerning these Terms of Reference.

5.2.3. The CEO Advisory Group will fulfil its functions under these Terms of Reference in a timely, objective and professional manner.
5.3. Chief Executive

5.3.1. The Chief Executive will make available to the CEO Advisory Group information of the LGA which is relevant to the functions of the CEO Advisory Group.

5.3.2. The Chief Executive will ensure that administrative support and other resources are made available to the CEO Advisory Group to enable the committee to discharge its obligations under these Terms of Reference.

5.3.3. Resources made available to the CEO Advisory Group will include resourcing by the LGA Office or external resources considered appropriate by the Chief Executive acting in consultation with the CEO Advisory Group.

6. Function of the CEO Advisory Group

6.1. The CEO Advisory Group will provide advice to the LGA Board on the design and delivery of policy and services to members. Key considerations for the CEO Advisory Group will be:

6.1.1. assessing the value and validity of the services offered by the LGA to its Members;

6.1.2. considering proposals for the further development of existing or new services by the LGA; and

6.1.3. the effectiveness of operational policies adopted by the LGA in connection with Member services.

6.2. The CEO Advisory Group will as necessary to its functions:

6.2.1. liaise with staff of the LGA Office and subsidiaries of the LGA providing commercial services;

6.2.2. liaise with other committees of the LGA;

6.2.3. consider the ‘Value Proposition’ offered by the LGA to its Members; and

6.2.4. consider any Member feedback received by the LGA.

7. Meetings

7.1. Resolution of the Board of Directors

Requirements under this clause 7 may be altered, supplemented or replaced by resolution of the Board of Directors.

7.2. Frequency of meetings and venue

7.2.1. The CEO Advisory Group will:

(a) meet at least once each quarter at a venue and time determined by the committee and documented in an annual schedule of meetings; and

(b) consider holding at least 1 joint workshop with the Board of Directors each year.
7.2.2. Any member of the CEO Advisory Group or the Board of Directors may convene additional meetings of the CEO Advisory Group.

7.3. **Chairperson**

7.3.1. The chairperson of the CEO Advisory Group will be selected by the CEO Advisory Group.

7.3.2. If the chairperson of the CEO Advisory Group is absent from a meeting of the CEO Advisory Group then the members attending the CEO Advisory Group meeting will appoint a chairperson for the purposes of that meeting.

7.4. **Meeting procedure**

The CEO Advisory Group will determine its own meeting practices, processes and procedures.

7.5. **Attendance**

7.5.1. Meetings of the CEO Advisory Group will be closed to the public.

7.5.2. The CEO Advisory Group may invite any person to attend its meetings.

7.6. **Minutes**

7.6.1. Minutes will be kept of all CEO Advisory Group meetings including a record of the actions of the CEO Advisory Group.

7.6.2. Within 48 hours of a CEO Advisory Group meeting, the chairperson will review and confirm the draft minutes. The draft minutes will then be circulated to the CEO Advisory Group members for comment and if necessary amendment before being certified as correct by the chairperson.

7.7. **Quorum**

A quorum for a CEO Advisory Group meeting is 5 members.

7.8. **Reporting**

7.8.1. The CEO Advisory group will provide a written report to the Board of Directors after each CEO Advisory Group meeting providing an update on any matters being considered by the group.

7.8.2. The CEO Advisory Group will provide an annual report to the Board of Directors by 1 September each year summarising:

(a) the discharge of the CEO Advisory Group’s responsibilities and function under these Terms of Reference;

(b) the activities of the CEO Advisory Group during the previous financial year;

(c) the issues referred to the Board of Directors during the previous financial year and whether or not each issue was resolved or addressed; and
(d) issues being considered by the CEO Advisory Group which have not been reported to the Board of Directors and the intended actions in respect of those matters.

7.9. Access to information

7.9.1. The CEO Advisory Group is entitled, acting though the Chief Executive, to access any information or discuss matters with staff of the LGA Office.

7.9.2. A copy of the agenda for a CEO Advisory Group meeting, reports to be considered by the CEO Advisory Group and minutes of CEO Advisory Group meetings certified under clause 7.6.2 will be available to all Directors.

7.9.3. Subject to confidentiality requirements as determined by the Board of Director or the CEO Advisory Group, a copy of the CEO Advisory Group agenda, reports and minutes certified under clause 7.6.2 will be published on the LGA website for review by Members.
Local Government Association of South Australia

Meeting Procedures

[insert date of adoption]

1. Meeting Procedures

1.1. As contemplated by the Local Government Association of South Australia Constitution and Rules (adopted [insert date]) (Constitution) the Board of Directors of the LGA has resolved to adopt the meeting procedures set out in this document (Meeting Procedures) to regulate the mode and conduct of proceedings at any General Meeting, and meetings of the Board of Directors, SAROC or GAROC and LGA committees (Meetings).

1.2. These Meeting Procedures may be altered by the Board of Directors either generally or in respect of specific circumstances by resolution. A resolution for the purposes of this clause 1.2 will not take effect until the resolution has been published in an LGA Circular.

1.3. A capitalised term not defined in this document has the meaning provided for the term in the Constitution.

1.4. These Meeting Procedures are ancillary to the Constitution. To the extent of any inconsistency between the Constitution and these procedures, the Constitution will prevail.

1.5. To the extent matters are not dealt with by the Meeting Procedures, Joske’s Law and Procedure and Meetings in Australia will be the source of procedural rules.

2. Procedures applicable to all Meetings

2.1. Guiding principles for Meeting procedures

2.1.1. Where there is a discretion with respect to the meeting procedures to be adopted at a Meeting the guiding principles in this clause should be applied.

2.1.2. Meeting procedures should:
   (a) be fair and contribute to open, transparent and informed decision-making;
   (b) encourage appropriate participation by persons present at the Meeting;
   (c) reflect levels of formality appropriate to the nature and scope of the responsibilities exercised at the Meeting; and
   (d) be sufficiently certain to give Members and other key stakeholders confidence in the deliberation undertaken at the Meeting.

2.2. Meeting commencement

2.2.1. A Meeting must commence at the appointed time for the Meeting unless a quorum is not present at this time (in which case the Meeting will, subject to clause 2.2.2, commence once a quorum is in attendance).

2.2.2. If no quorum is present at a Meeting within 30 minutes after the time appointed for a Meeting, the chair may adjourn the Meeting to a determined date, time and place, provided that the date is no earlier than 7 days after the adjourned Meeting (or in the case of a General Meeting convened to consider a special resolution no earlier than 30 days after the notice of the adjourned Meeting is provided to Members).

2.3. Meeting adjournment

2.3.1. Persons attending a Meeting who are entitled to vote at that Meeting may determine by majority to adjourn the Meeting to a specified place, date and time.
2.3.2. Notice of the adjourned Meeting will be provided to all persons entitled to attend the Meeting.

2.4. Meeting cancellation

2.4.1. A Meeting may be cancelled by the chair if the number of apologies in advance of the date of the Meeting indicates that a quorum will not be present.

2.4.2. Persons entitled to attend the Meeting will be notified of the place, date and time of the rescheduled meeting in accordance with the notice period applying to that Meeting.

2.5. Confidential matters

2.5.1. Where the nature of a matter requires the matter to remain confidential, the matter will be marked ‘Confidential’ in agendas, reports and other papers (Meeting Papers) dealing with the matter by the Chief Executive prior to distribution to Meeting participants.

2.5.2. The Meeting will consider the nature of any matter marked ‘Confidential’ in accordance with clause 2.5.1 and will determine whether or not to pass a resolution that the matter be treated confidentially.

2.5.3. The guiding principle contained in clause 2.1.2(a) and circumstances listed in section 90(3) of the Local Government Act 1999 must be considered for the purpose of determining the confidentiality of a matter under clause 2.5.1 and 2.5.2, however other circumstances may also be taken into account.

2.5.4. Where a resolution is passed for the purposes of clause 2.5.2 requiring that a matter be treated confidentially, the chair of the Meeting may exclude all persons not entitled to participate in the Meeting. The chair may determine that specific persons not entitled to participate in the Meeting may remain at the Meeting, even though a confidential matter is to be discussed.

2.5.5. The confidentially of matters must be preserved by all persons having access to the Meeting Papers. This requirement is not intended to prevent discussion within the LGA Office which occurs in order to progress or address confidential matters in the manner determined by the Meeting at which the confidential matters were considered.

2.5.6. A person receiving a Meeting Paper marked ‘Confidential’ must not provide that paper to any other person or discuss or disseminate information contained in that paper, unless the Meeting has resolved that the matter not be treated confidentially.

3. Use of technology

A Meeting may occur from two or more venues through the use of technology provided that the persons entitled to attend the Meeting have a reasonable opportunity to participate in the meeting.

4. Minutes

4.1. Obligation to take and maintain minutes

4.1.1. Minutes will be taken of all proceedings and actions arising from a Meeting. Minutes will be provided to the LGA for inclusion in the minute books within 5 days of the Meeting to which the minutes relate.

4.1.2. Minute books will be kept by the LGA at its principal office either in hardcopy or electronic form.
5. Procedures applicable to General Meetings

5.1. Items of business

5.1.1. Any Member may propose an item of business for a General Meeting to SAROC, GAROC or the Board of Directors.

5.1.2. Only SAROC, GAROC or the Board of Directors may determine to place an item of business on the agenda for a General Meeting.

5.2. Motions

5.2.1. Where an item of business has been put on the agenda of a General Meeting under clause 5.1.2, the Member which raised the item of business with SAROC, GAROC or the Board of Directors may put a motion with respect to the item of business.

5.2.2. A motion will lapse if it is not seconded at the appropriate time.

5.2.3. A Member moving or seconding a motion will speak once to the motion at the time of moving or seconding the motion, excepting that a Member may provide an explanation of a material part of his or her speech later in a debate on the motion.

5.2.4. A Member may propose an amendment to a motion before a General Meeting, provided that, subject to clause 5.2.7, only 2 amendments to the motion may be proposed.

5.2.5. An amendment will lapse if it is not seconded at the appropriate time.

5.2.6. A person proposing an amendment may speak to the amendment and, if he or she does so, will be taken to have spoken on the motion to which the amendment has been proposed.

5.2.7. The mover of a motion or amendment may, with the consent of the seconder, request leave of the General Meeting to vary, alter or withdraw a motion or amendment.

5.2.8. Each resolution considered at a General Meeting will be decided by the majority value of the votes of the Delegates present at the Meeting and voting on the resolution.

5.3. Questions on notice

5.4. Addresses by Members

5.4.1. A Member must not speak for more than 5 minutes without the leave of the General Meeting.

5.4.2. A Member may, with the leave of the General Meeting, raise a matter of urgency.

5.5. Manner of voting

5.5.1. The Chief Executive will read out a motion before a vote is taken.

5.5.2. Voting will occur electronically.

5.5.3. Each Delegate must cast a vote on each motion put to the Meeting.

5.6. Suspension of Meeting Procedures

5.6.1. The chair of the General Meeting may suspend the operation of some or all of these Meeting Procedures for a period of time to facilitate informal discussions, with the approval of the General Meeting.

5.6.2. The chair or the majority of the Meeting may determine that the period of suspension should end.

5.7. Points of order

5.7.1. The chair of the General Meeting may call to order a Member who is in breach of these Meeting Procedures.

5.7.2. A Member may bring to the attention of the chair an alleged breach of these Meeting Procedures.
5.7.3. A point of order takes precedence over all other business until the point of order had been determined.

5.7.4. The chair of the General Meeting will rule on the point of order. However, a motion may be put to the General Meeting that the chair’s ruling not stand. The chair may make a statement regarding the ruling prior to the motion being put.

5.8. Interruptions

5.8.1. A Member must not act in an improper or disorderly manner at any General Meeting.

5.8.2. A Member must not interrupt another Member who is speaking, except to object to the words used by the speaking Member or to raise a point of order.

5.8.3. Where a Member is alleged to have contravened clause 5.8.2:
(a) that Member must be allowed to make a personal explanation before leaving the General Meeting while the matter is considered by the Meeting; and
(b) the General Meeting must consider whether a contravention of clause 5.8.2 has occurred and, if so, whether the Member should be suspended for a part or the remainder of the Meeting.

5.8.4. A personal explanation of a Member may not be debated.

6. Procedures applicable to Meetings of the Board of Directors

6.1. Oath of elected office

6.1.1. At the first Board of Directors Meeting to be attended by a Director, the Director will provide the oath of office, declaring that the Director will, to the best of his or her ability:
(a) undertake their Board role conscientiously and in accordance with the Constitution and Rules of the LGA;
(b) consider the interests of the LGA and the Councils the LGA represents;
(c) ensure they are informed of the views and interests of Councils;
(d) actively contribute to the Board; and
(e) support the decisions and actions of the Board.

6.1.2. A failure to provide the oath of office does not remove the person from the Board.

7. Provisions applicable to Meetings of SAROC/GAROC

8. Provisions applicable to LGA committees
7.1 Update of the LGA Policy Manual

Information Reports from the LGA Board
From: Victoria Brown, Senior Policy Advisor
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1A Listen to, and represent members
Meeting: Ordinary General Meeting 13 April 2018
ECM: 659554  Attachment: 659831

Recommendation

That the Ordinary General Meeting:

1. authorises the LGA Secretariat to commence sector-wide consultation on the updated content of the LGA Policy Manual; and
2. notes that the outcomes of the consultation process and a final version of the LGA Policy Manual will be presented for endorsement at the 2018 AGM.

Discussion

The LGA Policy Manual (the manual) was most recently endorsed at the October 2015 Ordinary General Meeting. The manual represents a compendium of policies that are generally reviewed and endorsed at each Annual General Meeting (AGM) and Ordinary General Meeting (OGM) and represent the broad directions for leadership and advocacy for the local government sector as a whole.


An assessment of the manual in 2016 revealed that there are opportunities to improve the format, reliability, structure and content so that the policy positions that are contained in the manual are robust, concise and can be updated to reflect new drivers that come to light in between the formal meetings of the membership.

A report was presented to and endorsed by the OGM in 2016 identifying initial observations and a potential framework for the revised manual. The report identified key principles of:

- Accessible:
  - the manual should be an ‘on-line’ resource that would improve accessibility and make the policies easier to update and keep relevant;

- Informative:
  - the policies should be reviewed to provide information on each issue along with clearly drafted actions that the sector should take;

- Relevant:
  - each sub-section and policy should be reviewed for relevance/ applicability to current drivers and policies removed/ added as applicable; and

- Consistent:
  - The language should be consistent and overlap and duplication of policies should be reduced.
During 2017, investigations were undertaken into what constituted a ‘best practice’ manual with these key principles in mind and drafting of version one of the update commenced as described below:

- The idea of an on-line resource was explored further and deemed the most effective way to improve accessibility and ease of administration. Discussions have been held with the LGA Information Technology team that have advised an on-line platform is feasible.

- Best practice in policy writing identified that the most effective way to both provide information on the purpose behind a policy, while also detailing the action that the sector has endorsed, would be to group policies under a series of ‘Policy Statements’ that would focus policies on a shared objective. A series of statements has now been drafted.

- A Secretariat-wide review of sub-sections and policies was undertaken as a way to identify policies that are no longer relevant, duplications, inconsistencies and gaps, which reduced the number of policies from 170 down to 110.

- A review of language was undertaken that highlighted a lack of consistency in the way that policies were phrased, resulting in all existing relevant policies being re-drafted in the same language as those that were added and grouped under the newly drafted Policy Statements as per the best practice format of ‘context’ and ‘action’.

There are now 17 Policy Statements which will have their own individual webpage with related policies. Links to related policies, relevant research, guidelines and other resources can be provided to create a single source of information. Policies on related topics across sections will be searchable based on a key word to provide easy navigation and access. The structure of the Policy Statements is shown in the figure below.

The attached document is a first draft of the updated policy manual, and is a compendium of the Policy Statements that have been developed.

One of the important benefits of LGA membership is the right of members to contribute to the development of policy positions and strategy with regard to issues which affect the local
government sector, and thereby inform the advocacy undertaken by the LGA on behalf of the sector. Therefore, strong member engagement in the update of the Policy Manual is crucial.

The LGA Secretariat is seeking endorsement from the OGM to undertake sector-wide consultation on the draft Policy Statements and Policies.

The consultation process will provide opportunities for councils, council staff, sector networks and LGA committees to provide feedback. Practical workshop sessions will be planned for each of the policy issues (of which there are 7), with sessions structured to allow for participation from both metropolitan and regional councils.

In addition, outcomes of the sessions will be reported through the LGA Board, MLGG and SAROC and existing regional governance frameworks (such as Regional LGA’s) will be utilised to keep CEO’s and elected members updated.

Once consultation has been undertaken and the Policy Statements/Policies are updated with the feedback received from members, a further report will be presented to the AGM in October 2018 seeking endorsement of the final content. The LGA Secretariat will also begin the process of building the web platform and it is envisaged that members will be able to receive a demonstration at the AGM.

Under the new draft LGA Constitution, the Regional Organisation of Councils (SAROC and GAROC) will play a strong role in the development of policy and the LGA Secretariat will work closely with these bodies to ensure that the policy manual remains contemporary and adequately responds to emerging issues for the sector.

Policy positions developed through SAROC and GAROC, after consideration and determination by the LGA Board of Directors, will be presented to a General Meeting for adoption by the membership. These policy positions will form the basis of future policy manual updates, along with any suggested changes from the Secretariat that have been developed with member feedback at policy forums and workshops and endorsed at a General Meeting.

Having an updated policy manual will make it easier for members, media, stakeholders and the community to access LGA policy positions. The new policy development processes facilitated by the draft LGA Constitution will also provide for greater member engagement and representation in policy development and advocacy, and create clearer pathways for submitting and approving policy positions.

It is recommended that the OGM authorise the LGA Secretariat initiating consultation on the updated LGA policy statements and policies, in order to seek member feedback and progress to the next stages of this important work.

Financial and Resource Implications

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
Draft LGA Policy Statements for Consultation

Draft for consultation
March 2017
Preface

The Local Government Association of South Australia (LGA) is pleased to present this online and interactive collection of Policy Statements of the South Australian Local Government Sector.

LGA SA Policy Statements

These web pages comprise a number of Policy Statements grouped into seven main themes covering a range of issues currently affecting South Australian councils. Together, they provide guidance about how the sector can work together to tackle common issues recognising that there is strength in unity and being part of the solution.

The Policies associated with the Statements have been developed based on robust research, and provide an evidence base to support council planning and decision making processes. The Policies also identify how local government can be an important partner in government.

The Statements and Policies have been adopted by a majority vote of member councils at the Annual and Ordinary General Meetings of the LGA. These Policies will be used by the LGA and member councils in our joint advocacy on issues important to the sector.

The LGA Policy Statements will also be of interest to a range of other stakeholders, such as other tiers of government, the media, local communities and those thinking of becoming involved in or with local government.

To learn more about the governance, roles and responsibilities of the LGA, click here.

To learn more about the governance, roles and responsibilities of South Australian Councils, click here.

To go to the online web platform, click here.
Governance

The Local Government Association of South Australia

The LGA is recognised as the peak representative body for local government in this state and prides itself on being the ‘voice of local government’ in South Australia. The LGA provides leadership to councils and representation outwards to state and federal governments and other key stakeholders.

Role and Function

Subclause 1(3) of Schedule 1 of the Local Government Act 1999 constitutes the LGA as a public authority for the purpose of promoting and advancing the interests of local government.

The LGA Constitution sets out the way in which the LGA shall be governed, along with its purpose, objects and powers, which facilitate core LGA activities of providing leadership and representation for councils along with undertaking lobbying and advocacy activities to facilitate sector advancement and reform.

The Constitution also sets out the requirement for the LGA to develop Strategic Management Plans, Annual Work Plans and Annual Budgets. These combined outline the direction in which the LGA will provide leadership, representation, lobbying and advocacy activities.

Core Responsibilities

Core responsibilities of the LGA are to:

- act as the principle avenue of communication between member councils and state and federal governments while maintaining a non-partisan approach, to maximize leverage with all political parties for the advancement of the sector;
- monitor and evaluate state and federal government legislation, strategies, policies and programs which affect local government through liaising with member councils, preparing submissions and negotiating and advocating to achieve the best outcome for the sector;
- support and collaborate with the Australian Local Government Association (ALGA) as the federation of state and territory LGA’s (of which each state/ territory is a party to), other state/ territory LGA’s and professional associations to identify common areas of interest;
- provide leadership and initiate reform programs to enhance the role, function and performance of the sector, including its relationship with the other tiers of government; and
- foster strong and productive relationships with the media with a view to promoting a greater understanding of local government and ensuring that communities are well informed about current issues and council services.
LGA Services

The LGA provides direct services to its member councils which include [links to all of the relevant webpages]:

- Procurement
- Corporate
- Risk
- Workers Comp
- MLS
- LGFA
- LGR&DS
South Australian Councils

Councils use their own resources and/or resources provided under state or federal government programs, to deliver a diverse range of services in their local area. There are 68 individual councils and amalgamated outback communities managed by the Outback Communities Authority in South Australia, each covering a defined geographic area.

Role and Function

Local government operations are mandated by the state government though a legislative framework via the Constitution Act 1934, 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. It also sets out the way in which councils shall be governed.

Councils provide a wide range of services above and beyond those that are mandated in the Local Government Act 1999 and in other Acts with provision of powers or responsibilities for councils. This includes work on local roads, waste management, recycling, stormwater and libraries and the management and maintenance of parks.

Core Responsibilities

In summary, the Local Government Act 1999 prescribes that councils:

- shall provide services equitably;
- use resources effectively and efficiently;
- manage risks in relation to the community;
- engage with the community;
- place emphasis on sustainable management; and
- set public policy in collaboration with other councils, regions and state and federal governments.

Councils are responsible for achieving all of this in the context of good governance. As a result, there are structures and processes in place to ensure accountability, openness, transparency and ethical behaviour.

These structures and processes govern all aspects of council business including:

- elections/ campaigns;
- meeting procedures;
- managing conflicts of interest;
- preventing fraud and corruption;
- roles, responsibilities and staff obligations;
- codes of conduct; and
- competitive tendering.
Navigating the Platform

The issues have been split across seven main themes.

Each theme has:

Level 1: A landing page, with a broad overview of the theme
         A list of Policy Statements grouped under the theme
         A link to each Policy Statement grouped under the theme

Level 2: A sub-page for each Policy Statement

Level 3: A list of Policies associated with the Policy Statement arranged by key word
         The key words allow for easy navigation across all Policy Statements for related issues

The themes are:

1. The Local Government Sector  [click here]
2. Economic Development  [click here]
3. Community Assets and Services  [click here]
4. Environment and Natural Resources  [click here]
5. Infrastructure and Assets  [click here]
6. Planning and Development  [click here]
7. Financial Sustainability  [click here]
1. The Local Government Sector

This theme incorporates Policies relating to local government’s role and contribution to protecting and advancing local community interests.

Policy Statements:

1.1 Promoting the Interests of Local Government

1.2 Partners in Government
Policy Statement Number 1.1

Promoting the Interests of Local Government

Statement: Local government recognises the valuable contribution it makes to the ongoing prosperity of South Australia through working closely with its communities, and shall continue to rigorously promote recognition and autonomy of councils through lobbying and advocating activities.

1.1.1 Constitutional Recognition: Local government deserves recognition in the Australian Constitution and legislation that entrenches its existence so that it can only be altered with an absolute majority of both Houses of Parliament. Councils, through the LGA and ALGA shall continue to campaign for this recognition.

1.1.2 Direct Federal Funding: Local government emphasises that financial contributions from federal government are vital and that Constitutional Recognition would remove the significant red-tape currently surrounding these transactions. Until Constitutional Recognition is achieved, local government will work with federal government to reduce red tape where practicable.

1.1.3 Federal/ State Government Funding: Local government collects only 4% of national taxation and is not in a fiscal position to tackle all of the issues affecting local communities alone. Local government will continue to lobby federal/ state governments to provide fair and equitable resources/ funding to tackle issues affecting local communities.

1.1.4 Autonomy: Local government requires the ability to swiftly respond to the needs of their communities and provide the services required without being unreasonably hindered by conditions and approvals imposed by state government. Local government will continue to lobby state government to maintain the autonomy of the sector.

1.1.5 Council Amalgamations: Amalgamations should only occur on a voluntary basis, where there is the support of council and their communities and strong supportive evidence. The LGA shall oppose any policy from state government or other entities that suggests the possibility of forced amalgamations.

1.1.6 Service Provisions: Local government supports the achievement of cost savings and efficiencies through regionalization and shared services, and shall continue to work with state government, its regional counterparts and other stakeholders to identify ways to streamline the way services are provided.
1.1.7 **State-Wide Strategies:** Local government recognises its responsibilities to give due weight to the plans and strategies of other spheres of government, and agrees that councils should also play a significant role in federal/ state decision making where there are impacts for the sector. Local government shall continue to seek full and meaningful engagement with other spheres in the interests of consistency and alignment.
Policy Statement Number 1.2

Partners in Government

Statement: Local government welcomes its role as a partner in government and shall continue to work closely with state and federal governments and other key stakeholders to seek solutions to issues that impact communities and effective local governance.

1.2.1 Legitimate Sphere: Local government has established its standing as a partner in government and as such, seeks the respect of federal and state government in all transactions between the spheres of government. The LGA shall continue to express the views of the sector with all stakeholders for the benefit of local government.

1.2.2 Accountability: Local government considers that councils should not be subject to accountability and transparency standards that do not apply to all tiers of government. Local government shall continue to advocate for legislative and regulatory frameworks that can be consistently applied.

1.2.3 Intergovernmental Agreements: Local government considers that formal agreements should be used to establish frameworks for communication and cooperation between local government and federal/state governments based on mutual respect. The LGA (ALGA with regard to federal agreements) shall continue to negotiate and sign such agreements on behalf of its members.

1.2.4 Legislation: Local government considers it vital that federal and state governments adequately collaborate with the LGA and councils regarding legislation that affects the sector and that formal protocols should be developed. The LGA shall continue to lobby governments for introduction of protocols that provide certainty about engagement processes.

1.2.5 Representation: Local government considers that there must be local government representation on all appropriate state committees, commissions, working groups (not an exhaustive list) where the subject matter affects or is likely to affect local government. Councils shall continue to advocate for greater representation in the interests of the local government sector.

1.2.6 Cost shifting: Cost shifting and unsustainable increases in levies and charges from state government puts significant pressure on council rates, and creates fiscal impacts in councils. Local government will continue to rigorously object to cost shifting in any form, including mandatory revenue collection for federal or state government.
1.2.7: **Self Raised Revenue**: Local government recognises the importance of raising funds for services in non-traditional ways and shall continue to explore means of raising revenue so that they can increase the services on offer to the community. There should not be competition from other tiers of government in areas of primary local government revenue generation.
2. Economic Development

This theme includes Policies relating to local government’s commitment to achieving sustainable economic development, and includes the steps required to accomplish this.

Policy Statements:

2.1 Building Local Economies

2.2 State and Federal Government Investment

2.3 Regional Economies
Policy Statement Number 2.1

Building Local Economies

Statement: Local government acknowledges that it has a shared responsibility for ensuring the economic wellbeing of South Australia, and shall continue to work within its local areas and across councils to identify and implement local measures that create a climate conducive to sustainable economic development.

2.1.1 Local Economy Role: Local government acknowledges its role in enabling, facilitating and enhancing opportunities and recognises that councils have complimentary roles to play in achieving economic outcomes. Councils should contribute equitably to secure economic growth, notwithstanding the significant responsibilities of federal and state government.

2.1.2 Private Sector Liaison: Local government plays a crucial leadership role in attracting new investment from the private sector by creating the right circumstances for private development. Councils shall continue to work with businesses, local, regional and multinational companies to attract and maintain investment in their local areas to create the right conditions for investment.

2.1.3 Skilled Workforce: Local Government acknowledges the importance of ensuring its participation in employment programs is targeted at areas of occupational demand, and shall continue to collaborate with federal/ state government, RDA Boards, industry, schools and registered training providers, to assist in addressing skill shortages in the local community.

2.1.4 Business Support: Local government recognises that it is in a unique position to facilitate business support information and services through council offices, libraries and community services. Councils shall continue to identify opportunities for business support through the delivery of its functions and services, either autonomously or in partnership with others.

2.1.5 Small and Medium Enterprises: Local government recognises that small businesses are vital to achieving social cohesion and identity, and shall continue to provide support to small business start-ups and successes through planning and infrastructure provision, networking and promotion of locally produced products.

2.1.6 Local Infrastructure: Local government recognises that the public realm and local infrastructure and assets attract businesses and residents, stimulating economic activity.
Councils shall continue to consider economic prosperity as a principle of its planning, design, asset and infrastructure planning.

2.1.7 Small Bar Licencing: Local government recognises the missed opportunities of state government not extending small bar licencing beyond the Adelaide CBD. Councils, through the LGA will continue to lobby state government to allow small bar licencing (where desired) for suburbs and South Australia’s regional areas.
Policy Statement Number 2.2

State and Federal Government Investment

**Origin/Endorsement:**

**Responsible Officer:**

**Linkages:**

**Key Words:**

**Statement:** Local government acknowledges that ensuring sustainable economic development is a shared responsibility of all tiers of government. Councils shall contribute equitably to identifying and implementing solutions to impacts on economic growth, while highlighting the significant responsibilities of federal and state government.

1.2.1 **Partnerships:** Local government acknowledges its role in influencing macro-economic policy through mutually advantageous inter-governmental and business relationships. Councils and the LGA shall continue to influence federal/state government activities in identifying and implementing programs that promote local aims and produce positive local outcomes.

1.2.2 **Funding:** Local government relies on federal/state government funding to implement a range of economic development activities, and shall continue to lobby for increased collaboration and funding, accompanied by program/funding agreements which specify objectives and funding schedules and are irrespective of election cycles.

1.2.3 **Education & Training:** Local government acknowledges that education is a major contributing factor of skills shortages and recognises the wider scope federal/state governments have to influence education/training. Councils and the LGA shall continue to lobby governments for increases in funding where deficits exist, while also considering future skills requirements.

1.2.4 **Infrastructure:** Local government recognises the significant responsibilities of federal/state government to invest in infrastructure that supports economic development and that current investment levels are not adequate. Councils and the LGA will continue to lobby governments for an increase in funding to meet local economic objectives.

1.2.5 **Tourism:** Local government recognises the importance of tourism to local, regional and state wide economies, and the responsibilities of federal/state government in identifying opportunities for tourism maintenance, creation and promotion across the state. Councils should continue to equitably contribute to activities relating to opportunities for tourism creation and retention.

1.2.6 **Red Tape Reduction:** Local government acknowledges that regulatory processes are in place to protect the public interest, but recognises that they can be a barrier to economic development
and a source of friction. Local government will continue to work with federal/ state government to simplify decision-making, planning and administration policies and practices.

1.2.7 Population Policy: Local government recognises the important influence that population policy and migration has had on Australia’s economy, and that creating the right circumstances for skilled migration is imperative. Councils (though the LGA and ALGA) shall continue to lobby federal government to make changes in immigration policy for the benefit of local economies.

1.2.8 Decline of Traditional Industries: Local government recognises that a number of traditional industries are no longer viable in the modern economy, and this has severe socioeconomic impacts on communities. Councils should continue to work with federal and state governments to identify means of diversifying the industrial sector and re-skilling local workforces.
Policy Statement Number 2.3

Regional Economies

Origin/ Endorsement: 

Responsible Officer: 

Linkages: 

Key Words: 

Statement: Local government acknowledges the significant role that regional economies play in the economic stability of South Australia. In recognition of the specific needs of the regions, councils shall continue to work with federal and state government, Regional Development Australia Boards and key regional stakeholders to support regional economies.

2.3.1 Delivery Frameworks: Local government recognises the necessity to draw its economic planning/policy setting, delivery and support services from collaborative regional partnerships such as current tripartite RDA arrangements. Councils should continue to support regional delivery frameworks, notwithstanding the significant responsibilities of federal and state government.

2.3.2 State Regional Development Policy: Local government recognises that regional economic development strategies should address the specific needs of the regions. Councils, through the LGA will continue to advocate to federal/state governments to recognise these specific needs in developing policy, programs and making policy commitments that impact on the regions.

2.3.3 Specific Funding Requirements: Local government recognises development in the regions can only occur through coordinated investment by federal/state government and through specific funding allocations being made to tackle issues primarily occurring in the regions. Councils, through the LGA will continue to lobby for specific investment and funding models for regional development.

2.3.4 Royalties for Regions: Local government acknowledges the funding constraints for new priority investment in regional areas. Councils, through the LGA will continue to lobby for state government to allocate at least 25% of mining royalty revenue to the regions to support regional investment.

2.3.5 Rubble Royalties: Local government has experienced a considerable increase in the costs of maintaining and constructing roads since the 'rubble royalties' tax was introduced. Councils, through the LGA will continue to lobby state government to abolish the tax.
2.3.6 **Mining and Energy Resources:** Local government recognises that the mining and energy sectors present opportunities for economic growth if activities are undertaken in ecological and socially responsible ways. Councils should maintain links with relevant companies, and lobby federal/ state government to create opportunities for operations in regional areas.

2.3.7 **Primary Production:** Local government recognises the impacts that a changing climate will have on primary production economic activities, and shall work with business/ enterprise owners and federal/ state governments to develop adaptation actions that will build resilience to future operations.
3. Communities and Community Services

This theme contains Policies recognising local government’s role in contributing to public health and safety, and incorporates Policies regarding how community assets and services will be maintained to support health, safety and wellbeing.

Policy Statements:

3.1 Public Health

3.2 Public Safety

3.3 Community Assets (Operations)

3.4 Community Services
Policy Statement Number 3.1

Public Health

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**Statement:** Local government acknowledges that protecting the health and wellbeing of its communities is a shared responsibility of all tiers of government and recognises the significant contributions that councils make in this area. Councils should contribute equitably to implementing solutions to health impacts, notwithstanding the significant responsibilities of federal and state government.

3.1.1 **Health Services:** Local government recognises federal and state governments have a responsibility to provide quality health care and that council’s role is limited to preventative public health activities. Councils should continue to liaise with federal and state governments to maximise the benefits of community preventative health activities they offer.

3.1.2 **Resources:** Councils recognise the important statutory role that they play in delivering health services. Under provisions of the *Public Health Act 2011*, councils shall require that they are adequately consulted on changes to the legislative framework and that federal and state government provide adequate resources to councils to deliver local public health services.

3.1.3 **Preventative Care:** Local government recognises the requirement for federal and state government to improve local preventative services such as immunisation and education programs through the review of current arrangements. Councils, through the LGA will continue to lobby federal and state governments for reviews of these services and for adequate resources.

3.1.4 **Palliative Care:** Local government recognises the importance of providing palliative care, its role as a service provider and the difficulties of maintaining quality of care under current governance and funding arrangements. Councils, through the LGA will continue to lobby federal and state government for a review of arrangements and greater levels of funding.
Policy Statement Number 3.2

Public Safety

Statement: Local government recognises the critical role that councils play in developing sustainable community safety protocols and programs for both environmental and social risks, and shall continue to provide support to state government law enforcement and emergency services in prevention, preparedness, response and recovery activities.

3.2.1 Emergency Management: Local government supports the concept of shared responsibility and agrees that all spheres of government, business and the community should actively partner to build resilience into communities against emergency events. Councils shall continue to work collaboratively to achieve sustainable community safety.

3.2.2 Emergency Recovery: Local government understands that there will be severe community impacts of emergency events, and shall continue to undertake local emergency management risk assessments and develop local plans in collaboration with regional emergency management stakeholders, in alignment with the hierarchy of emergency management plans.

3.2.3 Crime Prevention: Local government acknowledges its supporting role in preventing and reducing crime in their communities. Councils should continue to collaborate with the police and not-for-profit organisations to tackle criminal activities from occurring in their local areas through participating in appropriate community programs.

3.2.4 Antisocial Behaviour: Councils recognise the issues that arise as a result of excessive consumption of alcohol or the use of illicit drugs in the public realm, and reserve the right to impose sanctions such as ‘dry zones’ and ‘spot checks’ in their areas to reduce antisocial behaviour. Councils shall continue to seek more substantial powers to tackle these issues for the safety of its communities.

3.2.5 Local Nuisance and Litter Control: Local government recognises its statutory obligations under the Local Nuisance and Litter Control Act 2016 and the necessity for clean and accordant communities. Councils, through the LGA shall continue to lobby to secure ongoing financial assistance from the EPA for support to discharge these obligations.
Policy Statement Number 3.3

Community Assets (Operations)

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Statement: Local government acknowledges providing assets such as libraries, community centres and recreational facilities (community assets) creates focal points for social cohesion, and shall continue to provide financial and in-kind contributions to maintenance and improvement of these assets, notwithstanding the significant financial responsibilities of federal and state government.

3.3.1 Libraries: Local government acknowledges its partnership with the state government as vital, but recognises funding cuts by the state government to councils will reduce capability to maintain libraries. Local government shall continue to lobby for levels of funding to meet objectives of the local/ state partnership agreement for libraries while also seeking federal government contributions.

3.3.2 Sports and Recreation Facilities: Local government recognises the importance of providing these facilities for the health and wellbeing of the community, and shall continue to work with non-government bodies, community organizations, and the private sector to maintain appropriate facilities, while also seeking federal and state government contributions.

3.3.3 Arts and Cultural Development: Local government is committed to maintaining a culturally diverse, tolerant and open society, and shall equitably contribute to facilitating arts and cultural development activities and programs that promote social cohesion and harmony, notwithstanding the responsibilities of federal and state governments.

3.3.4 Educational Collaboration: Local government supports the establishment of joint use facilities with educational institution and shall identify and implement collaborative arrangements where appropriate to achieve cost savings and improvement of services.

3.3.5 Volunteers: Local government recognises the significant contribution made by volunteers in both the running of community facilities and in the carrying out of community services, and shall continue to improve systems and practices which provide safe and rewarding opportunities for volunteers for the benefit of the community.
Policy Statement Number 3.4

Community Services

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**Statement:** Local government acknowledges that providing tailored support services for community groups with specific needs is key to creating equitable, cohesive communities. Local government should endeavour to continue providing services in light of reduced federal and state government funding, while continuing to lobby these governments for maintenance/increases in funding for these activities.

3.4.1 **Aging:** Local government recognises that there is an aging population in South Australia that will require governments to allocate more resources into providing for their specific needs. Notwithstanding the significant obligations of federal/state government, council should equitably contribute to meeting the needs of an aging population.

3.4.2 **Migrants:** Local government acknowledges the contribution of migrants from both other parts of Australia and internationally to the diversity and prosperity of local communities. Councils should identify means of attracting, supporting and retaining migrants that positively contribute to South Australian society.

3.4.3 **Youth:** Local government acknowledges the important role that young people play in the social, economic and cultural progression of communities, and support their right to be informed, consulted and heard on all matters that affect them. Councils should continue to respect the contribution of young people and shall implement engagement processes that allow their views to be considered.

3.4.4 **National Disability Insurance Scheme:** Local government recognises that the rollout of the National Disability Insurance Scheme (NDIS) represents a major shift in the way that disability services are delivered and is concerned that new provisions may not be adequate. Local government shall continue to lobby federal/state governments to ensure nobody ‘falls through the gaps’.

3.4.5 **Disability Inclusion Action Planning:** Local government recognises the benefits of Disability Inclusion Action Plans (DIAP) in ensuring adequate provisions for people with a disability. Local government shall continue to lobby for adequate resources to carry out the new statutory services contained in the **Disability Inclusion Act 2017**.
3.4.6 **Aboriginal & Torres Strait Islander People:** Local Government acknowledges and recognizes Aboriginal and Torres Strait Islander people as the First Peoples of Australia and respects their culture and practices. Councils, along with federal and state governments need to make an ongoing commitment to working together to provide services to support Aboriginal and Torres Strait Islander communities.
4. Environment and Natural Resources

This theme outlines Policies supporting local government’s role in protecting the environment, as well as building resilience into communities to mitigate the risks of extreme weather events and incremental changes to the climate. This Theme also includes Policies recognising the importance of managing waste and recognising waste can be utilised as a resource.

Policy Statements:

4.1 The Natural Environment

4.2 Waste & Resource Recovery

4.3 Water Resource Management

4.4 Managing the Risks of Climate Change
Policy Statement Number 4.1

The Natural Environment

**Statement:** Local government recognizes the importance of managing the network of legally designated natural areas and fauna, along with the ongoing provision and maintenance of natural areas within communities, and will play an active role in managing and protecting all natural areas and species of national, state or local significance.

4.1.1 **Research and Development:** Local government recognises that there are significant data gaps for undertaking risk management processes to identify solutions to environmental impacts. Councils should share their research and development data with stakeholders based on mutually agreeable terms, on the understanding that stakeholders will also share their data with councils.

4.1.2 **Community Natural Areas:** The physical and mental health benefits of providing local natural areas in communities are widely accepted. Councils shall appropriately manage and maintain local natural areas as part of their overall public open space strategies and practices.

4.1.3 **Verges and Corridors:** Local government recognises the fiscal impacts placed on councils for managing roadside and utility corridors that are 'gifted' to them as part of state government or private development activities. Local government shall continue to lobby for changes to the Highways Act 1926 to devolve its statutory responsibilities to instead be able to negotiate management responsibilities.

4.1.4 **Bio-Security:** Local government acknowledges that feral animals and noxious plants can have significant environmental impacts and that managing these impacts is a shared responsibility of all tiers of government. Councils should work with neighbouring councils, federal and state governments to address bio-security threats, recognising the obligations of the other parties.

4.1.5 **Native Vegetation:** Local government supports retention and remediation of native vegetation outside of townships and that opportunities to expand or remediate native vegetation within townships should be fully explored. Councils shall adhere to native vegetation guidelines while maximising opportunities in all planning and development activities.

4.1.6 **Bushfire Management:** Local government supports a balance between the protection of native vegetation and the necessity to develop bushfire prevention strategies that may include back-burning or cold burns. Councils shall ensure that a clear evidence base is developed to support back-burning/ cold- burning proposals and ensure vegetation is only disturbed when vital to the protection of communities.

4.1.7 **Coasts and Marine:** It is accepted that sea level rise and storm surges will have significant impacts on coastal settlements and that it is a shared responsibility of all tiers of government to tackle these impacts. Local government shall continue to rigorously lobby federal and state
governments to acknowledge their responsibilities and to provide the equitable and significant resources.

4.1.8 **NRM Governance Frameworks:** Local government considers the way natural resources are currently managed is fragmented and unequitable and that many decisions should be devolved locally for increased community benefits. Local government shall continue to lobby state government for administration and decision making reform in this area to maximise value of our natural resources.
Policy Statement Number 4.2

Waste & Resource Recovery

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Statement: Local government is committed to providing high quality, innovative and sustainable waste management services that meet the needs of the community while complying with environmental protection requirements, and shall endeavour to advance in this area notwithstanding the significant financial responsibilities of state government.

4.2.1 Waste Management: Local government recognises its statutory obligation of managing municipal waste and its vital role in waste resource recovery. Councils shall continue to promote improved waste management practices in accordance with the waste hierarchy and work with residents and businesses to further limit the creation of waste.

4.2.2 Solid Waste Levy: Local government recognizes the use of fees, charges and levies as legitimate tools for waste management, but the level at which the solid waste levy is currently set is too high. Local government shall continue to lobby for an independent inquiry to determine the optimal level for the solid waste levy with regard to community benefits.

4.2.3 State Government Partnerships: Local Government recognizes the need for strong and mutually beneficial partnerships with the state government in providing waste and resource recovery services. Local government shall continue to collaborate with the state government along with lobbying for greater resources and easier access to funds.

4.2.4 Private Sector Partnerships: Local government recognises the importance of partnerships with private waste management and export companies in achieving further reductions in the production of waste and shall continue to identify and capitalise on private sector collaborations for the benefit of local communities.

4.2.5 Circular Economy: Local government recognises that the ultimate goal for waste management is the achievement (as far as is practicable) of a circular economy. Councils shall continue to work with local markets and reduce their reliance on overseas commodity markets to develop sustainable waste management practices in South Australia.

4.2.6 EPA Waste Reform Agenda: Local government acknowledges that the waste and resource recovery sector is highly regulated and recognises its role in this framework. Local government shall continue to lobby against further legislative and regulatory changes that result in councils incurring an even greater expense in providing waste management services.
Policy Statement Number 4.3

Water Resource Management

**Statement:** Local government recognises its obligation to conserve water resources, protect water quality, provide water for the environment and effectively manage storm and flood water. Councils shall contribute equitably to improving water management infrastructure and processes, notwithstanding the responsibilities of federal and state government.

4.3.1 **Water Efficiency:** Local government recognises that reducing water demand is a shared responsibility of governments, businesses and the community. Councils shall continue to consider water demand in its strategic and operational processes and practices, including in the upgrading of assets and landscape management.

4.3.2 **Education:** Local government recognises its position as a role model for efficient water use, and shall continue to provide information and educational opportunities for communities to raise awareness of the issues and solutions in collaboration with key partners.

4.3.3 **Water Policy:** Local government acknowledge its responsibility to incorporate principles of good management in considering federal and state government strategies. Councils shall continue to play a significant role in development of regional/ state strategies and expect the same consideration in development of regional/ state water strategy and policy development processes.

4.3.4 **Water Supply:** Local government understands the importance of water quality to community health, safety and liveability and shall continue to support federal/ state level catchment strategies for the protection of water resources and reticulation avenues against environmental damage.

4.3.5 **Water Quotas:** Local government recognises the demand placed on the River Murray for water, and the requirement to reduce that reliance, and shall work with governments, businesses and regional subsidiaries to implement alternatives to saving/ obtaining water while lobbying to ensure equitable and affordable supply of water for local interests.

4.3.6 **Water Sensitive Urban Design:** Local government recognises its obligation to promote sustainable use and re-use of water in urban developments and buildings and shall continue to promote and pioneer Water Sensitive Urban Design principles in all of its external decisions and those made internally by council.
Policy Statement Number 4.4

Managing the Risks of Climate Change

**Statement:** Local government acknowledges that it has a shared responsibility for safeguarding communities against the adverse impacts of climate change, and will collaborate with federal and state governments, communities and business/industry to identify and implement measures to prepare and protect communities from these impacts.

4.4.1 **Partnerships:** Local government accepts that negative impacts from climate change are inevitable, and that building resilience to these impacts is a joint responsibility. Councils shall continue to be key partners in delivering a strategic response to climate risks, recognising obligations of the other parties.

4.4.2 **Funding and Strategic Investment:** Building resilience to climate impacts will require significant funding and investment, both now and into the future. Councils shall continue to provide equitable levels of funding and investment, recognising it is incumbent on federal and state governments to subsidise the majority of expenditure required.

4.4.3 **Embedding Climate Considerations:** Climate risk and vulnerability assessments are vital in identifying climate impacts and determining appropriate actions. Councils shall ensure assessments are conducted with full consideration of available relevant information as part of all council strategic and operational planning processes across all functions and services.

4.4.5 **Decision Making:** Local government understands that decisions made by councils must take account of all currently available climate data. Councils shall expand their knowledge base (such as development, tree management, coastal management) to ensure they are ‘best informed to make well rounded decisions’ (LGMLS).

4.4.6 **Consultation and Engagement:** Tackling the impacts of climate change will require a societal shift in values. Councils should not solely rely on scientific/expert input, science and data when making decisions relating to climate change, but will also place emphasis on the outcomes of stakeholder and public consultation.

4.4.7 **Energy Reduction and Storage:** Reduction and storage technology costs have dramatically decreased resulting in short pay-back periods. Councils should undertake audits of facilities and practices that are energy intensive, and seek to reduce energy usage through installation of energy reduction and storage technologies.

4.4.8 **Greenhouse Gas Reduction Mechanisms:** There were significant environmental benefits to the carbon pricing scheme that was in effect from 2012-14 without causing detrimental effects on the economy. Local government supports the reintroduction of carbon pricing as an equitable means of reducing carbon emissions.
4.4.9 **Integrity**: Local Government supports the Paris Agreement (2016) and the Kyoto Protocol (2005) for the reduction of global greenhouse gas emissions and shall contribute towards the commitments made by the Commonwealth Government to achieve national carbon emission reduction targets.
5. Infrastructure and Assets

This theme contains Policies guiding local government’s role in providing infrastructure and carrying out asset management, and how councils will interact with other spheres of government when carrying out its duties.

Policy Statements:

5.1 Roads

5.2 Community Assets (Maintenance)
Policy Statement 5.1

Rocks

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Statement: Local government acknowledges that roads are its principle asset and recognises its responsibilities to ensure that the local road network is managed, maintained and improved efficiently and effectively notwithstanding the responsibilities of federal and state government.

5.1.1 Local Roads: Local government acknowledges its obligation for the maintenance, renewal and safety of local road networks. Councils shall continue to fulfil this obligation recognising the significant obligation of federal/state governments in providing financial assistance to the sector in discharging these duties.

5.1.2 State Roads: Local government recognises the importance of investment in the strategic road network for economic and social prosperity. Local government shall continue to lobby state government for increased investment in the strategic road network on the basis of sound evidence and needs assessment, for the benefit of the community.

5.1.3 Roles and Responsibilities: Local government recognises its statutory role but notes there are currently uncertainty in terms of roles and responsibilities of federal/state/local government where roles/responsibilities interconnect. Councils will continue to seek clarification while continuing to lobby (through the LGA/ALGA) for adequate funding to maintain local roads.

5.1.4 Cycling: Although not a local government statutory activity, the sector supports the further uptake of sustainable and healthy means of transportation such as cycling and will continue to identify and implement measures that promote safety of cyclists utilising the local road networks within fiscal constraints.

5.1.5 Public Transport: Local government supports investment in the public transportation network to reduce car usage and greenhouse gas emissions. Although not a responsibility of the sector, councils will continue to advocate for state investment in this area where there are community benefits.

5.1.6 Risk Management: Local government acknowledges the importance of infrastructure and asset management planning to be based on sound evidence and identification and amelioration of risks associated with climate change. Councils shall continue to identify these risks and build them into strategic and operational asset management processes.
5.1.7 **Speed Limit Reductions on Regional Roads:** Local government supports a holistic approach to road safety, but views the decisions to reduce speed limits on regional roads as a 'quick fix'. Local government asserts the fundamental issue is with poor road quality and lack of state government investment, and shall continue to lobby for increased investment.
Policy Statement 5.2

Community Assets (Maintenance)

**Statement:** Local government acknowledges that it maintains a range of community assets that are vital to the wellbeing of communities, and shall continue to provide equitable funding to provide and maintain community assets efficiently and effectively notwithstanding the responsibilities of federal and state government.

5.2.1 **Statutory Easements:** Local government recognises the requirement of councils accessing statutory easements and rights of way for existing and proposed provision of community assets and shall continue to lobby state government to reduce red-tape for councils to undertake their statutory duties.

5.2.2 **Stormwater:** Local government recognises its shared obligation (with state government) to ensure that stormwater infrastructure is provided/maintained to reduce flood risk. Councils shall continue to work with state government to ensure an integrated approach to the planning and adequate funding of stormwater management and flood mitigation on a catchment wide basis.

5.2.3 **Community Waste Management Systems:** Local government recognises that councils are best placed to provide Community Wastewater Management Systems to its communities. Councils will continue to work with state government to ensure that both funding and technical expertise is available for the provision of systems at a cost which is comparable to the equivalent SA Water sewer charge.

5.2.4 **Data:** Local government recognises that creating the technological capabilities that are required to support future/diversified economies is key to sustainable economic development. Councils, through the LGA will continue to lobby and promote ‘smart infrastructure’ and ‘digital economy’ opportunities to ensure investment attractiveness is ‘future proofed’.

5.2.5 **Building/Asset Maintenance:** Local government endeavours to maintain community and council administration buildings and installations to the highest standard for the benefit of the community and its employees. Councils shall continue to provide, manage and maintain its building stock/installations to a high standard of safety and efficiency.
6. Planning & Development

This theme contains Policies recognising local government’s role in future planning and development, and the importance of using planning processes to obtain enhanced planning and design outcomes for communities.

Policy Statements:

6.1 The Planning System

6.2 Planning Processes
Policy Statement Number 6.1

The Planning System

Statement: Local government acknowledges its statutory role in planning for the future and its role as the closest level of government to communities. The LGA will continue to negotiate with state government to implement a fair, equitable and balanced planning system that facilitates high quality, sustainable and economically viable development.

6.1.1 Planning Legislation and Policy: Local government recognises its role as the primary authority for planning, and the importance of defining roles and responsibilities for statutory functions. Local government will continue to lobby for local autonomy as the best way to promote interest of communities and to ensure consistent and transparent planning activities.

6.1.2 Implementing the New Planning System: Local government acknowledges the benefits of an improved planning system, and shall continue to liaise with state government on implementation of the Planning, Development and Infrastructure Act 2016, through positive collaboration and mutual respect and shall lobby against aspects of implementation in the Act that are not in the best interests of local communities.

6.1.3 Funding the New Planning System: Local government acknowledges its statutory role in planning and shall continue contributing an equitable amount to improvements in governance related to planning, while lobbying the state government to ensure that costs of the e-Planning solution and the new SA Planning Portal are not shifted inequitably onto councils.

6.1.4 Education: Local government recognises that education is vital to achieving effective community engagement in planning processes affecting communities. Councils should undertake and support local education, awareness and consultation activities, notwithstanding the responsibilities of the state government.

6.1.5 Building Code: Local government acknowledges its role to ensure compliance of the Planning, Development and Infrastructure Act and recognises the link between planning and building enforcement procedures. Councils shall continue to be represented (nominations through the LGA) on the Building Advisory Committee and any other relevant bodies, and be consulted on standard/ procedural changes.
6.1.6 Transparency: Local government recognises the requirement for a State Commission that is independent of the state government. Councils shall continue to advocate that only impartial representatives should sit on the State Planning Commission and committees it establishes.

6.1.7 Local Decision Making: Local government unilaterally agrees that planning decisions should be made locally.

6.1.8 Developer Contributions: Local government recognises developer contributions as a fair and viable means of raising revenue to improve local infrastructure and assets. Councils, through the LGA shall continue to lobby state government to look further into mechanisms by which developer contributions can be regulated.
Policy Statement Number 6.2

Planning Processes

Statement: Local government acknowledges that developing successful planning processes depends on state government’s commitment to ensure full participation of councils and communities in decision making. Councils and the LGA will continue to work with the state government to maximise the local benefits of planning processes, strategies and policies.

6.2.1 Cost Recovery: Councils support their role as a local decision making authority and consider that this role should be properly funded by fees and charges set at a cost recovery level. Local government will oppose reforms that result in a more unfavourable financial position in relation to planning functions.

6.2.2 Consistency: Local government recognises the importance of consistency across all spheres of government in the way that planning processes applied. Councils, through the LGA shall continue to highlight the importance of federal and state governments maintaining consistency in decision making processes that affect local communities.

6.2.3 Infill Development: Local government recognises that building sustainable densities is key to future prosperity, but that current policy on cumulative impacts of infill development should be reviewed. Local government shall continue to work with state government to identify appropriate targets and controls and shall lobby for a greater role in policy development.

6.2.4 Heritage/ Conservation Policy: Local government recognises the benefits of protecting our heritage while emphasising that classification of ‘heritage’ and ‘conservation’ status should be made locally, on the basis of evidence. Local government will oppose the implementation of policies that lack a sufficiently robust evidence base.

6.2.5 Costs of Heritage/ Conservation Protection: Councils shall work with the community and private sector to ensure preservation, and to identify new funding streams to be used for heritage/ conservation projects, notwithstanding the responsibilities of federal/ state government to contribute financially.

6.2.6 Principles of Good Design: Local government recognises that planning decisions should be made cognisant of good design principles. Local government shall continue to collaborate with state government in the development of quality design principles, along with lobbying against design requirements that are not in the best interests of the local community.
6.2.7 **Hazards:** Local government recognises its obligations to identify hazards in making planning decisions and in applying hazard policies stringently unless suitable mitigation elements can be built into the design. Councils shall continue to equitably contribute to collecting hazard data, notwithstanding the responsibilities of federal and state government.

6.2.8 **Areas of Cultural / Spiritual Value:** Protecting areas of cultural and spiritual value is a shared responsibility of all tiers of government and communities. Councils shall work with other tiers of government and local communities to ensure protection through informed decision making and through educational initiatives to demonstrate cultural and spiritual significance.
7. Financial Sustainability

This theme contains Policies that focus on how local government will manage their finances in a sustainable manner, and how councils will interact with other tiers of government with regard to financial management activities.

Policy Statements:

7.1 Financial Sustainability & Governance

7.2 Revenue Sources

7.3 Intergovernmental Finances
Policy Statement Number 7.1

Financial Sustainability & Governance

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**Statement:** Local government acknowledges its statutory obligation to be sustainable and that this can only be achieved through attainment and maintenance of financial sustainability. Councils shall continue to proactively improve its practices, while complying with legislative and regulatory requirements for governance and reporting.

**7.1.1 Strategic Planning:** Local government recognises that 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. Councils shall continue to plan in the long-term to safeguard financial and service security.

**7.1.2 Borrowings & Investments:** Local government recognises the importance of autonomy in borrowing and investment powers of councils to ensure maximum flexibility, but within a general requirement to act prudently. Councils shall continue to improve transparency regarding their borrowing/ investment activities while recognising and exploiting appropriate use of debt.

**7.1.3 Education and Training:** Local government supports the provision of training on financial governance and responsibilities of council members and that training should be available focusing on best practice in financial governance. Councils shall continue to ensure training is made available to ensure a high quality in planning and decision making.
Policy Statement Number 7.2

Revenue Sources

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**Statement:** Local government recognises the fiscal impacts of only being able to raise 4% of taxes in relation to the 80% collected by federal government and the 16% collected by state government, and shall continue to protect its revenue sources, either through rates or other revenue from being eroded.

7.2.1 **Revenue Fields:** Local government acknowledges the risks that the use of too many land-based taxes has on the community's capacity to pay the main revenue source available to local governments (i.e., council rates). Local government shall lobby federal and state governments to reduce reliance on land based taxes to avoid competition with council rates.

7.2.2 **Rate Capping:** Local government has developed a strong evidence base that rate capping will negatively affect communities and lead to a reduction in services and that state government must not interfere with the autonomy of councils to set rates in consultation with communities. Local government will continue to rigorously lobby against rate capping in any form.

7.2.3 **Rateable Land:** Local government upholds that all land should be rateable and decisions about rates concessions or rebates must be at the discretion of councils in response to local circumstances. Local government will continue to lobby federal and state government to contest their interference in determining rate reductions and exemptions and service charges.

7.2.4 **Differential Rates:** Local government acknowledges that the only source of taxation that it can raise is through rates. Councils shall maintain the ability to rate differentially by land use, in consultation with the community, as a means of ensuring owners/ operators of different land uses equitably fund the services they receive.

7.2.5 **Fees and Charges:** Councils recognise the importance of being able to raise revenue by setting their own fees and charges for the provision of services and facilities or to expiate offences. Councils (through the LGA) shall lobby for state government to de-regulate such fees and charges for the benefit of local communities.
Policy Statement Number 7.3

Intergovernmental Finances

Statement: Local government acknowledges that the amount of funding from federal government in terms of special purpose grants and grants for priority projects is below the national average and that tax revenue shares and how revenue is distributed should be reviewed. Local government shall continue to maximise contributions and investment from other tiers of government to contribute toward local government financial sustainability.

7.3.1 Equitable Revenue Sharing: Local government considers that the federal government should accept the principle of equitable revenue sharing with local government and should return its tax sharing % to a minimum of 1% of federal tax revenue, made available in untied grants. Councils (through the LGA and ALGA) will rigorously lobby for an equitable share of taxes from the federal government.

7.3.2 Revenue Allocations: Local government maintains that the federal government should reconsider its distribution of local government’s share of revenue across states and territories. Councils (through the LGA and ALGA) shall continue to lobby for a change in for distribution to reflect the needs of both resident populations and non-resident consumption of services to increase equality.

7.3.3 Federal/ State Budgeting: Local government recognises budgeting cycles of federal/ state government as a vital opportunity to put forward financial proposals for priority/ specific purpose funding and to highlight cost impacts of their policies on local government. Councils, through the LGA and ALGA will continue to lobby and advocate for the sector to achieve financial outcomes.

7.3.4 Partnerships: Local government recognises the value of partnerships with federal/ state government in delivering effective services through funding that may be offered, over and above amounts already guaranteed. Local government shall continue to identify and maximise the potential for partnerships with federal/ state government for community benefit.

7.3.5 Local Government Grants Commission: Local government acknowledges the importance of this independent statutory authority and that it should operate free from Ministerial Direction or control. Local government shall rigorously object to changes in representation and principles (of horizontal fiscal equalization) and lobby to resist non-independent influences.
7.3.6 **Untied and Specific Purpose Grants**: Local government acknowledges that grants from other spheres of government are most beneficial when untied, and available unconditionally for a wide range of purposes. Local government shall continue to welcome grants from federal/state government and negotiate terms that will most benefit local communities.
7.2 Advocacy Update

Information Reports from the LGA Board

From: Lisa Teburea, Executive Director Public Affairs
Key Initiative: K.I 1 Leadership and advocacy
Strategy: 1B Contribute to state-wide and local policy
Meeting: Ordinary General Meeting 13 April 2018
ECM: 659839 Attachment: 659838

Recommendation
That the Ordinary General Meeting notes the report.

Discussion
This report provides an update on the LGA’s advocacy activities since the previous report to the Annual General Meeting in November 2017.

There have been regular updates provided to members on the advocacy issues discussed in this report through the LGA President’s newsletters, which has become a key tool for advocacy in the sector.

Rates Awareness Campaign
Members would be aware of the three-phase, sector-wide campaign launched by the LGA in December 2016 to raise awareness of the services provided by councils, how they contribute to the everyday life of South Australians, and the risks to local services and local decision making from rate capping. This campaign follows a unanimous vote of the LGA members present at the Ordinary General Meeting held in April 2016 to oppose rate capping.

Phase 1 – General Awareness Raising (commenced December 2016)
Phase 1 of the campaign involves the ‘SA councils- part of your everyday’ branding that has been widely used by councils to promote local services, events and consultation opportunities. The material developed for Phase 1 has been suitable for use by all councils, regardless of whether they have formally joined the campaign.

The LGA has also used this branding in a state-wide digital, social media and radio campaign as part of the annual local government awareness project. The reaction to this campaign has been positive in the sector and the broader community.

Phase 1 will continue through to 2018 council elections to encourage participation in the sector by enrolling, nominating and voting.

Phase 2 – Engage & Mobilise (commenced July/August 2017)
As part of Phase 2, the LGA activated a ‘council services at risk’ campaign and encouraged the 50 councils participating in the campaign to engage with their local communities to build awareness of the impact rate capping could have on local services.

The LGA provided information packs and campaign materials to participating councils to assist members, staff and volunteers talk to the community about rate capping. A rate capping and social
Local Government Association of South Australia

media ‘masterclass’ was also incorporated within the 2017 LGA Conference program to provide further support to councils to activate a campaign within their local community.

**Phase 3 – Actively Opposing Rate Capping (commenced December 2017)**

The LGA activated a comprehensive advertising campaign from December 2017 to actively oppose rate capping with a ‘don’t cap our communities’ message.

The campaign message has reached a broad audience across radio, social media and digital platforms. A number of councils have also supported the state-wide campaign with local advocacy through their website, publications and social media.

Media personality Amanda Blair featured in a series of videos that were shared across social media in support of the campaign. Popular personality Andrew ‘Cosi’ Costello also assisted in spreading the campaign message with a series of posts on his popular Facebook pages.

A thorough evaluation of Phase 3, including sector involvement, will be undertaken at the conclusion of the campaign and reported to the LGA Board.

The LGA will continue to comply with all Electoral Commission of South Australia third party expenditure disclosure obligations.

**Policy and Reform**

As reported to members at the AGM in November, the LGA has undertaken extensive research to provide an evidence base to policy positions and reform options as a foundation to the Rates Awareness campaign. This has informed the development of advocacy through submissions, correspondence and media. An updated list of outputs include:

- LGA submission to the South Australian Parliament’s Economic and Finance Committee Inquiry into Rate Capping (2015);
- collecting evidence into the impact of rate capping in New South Wales and Victoria, including reports of the Parliament of Victoria’s Environment and Planning Committee Inquiry into the Rate Capping Policy;
- research and third-party reports to provide further evidence to the campaign, such as the *Empirical Assessment of the Impact of Rate-Pegging on South Australian Local Government* (Dollery) report. This report found that SA local government (without rate-capping) has performed much better than NSW (with rate-capping) and concluded that there is no practical basis for introducing rate-capping into SA local government;
- a comparative study of fees and charges applied by councils in Victoria and New South Wales with those applied by South Australian councils;
- a 10-year data study of council rates in South Australia;
- scoping, consulting on and delivering a local government reform package as part of the LGA’s state election campaign, to provide a sensible alternative to rate capping;
- analysis of the SA Liberal Party’s rate capping policy and failed 2016 Bill to amend the Local Government Act 1999, including third party verification by renown local government academic, Dr Joseph Drew;
- creation of a rate capping information page on the LGA website that provides a one-stop-shop for information relating to the topic;
- presentation by Municipal Association of Victoria (MAV) Vice President Cr David Clark at the 2017 LGA Conference on rate capping in Victoria and its impact on councils;
- panel session at the 2017 LGA Conference with party leaders and cross-bench members all confirming their opposition to rate capping, with associated media coverage;
- multiple briefings to all political parties on the negative impacts of rate capping in communities and the sector-wide campaign;
- letters to party leaders and candidates in the 2018 State Election on rate capping and cost shifting, including an informative and evidence-based rate capping information pack;
- correspondence to all political parties seeking commitments on the future of discretionary council services under a future rate capping regime. These letters also highlight the impact of cost shifting on councils and rate payers;
- correspondence to the Federal government to highlight the additional pressure that state government imposed rate capping policies place on federal resources;
- a motion developed with the City of Maribyrnong (Victoria) to condemn rate capping policies passed by the ALGA National General Assembly;
- a photo opportunity with councils from around Australia uniting to oppose council rate capping with the ‘don’t cap our communities’ message;
- briefing papers on local government rate setting provided to every electorate office in South Australia with the offer for electorate staff to meet with LGA staff for further information; and
- correspondence, meetings and discussions with key stakeholder groups that would be impacted by the introduction of rate capping in South Australia.

The membership has been kept well informed of all campaign activities through the regular LGA President’s newsletter.

With ongoing support from the majority of members, the LGA’s advocacy to ensure that South Australia is not subjected to a rate capping policy will continue beyond the 2018 state election.

**Cost Shifting**

Decisions made by the State Parliament continue to have significant impacts on council budgets and put pressure on council rates. Cost shifting has been a strong feature in the LGA’s public awareness campaign and state election campaign, and paid advertising has been used across digital, radio and social media platforms to build community awareness of the impact of cost shifting on rates.

It is intended that this strong campaign will create the political imperative for the State Parliament and political parties to do more to reduce the burden on rate payers created by cost shifting.

A new term of government creates an opportunity for the sector to redefine the relationship between state and local government and establish new protocols for partnerships and engagement between the State Government and councils on policy, legislation and programs that have a direct financial impact on councils.

The LGA’s State Election has called for a refreshed State-Local Government Relations Agreement to strengthen engagement and joint decision making at the political level.

**2017 State Election Agenda**

The LGA’s State Election Agenda- *South Australia, Uncapped Potential*- was launched at the AGM in November 2017. Members provided input to the Agenda through an online survey, which was presented to the MLGG and a Mayors and Chairs forum for validation.

The Agenda was widely circulated to members, political parties, candidates and stakeholders and presents more than 50 ideas for South Australia to address:

- cost of living
- economic growth and jobs
- stronger communities
The Agenda was supported by an economic analysis undertaken by ACIL Allen, which found that the implementation of just ten of the key economic development priorities would contribute $367 million per annum to South Australia’s Gross State Product (GSP) between 2018 and 2022. It would also result in the direct employment of 470 workers, as well as the indirect employment of a further 1,957 people.

A series of papers was also produced to provide more detail about the issues facing local government and the commitments being sought by the LGA. These papers covered the topics of infrastructure, cost shifting, planning and local government reform.

The ideas presented by the LGA were well received, and many were adopted by political parties as election commitments during their campaigns. A snapshot of the party policies relevant to local government is available at www.lga.sa.gov.au/state-elections.

The State Election Agenda will also form the LGA’s 2018/19 state budget submission and the LGA will continue to advocate for funding and partnership opportunities with the state government.

Local Government Reform

In May 2017, the LGA Board endorsed further investigation of a local government reform package that the sector could work with the next government to deliver. The purpose of this work is to create public value by initiating reforms that will achieve positive outcomes in financial sustainability, efficiency, local decision making, sector consistency and simpler regulation.

The Local Government Act 1999 currently sets out sound structures in relation to accountability, transparency and engagement, and provides for independent oversight to ensure that councils are meeting their compliance obligations.

However, that does not mean that things can’t be improved.

Through consultation with members there is a clear message from the sector that councils want sensible local government reform and are already implementing measures to strengthen performance and reporting.

Views about the reform in the sector differ depending on individual circumstances and experiences, which means that a ‘one size fits all’ approach to reform should be avoided as it creates additional red tape, quickly becomes outdated and doesn’t deliver value for money. This emphasises that a reform program will deliver the best results if it is driven by the sector.

The next chapter of local government reform will concentrate on the many things the sector can achieve through continuous improvement programs.

There are a number of areas of local government operations that can be strengthened without the need for legislative intervention. There is however a critical role for the state parliament to ensure that the legal framework within which local government operates remains contemporary and empowers councils with the regulatory tools and resources needed to successfully serve communities.

A sensible local government reform agenda was endorsed by the LGA Executive Committee in February 2018 and provided to all political parties ahead of the state election.

The key areas that can be strengthened through this reform program agenda include benchmarking, Audit Committees, external audits, service reviews, revenue policy, industrial relations, code of conduct, representation reviews and council elections.

The LGA will work with the state government to pursue the delivery of the 100-day reform agenda.

Strong engagement, clear direction, commitment, leadership and courage from council members, council administrations and the LGA will be essential in driving the sector forward and satisfying
the expectations of communities. The LGA has already commenced a program to support leadership behaviour and capacity in the sector.

A copy of the *Delivering Local Government Reform* document is available to download at https://www.lga.sa.gov.au/state-elections

**State-Local Government Engagement**

A joint state-local government project has recommended principles and actions to support officers in both sectors to improve working relationships.

The project arose from discussions in the Premier’s Local Government Forum in 2017 and looked at how engagement between state government and council officers could be improved. It followed significant work within state government looking at improving relationships between State agencies and included involvement of the Department of the Premier and Cabinet (Office of the Public Sector, and the Cabinet Office); the Department of Treasury and Finance; and the Office of Local Government; as well as a number of line agencies.

As a part of the project:

- a survey of state and local government officers was conducted;
- a number of case studies were identified and three were documented; and
- several workshops involving state and local government staff were undertaken.

More than 300 staff responded to the survey, almost half from each sector, and it showed surprising similarity of views regarding barriers and opportunities – and similarities with the experiences of state agencies in trying to work with other state agencies. It is notable that in all cases the primary barrier to engagement was a lack of understanding in all bodies about who to talk to in other agencies – and of how each other’s systems operate.

Workshops were attended by numerous council staff from both metropolitan and regional councils, including CEOs, managers and officers.

A summary of these activities, the survey results and other relevant information can be found at www.lga.sa.gov.au/igr

As a result of all the input, a set of principles were drafted which is consistent with the State-Local Government Relations Agreement and LGA Policy, and these have now been endorsed within state government.

To be effective, the policy statement will need to be supported by a joint action plan, with commitments from both state and local government. If the policy statement is supported by the LGA Board at its meeting in March 2018, the LGA Secretariat will continue working with officers across state agencies to develop the proposed action areas for implementation.

**Emerging Issues**

*Non-Compliant Building Cladding*

The issue of non-compliant building cladding emerged quickly as a concern for communities and authorities around the world following the tragic Grenfell Tower fire in London in June 2017.

The LGA Secretariat has worked with officers from the Department of Planning, Transport and Infrastructure and the Adelaide City Council on a plan to share information, establish communication channels, engage with property owners and developers and develop an audit process to identify potential risks.

With funding provided by Local Government Risk Services, and following an expression of interest process, the LGA has seconded an officer from the Mid Murray Council to provide support to
councils with risk audit processes and work with the LGA to develop appropriate policy responses to this issue.

**China Waste Import Restrictions**

In late 2017, under its Revised Waste Import Policy, China dramatically raised its standards for the contamination levels of imported products to 0.5 percent contamination, when the global standard is 1.5 percent. As a result, China no longer accepts the types of products that Australia can viably produce for export and the waste industry can no longer rely on China as a destination for its recyclable materials.

In early February the Secretariat asked members and local government waste subsidiaries for information on the impacts of the policy, as well as ideas for government responses.

Impacts identified include:

- an increase in pass-through costs from gate/sort fees;
- increased costs for councils placing pressure on council rates and other services;
- risk to council revenue from reduced profitability of council waste subsidiaries (including the risk that council waste subsidiaries start to operate at a loss and/or become unviable);
- risk of increased levels of stockpiling and for longer periods of time;
- risk that recyclers stop accepting recyclables and that these materials are sent to landfill;
- risk of increased contamination if the community believes material from their yellow bin will end up in landfill and no longer trusts recycling processes; and
- reduced lifespan of landfills if more of the community’s waste is sent to landfill.

Feedback from the sector suggests that the three tiers of government need to work together to address this issue, and the LGA Board will consider a report at its meeting in March with proposals for a forward plan.

Given the strong likelihood that councils will face increased recycling costs in the immediate future, the Secretariat has already taken steps to lobby for a state government support package for councils and industry to help manage these short-term impacts.

There is approximately $102 million currently held in the Green Industry Fund (originating from solid waste levy payments) that could be applied to this purpose. The Secretariat believes that direct funding for councils plus an established process to investigate and action other possible government responses (including a state-wide education campaign) would also be of benefit to the local government sector and the waste management industry in South Australia.

Members will be kept informed of progress on these emerging issues through LGA circulars and regular LGA President and CEO newsletters.

**Submissions**

The following submissions have been made by the LGA between November 2017 and March 2018:

- LGA 2018 State Election Agenda- South Australia. Uncapped Potential
- Delivering the LGA 2018 State Election Agenda- Local Government Reform
- Delivering the LGA 2018 State Election Agenda- Cost shifting
- Delivering the LGA 2018 State Election Agenda- Infrastructure
- Delivering the LGA 2018 State Election Agenda- Planning
- Environment and communications Reference Committee- Inquiry into the waste and recycling industry in Australia
- Environment Protection Agency- Energy from Waste Discussion Paper
- Hon John Darley MLC- Local Government (Fixed Charges) Amendment Bill
Forums

The LGA has hosted or facilitated forums and workshops for members and stakeholders on the following advocacy issues over the past 5 months:

- Code of Conduct for Council Member- roundtable with political leaders
- Local government reform workshop with council CEOs
- State-local government engagement workshop
- River Torrens councils roundtable
- NDIS and Disability Access and Inclusion Planning
- Reconciliation Action Plans
- Public health planning
- Planning- Community Engagement Charter
- Planning- Accredited Professionals Scheme
- Non-compliant cladding briefing
- Liquor licence briefing with Consumer and Business Services Commissioner
- SA China local government working group
- Climate risk management
- Building upgrade finance
- Local government reform forum (scheduled for 29 March)
- Industrial relations working group

Media

A summary of media activities since the AGM was held in November 2018 is attached for members’ information.

Key issues the LGA has commented on publicly include rate capping, cost shifting, LGA State Election Agenda, code of conduct, council members standing for state election and local government reform.

Financial and Resource Implications

Advocacy activities such as the rates awareness and anti-rate capping campaign, cost shifting, state election campaign and council elections promotion have been priorities for the Association and have required considerable staff and other resources.

The resourcing requirements of new advocacy issues need to be considered by the LGA Board and Executive on a case-by-case basis as capacity for additional work is limited. Developing the evidence base and third party support needed to successfully pursue legislative, policy or funding changes requires a significant investment of time and resources in data collection and analysis, policy research, consultation with members, stakeholder engagement, policy development and positioning through an advocacy strategy.

It is anticipated that implementing local government reform, promoting council elections and preparing for a federal election will be resource priorities in 2018/19.

The LGA is holding a local government reform forum on 29 March, which will include a workshop session to identify and discuss priority advocacy activities for the 2018/19 financial year. Members will also be able to provide input on advocacy priorities through the Annual Member’s Survey. An Advocacy Plan will be developed following this forum that will link to the LGA’s Annual Business Plan and Budget to ensure that the sector’s priorities can be adequately resourced.
LGA Advocacy Initiatives

The LGA advocates for councils on a wide range of issues, and in the past six months this has included state election priorities for local government, increasing diversity of representation in 2018 council elections, SA’s planning system, the code of conduct for council members, cost shifting, and rate capping.

Press/online coverage

Below are links to online press articles the LGA has initiated or contributed to on behalf of the sector.

<table>
<thead>
<tr>
<th>Advertiser/Messenger</th>
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</table>
Radio/TV coverage

Since November 2018 LGA representatives have participated in 23 radio and television interviews.

The breakdown of these appearances is outlined below.

<table>
<thead>
<tr>
<th>Media outlet</th>
<th>Number of appearances</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC Regional Radio</td>
<td>8</td>
</tr>
<tr>
<td>5AA</td>
<td>8</td>
</tr>
<tr>
<td>Radio 891</td>
<td>5</td>
</tr>
<tr>
<td>ABC TV</td>
<td>1</td>
</tr>
<tr>
<td>Channel 7</td>
<td>1</td>
</tr>
</tbody>
</table>
Information Reports from the LGA Board

From: Kathy Jarrett, Executive Director Corporate & Member Services
Key Initiative: K.I 3 Best practice and continuous improvement
Strategy: 3D Develop, review and improve LGA commercial enterprises
Meeting Ordinary General Meeting 13 April 2018
ECM: 659840

Recommendation

That the Ordinary General Meeting notes the report.

Background

In October 2015, the LGA Board resolved to undertake a comprehensive review of the provision of insurance and risk products and services and in so doing, address the recommendations of the Auditor General following his examination of the Schemes.

Since the LGA Board’s resolution, significant progress has been made, including the provision of a detailed report from Finity / Rosey Batt detailing the outcomes of their examination into:

- what does local government need and value from insurance arrangements;
- perspectives on current services and the Schemes overall; and how such services might be arranged;
- do the Schemes deliver value for money; are they fit for purpose and cost effective;
- are robust financial and governance arrangements in place; and
- what are some possible future models.

The Finity / Batt review found that:

1. the current structure of pooling risk in a mutual, buying reinsurance to protect the pool and using expert providers for management is an effective model for local government superior to alternative options;
2. the products and services currently provided to Councils are appropriate and do not need radical change; and
3. notwithstanding the above, substantial change is required to the current legal, contractual, governance and operating arrangements if the Schemes are to be – and seen to be – contemporary, transparent and delivering value for money.

The review also found that 100% membership of the Schemes is a significant strength as all councils can benefit from economies of scale.

However as found by the Auditor General, and confirmed through our own comprehensive review, the Schemes’ current structures require modernisation.
Discussion

As reported at the November 2017 Annual General Meeting, the LGA’s Schemes Review has resulted in a comprehensive work plan of improvements and a program of negotiations with JLT with the view to implementing a new contract management policy framework that will address all of the Auditor General’s recommendations as from 1 July 2018. The changes will enable the LGA to govern, benchmark and market test discrete components of the Schemes as required.

The LGA is confident that the new arrangements will continue the stability and value the Schemes have provided local government for over 30 years.

In this regard, it is noted that the value of the Schemes has very recently been demonstrated through the achievement of a 5-year renewal of the Return to Work self-insurer licence, and a 5-year extension to the Treasurer’s Indemnity.

Both achievements demonstrate the State Government’s confidence in the operation of the Schemes in terms of protecting local government’s workforce and risk environment.

Conclusion

The comprehensive review has delivered its key findings including that the current structure of pooling risk in a mutual, buying reinsurance to protect the pool and using expert provider(s) for management is an effective model for local government, superior to alternative options.

The review has also found that 100% membership of the Schemes is a significant strength as all councils can benefit from economies of scale.

However as found by the Auditor General, and confirmed through our own comprehensive review, the current legal and governance structures require modernization to enable the LGA to govern, benchmark and market test discrete components of the Schemes as required.

Modernized arrangements are being negotiated with JLT, with the view to being confirmed with the LGA Board for implementation from 1 July 2018. In the meantime, insurance and indemnity coverage to councils continues without any interruption.

Financial and Resource Implications

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
8.1 Little Corella Management (Alexandrina)

Council Notices of Motion – LGA Comment

Motion From: Alexandrina Council
Meeting Ordinary General Meeting 13 April 2018
ECM: 659551 Attachment: 659342

Proposed Recommendation

That the Ordinary General Meeting requests the LGA to vigorously lobby the State Government for the rapid progression of a state-wide strategy and response to the management and population control of Little Corellas, which should then be supported with financial assistance to Local Governments to assist with the implementation of medium and long term management options for this and other abundant bird species. The strategy should utilise recommendations of the Discovery Circle University of South Australia report to guide actions, which should be facilitated and implemented by state government with assistance from local government and other relevant agencies and stakeholders.

Officer’s Comments

(Officer: Lea Bacon, Director Policy)

The previous State Government made a commitment to develop a South Australian Little Corellas Management Strategy. The Department of Environment, Water and Natural Resources (DEWNR) is leading the development of a state-wide strategy in consultation with the Local Government Association, SA councils, local communities, Natural Resource Management boards and private landholders.

The strategy is being informed by the University of South Australia’s Discovery Circle report, which is summarised and available here www.discoverycircle.org.au/projects/little-corellas/results/

In May 2017, the LGA held a joint forum with councils, DEWNR and UniSA to ensure that councils had a seat at the table to help set the policy direction for the state-wide strategy.

The LGA continues to liaise with the DEWNR to ensure that development of a state-wide strategy remains a priority. We understand that additional resources will be directed to this issue with the Department to progress the report more quickly.

DEWNR has recently indicated that they would like to provide councils with another opportunity to contribute to the state-wide plan based on their recent experience and reflections on the Discovery Circle’s recommendations.

This is a positive development as the more councils’ views and experience are being taken into consideration, the more relevant a state-wide strategy will be for councils. The LGA is currently liaising with DEWNR and UniSA to discuss how councils can be involved in the next round of consultations.
The LGA Secretariat supports the proposed recommendation. Following the State election there will be an opportunity for the LGA to advocate for a renewed commitment to a state-wide strategy, supported with financial assistance to assist councils with the implementation of management options for Little Corellas.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
**Council Notice of Motion - 2018 LGA Ordinary General Meeting**

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>Alexandrina Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>Little Corella Management</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>That the Ordinary General Meeting requests the LGA to it vigorously lobby the State Government for the rapid progression of a state-wide strategy and response to the management and population control of Little Corellas, which should then be supported with financial assistance to Local Governments to assist with the implementation of medium and long term management options for this and other abundant bird species. The strategy should utilise recommendations of the Discovery Circle University of South Australia report to guide actions, which should be facilitated and implemented by state government with assistance from local government and other relevant agencies and stakeholders.</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>Little Corella Management has been a constant issue for Alexandrina residents and Alexandrina Council has done much to engage with the LGA and State Government to progress State-wide management of the issue. The State Government are already leading the development of a statewide strategy, so it's really about asking the LGA to lobby for this to progress <strong>rapidly</strong> and see it to completion.</td>
</tr>
</tbody>
</table>
| Council Contact Officer submitting form and date submitted | Name: Anne Liddell  
Date: 20 February 2018 |
| Council Meeting Minute Reference and date of meeting | ACM1844, 19 February 2018 |
| Council has referred draft motion to or considered by relevant Regional LGA | No |
| Supported by relevant Regional LGA | Yes / No  
Region:  
Minute Reference: |
| LGA Strategic Plan Reference | Key Initiative 1: Leadership and Advocacy, Strategy: Contribute to state-wide and local policy |
8.2 Potential Overseas Recycling Import Restrictions (Marion)

Council Notices of Motion – LGA Comment
Motion From: City of Marion
Meeting Ordinary General Meeting 13 April 2018
ECM: 659553 Attachment: 659412b

Proposed Recommendation
That the Ordinary General Meeting requests the Local Government Association to investigate whether there is sufficient evidence across local government to investigate the impact and risk to councils of potential overseas recycling import restrictions.

Officer’s Comments
(Officer: Emily Heywood-Smith, Senior Policy Officer)

China imports large amounts of recyclables (mixed plastics and mixed paper) to meet its demand for packaging. A large proportion of Australia’s recyclables were exported to China for this purpose. However, in 2017 China dramatically raised its standards in terms of the contamination levels it will accept in the products it imports (China “National Sword” policy). China will no longer accept the types of products that Australia can viably produce for export.

The Australian waste industry can no longer rely on the China market as a destination for its recyclable materials. Now that the primary market for these products has “dried up”, the waste industry is experiencing increasing stockpiling of the materials and needs to find alternate markets for them. Whatever the eventual destination of the materials, the cost of recycling for councils is likely to be significantly higher as a result of this development.

Given the potential implications for local government, the LGA is engaged in ongoing discussions with Green Industries SA (GISA) and the Environment Protection Authority (EPA) to monitor developments. The China “National Sword” policy may present a unique opportunity for South Australia to develop local markets for recyclable materials and reduce its reliance on risky overseas markets.

However, developing local markets represents a medium to long term response to the problem and other, more immediate responses may be required. The LGA is seeking information from councils on the impacts of the China “National Sword” policy for its waste operators and recycling and reprocessing facilities. The LGA is also considering ideas for government responses that may help to alleviate problems in the short term, such as a funding support package similar to that announced by the Victorian government.

Given the potential for significant financial impacts on councils, the LGA Secretariat supports this motion and with support from the Ordinary General Meeting will continue to investigate the impacts and risks to councils associated with the China “National Sword” policy and to investigate possible government responses.
**Financial and Resource Implications**

This activity is not currently anticipated in the LGA’s work program, but can be delivered within existing LGA resources.
Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Marion</th>
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</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>Potential Overseas Recycling Import Restrictions</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>That the Ordinary General Meeting requests the Local Government Association to investigate whether there is sufficient evidence across local government to investigate the impact and risk to councils of potential overseas recycling import restrictions</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>The motion is as a result of the 2017 China Import Ban. China are dramatically raising its standards in terms of the contamination levels it will accept in the products it imports. Prior to the 2017 Ban, a large proportion of Australia’s recyclables were exported to China to meet the demand for packaging to support its manufacturing industries. The China Import Ban means that these materials will no longer be accepted, raising concerns on the impact this will have on Councils. The intent for this Motion is for the LGA to investigate the risk and impact the Import Ban will have on Councils.</td>
</tr>
</tbody>
</table>
| Council Contact Officer submitting form and date submitted | Name: Victoria Moritz  
Date: 23 February 2018 |
| Council Meeting Minute Reference and date of meeting | GC130218R05 |
| Council has referred draft motion to or considered by relevant Regional LGA | Yes / No |
| Supported by relevant Regional LGA | Yes / No  
Region:  
Minute Reference: |
| LGA Strategic Plan Reference | Key Initiative 2: Capacity Building and Sustainability  
Strategy: C: Equip Councils for the Future |

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8.3 New Properties Application for Reticulation (AFR) (Marion)

Council Notices of Motion – LGA Comment

Motion From: City of Marion
Meeting Ordinary General Meeting 13 April 2018
ECM: 659552 Attachment: 659412a

Proposed Recommendation

That the Ordinary General Meeting requests the Local Government Association to investigate whether there is sufficient evidence across Local Government to advocate for the connection to telecommunication infrastructure being mandated in relevant legislation.

Alternative Recommendation

That the Ordinary General Meeting requests the LGA to advocate for connection to telecommunication infrastructure being mandated in relevant legislation by writing to:

1. the South Australian Minister for Planning seeking that the Planning, Development and Infrastructure Act 2016 be amended to include telecommunications as an essential service for the purpose of issuing land division consents; and

2. the Department of Communications to seek more information on the awareness campaign being undertaken by the Department and communicate the information to councils.

Officer’s Comments

(Officer: Stephen Smith, Director Policy)

This motion has a similar intent to the following motion put forward by the City of Prospect, which was adopted by the LGA Ordinary General Meeting in April 2017:

“the Ordinary General Meeting requests the LGA to investigate whether there is sufficient evidence across local government to declare high speed, high capacity broadband to be a utility as an essential infrastructure service provided principally for public benefit and which enables economic growth and greater quality of life to achieve the goal of universal coverage”.

Following consultation with the local government sector, the LGA wrote to the Hon. Senator Mitch Fifield, Minister for Communications requesting he consider the matter. The Minister has advised that two pieces of Commonwealth legislation are being considered: the ‘Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017 and the Telecommunications (Regional Broadband Service) Charge Bill 2017, which when passed will establish statutory infrastructure provider obligations.
The Commonwealth Government has published a detailed policy on the provision of telecommunications in new developments. The policy is available online at: https://www.communications.gov.au/policy/policy-listing/telecommunications-new-developments

The developer is responsible for providing telecommunications infrastructure in the developments they establish. The Policy advises (page 15) that:

*It is generally envisaged that a developer that is subdividing land would be responsible for ensuring telecommunications are brought to the development and reticulated within it, and made available to each lot of land.*

The Department of Communications is also seeking to raise awareness of telecommunications in new developments. In particular, the importance of a developer engaging early with carriers to provide telecommunications infrastructure to ensure that end-users are able to access telecommunications services easily. One of the possible initiatives is to include information on the Department’s website for “mum and dad developers” who may not have extensive experience undertaking a new development and ask councils to include a web link on their development approval web pages to information resources.

While the Commonwealth has policies detailing developer obligations, these are not sufficient within the state-based planning system to ensure developers are meeting the necessary requirements at the land division stage, and while the LGA has previously written to the Commonwealth Government further actions is required.

It is suggested that an alternative motion with specific additional actions for the LGA to undertake be considered. These actions include:

1. that the LGA to write the South Australian Minister for Planning seeking that the Planning, Development and Infrastructure Act 2016 be amended to include telecommunications as an essential service for the purpose of issuing land division consents; and

2. That the LGA to write to the Department of Communications to seek more information on the awareness campaign being undertaken by the department and communicate the information to councils.

*Financial and Resource Implications*

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Marion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>New Properties Application for Reticulation (AFR)</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>That the Ordinary General Meeting requests the Local Government Association to investigate whether there is sufficient evidence across Local Government to advocate for the connection to telecommunication infrastructure being mandated in relevant legislation</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>Applications for subdivisions are lodged with the State Planning Commission (SCAP), not local Councils. SCAP is the responsible authority for undertaking mandatory referrals to State Agencies e.g. SA Water, ETSA Utilities, CFS, DPTI), while Council planning staff undertake the planning assessment against the Development Plan. The decision by a Council to approve (or refuse) a subdivision is based on its ability to satisfy the Development Plan (e.g. site area and frontage width) and have access/connection to essential infrastructure which includes water mains, sewer, electricity and access to a public road. There is no requirement for connection to telecommunications infrastructure. The Council cannot withhold issuing a planning decision, or refuse an application based on a failure to demonstrate that an Application for Reticulation (AFR) has been submitted, or approved. For the Council administration to advise a purchaser that an allotment is not connected to telecommunications infrastructure would be unmanageable. Applications for subdivision are assessed, and approved, well in advance of new allotments becoming registered Titles and subsequently purchased. In addition, there is no legislative mechanism for the Council to compel a developer to arrange a connection, or provide evidence that a connection has been installed. The purpose of the motion would be to ensure that new properties have had a AFT, ensuring that new properties are recognised by the telecommunication providers.</td>
</tr>
<tr>
<td>Council Contact Officer</td>
<td>Name: Victoria Moritz</td>
</tr>
<tr>
<td>submitting form and date submitted</td>
<td>Date: 23 February 2018</td>
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<tr>
<td>Council Meeting Minute Reference and date of meeting</td>
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</tr>
<tr>
<td>Council has referred draft motion to or considered by relevant Regional LGA</td>
<td>Yes / No</td>
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<tr>
<td>Supported by relevant Regional LGA</td>
<td>Yes / No</td>
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<td>Region:</td>
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<td>Minute Reference:</td>
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<tr>
<td>LGA Strategic Plan Reference</td>
<td>Key Initiative 1: Leadership and Advocacy</td>
</tr>
<tr>
<td></td>
<td>Strategy B: Contribute to Statewide and Local Policy</td>
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</table>

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
8.4 South Australian Government’s Industry Participation Policy and Guidelines (Adelaide)

Council Notices of Motion – LGA Comment

Motion From: Adelaide City Council
Meeting Ordinary General Meeting 13 April 2018
ECM: 659577 Attachment: 659560c, 649481

Proposed Recommendation

That the Ordinary General Meeting requests that the LGA works with the South Australian government to take all actions necessary to support Local Government adoption of the South Australian Government’s Industry Participation Policy and Guidelines.

Officer’s Comments

(Officer: Lea Bacon, Director Policy)

The LGA has already substantially progressed work to assist member councils to consider the principles and relevance of the State Government’s South Australian Industry Participation Policy (SAIPP) to their own procurement activities.

The attached Local Government Industry Participation Policy Framework – A procurement tool for local councils (the Framework) will be recommended to the LGA Board for endorsement at their meeting on 22 March 2018. An update of the Board decision will be provided at the Ordinary General Meeting.

With support from the Local Government Research and Development Scheme, the LGA has worked with the Industry Advocate and the Department for State Development to translate the SAIPP into principles applicable to local government. The Framework also has the benefit of input from member councils, the Metropolitan Local Government Group, the Network of Procurement Professionals and LGA Procurement.

The SAIPP has already proved to be successful in assisting government departments and agencies to make an assessment of the economic contribution between rival tenders within a broader value-for-money context. This motion recognises the opportunity for South Australian councils to gain maximum value from procurement through the inclusion of economic assessment criteria in contracts for goods, services and works.

The Local Government Industry Participation Framework is also aligned to the work the LGA and member councils have been undertaking with the Office for the Small Business Commissioner and the Small Business Friendly Council Charter Program. That program seeks to formalise a framework which allows greater recognition of small business and the activities undertaken by various councils.
The *Local Government Industry Participation Framework* serves as a guide to develop an understanding of how procurement activities can consider and incorporate an assessment of economic benefit within the tendering processes if the overall need is demonstrated.

Once the Framework has been considered by the LGA Board, and by member councils via this motion, the LGA will facilitate a workshop with councils, the Industry Advocate and the Small Business Commissioner to support implementation across interested councils.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
**Council Notice of Motion - 2018 LGA Ordinary General Meeting**

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Adelaide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>South Australian Government’s Industry Participation Policy and Guidelines</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>The Ordinary General Meeting requests that the LGA:</td>
</tr>
<tr>
<td></td>
<td>Works with the South Australian government to take all actions necessary to support Local Government adoption of the South Australian Government’s Industry Participation Policy and Guidelines.</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>The South Australian Industry Participation Policy is designed to deliver greater economic benefit to the State and its regions through more jobs, supply opportunities and investment arising from Government’s expenditure. The Policy focuses on measuring and promoting:</td>
</tr>
<tr>
<td></td>
<td>• Employment for residents of South Australia;</td>
</tr>
<tr>
<td></td>
<td>• Investment and capital expenditure that builds capacity in the South Australian economy; and</td>
</tr>
<tr>
<td></td>
<td>• Use of businesses and supply-chains that employ South Australian residents and invest in the State.</td>
</tr>
<tr>
<td></td>
<td>The State Government Policy is driving employment and investment in goods and services contracting as well as capital works programs.</td>
</tr>
<tr>
<td></td>
<td>It has proven valuable to infrastructure delivery with very high economic contribution from all the major projects recorded so far, including for example those on the North-South Corridor project.</td>
</tr>
<tr>
<td></td>
<td>The Policy operates within the context of relevant national and international agreements and procurement policies to which Australia is a signatory, including free trade agreements and the Australia and New Zealand Government Procurement Agreement (ANZGPA).</td>
</tr>
<tr>
<td></td>
<td>Consistent with these agreements, the Policy does not mandate local content levels or provide unfair price preferences for local suppliers.</td>
</tr>
<tr>
<td></td>
<td>The City of Adelaide has adopted the principles of the Industry Participation Policy in its procurement processes and asks suppliers of goods and services to provide information on labour hours, capital investment and supply inputs at the time of submitting a quote or tender. This information is assessed against weighted evaluation criteria to assign a score during the evaluation of the quote or tender.</td>
</tr>
<tr>
<td>Council Contact Officer submitting form and date</td>
<td>Name: Anita Inglis</td>
</tr>
<tr>
<td></td>
<td>Date: 1/3/2018</td>
</tr>
<tr>
<td>submitted</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Council Meeting Minute</td>
<td></td>
</tr>
<tr>
<td>Reference and date of meeting</td>
<td></td>
</tr>
<tr>
<td>Minute 14</td>
<td></td>
</tr>
<tr>
<td>Date of meeting: 27/2/2018</td>
<td></td>
</tr>
<tr>
<td>Council has referred draft motion to or</td>
<td></td>
</tr>
<tr>
<td>considered by relevant Regional LGA</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Supported by relevant Regional LGA</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>LGA Strategic Plan Reference</td>
<td></td>
</tr>
<tr>
<td>Key Initiative: 2 – Capacity building and</td>
<td></td>
</tr>
<tr>
<td>sustainability</td>
<td></td>
</tr>
<tr>
<td>Strategy E – Assist local government drive</td>
<td></td>
</tr>
<tr>
<td>economic development.</td>
<td></td>
</tr>
</tbody>
</table>

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
Local Government Industry Participation Policy Framework:

A procurement tool for SA councils

March 2018
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1. Introduction

The *Industry Participation Policy Framework: A procurement tool for SA councils* translates the South Australian Industry Participation Policy (SAIPP) of the State Government into principles applicable to local government.

The *Local Government Industry Participation Policy Framework* is modelled on the SAIPP, which has proved to be very successful in using the assessment of the economic contribution between rival tenders within a broader value-for-money context. For example, when certain economic outcomes are maximised this provides the Council with evidence that one tender has more economic contribution than another.

It is important to note the emphasis of the State’s Industry Participation Policy it is not about special treatment or price preferencing but rather about recognising the important contribution businesses make to the South Australian economy through labour and other supply input and this can equally be applied at a regional scale as well as the whole of State.

South Australia’s *Local Government Act 1999* and its regulations -in particular, Sections 48 and 49 of the Act seem to provide a perfect opportunity to carry the government’s Industry Participation Policy through into standard policies/practice in local government.

Modern procurement principles and practices will drive councils’ response to the ongoing pressure to provide more and better services with less money. Competitiveness in the supply market is an important feature of achieving value for money. However, councils also have a role to play in providing opportunity where possible for local suppliers, which can lead to broader economic and social benefits.

Pursuant to the requirements of Section 49 of the Local Government Act 1999, councils have procurement policies that provide direction towards obtaining value in the expenditure of public money, providing fair and ethical treatment of suppliers, and ensuring probity, accountability and transparency in procurement operations. These policies are legally required to include detail on contracting out of services, competitive tendering, and the use of local goods and services.

Councils are encouraged to use the *Local Government Industry Participation Policy Framework* to inform their procurement policies. Doing so will help to develop an understanding of how procurement can consider and incorporate an assessment of economic benefit within the tendering processes if the overall need is demonstrated.

By embracing a modern, flexible and adaptable approach to procurement, there is an opportunity for South Australian councils to demonstrate best practice, to become customers of choice and establish confidence in the market by investing in their relationships with local suppliers.
2. South Australian Industry Participation Policy

The Industry Advocate Act 2017 sets out the objectives of the South Australian Industry Participation Policy (SAIPP). The SAIPP provides a single, comprehensive framework for strategic procurement policies that focus on the economic benefit of the State. The policy measures economic benefit through jobs, investment and supply chain opportunities.

The South Australian Government is responsible for developing and implementing the Industry Participation Policy Framework. The Industry Advocate is, among other things, responsible for ensuring that commitments made under Industry Participation Plans are delivered, including opportunities for smaller businesses and suppliers in the supply-chain. Further information on the SAIPP is available on the Department of State Development’s website\(^1\).

3. Objectives for Local Government

While some South Australian councils may already have procurement policies that define an approach for contracting with local suppliers, the adoption of an Industry Participation Policy Framework as applicable to local government provides the greatest opportunity for assessing economic contribution through jobs, investment and the supply chain. Consideration of this policy guide and the attached templates will allow for flexibility within the parameters of transparent policies, practices and procedures.

Implementation of procurement frameworks requires expertise, resourcing and a culture of compliance. Provided staff are appropriately skilled in respect of procurement, these tools will assist procurement processes, provide appropriate documentation for procurement activities and foster strategies and environments to enable councils to undertake collective acquisition.

These are all factors that councils could focus on to enhance value for money and reduce procurement risk.

The benefits of SA councils considering the application of the principles of the SAIPP to their own policies and processes include:

- ensuring that council procurement processes include an assessment of the impact of council expenditure on local employment and economy;
- ensuring that the councils achieve value for money for public expenditure; and
- promoting collaboration across councils’ procurement spending to achieve more value for money and increased economic development together.

Assessment of economic contribution through an Industry Participation Policy Framework is designed to apply to the any following expenditure:

- procurement of goods and services including infrastructure and construction;
- Federally-funded or State-funded infrastructure and procurement projects managed by the Council; and
- Federally-funded or State-funded grants received by the Council and then spent on projects or procurement.

4. A Policy Framework for SA Councils

The Office of the Industry Advocate (OIA) received economic modelling from Deloitte Access Economics to advise South Australian Government on how economic contribution could be measured in South Australian Government procurement. This framework is directly applicable to Council expenditure as well.

Deloitte found in most cases that economic contribution in procurement should be measured by focusing on:

i. labour;

ii. investment; and

iii. supply-chain inputs in performance of the contracts.

The Employment Contribution Test (ECT) uses weighting and scoring assessment that measure ‘labour’ only.

The Industry Participation Plan (IPP) uses weighting and scoring assessment to measure outcomes that provide for all three areas.

Templates for the ECT and IPP are as applicable for councils are provided in Appendix 1 and 2. These are provided as a reference guide and can be changed to meet the requirements of Council policy.

While it is noted that the South Australian Government templates were amended to an online format in August 2017 and changed in design and operation, the LGA Industry Participation Policy Framework deems the templates in this guide as the more appropriate to local councils, due to their paper based format and ease of application in existing council tender systems. The online format is not recommended for councils.

5. Approach for SA Councils

The following methodology will assist SA councils. It provides the flexibility for councils to apply the tools in a manner that meets their own needs when setting procurement policies.

Step 1: Consider the principles underpinning an Industry Participation Policy

Step 2: Define the thresholds

Step 3: Define the region

First principle: Look local for suppliers when undertaking direct engagement / non-competitive purchases

The first principle of a council supporting their local economy through procurement is to seek out businesses that employ and invest in the local economy. This is critical to promoting economic benefit in the council area, the region or the State.
The most obvious impediment to economic contribution is when there are no local businesses involved in the procurement. Councils are encouraged to actively identify and develop relationships with local suppliers and to seek quotes and tenders from them when appropriate.

This approach is sufficient to cover all low-value purchases as may be defined in a Council’s procurement policy. For example, if a policy allows for the direct engagement of a supplier up to a specified value of spend, without the need to obtain competitive quotes or invite tenders, then the act of seeking to invite a quote from or engage with a business within the council area or broader region will contribute to the intent of supporting the local economy.

For such low-value contracts, an Employment Contribution Test or Industry Participation Plan is not required.

**Second principle: Apply the Employment Contribution Test to measure labour contribution**

When undertaking a lower-value competitive procurement, especially in services, employment is the most important measure of economic contribution.

If there is employment for the council area or the region, then this is likely to generate income for the area. This will not only support people living nearby but this income is also spent in the local economy. Businesses located in the council area pay council rates and as such contribute to the provision of council services that support the local community.

The Employment Contribution Test (Appendix 1) is used by South Australian Government in regions on procurement between $33,000 and $1 million. This can be used as a guide for when councils could apply an Employment Contribution Test.

**Third Principle: Apply the Industry Participation Plan to measure labour, investment and supply chain inputs**

For larger value procurements, especially those in civil construction, an Industry Participation Plan (Appendix 2) measuring employment but also the level of investment and use of sub-contracting from the region is the best way of assessing economic contribution.

An Industry Participation Plan is used by South Australian Government in Regions on procurements from $1 million. This can be used as a guide for when Councils could apply an Industry Participation Plan.

**Step 2: Define the thresholds**

The October 2016 version of the South Australian Industry Participation Policy has the following instruments:

- Employment Contribution Test is used for procurements between $33,000 and $1 million.
- Industry Participation Plan is used for procurements from $1 million.

For both measures, weighting in a tender assessment criteria is set to at least 15 percent. This figure was informed by Deloitte’s economic modelling.
This can be used as a guide to inform councils when setting their own procurement policies. However, the methodology allows for flexibility and variation when councils set their own policies.

For example, a Council may decide to apply an Employment Contribution Test for procurements between $50,000 and $4 million, and an Industry Participation Plan is used for procurements from $4 million. A policy could be flexible to stipulate that an Industry Participation Plan is also used under $4M where local supplier is known – as this uses knowledge of local market without complicating the policy.

The size of the industry participation weighting will determine how important economic assessment is to the evaluation of a tender winner. The remaining evaluation criteria provides for a rounded assessment of value for money. While 15 percent may seem high, the weighting needs to be high enough to be worthwhile in the evaluation of tenders.

It should be noted that the actual spend on a contract does not increase by the percentage weighting given to economic assessment. Value for money is achieved by balancing the benefits of economic development on the one hand with criteria such as price, quality, experience and delivery on the other.

**Step 3: Define the region**

It is recommended that councils apply the ECT and IPP at a ‘regional’ level and not at the ‘Council area’ level. This is because a Council area may be too small in size and there are not enough capable businesses in most cases.

This approach also supports those cases where councils across a region purchase similar goods and services in a joined up collaborative manner. For example, establishing and using a panel of suppliers across a broader group of purchasing councils. It is also the case that collaborative purchasing can build business capability and promotes better suppliers winning.

To encourage reciprocal arrangements among neighbouring, or nearby councils, economic assessment should ideally be evaluated at the region level.

Smaller councils (either in population or geographic size) can gain particular benefit from this approach as they gain access to broader opportunities from regional economic development and they can leverage their business capability on those projects in neighbouring councils.

The region can be defined by participating councils by the following criteria:

1. Councils should look for a neighbouring community to be a region;
2. The region should be meaningful to the local community and this is a common sense test; but
3. The region should also be big enough for most procurement to have at least one capable business from the region involved. In most cases, this is larger than an individual council area.

Councils have flexibility to implement a policy that suits their needs. While a region can be set on a case-by-case basis for each individual procurement activity, the reality is that this would add complication and as such a defined ‘region’ would apply in most cases.

Some councils have used the entire State as the region. This approach may be useful when councils want to measure broad economic contribution across South Australia and have a broader assessment of the neighbourhood.

Other councils may choose a more defined area, for example councils in northern Adelaide have agreed this approach in alignment with the Northern Economic Plan region. Some regional areas in South Australia already have an identity beyond the council area, for example through their Regional LGAs.
Assessment of economic contribution under the proposed approach is primarily at the regional level as councils can be geographically small or limited in population. What this means is that business in a nearby council area has the same chance of winning as a business in the council itself under this approach. But when councils act together to apply this model across all members, it will benefit them overall even more.

**Economic assessment on sector-wide contracts**

Sector-wide panel contracts allow timely access to contracts at better commercial rates than available at the individual Council or even at the regional level. LGA Procurement has a wide range of sector wide contracts available for councils to use.

There may be cases where the benefits of collaboration at the sector-wide level are very large. These include commodity purchases (bulk items of a similar nature). Collaboration can promote value for money in terms of better commercial rates as well as potential for more economic development outcomes for the region or the State.

Examples of when these goals reinforce each other include when the size of a contract can promote new participants to locate to a region or the State to establish a new office or when an existing business can build up and develop the next level of capability as a result of a larger contract.
6. Templates

**Table 1: Suggested use of Templates**

<table>
<thead>
<tr>
<th>Category</th>
<th>Tender Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All procurements</td>
<td>Look to include suppliers from within the Council or Region when selecting businesses to quote or tender</td>
</tr>
<tr>
<td>Competitive procurement between $33,000 and $1 million</td>
<td>The Region is the default area for the primary measure of economic contribution. One quote or tender must be from a local business where possible. Employment Contribution Test (ECT) to be completed and forms a <strong>minimum 15%</strong> of overall evaluation.</td>
</tr>
<tr>
<td>Competitive procurement over $1 million</td>
<td>The Region is the default area for the primary measure of economic contribution. Submission of an Industry Participation Plan (IPP) is required for the tender to be considered compliant. IPP Plan has a <strong>minimum 15%</strong> weighting</td>
</tr>
<tr>
<td>Collaboration – Regional procurement subject to ECT or IPP Plan</td>
<td>The Region is the default area for the primary measure of economic contribution. Councils collaborate to aggregate purchasing and contracting. Look for Regional suppliers. <strong>Minimum 15%</strong> weighting.</td>
</tr>
<tr>
<td>Collaboration – sector-wide procurement subject to ECT or IPP Plan</td>
<td>LGA or other body to put in place State-wide contracts where there is an overwhelming benefit from this. Look for South Australian suppliers. <strong>Minimum 15%</strong> weighting.</td>
</tr>
</tbody>
</table>
Appendix 1 – Employment Contribution Test

This Employment Contribution Test is designed for procurement activity of up to $1 million. *(All prices are GST inclusive)*

Employment is the key driver of economic contribution from procurement that is being assessed through the use of this template:

**Part A: Employment**

A minimum 15% weighting will apply to contract evaluations that use a weighted award criteria.

### GENERAL ADMINISTRATION

<table>
<thead>
<tr>
<th>Business Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>Email</td>
</tr>
<tr>
<td>What is your physical presence in South Australia? <em>(you can tick more than one)</em></td>
<td>Head Office</td>
</tr>
<tr>
<td>Location of physical presence</td>
<td></td>
</tr>
</tbody>
</table>

| Tender Title |  |
| Tender Reference Number |  |
| Council |  |
| Tender value ($AUD) |  |

*This is the total value of your tender, including GST, including all options and for the life of the contract including all possible extensions*
# PART A: LABOUR

The purpose of this section is to measure the potential economic benefit through the use of local labour.

<table>
<thead>
<tr>
<th>i</th>
<th>ii</th>
<th>iii</th>
<th>IV</th>
<th>V</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>How much in the Region&lt;br&gt;Note: do not include Fly-in/Fly-out labour from outside the Region&lt;br&gt;See Guidance Note 4</td>
<td>Percentage of hours in the Region&lt;br&gt;Note: See Guidance Note 3</td>
<td>How much outside the Region but in South Australia&lt;br&gt;Note: do not include Fly-in/Fly-out labour from outside SA&lt;br&gt;See Guidance Note 4</td>
<td>Percentage of hours outside the Region but in South Australia&lt;br&gt;See Guidance Note 3</td>
</tr>
</tbody>
</table>

### Head Contract

**A1:** How many hours of labour will be used to perform the contract from within your business?<br>
See Guidance Note 1

| ...hrs | ...hrs | ...% | ...hrs | ...% |

**A2:** Will you need to engage one or more subcontractors to deliver this contract?  
☐ YES Complete A3  
☐ NO No further action required

**A3:** How many hours of sub-contracted labour will be used to perform the contract?  
See Guidance Note 2

| ...hrs | ...hrs | ...% | ...hrs | ...% |

**A4:** Total

Add A1 & A3

| ...hrs | ...hrs | ...% | ...hrs | ...% |

### Guidance Notes:

1. We are seeking the number of labour hours your business will employ directly to deliver the contract should you be successful. Do not include the labour hours related to outsourced or subcontracted work in this question. Outsourced and subcontracted work should be included in A3.

2. We are seeking an estimation of the number of labour hours from any outsourced and subcontracted work to deliver the contract.
3. If you are quoting/tendering for an hourly rate rather than total number of hours, please complete column (iii & v) only

4. Please use principal place of residence to determine South Australian labour (do not include fly in/fly out labour)

For the purpose of the Employment Contribution Test - the Region is defined as follows:

[Council to insert map or definition based on considerations in Step 3: Define the region]
### Scoring system

<table>
<thead>
<tr>
<th>% of labour hours performed in the Region</th>
<th>Assessment Guideline</th>
<th>Score</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&gt;90%</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;80% but ≤ 90%</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;70% but ≤ 80%</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;60% but ≤ 70%</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;50% but ≤ 60%</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;40% but ≤ 50%</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;30% but ≤ 40%</td>
<td>1</td>
<td>/7</td>
</tr>
<tr>
<td></td>
<td>≤ 30%</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% of labour hours performed in South Australia (including the Region)</th>
<th>Assessment Guideline</th>
<th>Score</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&gt;80%</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;60% but ≤ 80%</td>
<td>2</td>
<td>/3</td>
</tr>
<tr>
<td></td>
<td>&gt;40% but ≤ 60%</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>≤ 40%</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

/10
Appendix 2 – Industry Participation Plan

This Industry Participation Plan (IPP) is designed for procurement activity over $1 million delivered in the Region. *(All prices are GST inclusive)*

There are three key drivers of economic contribution from procurement that are being assessed through the use of this template:

Part A: Employment

Part B: Investment

Part C: Supply Inputs

The IPP Plan will contribute a **minimum of 15%** of the overall Tender Assessment.

## GENERAL ADMINISTRATION

<table>
<thead>
<tr>
<th>Business Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
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</tr>
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<tr>
<th>What is your physical presence in South Australia? (you can tick more than one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head Office</td>
</tr>
<tr>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of physical presence</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Tender Title</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Tender Reference Number</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Council</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Tender value ($AUD)</th>
</tr>
</thead>
</table>

*This is the total value of your tender, including GST, including all options and for the life of the contract including all possible extensions*

Please note: Your Business is expected to monitor and report against the commitments outlined in the following plan.

**Guidance Note:**

*It is important that you complete all sections in this template, even if you believe you are repeating information contained in the rest of your tender response. The officers evaluating your Industry Participation Plan do not have access to your full tender response and can only award you marks for the information you provide in this template.*

*When completing this template please ensure that all the money you, as the Tenderer, will expend to deliver this contract (within the value thresholds for each section) appears somewhere – you will either;*

*• Directly employ someone, existing or new staff, to do the work/make the product or deliver the service (include in 'Part A: Jobs')*

*• Engage a subcontractor to perform some of the work/make the product or deliver the service (include in 'Part C: Supply Inputs')*
- Significant investments your business has made or will make to deliver the contract that your accountant can depreciate or is already depreciating, (put in 'Part B: Investment'), or
- Purchase products that are needed to fulfil the contract (put in 'Part C: Supply Inputs').

**PART A: LABOUR**

The purpose of this section is to measure the potential economic benefit to the Region and South Australia through the use of local labour.

<table>
<thead>
<tr>
<th></th>
<th>i</th>
<th>ii</th>
<th>iii</th>
<th>iv</th>
<th>v</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>How much in South Australia Note: do not include Fly-in/Fly-out labour from outside the SA See Guidance Note 3</td>
<td>Percentage of hours in South Australia See Guidance Note 2</td>
<td>How much within the Region Note: do not include Fly-in/Fly-out labour from outside Region See Guidance Note 3</td>
<td>Percentage of hours within the Region See Guidance Note 2</td>
<td></td>
</tr>
</tbody>
</table>

**Head Contract**

A1: How many hours of labour will be used to perform the contract from within your business?

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>......hrs</td>
<td>......hrs</td>
<td>......%</td>
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</tbody>
</table>

**Guidance Notes:**

1. We are seeking the number of labour hours your business will employ directly to deliver the contract should you be successful. Do not include the labour hours related to outsourced or subcontracted work in this question. Outsourced and subcontracted work should be included in Part C: Supply Inputs.
2. If you are quoting/tendering for an hourly rate rather than total number of hours, please complete column (iii) and (iv) only.
3. Please use principal place of residence to determine Region / South Australian labour (do not include fly in/fly out labour). Refer to map at end of document to determine Regional boundaries.
PART B: INVESTMENT

The purpose of this section is to measure the potential economic benefit to the Region and South Australia through your investment expenditure.

B1: What investment of $33,000 or more have you or will you make to deliver the contract? Please note any investment that is within the Region.

Guidance Note:

4. Here we are looking for information on significant investments your business will make or has made to deliver this contract. If you are unsure whether a purchase belongs in Part B – Investment or Part C – Supply Inputs, do not record the item in both sections. A good test is to consider if a purchase is a routine consumable good, in which case it should be recorded in Part C – Supply Inputs. If an item has immediate use for this contract and also has a longer term use and benefit to your business, such as land, a building or a piece of machinery, this could be considered investment and recorded in this section.

5. You may consider here any investment into R&D, Traineeships, or other skill development that your business makes that provides economic benefit to South Australia.

6. If you have no investment above $110,000 to include you do not need to complete this item. Please proceed to Part C: Supply Inputs.

<table>
<thead>
<tr>
<th>What is the total value of investment to be sourced from within the Region?</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the total value of investment to be permanently located in the Region?</td>
<td>$</td>
</tr>
</tbody>
</table>
**PART C: SUPPLY INPUTS**

The purpose of this section is to measure the potential economic benefit to the Region and South Australia through the use of supply inputs. (e.g. merchandise, finished products, food and beverages, supplies and raw materials)

C1: What supply inputs valued at over $33,000, will you purchase to deliver this contract?

Supply inputs include, but are not limited to lease/hire of major equipment, heavy machinery or heavy vehicles, purchase of items of merchandise, finished products, food and beverages, supplies and raw materials.

Please complete the table below.

<table>
<thead>
<tr>
<th>i</th>
<th>ii</th>
<th>iii</th>
<th>iv</th>
<th>v</th>
<th>vi</th>
<th>vii</th>
<th>viii</th>
</tr>
</thead>
<tbody>
<tr>
<td>List the subcontractor / supply inputs over $22,000 (including bundled work packages) to be purchased in the course of delivering this contract.</td>
<td>Estimated Value of item (AUD)</td>
<td>Name &amp; location of subcontractor / supplier (if known)</td>
<td>What is the estimated value that will be sourced from within South Australia (AUD)?</td>
<td>What is the estimated value that will be sourced within the Region (AUD)?</td>
<td>What are the labour hours directly linked to the delivery of this supply input? See Guidance Note 8</td>
<td>What percentage of these labour hours will be in South Australia? Note: do not include Fly-in/Fly-out labour See Guidance Note 9</td>
<td>What percentage of these labour hours will be within the Region? Note: do not include Fly-in/Fly-out labour See Guidance Note 9</td>
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</table>

**Guidance Notes:**

7. We are looking for a complete list of all purchases of goods that directly relate to this contract. If a purchase is a routine consumable item, it should be recorded in this section. Please include ALL purchases over $110,000, do not just include those purchases sourced from the Region or South Australia. Please do not include any items under the value of $110,000, these will not be considered. An estimated value of the item is important for our scoring methodology, if no value is provided we are unable to allocate a full score.

8. Please include here the labour hours your supplier or subcontractor will use to deliver the supply input.

9. Please use principal place of residence to determine Regional / South Australian labour (do not include fly in/fly out labour).
<table>
<thead>
<tr>
<th>i</th>
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</tbody>
</table>
### PART D: DECLARATION

<table>
<thead>
<tr>
<th>Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>As a duly authorised officer of the Business, I agree that if awarded the contract for which this Industry Participation Plan has been prepared, the Business will:</td>
</tr>
<tr>
<td>• Meet the commitments given in this or an amended Industry Participation Plan</td>
</tr>
<tr>
<td>• Note that the Council reserves the right to negotiate and/or clarify commitments in this plan prior to finalisation of the contract</td>
</tr>
<tr>
<td>• Note that the information provided in Parts A, B, C is used to score the Plan. This information will also be incorporated into the contract conditions and you will be required to report against these commitments.</td>
</tr>
<tr>
<td>• Report to the Council during the project yearly on the anniversary of the contract award and at completion of the contract using the IPP Report template.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name (print):</td>
<td>Position:</td>
</tr>
</tbody>
</table>
For the purpose of the Industry Participation Plan - the Region is defined as follows:

[Council to insert map or definition based on considerations in Step 3: Define the region]
### Assessment Criteria:

<table>
<thead>
<tr>
<th>Plan Section</th>
<th>Section Title</th>
<th>Assessment Guideline</th>
<th>Score</th>
</tr>
</thead>
</table>
| Part A       | Employment    | % of labour hours in South Australia* (include figures from Head Contractor and Supply Chain)  
*include Regional labour hours | >90% | 15 |
|              |               |                      | >80% but ≤ 90% | 13 |
|              |               |                      | >70% but ≤ 80% | 11 |
|              |               |                      | >60% but ≤ 70% | 9 |
|              |               |                      | >50% but ≤ 60% | 7 |
|              |               |                      | >30% but ≤ 50% | 5 |
|              |               |                      | >10% but ≤ 30% | 3 |
|              |               |                      | >0% but ≤ 10% | 1 |
|              |               |                      | 0% | 0 |
|              |               | % of labour hours within the Region (include figures from Head Contractor and Supply Chain) | >95% | 35 |
|              |               |                      | >90% but ≤ 95% | 33 |
|              |               |                      | >85% but ≤ 90% | 31 |
|              |               |                      | >80% but ≤ 85% | 29 |
|              |               |                      | >75% but ≤ 80% | 27 |
|              |               |                      | >70% but ≤ 75% | 25 |
|              |               |                      | >65% but ≤ 70% | 23 |
|              |               |                      | >60% but ≤ 65% | 21 |
|              |               |                      | >55% but ≤ 60% | 19 |
|              |               |                      | >50% but ≤ 55% | 17 |
|              |               |                      | >40% but ≤ 50% | 13 |
|              |               |                      | >30% but ≤ 40% | 10 |
|              |               |                      | >20% but ≤ 30% | 7 |
|              |               |                      | >10% but ≤ 20% | 4 |
|              |               |                      | >0% but ≤ 10% | 1 |
|              |               |                      | 0% | 0 |
| Part B       | Capital Expenditure: | Demonstrates significant investment in the State that has the potential to provide temporary or ongoing economic benefit to the Region or the State | Excellent | 5 |
|              |               |                      | Acceptable/good | 3 |
|              |               |                      | Marginal | 1 |
|              |               |                      | Unacceptable | 0 |
| Part C       | Supply Inputs | Percentage of supply inputs (based on value) that are sourced from (or have the potential to be sourced from) within South Australia*.  
*include supply inputs from Region | >90% | 15 |
<p>|              |               |                      | &gt;70% but ≤90% | 13 |
|              |               |                      | &gt;50% but ≤70% | 11 |
|              |               |                      | &gt;30% but ≤50% | 9 |
|              |               |                      | &gt;0% but ≤30% | 7 |
|              |               |                      | 0% | 5 |</p>
<table>
<thead>
<tr>
<th>Plan Section</th>
<th>Section Title</th>
<th>Assessment Guideline</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>&gt;10% but ≤ 30%</td>
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<td></td>
<td>&gt;0% but ≤ 10%</td>
<td>1</td>
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<td>0%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Score</th>
<th>Scoring guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>Response demonstrates that all requirements have been met in full and at least some of the requirements will be exceeded.</td>
</tr>
<tr>
<td>Acceptable/Good</td>
<td>Response demonstrates that most major and minor requirements have been met.</td>
</tr>
<tr>
<td>Marginal</td>
<td>Response demonstrates that only minor requirements have been met.</td>
</tr>
<tr>
<td>Unacceptable</td>
<td>Response fails to demonstrate that any requirements have been met.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plan Section</th>
<th>Section Title</th>
<th>Range</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part A</td>
<td>Jobs</td>
<td>0-50</td>
<td></td>
</tr>
<tr>
<td>Part B</td>
<td>Capital Items</td>
<td>0-5</td>
<td></td>
</tr>
<tr>
<td>Part C</td>
<td>Supply Inputs</td>
<td>0-20</td>
<td></td>
</tr>
<tr>
<td><strong>Total Score:</strong></td>
<td></td>
<td><strong>/75</strong></td>
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</tbody>
</table>
8.5 Local Heritage Listing Policy and Procedure (Adelaide)

Council Notices of Motion – LGA Comment

Motion From: Adelaide City Council
Meeting Ordinary General Meeting 13 April 2018
ECM: 659576 Attachment: 659560b

Proposed Recommendation

That the Ordinary General Meeting requests that the LGA calls upon and works with all South Australian Councils to develop a consistent policy and procedure to identify and protect their historic building stock dating from the 19th and early 20th century, to achieve more consistent local heritage and comprehensive historic character protection across all council areas in the State, in order to better meet community expectations.

Officer’s Comments

(Officer: Stephen Smith, Director Policy)

The LGA as part of its response to the Expert Panel on Planning Reform (February 2015), in respect to Reform 8 – Place heritage on a renewed foundation supported ideas to improve clarity to owners of heritage properties about what they could and could not do with their properties.

The LGA’s response, which was prepared following extensive consultation with members, suggested the development of comprehensive guidelines or ‘code of practice’ and ensuring that heritage properties are described in an appropriate way to reduce subjectivity in the assessment.

This motion also aims to achieve greater consistency across all councils in relation to heritage and character protection, and is considered to align with current LGA policy. However, further consultation with councils would be required to understand current approaches and issues within each council prior to moving forward with this action.

Consideration also needs to be given to how such a policy and procedure would integrate with State legislation for heritage and character protection.

Financial and Resource Implications

Developing a sector-wide heritage policy and procedure will require significant resources and funding that is not currently anticipated in the LGA work plan and budget. Further consultation with councils will be required prior to committing considerable resources to this work.
Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Adelaide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>Local Heritage Listing Policy and Procedure</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>The Ordinary General Meeting requests that the LGA:</td>
</tr>
<tr>
<td></td>
<td>Calls upon and works with all South Australian Councils to develop a consistent policy and procedure to identify and protect their historic building stock dating from the 19th and early 20th century, to achieve more consistent local heritage and comprehensive historic character protection across all council areas in the State, in order to better meet community expectations.</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>The Heritage Places Act 1993 and Development Act 1993 provide means of recognition and protection for South Australian places and objects of state and local heritage, respectively. State heritage places and areas may be entered or designated in the Register based on statutory criteria in the Heritage Places Act. Over 2,290 places and 17 State Heritage areas have been entered or designated to date. Local heritage places are established through the Development Act (based on criteria in that Act), and designated in Development Plans. While the Minister for Planning makes the final decision on local heritage listings, there are no State-wide guidelines for Councils in applying the current local heritage criteria. Anecdotally, the listing of local heritage places has not been applied consistently across the state, with identification of local heritage places and application of criteria differing from council to council and by the State Government. It is proposed that one common local heritage listing policy and procedure be developed which all Councils across South Australia may adopt and implement.</td>
</tr>
</tbody>
</table>
| Council Contact Officer submitting form and date submitted | Name: Anita Inglis  
Date: 1/3/2018 |
| Council Meeting Minute Reference and date of meeting | Minute 14  
Date of meeting: 27/2/2018 |
| Council has referred draft motion to or considered by relevant Regional LGA | No |
| Supported by relevant Regional LGA | N/A |
| LGA Strategic Plan Reference | Key Initiative: 1 – Leadership and advocacy |
Strategy B – Contributed to state-wide and local policy.

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
8.6 Car Share Schemes Policy and Procedure (Adelaide)

Council Notices of Motion – LGA Comment

Motion From: Adelaide City Council
Meeting Ordinary General Meeting 13 April 2018
ECM: 659574 Attachment: 659560a

 Proposed Recommendation

That the Ordinary General Meeting requests that the LGA works with all South Australian Councils to develop, where appropriate, a consistent policy and procedure in relation to Car Share Schemes operating in South Australia; and

Officer’s Comments

(Officer: Neville Hyatt, Senior Policy Officer)

The City of Adelaide is the only council in metropolitan Adelaide that is actively involved in a car share scheme. It is the LGA’s understanding that a number of other councils have been approached about the possibility of participating, but in order to do so a policy is required to ensure consistent management of the scheme across councils.

It is evident that policy development has occurred in this area in other jurisdictions. NSW has a Technical direction - Guidelines for the Implementation of on-street car share parking which appears to have been developed through a State led approach1.

If the motion is carried, it is anticipated that a similar document will be required in South Australia. The development of a technical direction, in addition to a consistent policy and procedure for councils, will require engagement with the State Government and SA councils.

The LGA Secretariat commends the City of Adelaide’s initiative in this area and its intention of achieving consistency if other councils participate in a car share scheme.

Financial and Resource Implications

This activity may require significant staff resources and funding that are not currently anticipated in the LGA budget.

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Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Adelaide</th>
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</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>Car Share Schemes Policy and Procedure</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>The Ordinary General Meeting requests that the LGA:</td>
</tr>
<tr>
<td></td>
<td>Works with all South Australian Councils to develop, where appropriate, a consistent policy and procedure in relation to Car Share Schemes operating in South Australia.</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>Car sharing schemes allow drivers to rent cars via an online booking system for short, flexible periods of one (1) hour or more. Rates include fuel, cleaning, registration and servicing. Vehicles are located at various ‘pods’ or nodules across a city or region, so that registered car share users can walk up and drive away. Car share appeals to users (individual or business) who make only occasional use of a vehicle, and to those who occasionally need a vehicle of a different type to the one they normally use. It allows access to a fleet of shared cars as needed, and removes the high fixed costs associated with owning a vehicle and the need for a private parking space. It is convenient and provides the user with enhanced mobility options. Since car sharing was launched in Adelaide in 2008, Council now provides parking pods at ten (10) nodules around the City. At present, there are 15 vehicles in the City and two (2) vehicles at Bowden, supporting 670 private and business users, with further growth anticipated if the City realises its 30-year planned growth estimates. Council has approved a car share policy for the City of Adelaide and supplementary Operating Guidelines are in the process of being developed. Such schemes are encouraged by Councils which recognise the potential to use on-street parking more efficiently, and reduce the number of cars on the road, in turn reducing pollution and congestion. Spin-off benefits can include increased physical activity and associated better health and wellbeing, as well as improved social inclusion. While the City of Adelaide has consulted with inner-rim Councils and the State Department of Planning, Transport and Infrastructure, in developing its policy, it appears that no state-wide policy or procedures exist to govern the roles and responsibilities of Councils and car share operators. For instance, there is no policy regarding whether to permit only...</td>
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</table>
those schemes with a fixed base (as in the City of Adelaide) or those that are free-floating, which may result in vehicles amassing in some areas and shortages in others.

This motion presents an opportunity to remedy potential inconsistencies across Council boundaries which may otherwise arise on future expansion of car share schemes into additional areas beyond the City.

| Council Contact Officer submitting form and date submitted | Name: Anita Inglis  
Date: 1/3/2018 |
|-----------------|------------------|
| Council Meeting Minute Reference and date of meeting | Minute 14  
Date of meeting: 27/2/2018 |
| Council has referred draft motion to or considered by relevant Regional LGA | No |
| Supported by relevant Regional LGA | N/A |
| LGA Strategic Plan Reference | Key Initiative: 1 – Leadership and advocacy  
Strategy B – Contributed to state-wide and local policy. |

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
8.7 Bike Share Scheme Policy and Procedure (Adelaide)

Council Notices of Motion – LGA Comment

Motion From: Adelaide City Council
Meeting Ordinary General Meeting 13 April 2018
ECM: 659578 Attachment: 659560d

Proposed Recommendation

That the Ordinary General Meeting requests that the LGA works with all South Australian Councils to develop, where appropriate, a consistent policy and procedure for Bike Share Schemes operating in South Australia

Officer's Comments

(Officer: Shane Sody, Executive Officer, LGR&DS)

As identified in the background to the motion, it is clear there is a strong consumer demand for dockless share bikes.

Although there are currently only 200 dockless bikes in the City of Adelaide (100 owned by each of two operators) significant expansion of this type of business across council boundaries could be expected, subject to one or more existing and/or new operators entering satisfactory regulatory arrangements with councils.

By way of comparison, in Sydney there are five commercial operators with a total of up to 5,000 bikes available. The Gold Coast Council has licenced a single operator who has more than 2,000 bikes.

While most councils would wish to encourage an innovative business expansion, councils also have a duty of care to other users of roads, footpaths and road verges. The issues of bike parking, footpath clutter and bike dumping need to be addressed while not unnecessarily restraining entrepreneurship and market conditions.

Part of the demand for these facilities is generated by the convenience of not needing to return a bicycle to the point of departure. Therefore, it would be prudent for Councils to adopt consistent regulatory schemes, as dockless bikes frequently may be ridden from one council area into another council area.

Councils have the power to regulate the use of footpaths, roads and road verges, using either permits under section 222 of the Local Government Act 1999, and/or by-laws under section 246.

Permits are simpler to draft and apply, but options for enforcing a breach of a permit condition are relatively limited. By-laws are more administratively difficult to introduce but may be more easily enforced.

At present, users of dockless bikes face restrictions upon their use ("geofences") as a result of inconsistent (or absent) regulation by adjoining councils.
Developing a consistent policy and procedure to recommend to all councils would assist all parties: councils, consumers, bike share providers and the public.

**Financial and Resource Implications**

This activity will require staff resources and funding that are not currently available within the LGA. If this motion is adopted, the LGA will seek work with interested councils to determine the best approach to this project and the resources required and available to deliver an outcome.
Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Adelaide</th>
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<tbody>
<tr>
<td>Subject of the motion</td>
<td>Bike Share Scheme Policy and Procedure</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>The Ordinary General Meeting requests that the LGA:</td>
</tr>
<tr>
<td></td>
<td>Works with all South Australian Councils to develop, where appropriate, a consistent policy and procedure for Bike Share Schemes operating in South Australia</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>In early October 2017, two (2) dockless bike share operators, ofo and oBike, commenced operations within the City of Adelaide Council boundary. The two (2) operators were issued with on-street activities permits, based on section 222 of the Local Government Act 1999 (Permits for Business Purposes). Since commencement, the two (2) companies have reported over 17,000 bike hires in 3.5 months. This compares to approximately 19,500 hires of Adelaide Free Bikes in the last 12 months. The City of Adelaide Customer Centre has received 57 complaints regarding the dockless bikes. Since October, ofo have begun providing their share bike service within the City of Charles Sturt. The shared bikes can be picked up and dropped off anywhere within areas of Henley Square, Grange Jetty, West Beach, Point Malcolm Reserve and Bowden Plant 4. There are no national or State based policy or procedures for bike share companies to comply with, opening the door to misunderstandings and confusion for both operators and users. Ideally one common bike share policy and procedure could operate across South Australia for all Councils to adopt and implement.</td>
</tr>
<tr>
<td>Council Contact Officer submitting form and date submitted</td>
<td>Name: Anita Inglis</td>
</tr>
<tr>
<td></td>
<td>Date: 1/3/2018</td>
</tr>
<tr>
<td>Council Meeting Minute Reference and date of meeting</td>
<td>Minute 14</td>
</tr>
<tr>
<td></td>
<td>Date of meeting: 27/2/2018</td>
</tr>
<tr>
<td>Council has referred draft motion to or considered by relevant Regional LGA</td>
<td>No</td>
</tr>
<tr>
<td>Supported by relevant Regional LGA</td>
<td>N/A</td>
</tr>
</tbody>
</table>
LGA Strategic Plan Reference

| LGA Strategic Plan Reference | Key Initiative: 1 – Leadership and advocacy  
| Strategy B – Contributed to state-wide and local policy. |

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
8.8 Developer Contributed Assets (Charles Sturt)

Council Notices of Motion – LGA Comment

Motion From: City of Charles Sturt
Meeting Ordinary General Meeting 13 April 2018
ECM: 659579 Attachment: 659561

Proposed Recommendation
That the Ordinary General Meeting requests the LGA to:

1. investigate the implications of developer contributed assets on councils financial sustainability and community service levels; and
2. use the outcome of the investigation to seek legislative change to provide additional powers for council’s to require developers to construct assets to relevant standards.

Alternative Recommendation
That the Ordinary General Meeting requests the LGA to:

1. seek advice from the Department of Planning, Transport and Infrastructure (DPTI) on the timing of the development of the Design Standards and seek an assurance from DPTI that the Design Standards will be developed in consultation with local government; and
2. commission production of a template agreement for a council to enter with a developer, under which the council would agree to accept an asset constructed by the developer, providing that the asset was constructed to a relevant standard, and providing a mechanism to deal with a situation where the standard of such an asset was in dispute.

Officer’s Comments
(Officer: Shane Sody, Executive Officer, LGR&DS)

The motion identifies the issue that council acceptance of any new assets, particularly assets that are not constructed to relevant standards, can have adverse consequences on a council’s long-term financial sustainability.

All assets have finite lives, require maintenance at intervals to minimise the whole-of-life costs of providing services to the community through those assets.

The LGA’s Financial Sustainability Information Papers provide advice to councils about how best to manage assets (and other projects) to deliver desired community services while minimising costs and maintaining inter-generational equity.
The LGA’s Financial Sustainability Information Paper No, 27 Prudential Management advises, at page 9:

**Assets received for free**

When a Council is offered a free asset, it is not normally required to obtain a prudential report under section 48, before deciding whether or not to accept the asset. However, accepting a free asset has long-term financial implications for a Council, and prudential management issues must be considered.

For example, a developer or another sphere of government may offer a Council a “free” asset, such as a building or a road. A developer might not necessarily construct an asset to the standard that the Council would require, and so the expected useful life of the asset may be shorter than other similar assets. A Council should ensure that any agreement that includes donation of built assets provides that the assets will be (or have been) built to an appropriate standard. This should include evidence from an appropriately qualified person (a staff member or a consultant acting on Council’s behalf) to independently verify that the required standards have been met.

Any free asset will also be subject to whole-of-life costs, although of course these costs would not include the original capital costs.

Councils are offered protection from potentially adverse impacts of ‘contributed assets’ by the fact that councils are not obliged to accept assets “contributed” to council by a developer.

Assets cannot legally be constructed on council land, without council approval. Council can impose conditions on any approval. Accordingly, council has the power to specify in any approval, a mechanism for ensuring that the asset is constructed to council standards.

Assets that a developer wishes to “contribute” to council, whether on council land or private land, need not be accepted by a council unless the council is satisfied with their standard.

**Existing Resources**

The LGA has prepared a design guideline ‘The Public Realm Urban Design Guidelines’. One of the key objectives in the design and delivery of public realm outcomes in new and existing communities is to establish an accountable and transparent process for public realm design, delivery, management, maintenance and handover to all stakeholders in the process. The Guide provides information on how to achieve this outcome. The guide is available at https://www.lga.sa.gov.au/.../Public%20Realm%20Urban%20Design%20Guidelines

A comprehensive set of Infrastructure Guidelines and engineering standards were also produced for councils by the Institute of Public Works and Engineering Australasia (SA) through a Local Government Research and Development Scheme grant. These standards are available on the LGA website and provide an excellent resource for councils in guiding negotiations with developed about the standards of contributed assets. The guidelines can be downloaded at http://www.lga.sa.gov.au/page.aspx?u=6716&c=65603.

The LGA has also commissioned and delivered an economic modelling tool to assess the impacts of a development scenario on council’s finances and assist with decision making about infrastructure investments and ownership of assets. This tool was developed by Deloitte Access Economics and is part of a suite of resources available to councils to prepare, plan and deliver development growth. These resources are available on the LGA website at http://www.lga.sa.gov.au/page.aspx?u=6908.
Planning, Development and Infrastructure Act 2016

In addition to the existing resources available to councils, under the Planning, Development and Infrastructure Act 2016, Design Standards can be prepared in relation to the public realm and infrastructure. This is an important innovation and represents the first time a system-wide approach to public realm design has been provided for in planning legislation.

Design Standards may:

- specify design principles and standards; and
- provide design guidance in relation to infrastructure and public realm

Design Standards can be applied to any location, for the purposes of any infrastructure delivery or off-set contribution scheme under the Act. Design Standards can apply to a zone, subzone or overlay in the Planning and Design Code, or for the purposes of enabling ‘as of right’ development of essential infrastructure.

The Design Standards ensure that developers and the community share consistent expectations regarding the design of infrastructure and the public realm in a given area, while also providing protection from gold-plating and price-gouging. It will also assist with the integration of development between private land and the public realm.

The proposed Design Standards are not a single suite of standards to be applied across the state. They will need to be developed in collaboration with local government given the complexities involved with asset management and ongoing maintenance requirements.

Alternative Recommendation

Part 1 of the proposed recommendation is not feasible to progress at a sector-wide level, as each asset has its own characteristics, and the terms on which an asset might be accepted by a council would be a matter for that council to determine, based on any agreement that the council might enter with any developer. As such, the type of investigation being sought can only meaningfully be undertaken at an individual council level. The previously mentioned resources that are available to councils may provide assistance in this regard.

Part 2 of the motion assumes that the outcome of an investigation would support calls for legislative change. For the reasons outlined above, this is not necessarily the case.

An alternative approach would be to request the LGA to:

1. seek advice from the Department of Planning, Transport and Infrastructure (DPTI) on the timing of the development of the Design Standards and seek an assurance from DPTI that the Design Standards will be developed in consultation with local government; and
2. commission production of a template agreement for a council to enter with a developer, under which the council would agree to accept an asset constructed by the developer, providing that the asset was constructed to a relevant standard, and providing a mechanism to deal with a situation where the standard of such an asset was in dispute.

Financial and Resource Implications

This activity will require significant staff resources and funding that are not currently anticipated in the LGA budget.
Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Charles Sturt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject of the motion</td>
<td>Developer Contributed Assets</td>
</tr>
<tr>
<td>Proposed motion of council</td>
<td>That the Ordinary General Meeting requests the LGA to:</td>
</tr>
<tr>
<td></td>
<td>1. That the Local Government Association investigate the implications of developer contributed assets on Council's financial sustainability and community service levels.</td>
</tr>
<tr>
<td></td>
<td>2. That the Local Government Association use the outcome of the investigation to seek legislative change to provide additional powers for Council’s to require developers to construct assets to relevant standards.</td>
</tr>
<tr>
<td>Background / intended purpose of proposed motion</td>
<td>The City of Charles Sturt is undergoing a period of steady population growth, with consequent requirements for increased densities to accommodate new residential development and requirements for new and upgraded infrastructure. Much of this infrastructure, for example roads and footpaths in large master planned developments, is constructed by the developer and handed over, or vested in Council as new assets. However, many developers provide these new assets, ranging from stormwater infrastructure, drains, landscaping, street trees and street furniture, which do not reasonably meet Council’s performance standards or expectations. This can then lead to additional re-work, at Council’s cost, to ensure the new asset meets our standards and minimises ongoing maintenance costs. While Council may be able to provide specifications to developers for example when constructing new roads, negotiation is then required between Council and the developer regarding the exact performance expectations for the new assets. However in many cases these assets do not meet expectations and Council has no legislative powers or regulations to require the developer to undertake rectification to meet specific performance standards. This means that often Council is meeting the cost of upgrading the asset, at the ratepayers expense.</td>
</tr>
</tbody>
</table>
| Council Contact Officer submitting form and date submitted | Name: Jan Cornish (General Manager Asset Management Services)  
Date: 27 February 2018 |
|----------------------------------------------------------|------------------------------------------------------------------|
| Council Meeting Minute Reference and date of meeting     | 26 February 2018  
Item 6.20 |
| Council has referred draft motion to or considered by relevant Regional LGA | No |
| Supported by relevant Regional LGA                       | N/A |
| LGA Strategic Plan Reference                             | Key Initiative: 1 – Leadership and advocacy  
Strategy: B – Contribute to state-wide policy |

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday **2 March 2018**
Council Notices of Motion – LGA Comment

Motion From: City of Prospect
Meeting Ordinary General Meeting 13 April 2018
ECM: 659580 Attachment: 659575

Proposed Recommendation

That the Ordinary General Meeting request the LGA to write to the relevant authority to seek amendments to the Building Code of Australia (or relevant Australian Standards) to establish a minimum height clearance standard for car parking including for car parking spaces and car parking facilities to enable Access Taxis and/or similar vehicles, designed for people with disability (or minimum distance from the site), to access appropriate parking spaces.

Alternative Recommendation

That the Ordinary General Meeting request the LGA to write to the relevant authority to seek amendments to the Building Code of Australia (or relevant Australian Standards) to establish a revised minimum height clearance standard for car parking including for car parking spaces and access to car parking facilities to enable Access Taxis and/or similar vehicles, designed for people with disability (or minimum distance from the site), to access appropriate parking spaces.

Officer’s Comments

(Officer: Stephen Smith, Director Policy)

An initial investigation of current building standards has identified that on 1 May 2011 the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards) was introduced resulting in changes to accessibility requirements in and around buildings.

The objective of the Premises Standards was to ensure that ‘dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability’. It also aims to give certainty to building certifiers, building developers, building managers and other practitioners that compliance with the Access Code, forming Schedule 1 of the Premises Standards, will achieve compliance with Section 23 of the Disability Discrimination Act 1993 (Access to Premises). The Premises Standards apply to new buildings and existing buildings undergoing building work.

The Access Code has been replicated within the Building Code of Australia, which now references three new Australian/New Zealand Standards that impact on car park designs:
New references adopted into the Building Code of Australia in 2011

1. ‘AS/NZS 2890.6-2009 Off-street parking for people with disabilities’;
2. ‘AS/NZS 1428.4:2009 Means to assist the orientation of people with vision impairment – Tactile ground surface indicators’; and
3. ‘AS1428.1-2009 General requirements for access – new building works’

AS/NZS 2890.6-2009 sets the minimum requirements for accessible car parking spaces in Australia and New Zealand and replaces the previous reference (Appendix C of AS2890-1-1993).

A summary of the key requirements of AS/NZS2890.6-2009 is outlined below:

- The height clearance from the car park entrance to all accessible parking spaces is to be a minimum 2200 mm (AS2890.6, Clause 2.4);
- The headroom above each accessible parking space and adjacent shared area is to be a minimum of 2500mm (this may be reduced above bonnet areas to allow for structural bulk-heads, pipe work etc) (AS2890.6, Clause 2.4, Figure 2.7);

It would appear that while a minimum standard exists, the standard needs to be further revised to accommodate taller access vehicles.

An alternative recommendation would be:

That the Ordinary General Meeting request the LGA to write to the relevant authority to seek amendments to the Building Code of Australia (or relevant Australian Standards) to establish a revised minimum height clearance standard for car parking including for car parking spaces and access to car parking facilities to enable Access Taxis and/or similar vehicles, designed for people with disability (or minimum distance from the site), to access appropriate parking spaces.

**Financial and Resource Implications**

This activity has been anticipated in the LGA’s work program and resources are available to progress this work.
## Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Prospect</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject of the motion</strong></td>
<td><strong>Building Code Standards for Accessible Car Parking</strong></td>
</tr>
<tr>
<td><strong>Proposed motion of council</strong></td>
<td>That the Ordinary General Meeting requests the LGA to write to the relevant authority to seek amendments to the Building Code of Australia (or relevant Australian Standards) to establish a minimum height clearance standard for car parking including for car parking spaces and car parking facilities to enable Access Taxis and/or similar vehicles, designed for people with disability (or minimum distance from the site), to access appropriate parking spaces.</td>
</tr>
<tr>
<td><strong>Background / intended purpose of proposed motion</strong></td>
<td>In February 2011, the National Disability Strategy 2010-2020 was jointly endorsed by all Governments as our ‘commitment to a national approach to supporting people with disability to maximise their potential and participate as equal citizens in Australian society’. The Strategy set an expectation for greater collaboration and coordination in the guiding of policy development for all levels of Government, now and into the future. One of the six policy areas is ‘Inclusive and accessible communities’ referring primarily to the physical environment. A wheelchair user may utilise an access taxi as their preferred mode of transport, many are fitted with hydraulic lifts enabling the user to be seated safely when entering the vehicle. This type of vehicle is purpose built to accommodate the passengers mobility device and may therefore exceed entrance clearance heights of existing internal or undercroft parking facilities, limiting availability to ‘accessible parking space’. The success of this motion is an opportunity to change the future design standards of the Building Code of Australia, to establish a minimum height clearance, providing the chance for people with disabilities to participate in all community activities.</td>
</tr>
</tbody>
</table>
| **Council Contact Officer submitting form and date submitted** | Name: Jo-Ann Tanti, Manager Governance & Administration
Date: 1 March 2018 |
| **Council Meeting Minute Reference and date of meeting** | Resolution No. 40/18
27 February 2018 |
<table>
<thead>
<tr>
<th>Council has referred draft motion to or considered by relevant Regional LGA</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supported by relevant Regional LGA</td>
<td>N/A</td>
</tr>
<tr>
<td>LGA Strategic Plan Reference</td>
<td>Capacity building and sustainability ‘Help councils build communities’</td>
</tr>
</tbody>
</table>

Please return word version of completed form to lgasa@lga.sa.gov.au by COB Friday 2 March 2018
8.10 Potential Conflict of Interest (Salisbury)

**Council Notices of Motion – LGA Comment**

Motion From: City of Salisbury  
Meeting: Ordinary General Meeting 13 April 2018  
ECM: 659604 Attachment: 659602

**Proposed Recommendation**

That the Ordinary General Meeting requests the LGA to:

1. lobby the State Government following the March election regarding:
   a. legislative change that would require any candidate serving on council to take leave of absence with suspension of allowance following the issuing of the writs;
   b. the LGA investigate changes to the legislation that suspends Elected Member allowances for the duration of extended leaves of absence greater than two months; and
   c. investigate possible conflicts of interest of Elected Members who work as staff members of sitting MPs.

**Officer’s Comments**

(Officer: Alicia Stewart, Director Governance and Legislation)

In response to recommendation part 1(a), during 2017 the LGA consulted on two proposed private members bills attempting to address this issue.

Tung Ngo MLC proposed to introduce a private member’s bill which would require a council member who is standing for State election to take a leave of absence from the council during the election period and to require councils to provide leave in these circumstances. The LGA consulted the sector and created a submission based on sector feedback. The submission, endorsed by the LGA Board on 18 March 2017, supported the proposed bill in principle, but suggested the timing of leave should commence from the issue of writs, the council member’s allowance should be suspended for the duration of leave, and councils should be able to meet inquorate where the lack of quorum was solely a consequence of enforced leave under the bill. This proposed bill did not proceed and was not introduced to Parliament.

A second private members bill with a similar intent was introduced to Parliament by David Pisoni MP. The LGA wrote to David Pisoni and to the Minister for Local Government to reiterate the same issues LGA had expressed in its submission to Tung Ngo. This proposed bill did not complete its passage through Parliament before Parliament was prorogued.

This year the LGA further reinforced this policy position in its *Delivering the LGA 2018 State Election Agenda: Local Government Reform* paper, which was released in February, saying that it supports and calls for reform that would require council members seeking election to
the State Parliament to stand down from their position on council with their allowance suspended throughout the election campaign period.

The policy position of the LGA is to support enforced leave for council members standing for state election, including the suspension of allowances for the duration of leave, subject to councils being able to meet inquorate as a consequence of enforced leave.

In response to recommendation part 1(b), the LGA has no policy position at this stage, but if the motion passes the LGA will consult with the sector.

In response to recommendation 1(c), the LGA has not received evidence of any instances that may cause concern, but if the motion passes the LGA will consult with the sector.

**Financial and Resource Implications**

This activity is not currently anticipated in the LGA’s work program, but can be delivered within existing LGA resources.
## Council Notice of Motion - 2018 LGA Ordinary General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 13 April 2018.

<table>
<thead>
<tr>
<th>Council Name</th>
<th>City of Salisbury</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject of the motion</strong></td>
<td>Potential Conflict of Interest</td>
</tr>
<tr>
<td><strong>Proposed motion of council</strong></td>
<td>That the Ordinary General Meeting requests the LGA to:</td>
</tr>
<tr>
<td></td>
<td>Lobby the State Government following the March election regarding:</td>
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<tr>
<td></td>
<td>1. Legislative change that would require any candidate serving on Council to take leave of absence with suspension of allowance following the issuing of the writs.</td>
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<tr>
<td></td>
<td>2. The LGA investigate changes to the legislation that suspends Elected Member allowances for the duration of extended leaves of absence greater than two months.</td>
</tr>
<tr>
<td></td>
<td>3. Investigate possible conflicts of interest of Elected Members who work as staff members of sitting MPs.</td>
</tr>
<tr>
<td><strong>Background / intended purpose of proposed motion</strong></td>
<td>To ensure that local government decision making is open and transparent and in accordance with good governance, that Elected Members are using allowances appropriately and for their work in local government and ensuring that any conflict of interest provisions are adhered to by Elected Members standing for state elections and by staff currently working for State Members of Parliament and Shadow Members of Parliament.</td>
</tr>
<tr>
<td><strong>Council Contact Officer submitting form and date submitted</strong></td>
<td>Name: Joy Rowett, Governance Coordinator</td>
</tr>
<tr>
<td></td>
<td>Date: 2 March 2018</td>
</tr>
<tr>
<td><strong>Council Meeting Minute Reference and date of meeting</strong></td>
<td>Resolution 2308/2018 26 February 2018</td>
</tr>
<tr>
<td><strong>Council has referred draft motion to or considered by relevant Regional LGA</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Supported by relevant Regional LGA</strong></td>
<td>Yes / No</td>
</tr>
<tr>
<td></td>
<td>Region:</td>
</tr>
<tr>
<td></td>
<td>Minute Reference:</td>
</tr>
</tbody>
</table>
| LGA Strategic Plan Reference | Key Initiative 1 – Leadership and Advocacy
|                           | Strategy B – Contribute to state-wide and local policy
|                           | Strategy C – Lead reform
|                           | Key Initiative 3 – Best Practice and Continuous Improvement
|                           | Strategy C – Improve LGA governance and operations with a focus on people, finances and our members.

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